



President's Recess-Appointment Power Cut By U.S. High Court

News

6.26.14

Steve Bernstein, a partner in the Tampa office, was quoted in the *Bloomberg Businessweek* article "President's Recess-Appointment Power Cut by Supreme Court." This article was picked up by a variety of other media outlets and discusses the U.S. Supreme Court ruling in *NLRB v. Noel Canning*. The ruling covered a constitutional provision that lets the president make temporary appointments to high-level posts during Senate recesses.

The justices ruled unanimously that President Barack Obama exceeded his constitutional authority when he appointed three members of the National Labor Relations Board in January 2012.

The ruling raises questions about hundreds of decisions and orders issued by the NLRB since 2012. Those include one before the justices involving soft-drink bottler Noel Canning Corp. of Yakima, Washington.

"The board now will need to rehear hundreds of cases," said Steve. "Although the NLRB may reaffirm its prior decision in many of them, that is by no means a certainty," he said.

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Steven M. Bernstein
Regional Managing Partner and Labor Relations Group Co-Chair
813.769.7513
[Email](#)