



PATHS FORWARD FROM THE AGE OF GUN VIOLENCE:

Industry Accountability and the Modern Second Amendment

8:00-8:45 AM Breakfast

9:00-9:30 AM Introductory Remarks

9:30-10:45 AM **Panel 1: Multidisciplinary Efforts to Combat Gun Violence**

Panelists:

Patricia Logan-Greene, Associate Professor University at Buffalo School of Social Work

Judith Olin, Director, Family Violence and Women's Rights Clinic, University at Buffalo School of Law

Lindsay Hahn, Assistant Professor, University at Buffalo

Heather Warnken, Executive Director Center for Criminal Justice Reform, University of Baltimore School of Law

Moderator: Kelly Percival, Litigation Attorney, GIFFORDS Law Center

Session Description: This year, for the first time ever, the Surgeon General declared gun violence to be a public health crisis in America. In so doing, the Surgeon General acknowledged the reality that those living under the scourge of gun violence in America have known for years: gun violence in America is an epidemic, one with many causes that will take a wide range of tools to overcome.

This panel brings together researchers and clinicians to discuss multidisciplinary efforts to combat gun violence, including identifying the underlying sources of gun violence and evidence-based approaches to reduce the harm inflicted. This panel features several scholars and practitioners from the Buffalo community.

11:00 AM-12:15 PM **Panel 2: *Rahimi* and *Bruen*: Searching for "Principles" in an "Unprincipled Body of Law"**

Panelists:

Jake Charles, Associate Professor, Pepperdine Law

Shira Feldman, Director of Constitutional Litigation, Brady

Yvin Shin, Legal Associate - Project Manager, March For Our Lives

Megan Walsh, Director of Gun Violence Prevention Law Clinic, Minnesota Law

Moderator: Kevin Schascheck, Forrester Fellow at Tulane Law School

Session Description: In *United States v. Rahimi*, the U.S. Supreme Court upheld a longstanding federal firearm law and claimed to clarify how lower courts should apply the text-and-history test for Second Amendment cases first announced in *NYSRPA v. Bruen*. The Court instructed lower courts to focus on the "principles" embodied in the "regulatory tradition" of the United States to evaluate gun violence prevention laws. At the same time, the Court left many questions unanswered.

This panel brings together Second Amendment scholars and gun violence prevention practitioners to discuss the fallout from *Rahimi*, including how the decision reworks, rewrites, or reaffirms the *Bruen* test, how courts have applied *Rahimi* in the months after the decision, and how scholars and practitioners should refocus their attention and arguments in light of the Court's guidance.



12:15-1:15 PM Lunch / Keynote: Stories of Resiliency and Community in the Wake of the Tops Shooting

Panelists:

John Elmore, Attorney

Kristen Elmore-Garcia, Attorney

Jennifer Tucker, Director of Center for the Study of Guns and Society at Wesleyan University

LaVonne Ansari, Ph.D., Chief Executive Officer and Executive Director, Community Health Center of Buffalo, Inc.

Moderator: Leigh Rome, Senior Litigation Attorney and Pro Bono Manager, GIFFORDS Law Center

Session Description: This panel will feature a discussion of John Elmore and Kristen Elmore-Garcia's lawsuit on behalf of survivors and families of the Tops Friendly Markets shooting in Buffalo, NY, and a discussion of the film project on the case.

1:30-2:45 PM Panel 3: Affirmative Litigation and Industry Accountability

Panelists:

Rose Carmen Goldberg, Associate Director of Policy and Programs at the Deborah L. Rhode Center on the Legal Profession, Stanford Law School

Erin Davis, Director of Litigation, Brady

Heidi Li Feldman, Professor, Georgetown Law

Hillel Y. Levin, Professor, University of Georgia Law

Moderator: Lekha Menon, Litigation Attorney, GIFFORDS Law Center

Session Description: For many years, the Protection of Lawful Commerce in Arms Act ("PLCAA") was seen as an impenetrable barrier to any attempts to hold the gun industry accountable for the epidemic of gun violence in the United States. However, recent lawsuits, state laws, and scholarship have properly called this longstanding assumption into question.

This panel brings together scholars and practitioners to discuss these recent efforts to hold the gun industry accountable for the foreseeable harms it has and continues to inflict across the country. Panelists will discuss techniques for successfully utilizing affirmative litigation, lessons learned for future efforts, and areas where future affirmative litigation will likely encounter pitfalls.

3:00-4:00 PM Breakout Rooms

Room 1: Marketing and Modern American Gun Culture

Featured Speaker: Aimee Huff, Associate Professor, Oregon State University

Session Description: This breakout room features a presentation from Professor Aimee Huff on recent trends in marketing in the firearms industry, including how the industry's marketing crafts consumer demand and how the industry leverages social media personas and influencers to market its products to a new generation.

(Breakout sessions continued on next page)



3:00-4:00 PM Breakout Rooms (Cont.)

Room 2: Historian Roundtable: “Regulatory Tradition” After *Rahimi*

Featured Speakers:

Saul Cornell, Professor, Fordham University

Brennan Gardner Rivas, Senior Postdoctoral Researcher, Wesleyan University

Kellen Heniford, Litigation Researcher, Everytown

Kari Still, Law & Policy Advisor at Johns Hopkins Center for Gun Violence Solutions

Session Description: In this breakout room, historians will lead a roundtable discussion of the role of history in Second Amendment interpretation post-*Rahimi*, highlighting newly uncovered historical gun violence prevention laws and presenting new approaches to defining our “regulatory tradition.”

Room 3: *Rust*, Boeing, and Death By Safety Culture

Featured Speakers:

Brittany Farr, Assistant Professor, NYU School of Law

Elise Maizel, Assistant Professor, Michigan State University College of Law

Session Description: This breakout session features a discussion of Professors Farr and Maizel’s work-in-progress on the *Rust* shooting. Their Essay examines culture’s influence and contract law’s limitations to explain why, in the aftermath of an on-set tragedy, the criminal legal system can often hold the wrong players to account.

4:15-5:30 PM Panel 4: Administrative Law and Guns: Executive Power and Accountability

Panelists:

William Araiza, Professor, Brooklyn Law School

Benjamin Cavatara, Assistant Professor, Wayne State University Law School

Lisa Heinzerling, Professor, Georgetown Law

Tess Saperstein, Attorney, Arnold & Porter

Moderator: **David Pucino**, Legal Director & Deputy Chief Counsel, GIFFORDS Law Center

Session Description: This past term, the U.S. Supreme Court overruled *Chevron*, one of the bedrock cases of administrative law, and struck down the bump-stock rule, a bipartisan, popular, and effective gun violence prevention regulation. This upcoming term, the Court will consider a challenge to ATF’s ghost gun rule, another important administrative rule promulgated to address the gun violence epidemic. As the Court aggressively scrutinizes the administrative state, we have also seen new executive actions to combat gun violence, including the founding of the first-ever federal Office of Gun Violence Prevention.

This panel brings together leading scholars to discuss the future of the administrative state, with a focus on how the executive branch and administrative agencies can combat gun violence in a post-*Chevron* and post-*Cargill* world. This panel may also explore the implications to democracy and executive accountability raised by the Court’s recent administrative law jurisprudence.

5:30-5:45 PM Closing Remarks

5:45-6:30 PM Reception