

Aiming for Answers:

Balancing Rights, Safety, and Justice in a Post-*Bruen* America

DATE

Friday, October 27th, 2023

LOCATION

University of Minnesota Law School

Registration & Breakfast | 8:00 AM - 8:30 AM

Opening Remarks | 8:30 AM - 8:45 AM

Panel #1 – Race and the Disparate Impact of Gun Law Enforcement, Historically and Today | 9:00 AM - 10:15 AM

It is indisputable that firearm regulations have been disproportionately applied to racial minorities across the country. This problem persists in all settings, whether it be rural, suburban, or urban, and no conversation about gun violence prevention can proceed without first understanding these dynamics. In this panel, litigators, historians, and professors will discuss how racial biases have impacted the enforcement of firearm regulation violations and what steps individuals working in this field can take to ensure that the fight to end gun violence includes ending the skewed enforcement of laws meant to protect our communities from gun violence.

Moderator: **Esther Sanchez-Gomez** | Litigation Director, *Giffords Law Center*

Panelists: **Daniel Scott Harawa** | Associate Professor of Clinical Law, *NYU School of Law*
Jennifer Behrens | Associate Director for Administration & Scholarship, *Duke University School of Law*
Brennan Gardner Rivas | Historian & Researcher
Keith Ellison | Attorney General of the State of Minnesota

Panel #2 – *Bruen*, A Year in Review | 10:30 AM - 11:45 AM

The decision in *New York State Rifle & Association v. Bruen* was handed down from the United States Supreme Court on June 23, 2022. In the year and a half since then, courts around the country have grappled with the ramifications of the radical alteration of Second Amendment jurisprudence. In this panel, professors & litigators will discuss what struggles have appeared in lower courts when litigating firearms issues since the *Bruen* decision and what the outlook moving forward may be.

Moderator: **Janet Carter** | Senior Director, *Everytown for Gun Safety*

Panelists: **Eric Ruben** | Associate Professor of Law, *Southern Methodist University Dedman School of Law*
Saul Cornell | Paul and Diane Guenther Chair in American History, *Fordham University*
Brannon Denning | Starnes Professor of Law, *Samford University Cumberland School of Law*
Shira Feldman | Director of Constitutional Litigation, *Brady Center to Prevent Gun Violence*

Lunch | 12:00 P.M. - 1:15 P.M.

Panel #3 – Gun Violence, Domestic Violence, & *Rahimi* | 1:30 PM - 2:45 PM

As of 2023, over 4.5 million women in the United States have reported being threatened with a gun by an intimate partner. While laws at both the state and federal level attempt to address this through domestic violence protective orders, the constitutionality of these laws is being questioned by courts across the country. The Supreme Court will be hearing a case on this topic, *United States v. Rahimi*, on November 7th of this year. These panelists all have backgrounds in the nexus between domestic violence and gun violence, and they will discuss how *Rahimi* may re-shape the way we approach these issues moving forward.

Moderator: **Natalie Nanasi** | Director of the Judge Elmo B. Hunter Legal Center for Victims of Crimes Against Women and Associate Professor of Law, *Southern Methodist University Dedman School of Law*

Panelists: **Kelly Roskam** | Director of Law and Policy, *Johns Hopkins Center for Gun Violence Solutions*

Alicia Nichols | Director of Innovation, *Battered Women's Justice Project*

Julia F. Weber | Consultant, *Giffords Law Center*

Megan Walsh | Visiting Assistant Clinical Professor of Law, *University of Minnesota Law School*

Breakout Sessions | 3:00 PM - 4:15 PM

Two concurrent presentations will be held in different rooms. Attendees may choose either one to attend.

ROOM 55: Civil Justice and the Second Amendment: Keeping Firearms Manufacturers Accountable for Their Unlawful Conduct

May legislatures constitutionally require firearms manufacturers to take steps to prevent criminals from using their products? May legislatures use consumer protection and public nuisance laws to achieve this goal? The combination of a U.S. Congressional effort to insulate firearms manufacturers from civil liability and the U.S. Supreme Court's effort to expand the reach of the Second Amendment is bringing these questions to the fore. Efforts to hold firearms makers and sellers civilly accountable for their conduct has moved well beyond tort and products liability law. At the same time, the Supreme Court's decisions in *Heller v. District of Columbia* and *New York Shooting and Rifle Association v. Bruen*, have encouraged Second Amendment absolutists and the gun industry to argue that the Second Amendment itself severely limits government's ability to regulate the conduct of the firearms industry. In this session, Professor Heidi Li Feldman will discuss how we got to this point, the central ideas behind using consumer protection and public nuisance laws to regulate firearms purveyors, and how to rebut arguments that these laws violate the Second Amendment.

Presenter: **Heidi Li Feldman** | Professor of Law, *Georgetown University Law Center*

ROOM 45: Firearms and the Homeowner: Defending the Castle, the Curtilage, and Beyond

Beyond mass shooting incidents, the United States has seen a marked increase in gun violence initiated by homeowners attempting to protect their property. Regardless of whether these tragic events were the result of ringing the wrong doorbell or driving up the wrong driveway, many people may be surprised to learn that the individuals pulling the trigger may not be criminally liable for their actions. In this breakout session, Professor Cynthia Lee will focus on the use of deadly force in the defense of habitation and issues in accountability for the use of deadly force.

Presenter: **Cynthia Lee** | Edward F. Howrey Professor of Law, *George Washington University Law School*

Panel #5 – Non-Carceral Solutions to Gun Violence | 4:30 PM - 5:45 PM

As America continues to battle against gun violence, it must also reckon with the fact that incarceration cannot be the go-to solution for addressing all gun-related harm. On this panel, scholars and practitioners will discuss non-carceral solutions to gun violence, including alternative policy solutions, public health approaches to gun violence prevention, community-based violence intervention programs, along with practices that can improve equity in enforcement of criminal gun laws.

Moderator: **William Clark** | Senior Litigation Attorney & Second Amendment Issues Manager, *Giffords Law Center*

Panelists: **Jake Charles** | Associate Professor of Law, *Pepperdine University Caruso School of Law*

Christopher Lau | Assistant Clinical Professor, *University of Wisconsin-Madison Law School*

Michael Ulrich | Assistant Professor of Health Law, *Ethics & Human Rights, Boston University School of Law*

Kelly Sampson | Senior Counsel & Director of Racial Justice, *Brady Center to Prevent Gun Violence*

Closing Remarks | 5:45 PM - 6:15 PM

Cocktail Hour | 6:15 PM - 7:15 PM