

Firearms Law In California

This one-day seminar is designed for attorneys, paralegals and other legal staff, police chiefs, training officers, government administrators and police officers.

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Los Angeles, CA October 18, 2005

Jason A. Davis
C. D. Michel
Carmen A. Trutanich
Lynda J. Westlund
Trutanich • Michel, LLP



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Critical Issues On The Agenda

*This seminar will be presented by Jason A. Davis, C. D. Michel,
Carmen A. Trutanich and Lynda J. Westlund.*

9:00 a.m. - 10:00 a.m.

I. Definition Of A Firearm And Firearms Examination: Analysis And Visual Examination Of Firearms And Regulated Firearms Parts (For Safety Reasons, This Will Involve Exemplars, Diagrams And Photographs Only – No Live Firearms Or Prohibited Paraphernalia Will Be Present Or Displayed)

- A. Assault Weapons
- B. Destructive Devices
- C. Firearm Identification

II. Historical Overview Of Second Amendment Interpretation

- A. Right, Privilege Or Civil Liberty
- B. Overview Of Federal Laws Affecting Firearms Ownership, Possession, Use And Trade: A Discussion Of The Development Of Federal Regulations Concerning Firearms Ownership, Possession, Use And Commerce With A Focus On The Policy Concerns Underlying The Development Of Federal Law In The Area Of Private Firearms Use And Ownership
 - 1. Prefederal, Common Law Treatment Of Firearms Ownership And Commerce
 - 2. The Federal Firearms Act Of 1938
 - 3. The Gun Control Act Of 1968
 - 4. The Firearms Owners Protection Act Of 1986
 - 5. The National Firearms Act
 - 6. The Homeland Security Act

10:00 a.m. - 10:15 a.m.

Break

10:15 a.m. - 12:00 p.m.

III. Federal Law Enforcement Agencies: An Examination Of The Enforcement Arms Of Federal Firearms Laws

- A. Bureau Of Alcohol, Tobacco, Firearms And Explosives
- B. The Federal Firearms License
- C. Background Checks
- D. Records Retention
- E. U.S. Department Of Justice

IV. California Firearms Laws: A State Of Alarm

- A. Key Distinctions Between Federal And California Firearms Regulations
- B. Firearms Seizure And Forfeiture Laws
- C. California State Trends In Seizures And Forfeitures
- D. Municipal Trends In Seizures And Forfeitures

V. Firearms Licensing And Safety Training

- A. How To Lawfully Obtain A Firearm
- B. Mandatory Safety Training
- C. The Waiting Period
- D. Release And Transportation Of The Firearm
- E. Transfer Of Firearms Ownership
- F. Firearms Destruction And Disposal

VI. Approaching Classic Firearms Crimes: Mitigating Firearms Allegations And Firearms Penalty Enhancements

- A. Prohibited Weapons
- B. Assault Weapons
- C. Concealed Weapons
- D. Weapons Enhancements
- E. Weapons Defenses
- F. Confronting Ballistics And Other Firearms

VII. Reports: The Right Expert

12:00 p.m. - 1:00 p.m.

Lunch (On Your Own)

1:00 p.m. - 2:00 p.m.

VIII. Ethics In Representing The Accused In A Firearms-Related Matter

2:00 p.m. - 2:10 p.m.

Break

2:10 p.m. - 3:25 p.m.

IX. Firearms Ownership Prohibition And Restoration Of Rights

- A. Prohibited Persons Defined
- B. Categories Of Prohibition: Term vs. Lifetime
- C. Prohibiting Convictions
- D. Certificate Of Eligibility
- E. Restoration Of Rights
- F. Expungement/Set-Aside
- G. Writ Of Coram Nobis
- H. Pardon

X. Concealed Weapons Permits: How To Obtain Them, Where To Obtain Them, And Where The Sun Doesn't Shine

- A. State Law Pertaining To CCW
- B. Local Laws Pertaining To CCW

3:25 p.m. - 4:30 p.m.

XI. Emerging Trends In California Firearms Laws And The Coming Civil And Criminal Litigation Avalanche

- A. City Gun Bans
- B. Ammunition Microstamping

*Lorman Education Services reserves the right to modify
the agenda and the faculty when circumstances are beyond our control.*

Our Distinguished Faculty

Jason A. Davis's practice focuses on unfair business practice cases, firearms-related litigation matters and numerous general civil litigation cases. He spent the early part of his career as a representative for several top 10 firearms manufacturers, gaining over 13 years of practical business experience. Mr. Davis graduated, *cum laude*, from the University of California at Riverside, with dual degrees in economics and history. His undergraduate writings attributing economics as a key factor in the rise of firearms litigation were accepted for publication by the University of California at Riverside's *Cornerstone Journal*. Mr. Davis obtained a J.D. degree from Loyola Law School.

