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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

STEVEN RUPP, et al.,

Plaintiffs,

vs.

ROB BONTA, in his official capacity  
as Attorney General of the State of  
California,

Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**DECLARATION OF SEAN A. BRADY  
IN SUPPORT OF PLAINTIFFS’  
MOTION TO EXCLUDE THE  
TESTIMONY OF DEFENDANT’S  
EXPERT WITNESS JOHN J.  
DONOHUE UNDER FEDERAL RULE  
OF EVIDENCE 702**

Hearing Date: April 28, 2023  
Hearing Time: 10:30 a.m.  
Courtroom: 8A  
Judge: Hon. Josephine L. Staton

**DECLARATION OF SEAN A. BRADY**

I, Sean A. Brady, am an attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action. I am licensed to practice law before the United States Court for the Central District of California. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would testify competently to the truth of the matters set forth herein.

1. On January 6, 2023, Defendant served Plaintiffs with the Supplemental Expert Report and Declaration of John J. Donohue. A true and correct copy of Mr. Donohue's expert report, is attached hereto as **Exhibit 1**.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed within the United States on March 24, 2023.

/s/ Sean A. Brady  
Sean A. Brady  
Declarant

# **EXHIBIT 1**

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9 *in his official capacity*<sup>1</sup>

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION  
13

14  
15 **STEVEN RUPP; STEVEN**  
**DEMBER; CHERYL JOHNSON;**  
16 **MICHAEL JONES;**  
**CHRISTOPHER SEIFERT;**  
17 **ALFONSO VALENCIA; TROY**  
**WILLIS; and CALIFORNIA RIFLE**  
18 **& PISTOL ASSOCIATION,**  
**INCORPORATED,**

19 Plaintiffs,  
20

21 v.

22 **ROB BONTA, in his official capacity**  
**as Attorney General of the State of**  
23 **California; and DOES 1-10,**

24 Defendants.  
25

8:17-cv-00746-JLS-JDE

**SUPPLEMENTAL EXPERT  
REPORT AND DECLARATION  
OF JOHN J. DONOHUE**

Courtroom: 8A  
Judge: The Honorable Josephine  
L. Staton

Action Filed: April 24, 2017

26  
27 <sup>1</sup> Rob Bonta has succeeded former Attorney General Xavier Becerra as the  
Attorney General of the State of California. Pursuant to Federal Rule of Civil  
28 Procedure 25(d), Attorney General Bonta, in his official capacity, is substituted as  
the defendant in this case.

1                   **SUPPLEMENTAL EXPERT REPORT AND DECLARATION OF**  
2                   **JOHN J. DONOHUE**

3       I, John J. Donohue, declare that the following is true and correct:

4           1.       I am a professor and researcher who has written extensively on crime,  
5       guns, and the impact of gun policies. I previously submitted an expert report in this  
6       matter which was filed with this Court on March 25, 2019, in support of  
7       Defendants’ Motion for Summary Judgment (“2019 Report”).<sup>2</sup> I have been asked  
8       by the Office of the Attorney General for the State of California to prepare a  
9       supplemental expert report in the post-remand proceedings in this case updating my  
10      2019 Report with more current information.

11          2.       This supplemental expert report and declaration (“Supplemental  
12      Report”) is based on my own personal knowledge and experience, and, if I am  
13      called as a witness, I could and would testify competently to the truth of the matters  
14      discussed in this Supplemental Report.

15                   **PROFESSIONAL QUALIFICATIONS**

16          3.       I am the C. Wendell and Edith M. Carlsmith Professor of Law at  
17      Stanford Law School. A true and correct copy of my current curriculum vitae is  
18      attached as **Exhibit A** to this declaration.

19          4.       Since submitting the 2019 Report, I have provided additional  
20      testimony as an expert witness. I filed an expert declaration in *Chambers v. City of*  
21      *Boulder*, Case No. 2018CV30581, in the District Court of Boulder County in  
22      September 2020, involving a challenge to the City of Boulder’s restrictions on  
23      assault weapons.

24          5.       At the request of the United States Department of Justice, I filed an  
25      expert declaration in July 2020 and testified at trial in April 2021 in a case arising

26      \_\_\_\_\_  
27      <sup>2</sup> My 2019 Report was attached as Exhibit 1 to the Declaration of Peter  
28      Chang in Support of Defendants’ Motion for Summary Judgment and filed in this  
    matter at Docket Number 76-1.

1 out of the Sutherland Springs mass shooting that killed 26 in November 2017:  
2 *Holcombe, et al. v. United States*, Case No. 5:18-CV-555-XR (W.D. Tex.). On  
3 December 9, 2020, I submitted an expert report on behalf of the City of San  
4 Francisco in a wrongful conviction lawsuit, *Caldwell v. City of San Francisco*, Case  
5 No. 12-cv-1892 DMR, United States District Court, Northern District of California,  
6 Oakland Division.

7 6. I was the main author of the Brief of Amici Curiae Social Scientists  
8 and Public Health Researchers in Support of Respondents, which was submitted to  
9 the United States Supreme Court on September 21, 2021 in *New York State Rifle &*  
10 *Pistol Association v. Bruen*, Case No. 20-843.

11 7. On January 24, 2022, I submitted an expert declaration in *Worth v.*  
12 *Harrington*, a lawsuit in the District of Minnesota (Case No. 21-cv-1348)  
13 challenging how Minnesota regulates the concealed carry of firearms by individuals  
14 aged 18 to 20. I was deposed in this case on March 28, 2022.

15 8. On May 31, 2022, I submitted an expert declaration in *Meyer v. Raoul*,  
16 a lawsuit in the Southern District of Illinois (Case No. 21-cv-518-SMY)  
17 challenging how Illinois regulates the concealed carry of firearms by individuals  
18 aged 18 to 20.

19 9. On September 14, 2022, I submitted an expert declaration in  
20 *Viramontes v. The County of Cook*, a lawsuit in the Northern District of Illinois  
21 (Case No. 1:21-cv-04595) challenging the Blair Holt Assault Weapons Ban enacted  
22 by Cook County, Illinois in 2006.

23 10. On January 23, 2020, I submitted an expert declaration in *Miller v.*  
24 *Bonta*, a lawsuit in the Southern District of California (Case No. 3:19-cv-01537-  
25 BEN-JLB) challenging how California regulates assault weapons. On October 23,  
26 2020, I testified during an evidentiary hearing on the plaintiffs' motion for a  
27 preliminary injunction in this case. And on October 13, 2022, I submitted a  
28 supplemental expert declaration in *Miller*.

11. On November 10, 2022, I submitted an expert declaration in *Duncan v. Bonta*, a lawsuit in the Southern District of California (Case No. 17-cv-01017-BEN-JLB) challenging how regulates large-capacity magazines.

12. I have been retained by the California Department of Justice to render expert opinions in this case. I am being compensated at a rate of \$850 per hour.

## OPINIONS

### I. THE GROWING PROBLEM OF PUBLIC MASS SHOOTING IN THE UNITED STATES

13. I have been asked by the California Department of Justice to update the opinions expressed in my 2019 Report with currently available information. I continue to stand by the opinions and conclusions expressed in my 2019 Report.

14. At the time of my 2019 Report, I stressed that the problem of active shooter incidents, which had been on the rise, would only be getting worse if significant action was not taken to address it. Sadly, my predictions based on the growing lethality of weaponry in the United States have been fulfilled. As bad as the active shooter problem looked in 2019, it is considerably worse today, as seen in the same FBI active shooter data now extended through 2021 in Figure 1. While 2017 was the peak of active shooter incidents at 30 up until that point, in 2021 the number more than doubled to 61.

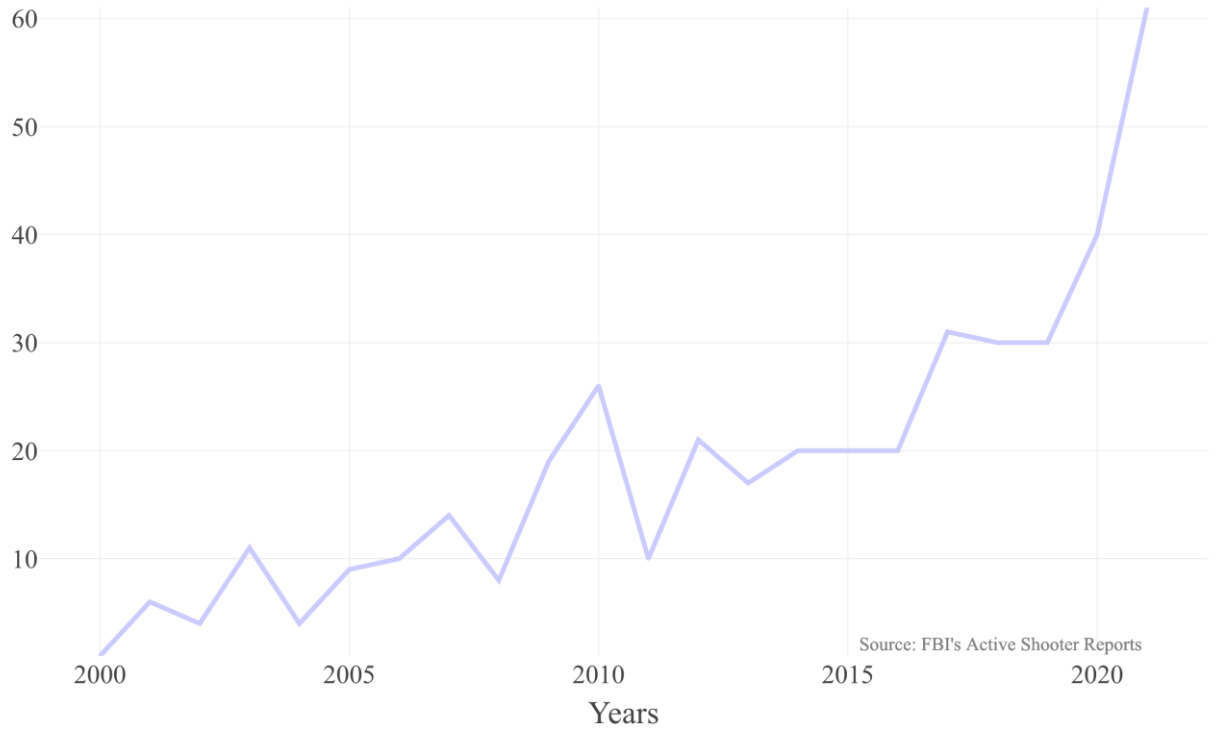
15. The ominous and steep upward trend in the FBI data charting the growth in active shooter incidents is unmistakable. Not surprisingly, the number of mass shootings clearly is higher following the termination of the federal assault weapons ban in 2004. In that year, the FBI counted 4 active shooter incidents in which 14 died. Since then, the mayhem has accelerated so much that in 2021 the FBI counted 61 active shooter incidents killing 103.<sup>3</sup>

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<sup>3</sup> FBI, "Active Shooter Incidents in the United States in 2021," <https://www.fbi.gov/file-repository/active-shooter-incidents-in-the-us-2021-052422.pdf/view>. FBI Active shooter data for 2022 is not expected to become available until spring 2023.

