

# LAW REVIEW 922-update

## UPDATE

### Supreme Court Agrees To Review Unfavorable 7<sup>th</sup> Circuit Case

By Captain Samuel F. Wright, JAGC, USN (Ret.)

On April 19, 2010, the Supreme Court granted *certiorari* in the case of *Staub v. Proctor Hospital*, 2009 U.S. App. LEXIS 6065 (7<sup>th</sup> Cir. Mar. 25, 2009). The Service Members Law Center will file an *amicus curiae* (friend of the court) brief in June. The oral argument will be held in the fall of 2010, and the Supreme Court decision will likely be issued sometime in the spring of 2011.

Congress enacted the reemployment statute in 1940. There have been 16 Supreme Court cases under that law, between 1946 and 1991. We have written a case note about each of those cases. I invite the reader's attention to Category 10.1 in the Subject Index of the Law Review Library, available at [www.roa.org/law\\_review](http://www.roa.org/law_review). *Staub* will be the first Supreme Court case under the Uniformed Services Employment and Reemployment Rights Act (USERRA), which Congress enacted in 1994, to replace the 1940 statute.

Please watch this space for developments in this important case and other important information about USERRA and other laws that are particularly important to those who serve our nation in uniform.