

Insights

BCLP LAWYER CO-AUTHORS ARTICLE IN 'DRAKE LAW REVIEW' ON SEVERABILITY DECISIONS

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BCLP Associate Brian Underwood co-authored an article in the 69th volume of the [Drake Law Review](#) with Slade Mendenhall, attorney at the Georgia General Solicitor's Office. The two discuss the U.S. Supreme Court's attempts to clarify its severability jurisprudence in two specific cases: *Seila Law, LLC v. Consumer Financial Protection Bureau* and *Barr v. American Association of Political Consultants*. The article highlights the idea that the opinions of Chief Justice John Roberts and Justice Brett Kavanaugh sent inconsistent signals on the role of legislature intent in severability decisions. The article also explains how the competing theory of Justices Clarence Thomas and Neil Gorsuch is somewhat clearer but lacks the historical support that its advocates claim. "In short, the core question of severability is whether a single unconstitutional provision of a statute contaminates the whole statute or whether it may separately be deemed unconstitutional while leaving the remainder of the statute intact," the article states. The *Drake Law Review* is a publication of the Drake University Law School.

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