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## CBA House of Delegates Votes to Join Gun Law Amicus

Jay Stapleton, The Connecticut Law Tribune

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The Connecticut Bar Association's House of Delegates, after considerable debate, has decided that the organization should join an amicus brief in defense of state gun control laws approved by the Legislature in the wake of the Newtown school shooting.

CBA President Mark Dubois said the proposal was approved during a special July 21 meeting of the House of Delegates by a 34-15 vote, with four abstentions. The CBA will now join an amicus being prepared by the Brady Center to Prevent Gun Violence, which will support a ruling by U.S. District Judge Alfred Covello, who upheld measures that expanded the list of banned assault weapons and put strict limits on ammunition magazine sizes.

A coalition of Second Amendment groups has appealed the ruling, *Shewv. Malloy*, to the U.S. Court of Appeals for the Second Circuit.

"The House of Delegates engaged in a thorough and thoughtful debate which made me proud to be a member," Dubois said in a statement announcing the vote's outcome. "It reflected true professionalism on the part of everyone. Despite having divergent beliefs on what was the right course for the CBA, the entire delegation treated each other with respect."

Dubois said it was clear that "everyone took the issues seriously."

Among opponents of CBA involvement in *Shew* was Rachel Baird, a Torrington solo who has handled several Second Amendment cases on behalf of gun owners whose firearms have been taken from them under court orders. "A threshold question ignored by the CBA's leadership," she wrote in a letter to the group's leaders, "is whether the CBA ethically should support one party over another in an appeal from a judicial decision written by one of its members, the Hon. Alfred V. Covello."

The request to join the amicus was made by the CBA's Human Rights and Responsibility Section. The amicus is due to be filed with the Second Circuit by Aug. 21.

In their legal challenge filed last year, the Connecticut Citizen's Defense League and the Coalition of Connecticut Sportsmen argue that the new law tramples on their right to bear arms and protect themselves. Back in January, Covello dismissed the lawsuit. He said the expanded assault weapons ban and the restrictions on large-capacity magazines "does not effectively disarm individuals or substantially affect their ability to defend themselves."

Part of the judge's reasoning was based on the fact that "a wide variety of non-assault weapons" are still available for protection and hunting under the law. The plaintiffs quickly appealed to the Second Circuit. The Connecticut gun law is being defended on appeal by the Office of Attorney General.

In June, attorneys general in 23 states, mostly in the West and South, joined the appellate challenge on behalf of Second Amendment advocates, facing off against their Connecticut counterpart, George Jepsen. In their own Second Circuit amicus, the attorneys general say their states have "a profound interest in protecting the fundamental rights of their citizens."

While some people think the CBA should only get involved in public issues that expand "the good of the members and the courts," Dubois said, the CBA constitution indicates amicus action should be considered "in matters of social or societal concerns."

The last time the CBA got involved in joining a case of some controversy was in 2012, when it supported efforts to strike down the federal law that barred extending federal benefits for same-sex couples, a decision that drew mixed reactions from CBA members.

This time around, Dubois said, the CBA Executive Committee will look over the briefs when they are filed by the Brady Center "to make sure it doesn't contain anything that's going to give us shortness of breath."

In his email to CBA members, Dubois wrote that there "is really a dearth of law on the issues raised in *Shew*, and this case may help sharpen some previously fuzzy lines concerning the appropriate regulation of firearms."

If the CBA "can lend its voice to the legal discussion," he wrote, "that is well within its mandate."