

**Course Information and Class Policies**  
**Spring 2019**

**Guns and the Law**

**T 9:00-10:40 a.m.**

**Room 120**

**Office Hours: T 11:00 a.m.-12:00 p.m. or by appointment**

**Brannon P. Denning**

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**Course Description and Objectives**

This course will take a broad look at the regulation of firearms in the United States, including constitutional and statutory limitations on those regulations. The objectives of the course are as follows:

1. Understanding federal and state regulation of firearms generally.
2. Exploring the history of the Second Amendment, and its interpretation by the U.S. Supreme Court and the lower courts.
3. Understanding the scope of the constitutional right to keep and bear arms, including the right to concealed- and open-carry of firearms.
4. Understanding the law of self-defense involving firearms.
5. Examining theories of civil liability for firearms manufacturers and the protections provided to them by the federal Protection of Lawful Commerce in Arms Act (PLCAA).
6. Examining the effects of race, alienage, gender, and culture on attitudes towards firearms and their regulation.
7. Undertaking a comparative look at firearms regulation in other countries.

The American Bar Association guidelines state that students should spend roughly two hours of time outside of class preparing for each hour of actual class time. You may find that some of the material requires more than that to adequately prepare.

**Required Texts**

Andrew Jay McClurg & Brannon P. Denning, *Guns and the Law: Cases, Problems, and Explanation* (2016).

**Attendance Policies**

Given that our class meets only once a week, I expect that you will give it priority over other extracurricular commitments. With two exceptions, I intend to abide by the law school's attendance policy, which I set out below for your convenience:

At the beginning of each semester or term of classes, the Associate

Dean of Academic Affairs will calculate and post the maximum number of absences that will be permitted in every course. That number shall be twenty percent (20%) of the total number of scheduled class meetings for the course (with any fractions rounded up to the next whole number). All faculty members shall record student attendance in every course and report all student absences to the Associate Dean of Academic Affairs on a monthly basis. Any student with absences in excess of the maximum number will receive a mandatory grade reduction to the next lower grade increment. Additional absences may result in further grade reductions at the discretion of the faculty member after consultation with the Associate Dean of Academic Affairs. Individual faculty members may impose more stringent class attendance policies as they deem appropriate, but in no event shall any faculty member adopt an attendance policy that is less stringent than the rule set forth herein. For purposes of applying this rule, all student absences from any course for whatever reason will be considered “unexcused.” It is each student’s sole responsibility to record his or her own class attendance in the manner specified by each individual faculty member and to monitor his or her own class absences in all law school courses.

Signing the attendance sheet implies that you have read the material and are prepared to discuss it if called upon to do so. If you are not prepared, please leave me a note to that effect before class; if you do so, however, you may not sign the attendance sheet, and will be counted as absent for that class period. **Note: Students with “excessive” absences—defined as being absent equal to or more than twice the number of absences permitted by the law school rules—may, in the instructor’s sole discretion, be barred from taking the final exam.**

#### **Audio or Video Recording of Classes**

The only time either will be permitted is when I have scheduled a make-up class, which some students are unable to attend because of a conflict.

#### **A Note on Cell Phones**

As a courtesy to me and to your fellow students, cell phones should be turned off (or at least set for “silent”) during class.

#### **Laptop Policy**

Our classroom this semester will be a “laptop-free zone.” Unless you are permitted the use of a laptop as an ADA accommodation, please do not use them in class. However, you may, if you choose, use the laptop to take your final exam. **Please note that this policy applies to smart phones as well.**

### **Grading**

The bulk of your grade (75%) will come from a final exam currently scheduled for **Thursday, May 2, at 9:00 a.m.** (Note, however, I am open to the idea of having a floating or take home exam. We can discuss.) The casebook, however, contains problems. I will assign some of these problems for you to answer in writing. Keep those problems in a folder or binder. From time to time, I will check to see if you've completed all the assigned problems by collecting the problem folders. If your folder is up to date, you receive 5 points; if it is not, you receive 0 points for that check. Those checks will be worth 25% of your grade. If you are absent when I do a folder check, you will receive 0 points, unless there are extenuating circumstances (illness, etc.). Note, however, that does not mean that absence itself is excused, only that I am willing to check your folder despite your absence.

