

# ALLEN ROSTRON

**William R. Jacques Constitutional Law Scholar and Professor of Law**

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## ACADEMIC EXPERIENCE

### UNIVERSITY OF MISSOURI - KANSAS CITY SCHOOL OF LAW.

**The William R. Jacques Constitutional Law Scholar and Professor of Law** (2010-present).

**Associate Dean for Students** (2015-2020).

**Associate Professor** (2003-2010).

Courses taught:

- Constitutional Law
- First Amendment
- Torts
- Products Liability
- Conflict of Laws
- Seminar on Gun Law & Policy
- Seminar on Gender, Race, Sexual Orientation, Religion & Film

Policy & Planning Committee (2007-2011, 2014-2015, 2021-present) (elected by faculty).

Admissions Committee (2006-2020; chair, 2013-2019; 2021-present).

Dean Search Committee (2004-2005, 2017-2018).

Faculty Appointments Committee (2005-2006, 2011-2013).

Library Committee (2003-2004).

Pro Bono & Public Interest Committee (chair – 2006-2008).

Programs Committee (2003-2005).

Strategic Planning Committee on Faculty Recruitment, Development, & Research (chair – 2012-2013).

Student Affairs Committee (2020-2021).

University Publications Board (2011-present) (overseeing UMKC's student newspaper)

Facilitator for the merger of UMKC units to form the new School of Education, Social Work, and Psychological Sciences (2021-2022).

University Awards Committee (2013-2018).

Faculty co-advisor for UMKC Law Review (2005-2015).

Faculty advisor for Public Interest Law Association (2003-2015).

Faculty advisor for ACLU student chapter (2005-2014; 2019-present).

Faculty advisor for American Constitution Society student chapter (2011-present).  
Faculty advisor for Environmental Law Society (2004-2010).  
Faculty advisor for Art Law Society (2006-2008).  
Faculty advisor for UMKC Cycling Club (2005-2006).  
Faculty advisor for Health Law Society (2004-2007).

**PEKING UNIVERSITY.** Beijing, China.

**Guest professor of law** (May 2004). Lectured on products liability and gun control issues.

**WASEDA UNIVERSITY.** Tokyo, Japan.

**Guest lecturer** (March 2017). Lectured on market share liability.

## **OTHER**

**Kaplan Bar Review lectures** (2007-present). Lecturing around the country, on torts and constitutional law, for students preparing for the Multi-State Bar Exam.

## **AWARDS**

**Governor's Award for Excellence in Education (2017) and Chancellor's Award for Excellence in Teaching (2016).** This award is UMKC's highest honor for excellence in teaching by a faculty member with a distinguished and long-established career at the University.

**Marvin Lewis Rich Faculty Scholar Award (2012).** This award recognizes excellence demonstrated by a body of work, over the prior three years, integrating scholarly achievement and teaching.

**Daniel L. Brenner Faculty Publishing Award (2005, 2011 & 2013).** This award honors the year's outstanding scholarly article by a UMKC law school faculty member.

- Received in 2013 for *The Law and Order Theme in Political and Popular Culture*, 37 OKLAHOMA CITY UNIVERSITY LAW REVIEW 323 (2012).
- Received in 2011 for *Justice Breyer's Triumph in the Third Battle over the Second Amendment*, 80 GEORGE WASHINGTON LAW REVIEW 703 (2012).
- Received in 2005 for *Beyond Market Share Liability: A Theory of Proportional Share Liability for Non-Fungible Products*, 52 UCLA LAW REVIEW 151 (2004).

**Outstanding Professor of the Year (2007).** This award is presented by the UMKC Law Alumni Association and the winner is chosen by vote of the students in the graduating class.

**UMKC Faculty Scholar Award (2006).** This is a university-wide award for junior faculty members who show exceptional promise for outstanding future research and scholarly accomplishments.

**Elmer F. Pierson Outstanding Teaching Award (2005, 2021).** This award is given to one law faculty member each year by the UMKC Law Alumni Association to honor outstanding performance in teaching.

