

EREN

The World's Most Experienced US Economic/Financial Sanctions Law Firm



Washington

Legal Actions Against the US Government by Aggrieved Parties Now Have More Chance of Success/Objective and Un-Biased Hearing

July 4, 2024

On June 28, 2024, the Supreme Court of the United States (“SCOTUS”) overruled an important 40 year-old precedent affecting those aggrieved by the Government interpretations of law (the “Chevron Doctrine”).

The Chevron Doctrine was established in 1984 in the case of *Chevron U. S. A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837.

Under the Chevron Doctrine, courts have sometimes been required to defer to “permissible” administrative agency interpretations of the statutes and regulations those agencies administer—even when a reviewing court reads the statute differently. In each case against administrative agencies, the reviewing courts applied Chevron’s framework to resolve in favor of the Government in challenges by petitioners to Government interpretations of law not in favor of petitioners. The Chevron Doctrine is a rule which incorporates the Administrative Procedure Act (APA), 5 U. S. C. §551, et seq.

In its June 28, 2024 decision, SCOTUS held that the Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and

courts may not defer to an agency interpretation of the law simply because a statute is ambiguous. Thus, Chevron has been overruled.

Implications

Now, the thumb will no longer be on the scale in favor of the Government. As a result, aggrieved parties will no longer be at the mercy of administrative agencies and can expect to receive more impartial and objective treatment and decisions by US courts. The Government has lost a powerful tool in its administration and enforcement of its own laws and regulations.

Up to now, among others but perhaps especially, the US Treasury Department's Office of Foreign Assets Control ("OFAC") has been the beneficiary of the Chevron Doctrine, in its interpretations of complex laws and regulations.

The Eren Law Firm

We are a responsive, innovative, efficient, and performance/results-oriented, boutique law firm in Washington, DC. We advise and represent banks, financial services companies, insurance companies, corporations, governments, shipowners, individuals, and other clients on a variety of issues and matters, especially those involving economic and financial sanctions. We assist entities and individuals successfully navigate complex legal challenges, answer all their questions, and provide to them the guidance they need.

The kind, blend, depth, and strength of our expertise and capabilities are unparalleled and ensure that our clients receive advice, representation, and insight that protect and advance their interests. Our lawyers are former senior U.S. Treasury – Office of Foreign Assets Control (OFAC) officials. The combined sanctions experience of our lawyers in private practice and their service at OFAC is over 80 years.

The Eren Law Firm advises and represents clients with respect to all aspects of US sanctions and the laws governing US sanctions. We, among other things, advise SDNs and represent clients in petitions to OFAC for their removal from the SDN list and the lifting of sanctions against them. We also represent clients in the unblocking of frozen assets.

For further information about our firm. Please visit www.erenlaw.com and <https://erenlaw.com/lawyers/hal-eren-2/>

Disclaimer The information contained in this document is for informational purposes only and should not be considered as legal advice on any subject matter. You should not act or refrain from acting on the basis of any content included in this document without seeking legal or other professional advice.

For more information and guidance, please contact:

Hal Eren Washington, DC ☎ + 1 202 429 9883 ✉ hal.eren@erenlaw.com

Andrea Ewart Washington, DC ☎ + 1 202 288 6479 (direct) ✉ andrea.ewart@erenlaw.com