**Figure 1**

Active Shooter Incidents, 2000-2021



16. Since my 2019 Report, the United States has experienced numerous, devastating mass shootings, including the March 22, 2021 shooting at King Soopers supermarket in Boulder, Colorado (10 killed); the May 26, 2021 shooting in San Jose, California (9 killed); the May 14, 2022 shooting in Buffalo, New York (10 killed); the May 24, 2022 shooting at Robb Elementary in Uvalde, Texas (19 children and 2 adults killed); and the July 4, 2022 shooting at a Fourth of July parade in Highland Park, Illinois (7 killed). These figures do not reflect the countless people injured, both physically and emotionally, and the devastation inflicted on the communities in which they occurred. For example, during the July 4 mass shooting in Highland Park, Illinois, an 8-year-old boy was paralyzed and may never walk again after a bullet severed his spinal cord.<sup>4</sup>

<sup>4</sup> NBC Chicago, *Cooper Roberts, Boy, 8, Paralyzed in Highland Park*





1 weapon and ammunition that generated the wound. Specifically, the death rate  
2 from handgun assault injuries increased substantially as the caliber of the firearm  
3 increased—even though the caliber was not correlated with observable indicators of  
4 the intent and determination to kill by the shooter. The shooter’s use of a medium  
5 caliber handgun (.38, .380, and 9 mm) more than doubled the odds that the  
6 wounded victim would die compared to small caliber handguns (.22, .25, and .32).  
7 Large caliber handguns (.357 magnum, or greater) more than doubled the odds of  
8 death compared to medium caliber handguns.

9 21. The authors conclude that:

10 The results here support the view that the intrinsic power and lethality of  
11 the weapon had a direct effect on the likelihood that a victim of a  
12 criminal shooting died. For Boston, in the period studied here, simply  
13 replacing larger-caliber guns with small-caliber guns with no change in  
14 location or number of wounds would have reduced the gun homicide rate  
15 by 39.5 percent. It is plausible that larger reductions would be associated  
16 with replacing all types of guns with knives or clubs (p.8, Braga and  
17 Cook 2018).<sup>7</sup>

18 22. Of course, the conclusion of the Braga and Cook study—that  
19 switching to less deadly firearm options could reduce firearm deaths—applies  
20 directly to bans on assault weapons and high-capacity magazines. The greater the  
21 lethality of the weapon, the more killed and injured in active shooter incidents.  
22 This was clearly illustrated in a study for the *Journal of the American Medical*  
23 *Association* that examined deaths and injuries documented in the FBI Active  
24 Shooter Database from 2000-2017.<sup>8</sup> The authors found that deaths and injuries

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25 <sup>7</sup> Anthony A. Braga and Philip J. Cook, “The Association of Firearm Caliber  
26 with Likelihood of Death from Gunshot Injury in Criminal Assaults,” *JAMA*  
27 *Network Open*. 2018; 1(3):e180833. doi:10.1001/jamanetworkopen.2018.0833,  
28 <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2688536>.

<sup>8</sup> Elzerie de Jager, et al., “Lethality of Civilian Active Shooter Incidents With  
and Without Semiautomatic Rifles in the United States,” *JAMA*.  
2018;320(10):1034-1035. doi:10.1001/jama.2018.11009,  
<https://jamanetwork.com/journals/jama/fullarticle/2702134>.

1 were substantially higher for the 61 active shooter incidents using a semiautomatic  
2 rifle versus the 187 episodes using some other firearm. Specifically, in the  
3 incidents in which the shooter employed a semi-automatic rifle the average number  
4 killed or wounded was 9.72 versus only 5.47 killed or wounded when other  
5 firearms were used. (Note that the authors excluded the horrific Las Vegas  
6 shooting from the numbers above, since that case was so extreme, with 60 killed  
7 and almost 500 wounded—all with semi-automatic rifles.)

8 23. This instrumentality effect was further demonstrated in an article I  
9 authored with Phil Cook since my 2019 Report, demonstrating that the federal  
10 assault weapons ban—which banned both new semi-automatic assault rifles with  
11 certain features that made them attractive to mass shooters *and* new ammunition  
12 magazines that could hold more than ten rounds—suppressed deaths in public mass  
13 shootings.<sup>9</sup> Figure 2 below shows that the deaths that occurred from these public  
14 mass shootings over the period from 1985-2019 in five year increments. The  
15 Figure highlights that by the second half of the ten-year existence of the federal  
16 assault weapons ban (1999-2004), fatalities from public mass shootings using  
17 banned weaponry had virtually been cut in half (falling from 30 down to 16).  
18 Conversely, there was no decline in public mass shooting deaths over this period  
19 with non-banned weaponry.

20 24. After the federal ban lapsed in 2004, the deaths from public mass  
21 shootings using the previously banned weaponry rose sharply: rising from 16 in the  
22 last five years of the federal ban to 271 in the five-year span from 2015-2019—with  
23 the latter figure 17 times as high as the former. Meanwhile, there was relatively  
24 little movement in public mass shooting deaths using the less-lethal weaponry  
25 (neither an assault weapon nor a high-capacity magazine). Indeed, as Figure 2

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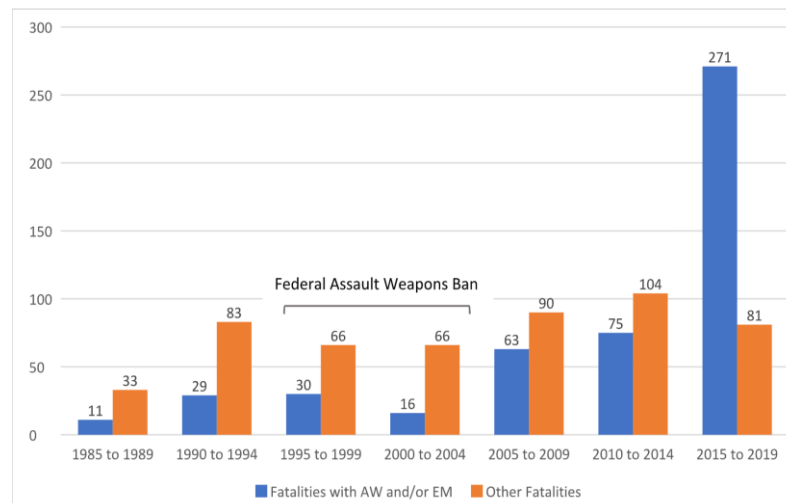
26  
27 <sup>9</sup> Phil Cook and John Donohue, “Regulating Assault Weapons and Large-  
28 Capacity Magazines for Ammunition,” *JAMA*. 2022; 328(12):1191-1192,  
<https://jamanetwork.com/journals/jama/fullarticle/2796675>.

illustrates, there was roughly the same number of deaths from less lethal weaponry in the five-years prior to the federal assault weapons ban (1990-1994) as there was from 2015-2019—specifically 83 in the pre-ban period and 81 in the final period.

25. Figure 2 also highlights that while there was a roughly comparable number of incidents of public mass shootings that used either the most lethal (previously federally banned) weaponry or less lethal firearms not subject to the federal ban, the incidents involving assault weapons and/or high-capacity magazines were far more lethal. Specifically, the 18 public mass shootings conducted with the most lethal weapons killed 271 (roughly 15 deaths per episode), while the 14 public mass shootings with the less lethal firearms killed 81 (about 5.8 deaths per episode).

**Figure 2**

Victim Counts for Mass Public Shootings in the United States, 1985 - 2019  
Using Assault Weapons and/or High-Capacity Magazines versus Other Firearms



in the last five year period, the 18 incidents with the more lethal weapons were far more deadly than the 14 incidents with the less lethal firearms.

26. One of the unfortunate consequences of the continuing advances in the lethality and power of modern firearms is that without appropriate government action the dangers posed by civilian weaponry will continue to outpace any

1 legitimate crime-reducing benefit that firearms might provide. The lesson of the  
2 November 2017 massacre at the Sutherland Springs Baptist Church in Texas  
3 highlights the growing dangers. The killer in that case used an AR-15 that was  
4 modified to include a laser scope and features that could allow large capacity  
5 magazines to be more quickly reloaded to maintain a relentless barrage. The killer  
6 stood outside the church and fired straight through the walls of the church as he  
7 strafed along at just above the top of the levels of the church pews, allowing him to  
8 shoot 254 shots from **outside** the church in a matter of minutes on his way to killing  
9 26 men, women, and children. No bearable weapon in civilian hands at the time of  
10 the adoption of the Second Amendment could possibly generate this degree of  
11 destruction. The evident social harms will only grow as gun technology increases  
12 firearm lethality.

13 27. My 2019 Report explained that the increase in gun massacre incidents  
14 and fatalities closely tracks the growth in the U.S. of assault weapons sales, the  
15 removal of potential liability on the part of gun merchants, and intense advertising  
16 of the militarized upgrades, from high-capacity magazines to flash suppressors and  
17 other tactical accessories, which has only continued since my declaration. Research  
18 published following the mass shootings in Buffalo, New York and Uvalde, Texas  
19 killing a total of 31 in May 2022 further confirms these findings.<sup>10</sup> Specifically, an  
20 analysis of mass shooting data by a group of injury epidemiologists and trauma  
21 surgeons reached the following conclusion:

22 We calculated that the risk of a person in the U.S. dying in a mass  
23 shooting was 70% lower during the period in which the assault weapons  
24 ban was active. The proportion of overall gun homicides resulting from

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25 <sup>10</sup> Klein, Michael, 2022, Did the assault weapons ban of 1994 bring down  
26 mass shootings? Here's what the data tells us, *The Conversation*, June 8, 2022,  
27 [https://theconversation.com/did-the-assault-weapons-ban-of-1994-bring-down-](https://theconversation.com/did-the-assault-weapons-ban-of-1994-bring-down-mass-shootings-heres-what-the-data-tells-us-184430)  
28 [mass-shootings-heres-what-the-data-tells-us-184430](https://theconversation.com/did-the-assault-weapons-ban-of-1994-bring-down-mass-shootings-heres-what-the-data-tells-us-184430).

1 mass shootings was also down, with nine fewer mass-shooting-related  
2 fatalities per 10,000 shooting deaths.<sup>11</sup>

3 **II. LEGISLATIVE EFFORTS TO RESTRICT ASSAULT WEAPONS REDUCE**  
4 **MASS SHOOTING DEATHS AND CASUALTIES**

5 28. Table 1 provides an original econometric analysis of *Mother Jones*  
6 mass shootings data from 1982-2019 to assess empirically whether assault  
7 weapons bans at the state and federal level have limited mass shootings deaths and  
8 overall casualties. This analysis reveals that such bans do generate statistically  
9 significant reductions in mass shooting deaths and casualties.

10 29. This panel data analysis simultaneously examines data from all 50  
11 states and the District of Columbia from 1982-2019 to ascertain what happens  
12 when federal or state bans on assault weapons and/or high-capacity magazines go  
13 into effect or are eliminated. The statistical model specifically controls for  
14 national influences on mass shootings that occur each year (“year effects”) as well  
15 as the stable differences in mass shooting rates across states (“state effects”).<sup>12</sup>  
16 This panel data model also controls for a variety of criminal justice, socio-  
17 economic, and demographic factors that could also influence violent crime.<sup>13</sup>

18 30. Table 1 indicates that having an assault weapon ban (whether at the  
19 state or federal level) and/or high-capacity magazine ban in place in a given state is  
20

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21 <sup>11</sup> *Id.*

22 <sup>12</sup> This is a population-weighted, state-level two-way fixed effects regression.

23 <sup>13</sup> The controls include the lagged incarceration rate in each state for each  
24 year, the lagged police employee rate, real per capita personal income, the  
25 unemployment rate, poverty rate, beer consumption, the percentage of the  
26 population living in MSAs, and six demographic variables (based on different age-  
27 sex-race categories). This statistical model is described in greater details in  
28 Donohue, John, Abhay Aneja, and Kyle Weber, “Right-to-Carry Laws and Violent  
Crime: A Comprehensive Assessment Using Panel Data and a State-Level  
Synthetic Control Analysis” *Journal of Empirical Legal Studies*, April 2019,  
<https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12219>.

associated with a statistically significant decrease in per capita rates of deaths and casualties due to mass shootings.<sup>14</sup> Overall, this analysis serves to further reinforce and expand upon earlier findings that bans on assault weapons and high-capacity magazines save lives.