### **Alternate Exam Policy**

As a general rule, I do not permit non-accommodated students to take exams on alternate exam days. I do understand, however, that exceptional circumstances sometimes arise. I will, thus, consider requests to reschedule, but I retain complete and unfettered discretion to decline such requests except where required by our academic standards. Please note, too, that I do not consider weddings, family vacations, the SEC championship game, and the like to be legitimate reasons for rescheduling exams.

### **ADA Policy**

I also follow the law school's policy on accommodations for persons with recognized disabilities, which I quote below:

Students with disabilities who wish to request accommodations should register with Disability Resources (205) 726-4078, [disability@samford.edu](mailto:disability@samford.edu), Dwight Beeson Hall Room 103 and 104, [www.samford.edu/dr](http://www.samford.edu/dr). Students who are registered with Disability Resources are responsible for providing Cumberland's Director of Student Services and ADA Compliance, with a copy of their accommodation letter and scheduling a meeting with her to discuss how their approved accommodations will apply to this course. Accommodations will not be implemented until students have met to review their accommodation letter.

Classroom accommodations are not retroactive; therefore prompt attention to the process is advisable. Students who wish to receive examination accommodations must provide a letter from Disability Resources to the Director of Student Services and ADA Compliance no later than thirty days prior to the last day of classes.

Because the process of evaluating and documenting a student's need for accommodations can be time consuming, students are encouraged to contact Disability Resources early in the semester in order to ensure the completion of all necessary paperwork by the aforementioned deadline. Accommodations received after the deadline will be processed for the following semester.

### **Samford-Mandated Inserts**

The University requires that the following be included in all syllabi.

*Title IX.* Samford University is committed to the creation and maintenance of a safe learning environment for students and the University community. In accordance with federal policy all University employees are required to report information related to discrimination and harassment which includes, but is not limited to, sexual assault, relationship violence, stalking, and sexual harassment. For this reason, if you tell a faculty member about a situation of sexual harassment or sexual violence or other related misconduct, the faculty member must share that information with the University Title IX Coordinator. If you wish to speak with an employee who is not required to report information, you can find a list of confidential resources listed in the online student handbook and the Title IX website.

*Emergency Readiness.* RAVE is the primary method of communication used by Samford University during a campus emergency. If you have not registered for cumcumRAVE alerts, please go to the My Contact Information box on your Portal homepage to update your RAVE Emergency Alert Information. Samford University utilizes Samford Alert for desktop, laptop, tablet, and mobile devices to provide students with information, procedures, and links about what to do in the event of a variety of emergency situations that could occur on our campus. If you do not already have the Samford Alert app on your mobile device, laptop, desktop, or tablet, please go to the In Case of Emergency box on your Portal homepage for instructions on downloading the App. Once you have downloaded the App, please take time to review the information provided, it is important that you know what to do in the case of a campus emergency.

### **A Note on Office Hours**

In general, I will be around the law school on the days that I teach. Feel free to drop by if office hours are not convenient; if I am busy, we can schedule an appointment. However, I reserve 8:00-9:00 a.m. for class preparation and should not be disturbed during that time. If I am not in my office, please either email me or leave a voice mail message.

### **Missed Classes**

Though I try hard to avoid it, I have to miss some classes occasionally. I hope to minimize the impact by scheduling the group problems around those days, as well as creating some on-line exercises that cover the material for that day. Any adjustments I have to make will have as a goal the elimination of the need for make-up classes.

## Daily Assignments

Number refers to class number. Page numbers refer to McClurg & Denning. Please note that these assignments are tentative. I have not taught this material before and am unsure how quickly we will move through the material.

1. Chapter 1
2. Chapter 2 & 61-76
3. 76-115
4. 117-52
5. 152-216
6. 217-57
7. 257-90
8. Chapter 6
9. 347-78
10. 378-422
11. Chapter 8
12. Chapter 8 (cont.)
13. Chapter 9
14. Chapter 10