

Jose Lopez Examines SCOTUS Decision Preserving SEC's Enforcement Powers

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by Jose Lopez

Securities Litigation Partner [Jose Lopez](#) shared insight on the Supreme Court's ruling that the Securities and Exchange Commission (SEC) may seek disgorgement, the legal remedy that forces wrongdoers to give back ill-gotten gains, without needing to prove that investors suffered specific, quantifiable financial losses. Leaning on his experience as an SEC enforcement attorney, Jose analyzed what the *Sripetch v. SEC* decision means for investors and securities practitioners.

Jose told *Reuters* that the court's ruling "preserved one of the SEC's most potent weapons in its enforcement arsenal." He added that "the unanimous decision, which is rare these days, shows a clear message that the court is willing to sustain agencies and preserve them where their core mission is legitimate, and here it's investor protection," in a *Checkpoint News* article.

Looking ahead, Jose identified an issue the Court left unresolved: "the court did not weigh in on the risk raised by an amici that the *Sripetch* decision could result in the SEC transforming disgorgement into a penalty. Accordingly, securities practitioners will likely continue to dispute the amount and nature of disgorgement in securities enforcement cases, arguing that any request for disgorgement is really a penalty in disguise," he told *Seeking Alpha*.

Jose's analysis was featured across various outlets, including:

- *Reuters* - [US Supreme Court Backs Federal Regulators in Wins for FCC and SEC](#)
- *Checkpoint News* - [With Disgorgement Ruling, Supreme Court Preserves a Key SEC Enforcement Tool](#)
- *Seeking Alpha* - [Supreme Court Upholds SEC's Disgorgement Power Irrespective of Financial Harm to Victims](#)
- *The Daily Upside* - [Supreme Court Upholds SEC's Broad Disgorgement Powers](#)
- *U.S. News* - [US Supreme Court Backs Federal Regulators in Wins for FCC and SEC](#)
- *Regulatory Compliance Watch* - [Unanimous SCOTUS Sides with SEC](#)

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