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## LEGAL PRACTICE EXPERIENCE

### BRADY CENTER TO PREVENT GUN VIOLENCE, Washington, D.C.

Senior Staff Attorney (2002-2003); Staff Attorney (1999-2002).

#### Litigation

- Served as the chief legal researcher and writer for nationwide litigation effort brought by major cities and counties against gun industry, including researching and writing dozens of appellate briefs and oppositions to motions to dismiss
- Represented shooting victims and their families in landmark cases including:
  - Merrill v. Navegar*, a case brought against the maker of two TEC-9 military-style assault pistols used in a mass shooting in the offices of a San Francisco law firm
  - Dix v. Beretta U.S.A. Corp.*, the first case in U.S. history to go to a jury on claims that a gun was defective in design because it lacked safety features that would have prevented its unauthorized use by a child
  - Grunow v. Valor Corp.*, a case brought by the widow of a seventh-grade teacher in Florida killed in his classroom by a thirteen-year-old student
  - Anderson v. Bryco Arms*, a case brought by victims of a white supremacist's shooting rampage against racial and religious minorities
- Wrote numerous *amicus* appellate briefs joined by national consumer, education, health, law enforcement, and religious organizations
- Argued motions and appeals before state and federal courts in these cases
- Deposed key witnesses including the foremost academic opponent of gun control laws, the nation's most controversial gun dealer, the man known as the "King of Saturday Night Specials," and corporate representatives of manufacturers like Beretta and Sturm Ruger

#### Public appearances and media work

- Debated law professors, NRA representatives, and others at events for organizations like the American Jewish Congress, Bill of Rights Institute, Center for Policy Alternatives, Federalist Society, German Marshall Fund, National Youth Leadership Forum, National Center for Policy Analysis, and National Low Income Housing Coalition
- Guest speaker for classes or events at George Mason, George Washington, Georgetown, American, and Catholic law schools

- Frequent appearances on radio and television (such as Fox News Channel, Oliver North's radio show) to discuss gun control, the Second Amendment, and lawsuits against gun industry
- Testified before state legislative committees in opposition to bills that would limit liability of gun manufacturers and dealers
- Supervised legal research and writing and other work of junior staff attorneys and law student interns

**CRAVATH, SWAINE & MOORE.** New York, New York.

**Litigation associate** (1995-1999). Handled civil litigation in federal and state cases involving antitrust, contract, fraud, RICO, securities, tax and other claims

**OFFICE OF THE APPELLATE DEFENDER.** New York, New York.

**Volunteer attorney** (1997-1999). Provided pro bono representation in state court criminal appeal.

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA.**

**Law Clerk** for Judge Thomas S. Ellis III (1994-1995).

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## **VOLUNTEER WORK ON LAW AND PUBLIC POLICY**

### **AMERICAN CIVIL LIBERTIES UNION (ACLU) OF MISSOURI**

Board of Trustees (2014-2017); Secretary (2015-2017).

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## **EDUCATION**

**YALE LAW SCHOOL.** New Haven, Connecticut. J.D. 1994.

**Yale Law Journal.** Book Review Editor.

**Yale Journal on Regulation.** Article Editor.

**Yale Law & Policy Review.** Staff Member.

**Yale Moot Court of Appeals.** Board Member.

**Street Law.** Volunteer teacher for high school law course.

**Project S.A.T.** Volunteer tutor for free test preparation course.

**UNIVERSITY OF VIRGINIA.** Charlottesville, Virginia.

History and Economics, with Highest Distinction, May 1991.

**University Judiciary Committee.** Counsel for students charged with violations of University standards and regulations.

**Jefferson Literary & Debating Society.** Member; award for best speech of Spring 1988.

**Student Legal Services.** Intern.

**Duncan Clark Hyde Award** for highest grade average in Department of Economics.

**Pumpkin Society Award** for distinguished service to university community.

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## **PUBLICATIONS**

Trusts: An Annotated Bibliography, 34 *JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS* (2021)

The Use of Experts in Family Law Cases: An Annotated Bibliography, 33 *JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS* (2021).

