

# Perspectives on Chevron Deference: To what extent are courts applying this doctrine, has it been abused and does it provide value as a tool for judicial review of FCC decisions?

NARUC 2016 Summer Committee Conference

Speaking Engagement

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Chicago  
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*Chevron* deference is a principle of administrative law requiring courts to defer to interpretations of statutes made by those government agencies charged with enforcing them, unless such interpretations are unreasonable. The principle is named for the 1984 Supreme Court case *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, which involved a dispute over the Environmental Protection Agency's interpretation of a provision of the Clean Air Act Amendments of 1977. Under *Chevron*, even if a court finds that another interpretation is reasonable, or even better than the agency's interpretation, it must defer to the agency's reasonable interpretation.

Panelists will discuss the modern application, relevance and merits of *Chevron* deference in the context of recent FCC decisions, including the *Open Internet Order*. They will address the pros and cons of proposals to change this review standard, including recently proposed legislation seeking to amend federal administrative law to require de novo review of agency decisions.

**Moderator:** *Hon. Dan Lipshultz*, Minnesota

**Panelists:**

*Jeffrey Lamken*, *Esquire*, MoloLamken LLP

*Hank Kelly*, *Esquire*, Managing Partner, Kelley Drye & Warren LLP, Chicago Office

*Randolph May*, President, The Free State Foundation

To view agenda, click [here](#).