**Table 1**

*The Effect of Assault Weapon and High-Capacity Magazine Bans on Mass Shootings, 1982-2019*

	Mass Shooting <sup>a</sup> <i>Incidents per</i> 10,000,000 Population	Mass Shooting <i>Deaths per</i> 1,000,000 Population	Mass Shooting <i>Injuries per</i> 1,000,000 Population	Mass Shooting <i>Casualties</i> <sup>b</sup> per 1,000,000 Population
Assault Weapon or High-Capacity Magazine Ban <sup>c</sup>	-.07 (0.05)	-.09** (0.04)	-.22* (0.12)	-.31** (0.15)

Notes: Outcome variables are based on *Mother Jones'* database of mass shootings in the 50 states plus Washington DC from 1982 to 2019. The OLS regressions also included the socioeconomic control variables used in DAW 2019 as well as state and year fixed effects. The coefficients on these variables were omitted from this table to conserve space. Regressions are weighted by each state's 1999 population, and standard errors are clustered at the state level.

<sup>a</sup> Mass shootings are defined as attacks in public places in which four or more victims were killed.

<sup>b</sup> Casualties are defined as people who were either injured or killed during a mass shooting.

<sup>c</sup> The variable "Assault Weapon or High-Capacity Magazine Ban" is assigned a value of 1 for each state-year for which either an assault weapon ban or high-capacity magazine ban was active, and 0 for all other state-years.

\* p<0.1; \*\* p<0.05; \*\*\* p<0.01

### III. INTERNATIONAL EFFORTS TO ADDRESS ASSAULT WEAPONS AND MASS SHOOTINGS

31. I noted in my 2019 Report that Australia had banned assault weapons back in 1996. New Zealand followed the Australian lead after a horrific mass

<sup>14</sup> The model also suggests that these gun safety restrictions suppress the rate of mass shooting incidents and injuries, although the evidence is statistically weaker for these dependent variables although the injury-alone effect is statistically significant at the .10 level.



1 murder with an assault rifle,<sup>15</sup> and Canada just announced in May 2022 its plans for  
2 a similar gun buyback for its current stock of assault weapons after its own  
3 horrendous mass shooting prompted the enactment of a ban on assault weapons in  
4 2020.<sup>16</sup> Tellingly, in announcing an array of stringent gun safety measures,  
5 Canadian Prime Minister Justin Trudeau showed that he has learned from the  
6 lamentable experience of mass killings in the United States: “We need only look  
7 south of the border to know that if we do not take action, firmly and rapidly, it gets  
8 worse and worse and more difficult to counter.”<sup>17</sup>

#### 9 **IV. THREATS TO CIVIL PEACE AND TO DEMOCRACY ITSELF**

10 32. There is also a larger issue at stake with the proliferation of assault  
11 weapons: their capacity to facilitate political violence and threaten American  
12 democracy. The concern is heightened by the sharp rise in the percentage of  
13 Americans who think that violence against the government could be appropriate,  
14  
15

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16 <sup>15</sup> Associated Press, “New Zealanders hand in 50,000 guns after assault  
17 weapon ban,” Dec. 21, 2019, <https://www.nbcnews.com/news/world/new-zealanders-hand-50-000-guns-after-assault-weapon-ban-n1106081> (“The  
18 government banned the most lethal types of semi-automatic weapons less than a  
19 month after a lone gunman in March [2019] killed 51 worshippers at two  
20 Christchurch mosques. The police then launched a six-month program to buy the  
newly banned weapons from owners.”).

21 <sup>16</sup> The Prime Minister also announced that magazine size would be restricted  
22 to five rounds in long guns. Justin Trudeau, “Further strengthening our gun control  
23 laws,” (May 30, 2022), <https://pm.gc.ca/en/news/news-releases/2022/05/30/further-strengthening-our-gun-control-laws>; Amanda Coletta, “Canada vows to ‘freeze’  
24 handgun sales, buy back assault-style weapons,” *The Washington Post* (May 30,  
25 2022)(“[T]he government banned 1,500 makes and models of “military-style  
26 assault weapons” in 2020, after a gunman posing as a police officer charged across  
rural Nova Scotia, killing 22 people, including a Royal Canadian Mounted Police  
officer, in the country’s deadliest mass shooting.”).

27 <sup>17</sup> Ian Austen and Vjosa Isai, “Canada Plans to Ban Handgun Sales and  
28 Possession of Assault Weapons,” *N.Y. Times*, May 30, 2022,  
<https://www.nytimes.com/2022/05/30/world/canada/canada-gun-buyback.html>.



1 which doubled from 16 percent in 2010 to 34 percent in 2021 (over 40 percent of  
2 Republicans and independents and 23 percent of Democrats agreed).<sup>18</sup>

3 33. The extent and severity of these concerns have been clarified by the  
4 events surrounding the “Stop the Steal” rally of January 6, 2021, which I have  
5 written elsewhere has provided new insight into the dangers of such weaponry and  
6 the utter folly of many of the claims of the gun lobby:

7 Consider the gun lobby protestation that “Gun control simply doesn’t  
8 work.” Imagine for a moment what that rally would have looked like in  
9 Houston, Texas, or some other “gun-friendly” jurisdiction. Without  
10 Washington, DC’s profoundly wise firearm restrictions [including its  
11 assault weapons ban], a very large number of the rioters would have been  
12 marching on the U.S. Capitol armed with assault rifles equipped with  
13 high-capacity magazines and other highly lethal weapons. When the  
14 mob storming the Capitol spun out of control, guns would have been  
15 flashing everywhere, and it is not hard to imagine that bullets would have  
16 been cutting down scores or even hundreds of victims. Those who  
17 remember the 1970 Kent State massacre understand that once the bullets  
18 start flying in a riotous atmosphere, the consequences quickly turn lethal  
19 and dire....

20 The pernicious Proud Boys leader Enrique Tarrio [now under indictment  
21 for seditious conspiracy],<sup>19</sup> who had planned to address the crowd before  
22 the U.S. Capitol riot, was thankfully taken off the streets two days earlier  
23 when he was arrested for tearing down a Black Lives Matter banner on a  
24 Washington, DC, church and lighting it on fire. At the time of his arrest,  
25 Tarrio was carrying two high-capacity magazines festooned with the  
26 Proud Boys logo. Washington, DC’s wise prohibition on such  
27 unnecessary accoutrements to lethal weaponry managed to keep one  
28 conspiring criminal away from the U.S. Capitol on January 6, and  
thousands of others, knowing of Washington, DC’s strict gun laws, were  
dissuaded from carrying weapons because of these laws.

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23 <sup>18</sup> Meryl Kornfield and Mariana Alfaro, “1 in 3 Americans say violence  
24 against government can be justified, citing fears of political schism, pandemic,”  
25 *Washington Post*, Jan. 1, 2022,  
<https://www.washingtonpost.com/politics/2022/01/01/1-3-americans-say-violence-against-government-can-be-justified-citing-fears-political-schism-pandemic/>.

26 <sup>19</sup> Spencer Hsu, “Proud Boys leader Tarrio, 4 top lieutenants charged with  
27 seditious conspiracy in widening Jan 6 case”, *Washington Post*, June 6, 2022,  
28 <https://www.washingtonpost.com/dc-md-va/2022/06/06/tarrio-proud-boys-seditious-conspiracy/>.

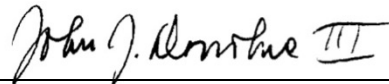
1 [Moreover, the claim that assault weapons could protect American  
2 democracy is fanciful.] First, the thought that private gun owners could  
3 stand up to the modern U.S. military if it backed a tyrannical federal  
4 government is absurd. There is no circumstance in which private citizens  
5 in modern America could promote democracy by using assault weapons  
6 to kill government employees to show their disapproval of what they  
7 perceive to be a “tyrannical” government. Second, the idea that gun  
8 owners can be expected to *oppose* rather than support the tyrant was dealt  
9 a fatal blow by the violence at the U.S. Capitol.<sup>20</sup>

## 10 CONCLUSION

11 As discussed in my 2019 Report, the problem of mass shootings in the United  
12 States is growing worse and is exacerbated by the ready availability of assault  
13 weapons. Additional information gathered since my declaration only serves to  
14 reinforce those opinions.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed on January 2, 2022 at Stanford, California.

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18 John J. Donohue

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27 <sup>20</sup> John Donohue, “Will the Supreme Court Avoid Further Self-Inflicted  
28 Second Amendment Wounds?” Brennan Center for Justice (June 2021),  
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## **EXHIBIT A**

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## EMPLOYMENT

### Full-time Positions

- Stanford Law School, C. Wendell and Edith M. Carlsmith Professor of Law, September 2010 to the present.
- Yale Law School, Leighton Homer Surbeck Professor of Law, July 2004 to August 2010.
- Stanford Law School, Professor of Law, September 1995 to June 2004.
  - William H. Neukom Professor of Law, February 2002 – June 2004.
  - John A. Wilson Distinguished Faculty Scholar, March 1997 – January 2002.
  - Academic Associate Dean for Research, since July 2001 – July 2003.
  - Stanford University Fellow, September 2001 – May 2003.
- Northwestern University School of Law:
  - Class of 1967 James B. Haddad Professor of Law, September 1994-August 1995
  - Harry B. Reese Teaching Professor, 1994-1995
  - Professor of Law, May 1991-September 1994
  - Associate Professor, May 1989-May 1991
  - Assistant Professor, September 1986-May 1989.
- Research Fellow, American Bar Foundation, September 1986-August 1995.
- Associate Attorney, Covington & Burling, Washington, D.C., October 1978-July 1981 (including last six months as Attorney, Neighborhood Legal Services)
- Law Clerk to Chief Justice T. Emmet Clarie, U.S. District Court, Hartford, Connecticut, September 1977-August 1978.

### Temporary Appointments

- Affiliated Research Professor, American Bar Foundation, September 2020 – August 2025.
- Visiting Professor, Tel Aviv University School of Law, May 2022.
- Lecturer on the Economics of Crime, Bogota Summer School in Economics, Universidad del Rosario, Bogota, Colombia, June 2020.
- Visiting Professor, Bocconi University, Milan, Italy, October- November 2012, April 2014, and June 2015.
- 2011 Faculty Scholar in Residence, University of Denver Sturm College of Law, April 21-22, 2011.

- Visiting Fellow, The Milton Friedman Institute for Research in Economics, University of Chicago, October 2009.
- Schmidheiny Visiting Professor of Law and Economics, St. Gallen University, November – December, 2007.
- Visiting Lecturer in Law and Economics, Gerzensee Study Center, Switzerland, June 2007.
- Visiting Professor, Tel Aviv University School of Law, May 2007.
- Herbert Smith Visitor to the Law Faculty, University of Cambridge, England, February 2006.
- Visiting Professor, Harvard Law School, January 2003.
- Fellow, Center for Advanced Studies in the Behavioral Sciences, Stanford, California, Academic year 2000-01.
- Visiting Professor, Yale Law School, Fall, 1999.
- Professor, Center for the Study of American Law in China, Renmin University Law School, Beijing, July 1998.
- Visiting Professor of Law and Economics, University of Virginia, January 1997.
- Lecturer, Toin University School of Law, Yokohama, Japan, May-June 1996.
- Cornell Law School, Distinguished Visiting Fellow in Law and Economics, April 8-12, 1996 and September 25-29, 2000
- Visiting Professor, University of Chicago Law School, January 1992-June 1992.
- Visiting Professor of Law and Economics, University of Virginia Law School, January 1990-May 1990.
- Fellow, Yale Law School Program in Civil Liability, July 1985-August 1986.
- Private Practice (part-time), New Haven, Connecticut, September 1981-August 1986.
- Instructor in Economics, Yale College, September 1983-August 1985.
- Summer Associate, Donovan Leisure Newton & Irvine, New York, Summer 1982.
- Summer Associate, Perkins, Coie, Stone, Olsen & Williams, Seattle, Washington, Summer 1976.
- Research Assistant, Prof. Laurence Lynn, Kennedy School of Government, Harvard University, Summer 1975.
- LSAT Tutor, Stanley Kaplan Education Center, Boston, Massachusetts; Research Assistant, Prof. Philip Heymann, Harvard Law School; Research Assistant, Prof. Gordon Chase, Harvard School of Public Health. (During Law School).

