

U.S. Supreme Court Confirmation of Justice Neil Gorsuch and Potential Future Impacts on Environmental Laws and Regulations

April 11, 2017 | Client Update | 2-minute read

On April 10, 2017, Justice Neil Gorsuch assumed the seat on the U.S. Supreme Court previously held by Justice Antonin Scalia. Justice Gorsuch, who was appointed by President George W. Bush to the United States Court of Appeals for the Tenth Circuit in 2006, has generally espoused conservative views on most legal issues throughout his 24-year career as a lawyer and judge. His nomination was supported by conservative groups such as the Federalist Society and the Heritage Foundation, which presumably believe his approach to interpreting the law aligns closely with that of the late Justice Scalia. Justice Gorsuch was confirmed in spite of a filibuster by Senate Democrats to prevent his appointment; by employing the “nuclear option,” a majority vote in the Senate was used to change Senate debate rules to eliminate the filibuster for U.S. Supreme Court appointments. Justice Gorsuch was confirmed in a 54-45 vote, with one Senator not voting.

In many respects, Justice Gorsuch’s elevation to the U.S. Supreme Court simply restores the ideological status quo of the Court prior to Justice Scalia’s death in February 2016. The U.S. Supreme Court will again be divided between four members each on the liberal and conservative wings, with Justice Kennedy (for whom Justice Gorsuch served as a law clerk) occupying the middle position in many cases. Nonetheless, among many other areas of law, the placement of 49-year-old Justice Gorsuch on the U.S. Supreme Court for a lifelong tenure will likely have significant implications for environmental law cases that will come before the Court in future years.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Michael Comstock

+1 212 450 4374

michael.comstock@davispolk.com

David A. Zilberberg

+1 212 450 4688

david.zilberberg@davispolk.com

This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.

Related materials

[Read the full update](#)