

**Insights**

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

Sep 22, 2021

BCLP Associate Brian Underwood co-authored an article in the 69<sup>th</sup> 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.

### **RELATED PRACTICE AREAS**

- Appellate

## MEET THE TEAM



### **Brian M. Underwood**

Atlanta

[brian.underwood@bclplaw.com](mailto:brian.underwood@bclplaw.com)

+1 404 572 6649

---

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon ([kathrine.dixon@bclplaw.com](mailto:kathrine.dixon@bclplaw.com)) as the responsible attorney.