## **EDUCATION**

### **Yale University, 1981-1986**

- University Fellow in Economics; M.A. 1982, M. Phil. 1984, Ph.D. 1986.
  - Dissertation: "A Continuous-Time Stochastic Model of Job Mobility: A Comparison of Male-Female Hazard Rates of Young Workers." Awarded with Distinction by Yale.
  - Winner of the Michael E. Borus Award for best social science dissertation in the last three years making substantial use of the National Longitudinal Surveys--awarded by the Center for Human Research at Ohio State University on October 24, 1988.
- National Research Service Award, National Institute of Health.
- Member, Graduate Executive Committee; Graduate Affiliate, Jonathan Edwards College.

### **Harvard Law School, 1974-1977 (J.D.)**

- Graduated Cum Laude.

- Activities: Law Clerk (Volunteer) for Judge John Forte, Appellate Division of the District Court of Central Middlesex; Civil Rights, Civil Liberties Law Review; Intra-mural Athletics; Clinical Placement (Third Year): (a) First Semester: Massachusetts Advocacy Center; (b) Second Semester: Massachusetts Attorney General's Office--Civil Rights and Consumer Protection Divisions. Drafted comments for the Massachusetts Attorney General on the proposed U.S. Department of Justice settlement of its case against Bechtel Corporation's adherence to the Arab Boycott of Israeli companies.

### **Hamilton College, 1970-1974 (B.A.)**

- Departmental Honors in both Economics and Mathematics
  - Phi Beta Kappa (Junior Year)
- Graduated fourth in class with the following academic awards:
  - Brockway Prize (Highest GPA Freshman Year)
  - Edwin Huntington Memorial Mathematical Scholarship
  - Fayerweather Prize Scholarship
  - Oren Root Prize Scholarship in Mathematics
- President, Root-Jessup Public Affairs Council.

### **PUBLICATIONS**

#### **Books and Edited Volumes:**

- Law and Economics of Discrimination, Edward Elgar Publishing, 2013.
- Employment Discrimination: Law and Theory, Foundation Press, 2005, 2021 (5th edition) (with George Rutherglen).
- Economics of Labor and Employment Law: Volumes I and II, Edward Elgar Publishing, 2007. [http://www.elgar.co.uk/bookentry\\_main.lasso?id=4070](http://www.elgar.co.uk/bookentry_main.lasso?id=4070)
- Foundations of Employment Discrimination Law, Foundation Press, 2003 (2d edition).
- Foundations of Employment Discrimination Law, Oxford University Press, 1997 (Initial edition).

#### **Book Chapters:**

- "Drug Prohibitions and Its Alternatives." Chapter 2 in Cook, Philip J., Stephen Machin, Olivier Marie, and Giovanni Mastrobuoni, eds, *Lessons from the Economics of Crime: What Reduces Offending?* MIT Press. 45-66 (2013).
- "The Death Penalty" Chapter in Encyclopedia of Law and Economics, Spring (2013) and in Alain Marciano & Giovanni Battista Ramello eds., Encyclopedia of Law and Economics (2019).
- "Rethinking America's Illegal Drug Policy," in Philip J. Cook, Jens Ludwig, and Justin McCrary, eds, Controlling Crime: Strategies and Tradeoffs (2011), pp.215-289 (with Benjamin Ewing and David Peloquin).
- "Assessing the Relative Benefits of Incarceration: The Overall Change Over the Previous Decades and the Benefits on the Margin" in Steven Raphael and Michael Stoll, eds., "Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom," pp. 269-341 (2009).

- "Does Greater Managerial Freedom to Sacrifice Profits Lead to Higher Social Welfare" In Bruce Hay, Robert Stavins, and Richard Vietor, eds., Environmental Protection and the Social Responsibility of Firms: Perspectives from Law, Economics, and Business (2005).
- "The Evolution of Employment Discrimination Law in the 1990s: A Preliminary Empirical Evaluation" (with Peter Siegelman), in Laura Beth Nielsen and Robert L. Nelson, eds., Handbook of Employment Discrimination Research (2005).
- "The Impact of Concealed Carry Laws" in Jens Ludwig and Philip Cook, Evaluating Gun Policy: Effects on Crime and Violence (Washington D.C.: Brookings, 2003).

#### Articles:

- Phil Cook and John Donohue, "Regulating Assault Weapons and Large-Capacity Magazines for Ammunition," JAMA. 2022;328(12):1191-1192.  
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- "Glossip v. Gross: Examining Death Penalty Data for Clarity," Stanford Lawyer, June 29, 2015. <http://stanfordlawyer.law.stanford.edu/2015/06/glossip-v-gross-examining-death-penalty-data-for-clarity/>
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#### WORKSHOPS AND ADDRESSES:

- “Can We Get Strong Gun Safety Legislation Passed?” Vi Seminar, **Palo Alto, CA**, July 18, 2022.
- Panelist, “Inside the Brain of the Mass Shooter and the Impact of Their Criminal Behavior,” Symposium on “The Law and Neuroscience of Mass Shootings,” held virtually at Fordham Law School, November 1, 2022.
- “*Bruen*, Permissive Gun Carrying, Constitutional Law, and Violent Crime,” Faculty Workshop, **Stanford Law School**, July 13, 2022.
- “Effectiveness of Permissive Gun Laws: Carry Laws, Stand Your Ground,” Annals Authors’ Conference, **University of Connecticut**, Hartford, April 7, 2022.
- “Permissive Gun Carrying Laws and Violent Crime,” ETH, Zurich, April 6, 2022; Law and Economics Workshop, **Tel Aviv University School of Law**, May 11, 2022.
- “Guns and Crime in American Life and Law,” **University of Zurich**, April 5, 2022.
- “Do Permissive Gun Carrying Laws Increase Violent Crime?” Applied Webinar at the **Sao Paulo School of Economics**, November 17, 2021.
- “Mass Shootings, Gun Laws and the Evolution of the Second Amendment – Where Do We Go from Here?” Minnesota Continuing Legal Education Webcast, November 2, 2021.
- Discussant of Richard Berk, “Firearm Sales in California Through the Myopic Vision of an Interrupted Time Series Causal Analysis,” Online Causal Inference Seminar, **Stanford University**, April 6, 2021.
- “The Impact of Legalized Abortion on Crime over the Last Two Decades,” American Law and Economics Association Meetings, **NYU School of Law**, May 18, 2019; Department of Economics, **University of California, Irvine**, October 13, 2020; **Harvard Kennedy School** Program in Inequality and Social Policy, March 22, 2021; Crime Seminar, **Northwestern Law School**, March 3, 2022.
- Discussant of Chika Okafor, “Prosecutor Politics: The Impact of Election Cycles on Criminal Sentencing in the Era of Rising Incarceration,” **Harvard Kennedy School** Program in Inequality and Social Policy, March 22, 2021.
- “Guns and Crime,” Economic Analysis of Crime course, **Bocconi University**, Dept. of Social and Political Sciences, March 8, 2021.
- Discussant, “How the Massachusetts assault weapons ban enforcement notice changed firearm sales,” Firearms and Policy session, **Assoc. for Public Policy Analysis and Management (APPAM) Virtual Fall Research Conference**, November 12, 2020.
- “We Must Confront the Threats to America’s Democracy,” Idaho Law Review Election Law Symposium, **University of Idaho College of Law**, October 20, 2020.
- “The Impact of Legalized Abortion on Crime over the Last Two Decades,” Department of Economics, **University of California, Irvine**, October 13, 2020.
- “The Death Penalty: Informing Policy Through Empirical Research,” Program in Criminal Law and Policy, **University of Arizona College of Law**, October 6, 2020.
- Discussant, “Mandatory Retirement Improved Performance on State Supreme Courts,” Law and Economics Session, **NBER Summer Institute**, July 22, 2020.

- Discussant, “Measuring Racial Discrimination in Bail Decisions,” Crime Session, **NBER Summer Institute**, July 15, 2020.
- “Guns and Empirical Evidence in Second Amendment Litigation,” **Columbia Law School**, March 24, 2020; **Yale Law School**, March 25, 2020 (Zoom Presentation).
- Panelist, “Guns, Schools, and Adolescents: A Disaster Waiting to Happen,” Psychiatry Grand Rounds,
- Sapp Center for Science Teaching and Learning, **Stanford University School of Medicine**, February 20, 2020.
- “The Power of Data to Change Hearts, Minds, and Public Policy,” Law and Policy Lab, **Stanford Law School**, February 13, 2020.
- “The Move to ‘Guns Everywhere’,” Inaugural Cooter-Rubinfeld Lecture, **University of California, Berkeley, Law School**, February 6, 2020.
- “The Swerve: A Legal and Empirical Evaluation of the Move to ‘Guns Everywhere,’” Law and Economic Studies Workshop, **Columbia Law School**, September 23, 2019; Conference on Gun Rights and Regulations Outside the Home, **Duke Law School**, September 27, 2019.
- “Evidence to Guide Gun-related Public Policy,” Conference on Gun Violence Epidemic, **Stanford Medical School**, September 16, 2019; Lecturer, Physicians and Social Responsibility Course, **Stanford Medical School**, October 7, 2019; Lecturer, Data Science Course, **Department of Statistics, Stanford University**, November 1, 2019.
- “The Legal and Political Battle over Gun Policy in America,” **Hamilton College**, June 7, 2019.
- “Impact of Right to Carry Laws on Violent Crime,” Public Policy colloquium, **Stanford Economics Department**, January 22, 2018; SPILS Methods Workshop, **Stanford Law School**, January 25, 2018; Quantlaw, **University of Arizona Law School**, March 2, 2018; Stanford/Berkeley Causal Inference Conference, **Stanford Graduate School of Business**, April 23, 2019; **Baldy Center/Law School Distinguished Speaker Series**, University at Buffalo School of Law, May 3, 2019; Conference on “Synthetic Controls and Related Methods,” **Institute for Data, Systems, and Society, MIT**, May 21, 2019.
- “Guns, Abortion, and the Death Penalty: Informing Policy Through Empirical Research,” Politics and Public Policy Lecture Series, **Stanford University**, April 1, 2019.
- “Dangers of Guns Carried Outside the Home for Protection,” **GVPedia Conference**, Denver, Colorado, April 6, 2019.
- “Understanding California’s Red Flag Law: How to Remove Guns from People Who Are a Threat to Themselves or Others,” **Stanford Law School**, February 12, 2019.
- “Guns and Crime: Current Empirical and Legal Debates,” **Fellowship Forum**, January 22, 2019.
- “Gun Policy in America at a Critical Juncture,” SAFE, **Stanford Medical School**, September 17, 2018.
- “Empirical Evaluation of Law and Policy: The Battle for Truth,” **Woodside Rotary Club**, September 12, 2018.
- “Discussing America’s Second Amendment,” **San Jose Museum of Quilts & Textiles**, July 15, 2018.
- “The Legal Battle to End the Death Penalty in Connecticut,” **Law School of the University of Reggio Calabria**, Italy, June 15, 2018.
- Panelist, “Newtown and Gun Violence in the US, Humanity is Indivisible Series, **Stanford University**, May 31, 2018.
- “Gun Policy In California and the US,” Human Rights Seminar; **Stanford Medical School**, May 29, 2018.

