

## Post-*Chevron* Task Force

The Supreme Court's 2023-2024 Term upended the administrative state as we knew it when the Court overturned a 40-year precedent that established that courts should defer to federal agencies' interpretations of ambiguous statutes, known as *Chevron* deference. The reversal of *Chevron*, in conjunction with the Court's recent decisions in *Jarkesy* and *Corner Post*, will likely place significant constraints on Executive Branch lawmaking and will inject significant uncertainty into the regulatory landscape.

These decisions are expected to have sweeping effects, including a substantial increase in litigation around regulatory agencies and challenges to federal regulations going back decades. Critical new agency rules promulgated by the Biden Administration—already subject to scrutiny and court challenges—may now be even more vulnerable in the absence of *Chevron*.

Businesses facing any form of regulatory scrutiny will experience increased uncertainty as courts reinterpret regulatory statutes without deference to agencies. Compliance strategies that were previously based on regulatory guidance may soon be subject to a confusing patchwork of interpretations across jurisdictions.

We counsel clients on how to approach existing agency rules and new rulemaking in an era when the administrative state is in significant transition. Whether it is by providing clients with a holistic understanding of these decisions as applied to their unique circumstances; defending and counseling our clients when they face litigation or enforcement actions brought by federal agencies; advancing their interests by challenging regulatory decisions in court; or reshaping compliance programs to adhere to new regulations, Jenner & Block's post-*Chevron* Task Force is at the forefront of assisting clients as they navigate the fast-evolving administrative landscape.

Our team includes a deep bench of former government lawyers who have served across a range of federal regulatory agencies, including the US Securities and Exchange Commission (SEC), Consumer Financial Protection Bureau (CFPB), Federal Communications Commission (FCC), Federal Energy Regulatory Commission (FERC), and Federal Trade Commission (FTC). Our experience also spans to prominent roles in states, including state agencies, state attorneys general offices, and state governors' offices. This experience allows us to anticipate the regulatory shifts, advise clients on how to structure their businesses to reduce risk, and develop both affirmative and defensive litigation strategies.

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