

RAYMOND GRUENDER ON ABORTION

Highlights:

- Raymond Gruender wrote a majority opinion which restricted access to contraception.
 - A district court found that Union Pacific Railroad Company's benefits plan discriminated against women by not covering some contraception.
 - Gruender wrote an opinion which reversed the district court's opinion.
- Raymond Gruender wrote an opinion that upheld a South Dakota law that required providers to inform patients that women who obtain abortions are more likely to commit suicide.
 - Abortion was not linked to higher suicide rates.

Gruender Wrote A Majority Opinion Which Restricted Access To Contraceptives

A DISTRICT COURT FOUND THAT UNION PACIFIC RAILROAD COMPANY'S BENEFITS PLANS DISCRIMINATED AGAINST WOMEN BY NOT COVERING SOME CONTRACEPTION

A Class Action Lawsuit Was Filed Against Union Pacific Railroad Company Because Its Health Care Benefits Did Not Cover Contraceptives Used For The Sole Purpose Of Preventing Conception. According to the Harvard Law Review, "Brandi Standridge and Kenya Phillips were two of approximately 450 female employees of childbearing age at the Union Pacific Railroad Company. The company provided health care benefits to employees covered by collective bargaining agreements through five benefits plans. The plaintiffs filed a class action suit in the U.S. District Court for the District of Nebraska arguing that the plans discriminated on the basis of sex in violation of Title VII as amended by the Pregnancy Discrimination Act (PDA) because they did not cover contraceptives used for the sole purpose of preventing conception." [Harvard Law Review, Accessed [5/15/24](#)]

A District Court Found That The Plans Discriminated Against Women. According to the Harvard Law Review, "The district court granted the plaintiffs' motion for summary judgment. The court first decided that the PDA applied. The PDA forbids discrimination not only on the basis of pregnancy alone, but 'on the basis of pregnancy, childbirth, or related medical conditions,' and against 'women affected by pregnancy, childbirth, or related medical conditions.' [...] The court concluded that the plans discriminated against women because they covered treatments 'to prevent diseases or other medical conditions that pose an equal or lesser threat to employees' health than does pregnancy.'" [Harvard Law Review, Accessed [5/15/24](#)]

GRUENDER WROTE AN EIGHTH CIRCUIT COURT OPINION WHICH REVERSED THE DISTRICT COURT'S OPINION

Gruender Wrote An Eighth Circuit Court Opinion Which Concluded That Female Employees Do Not Have The Right To Insurance Coverage For Contraceptives Under The Pregnancy Discrimination Act. According to the Harvard Law Review, "The Eighth Circuit reversed and remanded. Judge Gruender first rejected the PDA's applicability, stating contraception was not 'related' to pregnancy for PDA purposes because it was used before pregnancy. The court relied on its opinion in *Krauel v. Iowa Methodist Medical Center*, which held that a medical condition that prevents pregnancy is insufficiently related to pregnancy and childbearing for treatment to be required by the PDA. The court further concluded that contraceptives were gender neutral because they are used by both men and women. It then reasoned that, separate from the PDA, Title VII did not require an employer's benefits plan to cover contraceptives. The court stated that under a general Title VII analysis, plaintiffs must establish that similarly situated male employees received different coverage than did female employees, and it held that the plaintiffs could not meet this burden. In reaching this conclusion, the court of appeals faulted the district court for comparing the plans' coverage of contraceptives to their coverage of preventive treatments for less risky medical conditions. It instead identified the relevant comparison as that between the plans' coverage of male and female

contraceptives. After determining that the coverage was equally nonexistent for both sexes, the court concluded that the plan did not violate Title VII.” [Harvard Law Review, Accessed [5/15/24](#)]

Gruender Wrote A Ruling Upholding A South Dakota Law Requiring Doctors To Read An Anti-Abortion Script

GRUENDER WROTE A RULING UPHOLDING A SOUTH DAKOTA LAW REQUIRING DOCTORS TO READ AN ANTI-ABORTION SCRIPT

Gruender Wrote An Opinion That Upheld A Law That Required Doctors To Inform Patients That Women Who Have Abortions Are More Likely To Commit Suicide. According to Reuters, “Federal appeals court judge Raymond Gruender wrote a 2012 ruling upholding a South Dakota law that requires doctors to inform patients that women who have abortions are more likely to commit suicide. Colloton, who sits on the same court, joined the opinion.” [Reuters, [5/19/16](#)]

Contrary To The Script, Abortion Was Not Linked To Higher Suicide Rates

Abortion Was Not Linked To Higher Suicide Risks. According to MedPage Today, “Women who have had abortions were more likely to attempt suicide than women who did not have abortions, although their increased risk was the same in the year before and after the abortion, according to a Danish registry study. Among more than 500,000 adult women, those who had an abortion were at an increased risk of attempting suicide for the first time over the following year compared with women who did not have an abortion (adjusted incidence rate ratio [aIRR] 2.54, 95% CI 2.29-2.81), reported Julia Steinberg, MD, of the University of Maryland in College Park, and colleagues. However, the increased risk was similar in the year before the abortion (aIRR 2.46, 95% CI 2.22-2.71), the team wrote in the *Lancet Psychiatry* in a new tab or window. Moreover, their risk decreased as more time passed after the abortion, such that women had a lower risk from 1 to 5 years later (aIRR 1.90, 95% CI 1.75-2.06) and 5 or more years later (aIRR 1.73, 95% CI 1.53-1.96), they added.” [MedPage Today [11/19/19](#)]