The Future of Family Law: An Annotated Bibliography, 33 *JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS* 801 (2020).

Bias: An Annotated Bibliography, 32 *JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS* 529 (2020).

*BEYOND ONE L: STORIES ABOUT FINDING MEANING AND MAKING A DIFFERENCE IN LAW* (Carolina Academic Press 2019) (co-edited with Prof. Nancy Levit).

Ethics, Malpractice, and Professional Liability in Family Law Cases: An Annotated Bibliography, 2013-2018, 31 *JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS* 559 (2019).

An Ill-Conceived Restriction on Gun Advertising, *JURIST*, Sept. 19, 2018.

New Constitutional Convention Could Be Detrimental to Democracy, *KANSAS CITY STAR*, [kansascity.com](http://kansascity.com), Sept. 10, 2018.

3D Printed Firearms and Brett Kavanaugh's Misguided Approach to the Second Amendment, *AMERICAN CONSTITUTION SOCIETY BLOG*, Aug. 13, 2018.

The Dickey Amendment on Federal Funding for Research on Gun Violence: A Legal Dissection, 108 AMERICAN JOURNAL OF PUBLIC HEALTH 865 (2018).

Style, Substance, and the Right to Keep and Bear Assault Weapons, 40 CAMPBELL LAW REVIEW 299 (2018).

Why Do Gun-Makers Get Special Economic Protection?, THE CONVERSATION, Mar. 13, 2018.

Assisted Reproductive Technologies: An Annotated Bibliography, 2013-2018, 31 JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS 241 (2018) (with Prof. Nancy Levit).

The Clash of Gun Rights and Federalism, JURIST, Dec. 18, 2017.

Guns, Speech, and Breathing Space, 68 FLORIDA LAW REVIEW FORUM 23 (2016) (response to Andrew Jay McClurg's *The Second Amendment Right to Be Negligent*).

The Second Amendment on Campus, 13 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY 245 (2016) (part of symposium on "Protecting the Right to Bear Arms: History and Challenges").

A *New Ice Age* for Gun Control, 10 HARVARD LAW & POLICY REVIEW 327 (2016) (part of symposium on "State of the States: Laboratories of Democracy").

Tort Litigation About Guns Will Continue, JURIST, Dec. 31, 2016.

One State's Symbolic Gun Rights Law Has Two Men in Very Real Legal Trouble, THE TRACE, Dec. 11, 2016.

Legislative Overreach on Gun Rights, JURIST, Oct. 15, 2016.

It's Time to Repeal the Gun Industry's Exceptional Legal Immunity, THE CONVERSATION, Dec. 9, 2015.

The Bitter Battle Over Guns Continues, JURIST, May 11, 2015.

The Continuing Battle over the Second Amendment, 78 ALBANY LAW REVIEW 819 (2014/2015) (part of symposium on "A Loaded Debate: The Right to Keep and Bear Arms in the Twenty-First Century").

School Shootings and the Legislative Push to Arm Teachers, 45 UNIVERSITY OF TOLEDO LAW REVIEW 439 (2014) (part of symposium on education law).

Constitutional Forbearance – In the Eye of the Beholder?, UNIVERSITY OF RICHMOND LAW REVIEW JUST ENRICHMENT (2013).

Justice Scalia, Truthiness, and the Virtues of Judicial Candor, 89 INDIANA LAW JOURNAL SUPPLEMENT 12 (2013).

Affirmative Action, Justice Kennedy, and the Virtues of the Middle Ground, 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1037 (2013).

The Mugshot Industry: Freedom of Speech, Rights of Publicity, and the Controversy Sparked by an Unusual New Type of Business, 90 WASHINGTON UNIVERSITY LAW REVIEW 1321 (2013).

Pragmatism, Paternalism, and the Constitutional Protection of Commercial Speech, 37 VERMONT LAW REVIEW 527 (2013).

