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[Chemerinsky: Paradox in drug injury cases must be solved by Congress, says SCOTUS](#) In June 2013, for the third time in four years, the U.S. Supreme Court dealt with the question of when federal law preempts state tort liability for those injured by prescription drugs. What emerges from these cases is a strange distinction: Those who take the brand name version and are injured may sue, but those who take the generic version are out of luck. All nine justices agree that this is a distinction that makes no sense, but the five justices in the majority say that it must be for Congress to bring rationality to the law in this area. **ABA Journal.** [Read More.](#)

[The next big abortion case? It could be a challenge to Okla. pill regs, accepted by SCOTUS in June](#) A cert grant by the U.S. Supreme Court at the end of its term could be the court's next big abortion case. The court granted cert in *Cline v. Oklahoma Coalition for Reproductive Justice* on June 27, the [New York Times](#) reports in an Opinionator column. At issue are Oklahoma regulations requiring doctors prescribing abortion pills to follow the dosage and other instructions on the Food and Drug Administration label. The U.S. Supreme Court has asked the Oklahoma Supreme Court to clarify which medications are regulated by the statute. **ABA Journal.** [Read More.](#)

[Foie gras ban remains intact in California; 9th Circuit says challenge unlikely to succeed](#) A federal appeals court has refused to block a California law that bars the force-feeding of ducks or geese to make foie gras. The San Francisco-based 9th U.S. Circuit Court of Appeals said challengers to the law were unlikely to succeed on the merits of their constitutional arguments. **ABA Law Journal.** [Read More.](#)

[Banning food truck because of Italian slur violates First Amendment, suit claims](#) The owners of a food truck banned from New York's statehouse because of its name are claiming a First Amendment violation. Andrea Loguidice and Brandon Snooks say the nameundefinedthe Wandering Dagoundefinedis a "playful reference" to their own Italian heritage, the Wall Street Journal [Law Blog](#) reports. But a state agency denied their application to park their truck at Albany's Empire State Plaza because the name was deemed offensive, according to the [lawsuit](#) (PDF). **ABA Law Journal.** [Read More.](#)

[NFL to pay \\$765M to settle concussion cases brought by 4,500 former players](#) In a surprise settlement of a major case that had been expected to be in litigation for years, the National Football League has agreed to pay \$765 million to resolve multidistrict litigation being overseen by a federal judge in Philadelphia over brain injuries players say were caused by repeated concussions on the field. The pact, which was announced Thursday and must still be approved by the court before it is final, will provide compensation to the 4,500 or so living plaintiffs who claim dementia and other injuries, as well as fund medical exams and medical research, according to the [Associated Press](#), the Hollywood Reporter's [Hollywood, Esq. blog](#), the [New York Times](#) (req. req.) and the [Wall Street Journal](#). **ABA Law Journal.** [Read More.](#)

[Best way to boost access to justice? Change ethics rules, '13 Legal Rebel Renee Knake says](#) Two years ago, professional responsibility law professor Renee Newman Knake knew she could no longer tout a rewarding and meaningful career in the law. As she saw it, the profession was plagued by wasteful inefficiency, a precipitous market drop, and the inability to serve a growing swath of the U.S. population. "If I was going to stand up in front of my students and really believe that having a legal degree and a career as a lawyer can be among the most fulfilling career choices a person can make," says Knake, "I needed to be doing something to make sure that would be true going forward for future generations of lawyers." **ABA Law Journal.** [Read More.](#)

[Ex-EEOC GC on Background Checks in Hiring Decisions](#) On August 9, U.S. District Judge Roger Titus in Maryland dismissed an Equal Employment Opportunity Commission lawsuit against Freeman Cos., which the agency claimed was discriminating against minority and male job applicants. The EEOC said in a September 2009 complaint that the event-services company used discriminatory hiring criteria against minorities by looking at the credit history of some of its job applicants and by considering candidates' criminal history. The agency alleged that Freeman's hiring policies led to disparate impact on proposed class members. **The Blog of Legal Times.** [Read More.](#)

[Russia: Ukraine Can't Be In Both EU, Customs Union](#) Russian First Deputy Prime Minister Igor Shuvalov says Ukraine cannot be in the European Union and the Russian-led Customs Union at the same time. Shuvalov made the remark after talks between Russian Prime Minister Dmitry Medvedev and Ukrainian Prime Minister Mykola Azarov in Moscow. Earlier, Medvedev urged Azarov to discuss "the legal, organizational, and economic consequences" if Kyiv signs a free-trade agreement with the European Union. **Radio Free Europe.** [Read More.](#)

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