- "Gun Policy in the Wake of Parkland," Sigma Alpha Epsilon Leadership Speaker Series, **Stanford Law School**, March 13, 2018; Stanford in Government event, Haas Center, **Stanford University**, April 20, 2018.
- Panelist, Town Hall Meeting on Gun Violence with Congresswoman Jackie Speier, **Burlingame High School**, April 14, 2018.
- Moderator, In Studio Conversation with Berkeley Law School Dean Erwin Chemerinsky: "Defining the Limits of Free Speech," **Palo Alto League of Women's Voters**, March 27, 2018. <https://youtu.be/cqHEIAVoTLY>
- "More than Thoughts & Prayers," **American Constitution Society** and the **Federalist Society, U.C. Hastings School of Law**, March 14, 2018.
- Panelist, "Addressing Gun Violence," **American Constitution Society**, Stanford Law School, March 8, 2018.
- Panelist, "Public Carry: Defending Against Efforts to Expand Carry Laws," **National Gun Violence Prevention Meeting**, Washington, D.C., October 18, 2017.
- "Keynote Presentation: Right-to-Carry Laws and Violent Crime," Second Amendment Litigation & Jurisprudence Conference, **The Law Center to Prevent Gun Violence**, October 16, 2017.
- "The Latest Evidence on Abortion Legalization and Crime," Conference on Empirical Legal Studies, **Cornell University**, October 13, 2017.
- "Comey, Trump, and the Puzzling Pattern of Crime in 2015 and Beyond," **University of Texas School of Law and Economics Seminar**, April 24, 2017, Faculty Workshop, **UC Davis School of Law**, April 10, 2017; Law and Social Science Seminar, **Texas A&M University School of Law**, March 6, 2017; Quantlaw, **University of Arizona Law School**, February 17, 2017.
- Debate with Kent Scheidegger on Capital Punishment, Philosophy of Punishment Seminar, **JFK University School of Law**, March 18, 2017.
- "The Evidence on Guns and Gun Laws," **Federal Bar Council Program on Guns and Gun Laws -- Rancho Mirage**, California, February 23, 2017.
- "Guns, Crime and Race in America," Stanford's Center for Population Health Sciences, **Stanford Medical School**, October 17, 2016.
- "Evaluating the Death Penalty," Forum on California Propositions 62 and 66, **Stanford Law School**, September 14, 2016.
- "Empirical Analysis and the Fate of Capital Punishment," Colloquium, Presley Center for Crime and Justice Studies; **University of California, Riverside**, October 24, 2016.
- "Gun Violence and Mental Illness," Department of Psychiatry, **Stanford University**, August 25, 2016.
- "The Battle Over Gun Policy In America," Physicians and Social Responsibility" seminar; **Stanford Medical School**, October 3, 2016; **Bioethics Committee of the San Mateo County Medical Association**, April 27, 2016; **The League of Women Voters of Palo Alto**, April 19, 2016; Human Rights and Health Seminar, **Stanford University**, April 12, 2016; Bechtel International Center, **Stanford University**, February 23, 2016; Stanford in Government Seminar, Haas Center, **Stanford University**, February 2, 2016.
- American Economic Association Continuing Education Course "The Economics of Crime" (with Jens Ludwig), **AEA Annual Meeting**, San Francisco, January 5-7, 2016.
- "Race and Arbitrariness in the Connecticut Death Penalty," **University of Connecticut School of Law**, Nov. 20, 2015.

- “*Connecticut v. Santiago* and the Demise of the Connecticut Death Penalty,” Faculty Workshop, **Stanford Law School**, August 19, 2015.
- “Do Handguns Make Us Safer? A State-Level Synthetic Controls Analysis of Right-to-Carry Laws,” Second Amendment Conference, **Covington and Burling, New York**, May 14, 2015; **NBER Summer Institute**, Cambridge, MA, July 23, 2015; Faculty Workshop, **Stanford Law School**, November 11, 2015.
- “U.S. Criminal Justice Under Siege : Will Becker or Beccaria Prevail?” Faculty Seminar, **Bocconi University School of Law, Milan, Italy**, June 18, 2015.
- “Can You Believe Econometric Evaluations of Law, Policy, and Medicine?” **Stanford Law School**, Legal Theory Workshop, March 1, 2007; Faculty Workshop, **Tel Aviv University School of Law**, May 14, 2007; Faculty Workshop, **University of Haifa Law School**, May 16, 2007; Law and Economics Workshop, **Georgetown Law School**, September 19, 2007; Law and Economics Workshop, **St. Gallen Law School**, Switzerland, November 29, 2007; and Yale Law School, February 25, 2008; Law and Economics Workshop, **Swiss Institute of Technology**, Zurich, Switzerland, May 21, 2008; Faculty Workshop, **University of Virginia Law School**, October 24, 2008; Plenary Session, Latin American and Caribbean Law and Economics Association, **Universitat Pompeu Fabra (Barcelona)**, June 15, 2009; **Google, Milan**, Italy, June 8, 2015.
- Commentator: ““Throw Away the Jail or Throw Away The Key? The Effect of Punishment on Recidivism and Social Cost,”” by Miguel F. P. de Figueiredo, American Law and Economics Association Meetings, **Columbia Law School**, May 15, 2015.
- “Broken Windows, Stop and Frisk, and Ferguson,” 2015 Justice Collaboratory Conference: Policing Post-Ferguson, **Yale Law School**, April 17, 2015.
- “Assessing the Development and Future of Empirical Legal Studies,” **Stanford Law School** course on Modern American Legal Thought, February 25, 2015.
- Commentator: “Payday Lending Restrictions and Crimes in the Neighborhood,” by Yilan Xu, 9<sup>th</sup> Annual Conference on Empirical Legal Studies, **Boalt Hall**, Berkeley, CA, November 7, 2014.
- “An Empirical Evaluation of the Connecticut Death Penalty Since 1973: Are There Unconstitutional Race, Gender and Geographic Disparities?” Faculty Workshop, **Economics Department, Rice University**, Houston, TX, Feb. 18, 2014; Law and Economics Workshop, **University of Virginia Law School**, September 11, 2014; Faculty Colloquium, **University of San Diego School of Law**, October 3, 2014.
- “What's Happening to the Death Penalty? A Look at the Battle in Connecticut,” **Hamilton College**, Clinton, New York, June 6, 2014.
- Panel Member, Research Methods Workshop, Conference for Junior Researchers on Law and Society, **Stanford Law School**, May 15, 2014.
- “Logit v. OLS: A Matter of Life and Death,” Annual Meeting of the American Law and Economics Association, **University of Chicago**, May 9, 2014.
- “Guns: Law, Policy, Econometrics,” Second Amendment Litigation and Jurisprudence Conference, **Jenner & Block**, Chicago, May 8, 2014.
- “The Impact of Antidiscrimination Law: The View 50 Years after the Civil Rights Act of 1964,” **Renaissance Weekend**, Liguna Niguel, CA, Feb. 15, 2014.
- “Concealed Carry and Stand Your Ground Law,” **Renaissance Weekend**, Liguna Niguel, CA, Feb. 15, 2014.
- “Reducing Gun Violence,” Forum on Gun Violence Reduction, **Mountainview City Hall**, Mountainview, CA, Feb. 8, 2014.

- "Gun Policy Debate," **C-SPAN**. National Cable Satellite Corporation, Jan. 16, 2014. <<http://www.c-span.org/video/?317256-1/GunPoli>>.
- "Trial and Decision in the Connecticut Death Penalty Litigation," Faculty Workshop, **Stanford Law School**, November 20, 2013.
- "Rethinking America's Illegal Drug Policy," Law and Economics Workshop, **Harvard Law School**, April 20, 2010; NBER Conference, "Economical Crime Control," **Boalt Hall**, Berkeley, CA, January 16, 2010; **NBER Summer Institute** Pre-Conference "Economical Crime Control," July 23, 2009; **Whitney Center** Lecture Series, Hamden, CT, October 5, 2009; Law and Economics Workshop, **University of Chicago Law School**, October 13, 2009; Seminar for Spanish Law Professors, **Harvard Law School**, October 23, 2009; The Criminal Law Society, **Stanford Law School**, March 31, 2011, **University of Denver Sturm College of Law**, April 21, 2011; Law and Economics Workshop, **Boalt Hall**, Berkeley, CA, October 17, 2011; Shaking the Foundations Conference, **Stanford Law School**, November 2, 2013.
- "The Challenge to the Connecticut Death Penalty," **Yale Law School**, Death Penalty Clinic, November 5, 2007; Graduate Student Seminar, November 11, 2009; Stanford Program in International Legal Studies Seminar, **Stanford Law School**, Nov. 11, 2010; Faculty Workshop, **Stanford Law School**, June 8, 2011; Faculty workshop, **Duke Law School**, April 13, 2012; Program on Public Policy, **Stanford University**, May 2, 2012; Annual Meeting of the American Law and Economics Association, **Vanderbilt Law School**, Nashville, TN, May 18, 2013; Faculty Workshop, **University of Arizona Law School**, October 17, 2013; 8<sup>th</sup> Annual Conference on Empirical Legal Studies, **University of Pennsylvania Law School**, October 26, 2013.
- Commentator: "How to Lie with Rape Statistics" by Corey Rayburn Yung, 8<sup>th</sup> Annual Conference on Empirical Legal Studies, **University of Pennsylvania Law School**, October 2013.
- "An Empirical Look at Gun Violence in the U.S." **University of Arizona Law School**, October 17, 2013
- Discussant, "Sex Offender Registration and Plea Bargaining," **NBER Labor Summer Institute**, Cambridge, MA, July 25, 2013.
- "What Works in the War Against Crime?" **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- Seminar Presentation, "Statistics and the Streets – Curbing Crime, Realities of the Death Penalty, and Successes in Public Safety," **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- Flashes of Genius (Glimpses of Extra-ordinarily Novel Thinking) -- "Stemming Gun Violence," **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- "Can Laws Reduce Crime?" Safe Oakland Speakers Series, Holy Names University, Oakland, CA, May 1, 2013, <http://www.ustream.tv/channel/safe-oakland-speaker-series>
- Presentation on "The Death Penalty in America" on a panel on "human rights and criminal justice systems in the world," Science for Peace conference at Bocconi University in Milan, Italy, November 15, 2012. <http://www.fondazioneveronesi.it/scienceforpeace2012/>
- Seminar Presentation, "America's Criminal Justice System," **Renaissance Weekend**, Santa Monica, CA., Feb. 19, 2012.
- "Statistical Inference, Regression Analysis and Common Mistakes in Empirical Research," SPILLS Fellow's Workshop, **Stanford Law School**, February 2, 2012.
- "New Evidence in the 'More Guns, Less Crime' Debate: A Synthetic Controls Approach," Conference on Empirical Legal Studies, **Northwestern Law School**, November 4, 2011.