C. D. Michel is Trutanich • Michel, LLP's managing partner. Mr. Michel began his career with a coveted judicial clerkship with U.S. District Court Judge William J. Rea in Los Angeles. He worked as a criminal prosecutor for the Los Angeles County district attorney's office as well as for several Southern California cities, and as an advocate with the Los Angeles federal public defender's office. Mr. Michel also practiced environmental and general civil litigation as an attorney at the renowned international law firm of O'Melveny & Myers, LLP. While at O'Melveny, he represented all manner of clients, from individuals to multinational corporations. Mr. Michel's varied experience included representing Exxon Corporation in connection with the Exxon Valdez oil spill, and serving as staff counsel to the "Christopher Commission" investigating the Los Angeles Police Department (LAPD) in the wake of the Rodney King incident under the leadership of former secretary of state Warren Christopher. His practice now focuses on civil litigation, including firearms law, unfair business practice litigation, contract disputes, civil rights, land use and environmental law. Mr. Michel has been lead counsel in over 50 jury trials. He graduated from Rutgers University in New Jersey and then from Loyola Law. Mr. Michel has represented a number of clients in high-profile cases that garnered significant state and national media attention. He has appeared as a spokesperson for the National Rifle Association, the California Rifle and Pistol Association, other associations and individual clients on dozens of television and radio interviews and in hundreds of newspaper articles. Mr. Michel has also published several articles and editorials in the *Los Angeles Times*, the *Los Angeles Daily Journal*, and several other state and national newspapers.

Carmen A. Trutanich is Trutanich • Michel, LLP's senior partner. He spent his early career at the Los Angeles County district attorney's office, where he was instrumental in the formation and success of the Environmental Crimes Division. Mr. Trutanich left the district attorney's office in 1988 to work with the firm of Bronson, Bronson & McKinnon before becoming the managing partner of the Los Angeles office of Jaffe, Trutanich, Scatena & Blum, a civil and criminal litigation firm which had offices in San Francisco and Los Angeles. He graduated from the University of Southern California with a bachelor's degree in business, then went on to earn an M.B.A. degree from USC. While earning his M.B.A. degree, Mr. Trutanich simultaneously earned his law degree from Northrop College of Law. He has been lead trial counsel in over 300 trials, including over 100 jury trials. Mr. Trutanich's expertise as practitioner and instructor in environmental law and land use has been recognized by *California Lawyer* magazine, which chose him as one of the top 10 in the field.

Lynda J. Westlund's practice concentrates on criminal defense, and includes representation of clients through all court and administrative proceedings. Ms. Westlund has wide-ranging criminal trial experience, gained through years with the public defender's offices in San Francisco, Humboldt and Los Angeles counties. She has also worked on capital case appeals with the firm of Gardner & Derham. During law school, Ms. Westlund worked as a law clerk for the Honorable Maria Elena James and Honorable Lee Baxter of the San Francisco Superior Court, where she gained exposure to family law litigation. She also spent six months interning at the firm of Thompson & McGrail in Washington, D.C., where she worked as a research assistant during civil trials. Ms. Westlund graduated from California State University at Long Beach with majors in both political science and English, and a minor in fine art. She attended New College of California and obtained her J.D. degree.

General Information

Los Angeles, CA • October 18, 2005

Hotel • Address

Registration: 8:30 a.m. - 9:00 a.m. • Session: 9:00 a.m. - 4:30 p.m.

Lunch Break: 12:00 p.m. - 1:00 p.m. (On Your Own)

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FACULTY: Robert L. Bastian Jr. and Marina R. Dini both of the Law Offices of Bastian & Dini, John Burton of the Law Offices of John Burton, Thomas E. Beck, Esq. of Thomas E. Beck & Associates, Gary S. Casselman, Esq. of the Law Offices of Gary S. Casselman, Robert Mann and Donald W. Cook both of Mann & Cook, James S. Muller – Sole Practitioner and Carol Watson, Ret. of Manes & Watson. ©2004. 116 pages.

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WHAT YOU NEED TO KNOW ABOUT PUBLIC RECORDS AND OPEN MEETINGS IN CALIFORNIA — Public Records Overview; Public Records Act Exemptions; The Ralph M. Brown Act Overview; Brown Act Closed Session.

FACULTY: Jeffrey A. Mitchell, Roman J. Muñoz and Mark A. Wasser all of Kronick, Moskovitz, Tiedemann & Girard. ©2004. 206 pages.

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