

EMPLOYER LAW BLOG

# It's Unanimous

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The SCOTUS handed down a definitive 9-0 decision on a case centered on issues surrounding appellate courts, district courts and Equal Employment Opportunity Commission subpoena requests. How will the decision impact employers?

Appellate courts should defer to district court decisions regarding Equal Employment Opportunity Commission subpoena requests and only consider if the lower court abused its discretion in approving or denying a subpoena, a unanimous U.S. Supreme Court has ruled.

McLane Co. Inc. v. Equal Employment Opportunity Commission, No. 15-1248, 2017 WL 1199454 (U.S. Apr. 3, 2017).

District courts' "institutional advantage" in conducting fact-specific inquiries, combined with appellate courts' long history of reviewing lower court subpoena rulings for abuse of discretion, points to a deferential review standard, the high court said.

Dorsey & Whitney LLP partner Melissa Raphan was not involved in the case but says it shows the limits of the EEOC's subpoena powers.

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