



HELLER AFTER TEN YEARS

*Spring 2018 Symposium presented by
Campbell Law Review*

Ten years after the Supreme Court's landmark but controversial decision in *District of Columbia v. Heller*, the nature and scope of the Second Amendment right to keep and bear arms still is uncertain when it comes to a multitude of gun laws. With few exceptions, lower courts have treated *Heller* not as precedent to be followed, but a decision to be distinguished, narrowed, or avoided before approving almost any legislative restriction on the right to arms.

Campbell Law Review is hosting "*Heller After Ten Years*" on February 2, 2018 at the Campbell University School of Law in Raleigh, North Carolina. The symposium will examine a wide range of issues facing the lower courts since *Heller*, including the proper analytical framework for deciding Second Amendment cases, whether lower courts have given proper deference to *Heller*'s recognition of the individual right to keep and bear arms for self-defense, the extent to which the Second Amendment protects certain persons, such as felons and the formerly mentally ill seeking restoration of their right to arms, and how *Heller* applies to restrictions on public carry and bans on "assault weapons."

SYMPOSIUM PANELS

Heller in the Lower Courts

A discussion of how federal circuit courts have applied *Heller*, with a focus on lower court views of *Heller*'s holding and scope, the extent to which *Heller* provides a general framework for constitutional analysis in Second Amendment cases, what guidance *Heller* provides for resolving cases involving the right to arms in public places, the development of analytical frameworks beyond *Heller*, and whether lower courts have given proper deference to *Heller* in their Second Amendment decisions.

Moderator: Sarah Ludington

Panelists: Brannon Denning, Dennis Henigan, David Kopel, Hannah Shearer



***Heller* and Protected Persons**

A discussion of how the Second Amendment, as interpreted by *Heller*, protects certain persons, including felons and formerly mentally ill persons seeking restoration of their right to arms and persons subjected to searches under the Fourth Amendment. Special attention will be given to felon dispossession cases such as *Binderup v. Attorney General* (Third Circuit) and *Hamilton v. Pallozzi* (Fourth Circuit), to the Sixth Circuit's decision in *Tyler v. Hillsdale County Sheriff's Department* on the restoration of firearm rights to the formerly mentally ill, and to the Fourth Circuit's en banc decision in *United States v. Robinson* that held that even lawfully-armed persons are per se "dangerous" and can be subjected to a *Terry* frisk.

Moderator: Honorable Richard Dietz

Panelists: Alan Gura, Mark Frassetto, Hannah Shearer

Lunch Panel: Justice Scalia's Use of History in *Heller*

A discussion of Justice Scalia's use of history in the *Heller* decision as a basis for recognizing the individual right to keep and bear arms for self-defense.

Panelists: Paul Finkelman, Joyce Malcolm

***Heller* and Public Carry Restrictions**

A discussion of how lower courts have applied *Heller* to various restrictions on the carrying of firearms in public places, with special attention given to the District of Columbia Circuit's decision in *Wrenn v. District of Columbia*, the Ninth Circuit's en banc decision in *Peruta v. County of San Diego*, and the Fourth Circuit's decision in *Woollard v. Gallagher*.

Moderator: Brannon Denning

Panelists: Joseph Blocher, Jonathan Lowy, George Mocsary, Glenn Reynolds

***Heller* and "Assault Weapons"**

A discussion of how *Heller* has been applied to "assault weapon" bans, with special attention given to the Fourth Circuit's en banc decision in *Kolbe v. Hogan*, which held that the popular AR-15 rifle and other "assault weapons" are not protected arms under the Second Amendment.

Moderator: E. Gregory Wallace

Panelists: David Kopel, Jonathan Lowy, Allen Rostron



Symposium Participants

Joseph Blocher, Professor of Law, Duke University School of Law (Moderator and Panelist)

Brannon Denning, Associate Dean and Professor of Law, Cumberland School of Law, Samford University (Moderator and Panelist)

Honorable Richard Dietz, Judge, North Carolina Court of Appeals (Moderator)

Paul Finkelman, President, Gratz College (Panelist)

Mark Frassetto, Senior Counsel, Everytown for Gun Safety (Panelist)

Alan Gura, Attorney, Gura PLLC (Panelist)

Dennis Henigan, Former Vice President, Brady Center to Prevent Gun Violence, and current Director of Legal and Regulatory Affairs at Campaign for Tobacco-Free Kids (Panelist)

David Kopel, Research Director, Independence Institute; Associate Policy Analyst, Cato Institute; Adjunct Professor of Law, Denver University, Sturm College of Law (Panelist)

Jonathan Lowy, Vice President for Litigation, Brady Center to Prevent Gun Violence (Panelist)

Sarah Ludington, Associate Dean of Academic Affairs and Associate Professor of Law, Campbell University School of Law (Moderator)

Joyce Malcolm, Professor of Law, Antonin Scalia Law School, George Mason University (Panelist)

George Mocsary, Assistant Professor of Law, Southern Illinois University School of Law (Panelist)

Glenn Reynolds, Professor of Law, University of Tennessee College of Law (Panelist)

Allen Rostron, Associate Professor of Law, University of Missouri-Kansas City School of Law (Panelist)

Hannah Shearer, Staff Attorney and Second Amendment Litigation Director, Giffords Law Center to Prevent Gun Violence (Panelist)

E. Gregory Wallace, Professor of Law, Campbell University School of Law (Moderator)



SYMPOSIUM AGENDA

Friday, February 2nd

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| 8:00–8:25 | Light Breakfast |
| 8:25–8:30 | Opening Remarks |
| 8:30–10:15 | <i>Heller</i> in the Lower Courts |
| 10:15–10:30 | Break |
| 10:30–Noon | <i>Heller</i> and Protected Persons |
| Noon–12:20 | Lunch Service |
| 12:20–1:20 | Lunch Panel: Justice Scalia’s Use of History in <i>Heller</i> |
| 1:20–1:30 | Break |
| 1:30–3:15 | <i>Heller</i> and Public Carry Restrictions |
| 3:15–3:30 | Break |
| 3:30–5:00 | <i>Heller</i> and “Assault Weapons” |
| 5:00–5:10 | Closing Remarks |