- "Drug Legalization and its Alternatives," *Lessons from the Economics of Crime: What Works in Reducing Offending?* **CESifo Venice Summer Institute Workshop**, July 22, 2011.
- "Incapacitating Addictions: Drug Policy and American Criminal Justice," in Rethinking the War on Drugs through the US-Mexico Prism," **Yale Center for the Study of Globalization**, May 12, 2011.
- Plenary Session: Flashes of Genius (Glimpses of Extra-ordinarily Novel Thinking) -- "Has Legalized Abortion Reduced Crime?" **Renaissance Weekend**, Liguna Niguel, CA., Feb. 18, 2011.
- "An Evidence-Based Look at the More Guns, Less Crime Theory (after Tucson)" The American Constitution Society for Law and Policy (ACS), **Stanford Law School**, January 25, 2011; **Renaissance Weekend**, Liguna Niguel, CA., Feb. 19, 2011; "Faculty Forum" at the External Relations Office, **Stanford Law School**, April 5, 2011.
- "Empirical Evaluation of Law: The Dream and the Nightmare," SPILS Fellows Lecture, **Stanford Law School**, January 15, 2015; Legal Studies Workshop, **Stanford Law School**, Feb. 7, 2011; **Renaissance Weekend**, Liguna Niguel, CA., Feb. 20, 2011; **University of Denver Sturm College of Law**, April 22, 2011; Presidential Address, Annual Meeting of the American Law and Economics Association, **Columbia University**, May 20, 2011.
- Death Sentencing in Connecticut," **American Society of Criminology Annual Meeting**, San Francisco, Nov. 17, 2010.
- "The Impact of Right to Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy," Conference on Empirical Legal Studies, **Yale Law School**, Nov. 6, 2010.
- Comment on Bushway and Gelbach, "Testing for Racial Discrimination in Bail Setting Using Nonparametric Estimation of a Parametric Model," Conference on Empirical Legal Studies, **Yale Law School**, Nov. 6, 2010.
- Commentator, "A Test of Racial Bias in Capital Sentencing," **NBER Political Economy Program Meeting**, April 23, 2010.
- "The (Lack of a) Deterrent Effect of Capital Punishment," Faculty Workshop, **University of Chicago Economics Department**, October 21, 2009.
- Keynote Address, "The Evolution of Econometric Evaluation of Crime and Deterrence," 1st Paris& Bonn Workshop on Law and Economics: The Empirics of Crime and Deterrence, **University of Paris Ouest Nanterre**, September 24, 2009.
- Comment on Cook, Ludwig, and Samaha, "Gun Control after *Heller*: Litigating Against Regulation," NBER Regulation and Litigation Conference, **The Boulders**, Carefree, Arizona, September 11, 2009.
- "Impact of the Death Penalty on Murder in the US," Faculty Workshop, Law School, **Universitat Pompeu Fabra (Barcelona)**, June 18, 2009.
- Comment on Joanna Shepherd's "The Politics of Judicial Opposition," Journal of Institutional and Theoretical Economics Conference, **Kloster Eberbach, Germany**, June 12, 2009.
- "The Great American Crime Drop of the '90s: Some Thoughts on Abortion Legalization, Guns, Prisons, and the Death Penalty," **Hamilton College**, Clinton, NY, June 5, 2009.
- "The Impact of the ADA on the Employment and Earnings of the Disabled," **American Law and Economics Association Meetings**, University of San Diego, May 15, 2009.
- "Crime and Punishment in the United States," **Eastern State Penitentiary, Yale Alumni Event**, Philadelphia, PA, April 26, 2009.



- “Measuring Culpability in Death Penalty Cases,” Conference on Applications of Economic Analysis in Law, **Fuqua School of Business, Duke University**, April 18, 2009.
- “Autopsy of a Financial Crisis,” Workshop on New International Rules and Bodies for Regulating Financial Markets, **State University of Milan**, March 23, 2009.
- “Yet Another Refutation of the More Guns, Less Crime Hypothesis – With Some Help From Moody and Marvell, Law and Economics Workshop, **NYU Law School**, March 10, 2009.
- Intelligence-Squared Debate: “Guns Reduce Crime,” **Rockefeller University**, New York, October 28, 2008.
- “The D.C. Handgun Controls: Did the Supreme Court’s Decision Make the City Safer?” Debate, **The Contemporary Club of Albemarle**, Charlottesville, VA, October 23, 2008.
- “Evaluating the Empirical Claims of the Woman-Protective Anti-Abortion Movement,” Panel on The Facts of the Matter: Science, Public Health, and Counseling, Yale Conference on the Future of Sexual and Reproductive Rights, **Yale Law School**, October 11, 2008.
- “Empirical Evaluation of Gun Policy,” **Harvard Law School**, October 9, 2008.
- “Assessing the Relative Benefits of Incarceration: The Overall Change Over the Previous Decades and the Benefits on the Margin,” **Russell Sage Foundation**, New York, May 3, 2007; Law and Economics Workshop, **Tel Aviv University School of Law**, May 28, 2008.
- Death Penalty Debate with Orin Kerr, Bloggingheads, April 11, 2008.
- “Evaluating Connecticut’s Death Penalty Regime,” Faculty Public Interest Conversation, **Yale Law School**, April 9, 2008.
- “The Death Penalty in Connecticut and the United States,” **The Whitney Center**, Hamden, CT, November 5, 2007; Seminar on Advanced Criminal Law: Criminal Sentencing and the Death Penalty, **Fordham Law School**, April 8, 2008; Law and Economics Workshop, **Swiss Institute of Technology**, Zurich, Switzerland, May 20, 2008.
- Radio Interview, “The Death of Capital Punishment?” Morning Edition: Where We Live. WNPR. Connecticut, March 10, 2008.
- Comment on Thomas Dee’s “Born to Be Mild: Motorcycle Helmets and Traffic Safety,” **American Economics Association Meetings**, New Orleans, Louisiana, January 4, 2008.
- “The Empirical Revolution in Law and Policy: Jubilation and Tribulation,” **Keynote Address, Conference on Empirical Legal Studies, NYU Law School**, November 9, 2007.
- “The Optimal Rate of Incarceration,” **Harvard Law School**, October 26, 2007.
- “Empirical Evaluation of Law: The Impact on U.S Crime Rates of Incarceration, the Death Penalty, Guns, and Abortion,” Law and Economics Workshop, **St. Gallen Law School, Switzerland**, June 25, 2007.
- Comment on Eric Baumer’s “A Comprehensive Assessment of the Contemporary Crime Trends Puzzle,” Committee on Law and Justice Workshop on Understanding Crime Trends, **National Academy of Sciences**, Washington, D.C., April 25, 2007.
- Comment on Bernard Harcourt, Third Annual Criminal Justice Roundtable Conference, **Yale Law School**, “Rethinking the Incarceration Revolution Part II: State Level Analysis,” April 14, 2006.
- “Corporate Governance in America: The Disney Case,” **Catholic University Law School**, Milan, Italy, March 19, 2007.

- “The U.S Tort System,” (Latin American) Linkages Program, **Yale Law School**, February 13, 2007.
- Panel Member, “Guns and Violence in the U.S.,” **Yale University, International Center**, January 24, 2007.
- “Economic Models of Crime and Punishment,” Punishment: The U.S. Record: A Social Research Conference at **The New School**, New York City, Nov. 30, 2006
- Comment on Baldus et al, “Equal Justice and the Death Penalty: The Experience fo the United States Armed Forces, Conference on Empirical Legal Studies, **University of Texas Law School**, Austin, Texas, October 27, 2006.
- “Empirical Evaluation of Law: The Promise and the Peril,” **Harvard Law School**, October 26, 2006.
- “Estimating the Impact of the Death Penalty on Murder,” Law and Economics Workshop, **Harvard Law School**, September 12, 2006; Conference on Empirical Legal Studies, **University of Texas Law School**, October 28, 2006; Joint Workshop, Maryland Population Research Center and School of Public Policy, **University of Maryland**, March 9, 2007.
- “Why Are Auto Fatalities Dropping so Sharply?” **Faculty Workshop, Wharton**, Philadelphia, PA, April 19, 2006.
- “The Law of Racial Profiling,” Law and Economic Perspectives on Profiling Workshop, **Northwestern University Department of Economics**, April 7, 2006.
- “Landmines and Goldmines: Why It’s Hard to Find Truth and Easy To Peddle Falsehood in Empirical Evaluation of Law and Policy,” **Rosenthal Lectures, Northwestern University School of Law**, April 4-6, 2006.
- “The Impact of Legalized Abortion on Crime,” **American Enterprise Institute**, March 28, 2006.
- “The Impact of Damage Caps on Malpractice Claims: Randomization Inference with Difference-in-Differences,” **Conference on Medical Malpractice, The Rand Corporation**, March 11, 2006.
- “Powerful Evidence the Death Penalty Deters?” **Leighton Homer Surbeck Chair Lecture, Yale Law School**, March 7, 2006.
- “Uses and Abuses of Empirical Evidence in the Death Penalty Debate,” Faculty Workshop, **University of Connecticut Law School**, October 18, 2005; Faculty Workshop, **UCLA Law School**, February 3, 2006; Law and Economics Workshop, **Stanford Law School**, February 16, 2006; ; Law Faculty, **University of Cambridge, Cambridge, England**, February 28, 2006; **University of Illinois College of Law**, Law and Economics Workshop, March 2, 2006; Faculty Workshop, **Florida State University Law School**, March 30, 2006; **ALEA**, Berkeley, CA May 6, 2006; **University of Chicago Law School**, Law and Economics Workshop, May 9, 2006.
- “Is Gun Control Illiberal?” Federalist Society Debate with Dan Kahan at Yale Law School, January 31, 2006.
- “Witness to Deception: An Insider’s Look at the Disney Trial,” **2005-2006 Distinguished Lecture, Boston University School of Law**, November 10, 2005; Center for the Study of Corporate Law, **Yale Law School**, November 3, 2005; **Law Offices of Herbert Smith, London, England**, February 23, 2006; Law Faculty, **University of Cambridge, Cambridge, England**, February 27, 2006.
- “Understanding the Surprising Fall in Crime in the 1990s,” **Rotary Club**, Orange, CT, August 5, 2005; Faculty Workshop, **Yale School of Management**, September 21, 2005.
- Panel Member, “The Board's Role in Corporate Strategy,” The Yale Global Governance Forum, **Yale School of Management**, September 8, 2005.
- “Crime and Abortion,” **Museo de la Ciudad de Mexico**, Mexico City, October 20, 2003.



- “Allocating Resources towards Social Problems and Away From Incarceration as a Means of Reducing Crime,” **MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice**, San Francisco, CA, February 28, 2003.
- “Shooting Down the More Guns, Less Crime Hypothesis,” **Stanford Law School**, Law and Economics Seminar, January 28, 2003; Faculty Workshop, Center for the Study of Law and Society, **Boalt Hall**, University of California, Berkeley, Feb. 24, 2003; Development Workshop, **Stanford Law School**, April 25, 2003; Faculty Workshop, **Stanford Law School**, July 2, 2003; Law and Public Affairs Program Workshop, **Princeton University**, September 29, 2003; Stanford Alumni Weekend, **Stanford University**, October 17, 2003; Faculty Workshop, **CIDE**, Mexico City, October 20, 2003.
- “The Impact of Legalized Abortion on Teen Childbearing,” **NBER Labor Summer Institute**, Cambridge, MA, July 30, 2002.
- “Do Concealed Handgun Laws Reduce Crime?” Faculty Workshop, **Stanford Law School**, October 4, 2000; First-Year Orientation, **Stanford Law School**, September 5, 2001; Faculty Workshop, **Harvard Law School**, April 26, 2002; Faculty Workshop, **Columbia Law School**, April 29, 2002.
- “The Evolution of Employment Discrimination Law in the 1990s: An Empirical Investigation,” Fellows Workshop, American Bar Foundation, February 11, 2002.
- “The Role of Discounting in Evaluating Social Programs Impacting on Future Generations: Comment on Arrow and Revesz,” Colloquium on Distributive Justice, **Stanford Law School**, Oct. 18, 2001.
- “The Impact of Wrongful Discharge Laws,” **NBER Labor Summer Institute**, Cambridge, MA, July 30, 2001; Labor and Employment Seminar, **NYU Law School**, October 16, 2001; Faculty Workshop, **Stanford Law School**, September 18, 2002; **Yale Law School**, January, 2004.
- “Racial Profiling: Defining the Problem, Understanding the Cause, Finding the Solution,” **American Society of Criminology Conference**, San Francisco, CA, November 15, 2000.
- “Institutional Architecture for Building Private Markets,” Conference on “Latin America and The New Economy” at **Diego Portales University** in Santiago, Chile, October 26, 2000.
- “The History and Current Status of Employment Discrimination Law in the United States,” Unicapital School of Law, (Centro Universitario Capital), Sao Paulo, Brazil, March 10, 2000.
- “Corporate Governance in Developing Countries: Opportunities and Dangers,” Conference on Neoliberal Policies for Development: Analysis and Criticism,” University of Sao Paulo Law School, March 13, 2000
- “Legalized Abortion and Crime,” Law and Economics Workshop, **University of Pennsylvania Law School**, September 21, 1999; Faculty Workshop, **Yale Law School**, September 27, 1999; **John Jay College of Criminal Justice**, October 7, 1999; Faculty Workshop, **Quinnipiac Law School**, October 13, 1999; Faculty Workshop, **University of Connecticut Law School**, October 19, 1999; **University of Virginia Law School**, October 25, 1999; Faculty Workshop, **Baruch College**, November 9, 1999; MacArthur Foundation Social Interactions and Economic Inequality Network Meeting, **Brookings Institution**, December 4, 1999; Faculty Workshop, **NYU Law School**, January 21, 2000; Faculty Workshop, **University of San Diego Law School**, February 18, 2000; Public Economics Workshop, Department of Economics, **Stanford University**, April 28, 2000; Law and Economics Workshop, **University of California at Berkeley Law School**, September 18, 2000; Faculty Workshop, **Cornell Law School**, September 26, 2000; OB-GYN Grand Rounds, **Stanford Medical School**, October 2, 2000; **Center for Advanced Studies in the Behavioral Sciences**, October 11, 2000; Faculty Workshop, **Graduate School of Business**, February 5, 2002.
- Panel member, Session on Executive Compensation, Director's College, **Stanford Law School**, March 23, 1999.

