BRUNE

SEC In-House Court Reforms Not Enough, Ex-Prosecutor Says

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Law360, New York (November 25, 2015, 9:23 PM ET) -- The U.S. Securities and Exchange Commission's plans for reforming its in-house court would still place defendants at a disadvantage, and the agency instead should look at ways to make the tribunal function more like the federal judiciary, a former federal prosecutor has told the agency.

In one of the first comment letters on the SEC's proposed amendments to the rules governing its administrative proceedings, Susan E. Brune, a former assistant U.S. attorney, on Tuesday said the agency is headed in the right direction with its plans but hasn't done enough to make the forum a more balanced place for litigating claims.

Furthermore, the proposals "do not address the real issue: that when the commission chooses to go administrative, it gets to play prosecutor, judge, jury and first-level appellate court," Brune wrote. "The proposed rules do not go far enough to protect the rights of respondents."

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