



When the US Supreme Court heard [arguments](#) in [Securities and Exchange Commission v. Jarkesy](#) last month, the justices' questions suggested the court would likely declare the SEC's in-house tribunal at least partially unconstitutional.

In the *Jarkesy* proceedings, the Fifth Circuit held that the SEC's in-house adjudication of securities fraud claims violates the Seventh Amendment, creating further uncertainty for the Financial Industry Regulatory Authority. FINRA's own in-house tribunal structure already faces a constitutional challenge in [Alpine Securities Corp. v. FINRA](#).

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