- “Exploring the Link Between Legalization of Abortion in the 1970s and Falling Crime in the 1990s,” Law and Economics Workshop, **Harvard Law School**, March 16, 1999; Law and Economics Workshop, **University of Chicago Law School**, April 27, 1999; Faculty Workshop, **Stanford Law School**, June 30, 1999.
- “Is the Increasing Reliance on Incarceration a Cost-Effective Strategy of Fighting Crime?” Faculty Workshop, **University of Wisconsin School of Social Science**, February 19, 1999.
- “What Do We Know About Options Compensation?” Institutional Investors Forum, **Stanford Law School**, May 29, 1998.
- Commentator on Orlando Patterson’s presentation on “The Ordeal of Integration,” **Stanford Economics Department**, May 20, 1998.
- “Understanding The Time Path of Crime,” Presentation at Conference on Why is Crime Decreasing? **Northwestern University School of Law**, March 28, 1998; Faculty Workshop, **Stanford Law School**, September 16, 1998; Faculty Workshop, **University of Michigan Law School**, February 18, 1999.
- Commentator, Conference on Public and Private Penalties, the **University of Chicago Law School**, Dec. 13-14, 1997.
- “Some Thoughts on Affirmative Action,” Presentation at a conference on Rethinking Equality in the Global Society, **Washington University School of Law**, November 10, 1997.
- Commentator on Chris Jencks’ Presentation on Welfare Policy, **Stanford Economics Department**, October 8, 1997.
- “The Impact of Race on Policing, Arrest Patterns, and Crime,” Faculty Workshop, **Stanford Law School**, September 10, 1997; Law and Economics Workshop, **University of Southern California Law School**, October 23, 1997; Law and Economics Workshop, **Columbia University Law School**, November 24, 1997; Law and Economics Workshop, Haas School of Business, **University of California at Berkeley**, February 19, 1998; Annual Meeting of the American Law and Economics Association, **University of California at Berkeley**, May 8, 1998; Conference on the Economics of Law Enforcement, **Harvard Law School**, October 17, 1998.
- “Crime in America: Understanding Trends, Evaluating Policy,” **Stanford Sierra Camp**, August 1997.
- “Executive Compensation: What Do We Know?” TIAA-CREF Committees on Corporate Governance and Social Responsibility, Center for Economic Policy Research, **Stanford University**, June 27, 1997; NASDAQ Director’s Day, **Stanford University**, June 30, 1997.
- Panel Chair, Criminal Law (Theory), Criminal Law (Empirical), and Labor/Discrimination/Family Law, American Law and Economics Association, **University of Toronto Law School**, May 9-10, 1997.
- Commentator, “Diversity in Law School Hiring,” **Stanford Law School**, February 25, 1997.
- Keynote Speaker, “The Optimal Rate of Crime,” 11th Annual Conference, **The Oklahoma Academy for State Goals**, Tulsa, Oklahoma, May 7, 1996.
- Panel member, Session on Executive Compensation, Director’s College, **Stanford Law School**, March 28-29, 1996.
- “The Power of Law: Can Law Make a Difference in Improving the Position of Women and Minorities in the Labor Market?” The Fellows of the **American Bar Foundation**, Baltimore, Maryland, February 3, 1996.
- “Public Action, Private Choice and Philanthropy: Understanding the Sources of Improvement in Black Schooling Quality in Georgia, 1911-1960,” **Stanford Faculty Workshop**, January 24, 1996; Faculty Workshop, **University of Virginia Law School**, January 22, 1997; **National Bureau of Economic Research**, Cambridge, Massachusetts, Labor Studies Conference, April 3, 1998.

- Commentator, "The Effect of Increased Incarceration on Crime," Meetings of the **American Economics Association**, San Francisco, January 6, 1996.
- Commentator, Symposium on Labor Law, **University of Texas Law School**, November 10-11, 1995.
- Panel Member, Symposium on Criminal Justice, **Stanford Law School**, October 6-7, 1995.
- Commentator, "The Litigious Plaintiff Hypothesis," Industrial and Labor Relations Conference, **Cornell University**, May 19, 1995.
- Commentator on Keith Hylton's, "Fee Shifting and Predictability of Law," Faculty Workshop, **Northwestern University School of Law**, February 27, 1995.
- "The Selection of Employment Discrimination Disputes for Litigation: Using Business Cycle Effects to Test the Priest/Klein Hypothesis," **Stanford University**, Law and Economics Seminars, October 31, 1994.
- "Is the United States at the Optimal Rate of Crime?" Faculty Workshop, **Indiana University School of Law**, Indianapolis, November 18, 1993; Faculty Workshop, **Northwestern University School of Law**, April 18, 1994; Law and Economics Workshop, **Stanford Law School**, April 28, 1994; Meetings of the American Law and Economics Association, **Stanford Law School**, May 13, 1994; **American Bar Foundation**, September 7, 1994; Faculty Workshop, **DePaul Law School**, September 21, 1994; Law and Economics Workshop, **University of Chicago Law School**, October 11, 1994; Faculty Seminar, **Stanford Law School**, October 31, 1994; Law and Economics Luncheon, **Stanford Law School**, November 1, 1994; Faculty Seminar Workshop, **University of Illinois College of Law**, Champaign, November 22, 1994; Law and Economics Workshop, **Harvard Law School**, November 29, 1994; School Alumni Luncheon, Chicago Club, December 13, 1994; **Northwestern Law School**; Law and Economics Workshop, **Yale Law School**, February 1, 1996; Faculty Workshop, **Cornell Law School**, April 10, 1996; Faculty Workshop, **Tokyo University Law School**, June 4, 1996; Panel on "The Economics of Crime," **Western Economics Association** Meeting, San Francisco, July 1, 1996.
- "The Broad Path of Law and Economics," Chair Ceremony, **Northwestern University School of Law**, September 30, 1994.
- Commentator on Paul Robinson's "A Failure of Moral Conviction," **Northwestern University School of Law**, September 20, 1994.
- "The Do's of Diversity, The Don'ts of Discrimination," Kellogg School of Business, **Northwestern University**, May 17, 1994.
- "Does Law Matter in the Realm of Discrimination?" **Law and Society Summer Institute**, Pala Mesa Lodge, Fallbrook, California, June 25, 1993.
- Commentator, "The Double Minority: Race and Sex Interactions in the Job Market," Society for the Advancement of Socio-Economics, **New School for Social Research**, March 28, 1993.
- "The Effects of Joint and Several Liability on Settlement Rates: Mathematical Symmetries and Meta-Issues in the Analysis of Rational Litigant Behavior," Economic Analysis of Civil Procedure, **University of Virginia School of Law**, March 26, 1993.
- Debate with Richard Epstein on Employment Discrimination Law, **Chicago Federalist Society**, February 23, 1993.
- Panel Chair, "Optimal Sanctions and Legal Rules in Tort and Criminal Law," Meetings of Annual Association of Law and Economics, **Yale Law School**, May 15, 1992.
- Panel Member, "The Law and Economics of Employment at Will," **The Institute For Humane Studies**, Fairfax, Virginia, March 27, 1992.

- "The Efficacy of Title VII," Debate with Professor Richard Epstein, **University of Chicago Law School**, February 26, 1992.
- Moderator, "Using Testers to Demonstrate Racial Discrimination," **University of Chicago Law School**, February 13, 1992.
- "Law & Macroeconomics: The Effect of the Business Cycle on Employment Discrimination Litigation," Law and Society Workshop, **Indiana University**, November 6, 1991; Faculty Workshop, **University of North Carolina Law School**, Chapel Hill, November 8, 1991; Faculty Workshop, **Northwestern University School of Law**, December 11, 1991; Law and
- Economics Conference, **Duquesne Law School**, March 14, 1992; **University of Chicago Law School**, April 2, 1992.
- Panel Chair and Commentator, "New Perspectives on Law and Economics," **Society for the Advancement of Socioeconomics**, Stockholm, June 17, 1991; **Law and Society Meetings**, Amsterdam, June 29, 1991.
- Panel Chair, "Regulation of International Capital Markets," **Law and Society Meetings**, Amsterdam, June 27, 1991.
- Panel Chair, "The Law and Economics of Discrimination," American Association of Law and Economics, **University of Illinois Law School**, May 24, 1991.
- "The Economics of Employment Discrimination Law," **Industrial Relations Research Association**, Chicago, Illinois, March 4, 1991.
- "Does Current Employment Discrimination Law Help or Hinder Minority Economic Empowerment?" Debate with Professor Richard Epstein, The Federalist Society, **Northwestern Law School**, February 26, 1991.
- Panel Member, "The Law and Economics of Employment Discrimination," **AALS Annual Meeting**, Washington, D.C., January 6, 1991.
- "Re-Evaluating Federal Civil Rights Policy," Conference on the Law and Economics of Racial Discrimination in Employment, **Georgetown University Law Center**, November 30, 1990.
- "Opting for the British Rule," Faculty Seminar, **Northwestern Law School**, September 11, 1990; Faculty Seminar, **University of Virginia Law School**, September 14, 1990; Law and Economics Seminar, **University of Michigan Law School**, October 18, 1990; Faculty Workshop, **NYU Law School**, November 14, 1990; Faculty Workshop, **University of Florida Law School**, March 18, 1991.
- "The Effects of Fee Shifting on the Settlement Rate: Theoretical Observations on Costs, Conflicts, and Contingency Fees," at the **Yale Law School Conference "Modern Civil Procedure: Issues in Controversy,"** June 16, 1990.
- "Studying the Iceberg From Its Tip?: An Analysis of the Differences Between Published and Unpublished Employment Discrimination Cases," **Law and Society Meetings**, Berkeley, California, May 31, 1990.
- Panel Discussion on Tort Reform, **University of Pennsylvania Law School**, April 27, 1990.
- Panel Discussion of "The Role of Government in Closing the Socio-Economic Gap for Minorities," at the Federalist Society National Symposium on "The Future of Civil Rights Law," **Stanford Law School**, March 16, 1990.
- "Continuous versus Episodic Change: The Impact of Affirmative Action and Civil Rights Policy on the Economic Status of Blacks," **University of Virginia Economics Department**, February 15, 1990; **Princeton University Department of Economics**, February 21, 1990 (with James Heckman); Law & Economics Workshop, **University of Toronto Law School**, October 8, 1991.

