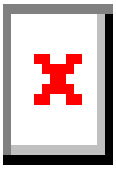
Vito Gagliardi, Jr. Weighs In On High Court's Recess Appointment Ruling

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Law360, New York (June 26, 2014, 7:49 PM ET) -- The U.S. Supreme Court on Thursday struck down President Barack Obama's three recess appointments to the National Labor Relations Board, but took a broad view of the president's appointment power. Here, attorneys tell Law360 why the decision in National Labor Relations Board v. Noel Canning is significant.

Vito A. Gagliardi Jr.



"While the Supreme Court decision in the Noel Canning is significant in its precedent-setting definition of the scope of the president's recess powers, its impact on the parties whose cases were decided by the recess-appointees likely is limited. The NLRB now is staffed by members whose appointment is not in question, and I would expect the NLRB simply to vote to ratify the decisions made by the board previously with the recess-appointee majority. Some of the affected litigants may use this development as an opportunity to have their case reconsidered, but there is no evidence so far that such a move will be considered by the NLRB."

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