

Researching Gun Deaths

Sound policy must be based in fact. Imagine if, 20 years ago, car manufacturers had successfully blocked the Centers for Disease Control from researching vehicle deaths by cutting off funding from Congress. Imagine if those same vehicle makers had then successfully lobbied for legislation granting immunity for the most common claims brought against their industry. Because of the policy choices and self-regulation that commonly result from information and the threat of liability, one could reasonably predict that these circumstances would not have produced the decrease in deaths from motor vehicle accidents that has occurred in the U.S. over the last 20 years.

Incredibly, the dangerous combination of lack of information and immunity presented in this hypothetical is exactly what the gun industry has accomplished. Accordingly, it is not surprising that gun violence has now surpassed motor vehicle accidents as a cause of death in the U.S.

As gun deaths increased during the 1970s and '80s, so did the rise of lawsuits against the gun industry. A series of actions, including mass tort litigation and public nuisance suits brought by cities and other governmental entities, held certain members of the firearms industry liable for particularly reckless practices. At the same time, health advocates reframed injury prevention, including reducing gun violence, as a public health issue.

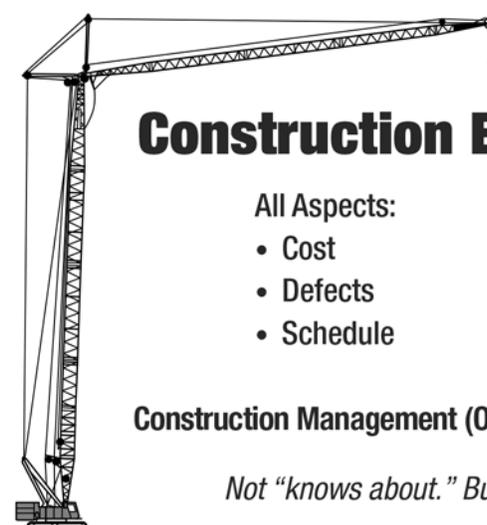
In response to the growing outcry over firearm deaths, the gun industry aggressively sought to protect itself. First, Congress passed the Dickey Amendment in 1996, which drained funding for research into gun violence and dictated that no money given to the Centers for Disease Control for "injury prevention" could be used to "advocate or promote gun control." Then, in 2005, Congress passed the Protection of Lawful Commerce in Arms Act (PLCAA). The PLCAA generally shields licensed manufacturers, dealers, and sellers of firearms or ammunition, as well as trade associations, from any civil action "resulting from the criminal or unlawful misuse" of a firearm or ammunition.

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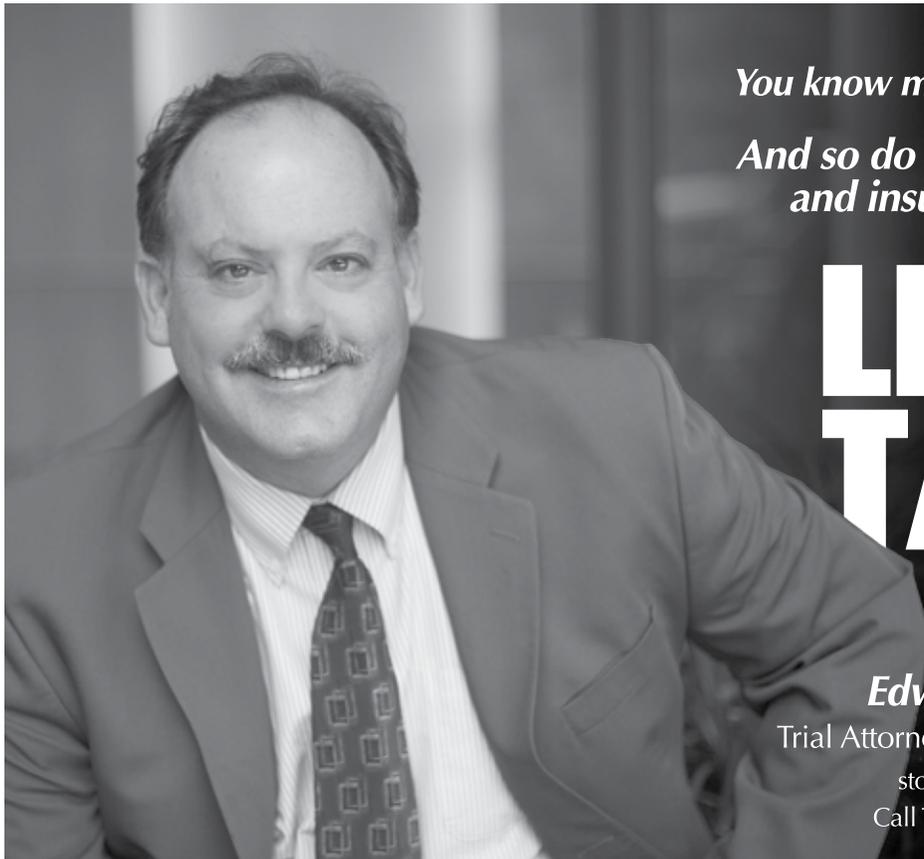
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The lack of funding for gun violence research has left us in the dark about the causes and distribution of gun violence injury. Good policies are formed by fact, which requires the foundational work of documenting the full scale of the health consequences of firearms. Yet, the Journal of the American Medical Association recently identified gun violence as the least-researched leading cause of death in the United States. Sensible regulatory policymaking cannot occur in a vacuum.

Similarly, the federal immunity granted to firearm manufacturers and dealers has blocked a vital means of uncovering information that has significant repercussions beyond the lawsuit in which it is discovered. In the years before pas-

sage of the PLCAA, victims of gun violence in the United States had successfully sued manufacturers and dealers for negligence on the grounds that they should have foreseen that their products would be diverted to criminal use. These lawsuits exposed dangerous industry-wide practices, such as the manufacturer Bushwacker's negligent distribution operations brought to light by victims of the D.C. snipers in 2002. Civil litigation is also important to incentivize industry actors to act responsibly, take steps to prevent negligent and criminal use of their products, and improve product safety. The immunity from accountability that the law grants the firearms industry contributes to illegal gun sales, negligent marketing, and failure to apply safer design choices

There is an epidemic of gun violence in this country. I do not claim to know all of the causes or solutions. But, in order to understand the phenomenon, firearms must be studied, litigated, and regulated for health and safety just as we study, litigate, and regulate motor vehicles and other consumer products. Repeal of the PLCAA and resumption of research funding are two crucial steps in addressing the unacceptable toll gun violence is taking on our nation. **TBN**



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