- "Sex Discrimination in the Workplace: An Economic Perspective," Fellows Seminar, **American Bar Foundation**, October 16, 1989.
- "The Changing Nature of Employment Discrimination Litigation," Law and Economics Workshop, **Columbia Law School**, March 23, 1989; Faculty Seminar, **University of Virginia Law School**, March 24, 1989; Law and Economics Workshop, **University of Chicago**, April 25, 1989; **Law & Society Meeting**; Madison, Wisconsin, June 8, 1989; Labor Economics Workshop, **University of Illinois**, Chicago, November 1, 1989; Law & Economics Workshop, **University of Pennsylvania Law School**, November 9, 1989; Law and Economics Seminar, **University of California at Berkeley**, October 4, 1990; Law and Social Science Workshop, **Northwestern University**, February 3, 1991; Law and Economics Seminar, **Stanford Law School**, March 21, 1991; Faculty Workshop, **Cornell Law School**, April 3, 1991; Visiting Committee, **Northwestern Law School**, April 5, 1991.
- "Law & Economics: The Third Phase," The Association of General Counsel, **Northwestern University School of Law**, October 14, 1988.
- "Employment Discrimination Litigation," **Northwestern Law School** Alumni Monthly Loop Luncheon. **Chicago Bar Association**, May 31, 1988.
- "The Morality of the Death Penalty." A debate with Ernest Van Den Haag. **Northwestern University School of Law**, April 19, 1988.
- "Models of Deregulation of International Capital Markets." A presentation with David Van Zandt, Faculty Seminar, **Northwestern University School of Law**, April 1, 1988; Visiting Committee, May 5, 1988.
- "Is Title VII Efficient?" A debate with Judge Richard Posner, Faculty Seminar, **Northwestern University School of Law**, November 20, 1987.
- "The Senate's Role in Confirming Supreme Court Nominees: The Historical Record," **Northwestern University School of Law**, September 22, 1987.
- "Diverting the Coasean River: Incentive Schemes to Reduce Unemployment Spells," **Yale Law School** Civil Liability Workshop, March 30, 1987; Faculty Seminar, **Northwestern University School of Law**, March 18, 1987; **University of Southern California Law Center**, May 1, 1987; and Seminar in Law and Politics, Department of Political Science, **Northwestern University**, May 8, 1987; Labor Workshop, Department of Economics, **Northwestern University**, October 27, 1987; **AALS Annual Meeting**, New Orleans, January 7, 1989.
- "Women in the Labor Market--Are Things Getting Better or Worse?" **Hamilton College**, February 23, 1987.
- "The Changing Relative Quit Rates of Young Male and Female Workers," **Hamilton-Colgate Joint Faculty Economics Seminar**, February 23, 1987.
- "Living on Borrowed Money and Time--U.S. Fiscal Policy and the Prospect of Explosive Public Debt," **Orange Rotary Club**, February 22, 1985.
- "Capital Punishment in the Eighties," **Hamilton College**, April 6, 1981.
- "Terms and Conditions of Sale Under the Uniform Commercial Code," Executive Sales Conference, **National Machine Tool Builders' Association**, May 12, 1980.

## AWARDS

- **47th Tikkun Olam Award**, The Haiti Jewish Refugee Legacy Project, February 2014, "Awarded for incredibly significant work that explores and inspires the search for justice and taking serious, correct and timely action." Tikkun Olam is a Hebrew phrase that means 'repairing the world.'  
<https://haitiholocaustsurvivors.wordpress.com/guest-posts/47th-tikkun-olam-award-to-professor-john-j-donohue-iii/>

## PROFESSIONAL ACTIVITIES

- Member, Stanford Law School academic reading group evaluating the criminal law opinions of U.S. Supreme Court nominee Judge Ketanji Brown Jackson for the ABA Standing Committee on the Federal Judiciary, March 2022.
- Member, USF Institute for Nonviolence and Social Justice Leadership Council, University of San Francisco, June 2021 – present.
- Member, Criminal Justice Expert Panel, @CJExpertPanel, providing information on the relevance of criminal justice research to current events, beginning April 2021.
- Statistical Consultant to the Fairness Committee of the 9th Circuit Court of Appeals investigating issues of sentencing disparities by race, ethnicity, and gender in federal criminal sentencing, March 2018 – March 2020.
- Legal Scholarship Network Advisory Board Member, SSRN.
- Member, Committee on Law and Justice, National Research Council, October 2011 – December 2018.
- Fellow of the Society for Empirical Legal Studies, 2015 - present.
- Member, International Advisory Council, Economic Order Study Center, Federal University of San Paolo, Brazil.
- Co-Editor (with Steven Shavell), American Law and Economics Review, May 2006 – August 2012.
- President, American Law and Economics Association, May 2011 – May 2012.
- Co-President, Society for Empirical Legal Studies, November 2011 - August 2012. Member, Board of Directors from November 2011 - November 2014.
- Testified before the Connecticut Legislature in Support of Senate Bill 1035 and House Bill 6425 (A Bill to Eliminate the Death Penalty), March 7, 2011; Testified again before the Connecticut Judiciary Committee on March 14, 2012.
- Member of the Special Committee on ALI Young Scholars Medal, October 2009 – February 2011.
- Vice-President/President Elect, American Law and Economics Association, June 2010 – May 2011.
- Secretary-Treasurer, American Law and Economics Association, June 2009 – May 2010.
- Board of Advisors, Yale Law School Center for the Study of Corporate Law, July 2004 – August 2010.
- Evaluated the Connecticut death penalty system: “Capital Punishment in Connecticut, 1973-2007: A Comprehensive Evaluation from 4600 murders to One Execution,” [http://works.bepress.com/john\\_donohue/137/](http://works.bepress.com/john_donohue/137/).
- Member, Panel on Methods for Assessing Discrimination, National Academy of Sciences, September 2001 – June 2004. Resulting Publication: National Research Council, Measuring Racial Discrimination (2004), <http://www.nap.edu/catalog/10887.html>.
- Member, National Science Foundation Review Panel, Law and Social Sciences, September, 1999 – April 2001.
- Editorial Board, Journal of Empirical Legal Studies, July 2003 – present.
- Editorial Board, International Review of Law and Economics, October 1999 – present.
- Editorial Board, Law and Social Inquiry, February 2000 – present.



- Board of Editors, American Law and Economics Review, August 1998 – April 2013.
- Consultant, Planning Meeting on Measuring the Crime Control Effectiveness of Criminal Justice Sanctions, National Academy of Sciences, Washington, D.C., June 11, 1998.
- Member, Board of Directors, American Law and Economics Association, June 1994-May 1997. Member, ALEA Nominating Committee, July 1995-May 1996. Member, Program Committee, July 1996-May 1998 and July 2000 – May 2002.
- Statistical Consultant, 7<sup>th</sup> Circuit Court of Appeals Settlement Conference Project (December, 1994).
- Testified before U.S. Senate Labor Committee on evaluating the Job Corps, October 4, 1994.
- Assisted the American Bar Association Standing Committee on the Federal Judiciary in evaluating the qualifications of Ruth Bader Ginsburg (June 1993) and David Souter (June, 1990).
- Chair, AALS Section on Law and Economics, January 1990-January 1991.
- Economic Consultant to Federal Courts Study Committee. Analyzing the role of the federal courts and projected caseload for Judge Richard Posner's subcommittee. February 1989-March 1990.
- Member, 1990 AALS Scholarly Papers Committee.
- Member, Advisory Board, Corporate Counsel Center, Northwestern University School of Law. Since December 1987.
- Associate Editor, Law and Social Inquiry. Summer 1987-December 1989.
- Interviewed Administrative Law Judge candidates for U.S. Office of Personnel Management. Chicago, Illinois. May 23, 1988.
- Member, Congressman Bruce Morrison's Military Academy Selection Committee. Fall 1983.
- 1982 Candidate for Democratic Nomination, Connecticut State Senate, 14th District (Milford, Orange, West Haven).

## PRO BONO LEGAL WORK

- Co-wrote amicus brief for the United States Supreme Court for “Social Scientists and Public Health Researchers in Support of Respondents” in *New York State Rifle & Pistol Association v. Bruen*, which discusses the evidence that right-to-carry laws increase violent crime in the brief, September 21, 2021.
- Co-wrote amicus brief for the United States Supreme Court for “Public Health Researchers and Social Scientists in Support of Respondents” in *New York State Rifle & Pistol Association v. City of New York*, which quotes my article *Right-to-Carry Laws and Violent Crime* in the brief, August 12, 2019.
- Co-wrote amicus brief for the 9<sup>th</sup> Circuit Court of Appeals for “Empirical Scholars Concerning Deterrence and the Death Penalty In Support of Petitioner/Appellee,” *Jones v. Davis*, No. 09 Cv. 2158 CJC, which discusses the lack of deterrence of the death penalty, March 6, 2015.
- Death Penalty case: Heath v. Alabama. Fall 1986-Fall 1989.
- Wrote brief opposing death sentence in Navy spy case. Court ruled in favor of defendant John A. Walker on September 13, 1985.
- Staff Attorney, Neighborhood Legal Services, January-July 1981.
- Appealed sentence of death for Georgia defendant to the United States Supreme Court. Sentence vacated on May 27, 1980. Baker v. Georgia.

- Court-appointed representation of indigent criminal defendant in District of Columbia Superior Court, February-July 1980.

#### **RESEARCH GRANTS**

- Stanford University Research Fund, January 1997 and January 1998.
- The National Science Foundation (project with James Heckman), December 1992; (project with Steve Levitt), July 1997.
- Fund for Labor Relations Studies, University of Michigan Law School, March 1988.

#### **BAR ADMISSIONS**

- Connecticut - October 1977; District of Columbia - March 1978 (Currently Inactive Status); United States Supreme Court - November 3, 1980; U.S. District Court for the District of Connecticut – February 14, 1978.

#### **PROFESSIONAL and HONORARY ASSOCIATIONS**

- American Academy of Arts and Sciences (since April 2009).
- Research Associate, National Bureau of Economic Research (since October 1996) – in Law and Economics and Labor Studies.
- Stanford Center for Racial Justice – August 2020 to present.
- American Law Institute (since September 29, 2010).
- Member, Fellows of the Society for Empirical Legal Studies (since October 2015).
- American Bar Association
- American Economic Association
- American Law and Economics Association

#### **PERSONAL**

- Born: January 30, 1953.



**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Bonta*  
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:


**DECLARATION OF SEAN A. BRADY IN SUPPORT OF PLAINTIFFS'  
MOTION TO EXCLUDE THE TESTIMONY OF DEFENDANT'S EXPERT  
WITNESS JOHN J. DONOHUE UNDER FEDERAL RULE OF EVIDENCE  
702**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Xavier Becerra  
Attorney General of California  
Anna Ferrari  
Deputy Attorney General  
Email: [anna.ferrari@doj.ca.gov](mailto:anna.ferrari@doj.ca.gov)  
Christina R.B. Lopez  
Email: [christina.lopez@doj.ca.gov](mailto:christina.lopez@doj.ca.gov)  
John D. Echeverria  
Email: [john.echeverria@doj.ca.gov](mailto:john.echeverria@doj.ca.gov)  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 24, 2023.

  
Laura Palmerin