

FMC Votes to Adopt Touhy Regulations



FEBRUARY 26, 2014

The Federal Maritime Commission (FMC) held a public meeting on February 26, 2014, during which it voted to adopt the recommendation of staff that the Commission adopt *Touhy* regulations. These regulations, which derive from the Supreme Court's decision in *United States ex rel. Touhy v. Regan*, 340 U.S. 462 (1951), govern the production of agency testimony or documents in response to a third party subpoena served upon the Commission or one of its employees. Commission staff indicated that the regulations will facilitate predictability in responding to such requests, and help conserve scarce Commission resources. Practitioners should keep in mind that that these new procedural requirements will provide the agency with an additional layer of defense in responding to discovery. Following brief discussion, the Commission determined to publish the action for notice and comment under the Administrative Procedure Act.

1 Min Read

Author

[Bryant Gardner](#)

Related Locations

Washington, DC

Related Topics

Federal Maritime Commission

Related Capabilities

Maritime & Admiralty

Related Professionals



Bryant Gardner

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.