Intellectual Seriousness and the First Amendment's Protection of Free Speech for Students, 81 UMKC LAW REVIEW 635 (2013) (part of symposium on "Forty Years of Landmark Student Speech Cases").

Factoids, 16 GREEN BAG 2D 43 (2012).

Justice Breyer's Triumph in the Third Battle over the Second Amendment, 80 GEORGE WASHINGTON LAW REVIEW 703 (2012).

The Law and Order Theme in Political and Popular Culture, 37 OKLAHOMA CITY UNIVERSITY LAW REVIEW 323 (2012).

The Intersection of Originalism and Jot-for-Jot Incorporation, THE ORIGINALISM BLOG (of the Center for the Study of Constitutional Originalism at the University of San Diego School of Law), May 18, 2012.

The Past and Future Role of the Second Amendment and Gun Control in Fights over Confirmation of Supreme Court Nominees, 3 NORTHEASTERN UNIVERSITY LAW JOURNAL 123 (2011) (part of symposium on "Chamber to Chambers: The Second Amendment in the New Century").

Prescription for Fairness: A New Approach to Tort Liability of Brand-Name and Generic Drug Manufacturers, 60 DUKE LAW JOURNAL 1123 (2011).

A Bitter Pill for Brand Names?, PRODUCT LIABILITY LAW 360, July 1, 2011.

Cease Fire: A "Win-Win" Strategy on Gun Policy for the Obama Administration, 3 HARVARD LAW & POLICY REVIEW 347 (2009).

Protecting Gun Rights and Improving Gun Control After *District of Columbia v. Heller*, 13 LEWIS & CLARK LAW REVIEW 383 (2009) (part of symposium on "The Second Amendment After *District of Columbia v. Heller*").

Incrementalism, Comprehensive Rationality, and the Future of Gun Control, 67 MARYLAND LAW REVIEW 511 (2008).

Entries on "Right to Life Movement" and "Jehovah's Witnesses" for *Encyclopedia of the Supreme Court of the United States* (Gale Publishing) (2008).

Middle Ground: The Supreme Court's Opportunity in *D.C. v. Heller*, *JURIST*, Apr. 2, 2008.

Calling for Stories, 75 *UMKC LAW REVIEW* 1127 (2007) (with Prof. Nancy Levit) (excerpted in HANNAH BRENNER JOHNSON & RENEE KNAKE, *GENDER, POWER, LAW & LEADERSHIP* (West 2020)).

No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools, *BRADY CENTER TO PREVENT GUN VIOLENCE* (2007) (co-authored with Brian Siebel).

Lawyers, Guns & Money: The Rise and Fall of Tort Litigation Against the Firearms Industry, 46 *SANTA CLARA LAW REVIEW* 481 (2006).

High-Powered Controversy: Gun Control, Terrorism, and the Fight over .50 Caliber Rifles, 73 *UNIVERSITY OF CINCINNATI LAW REVIEW* 1415 (2005).

Shooting Stories: The Creation of Narrative and Melodrama in Real and Fictional Litigation Against the Gun Industry, 73 *UMKC LAW REVIEW* 1047 (2005) (part of Symposium entitled "Armed Standoff: The Impasse in Gun Litigation and Legislation").

Dodging the Bullet: Tort Immunity for Gun Makers, *JURIST*, Nov. 3, 2005 (reprinted in *Issues That Concern You: Gun Violence*, from Greenhaven Press, December 2006).

Beyond Market Share Liability: A Theory of Proportional Share Liability for Non-Fungible Products, 51 *UCLA LAW REVIEW* 151 (2004).

Demythologizing the Legal History of the Jehovah's Witnesses and the First Amendment, 22 *QUINNIPPIAC LAW REVIEW* 493 (2004).

The Supreme Court, the Gun Industry, and the Misguided Revival of Strict Territorial Limits on the Reach of State Law, 2003 *MICHIGAN STATE LAW REVIEW* 115.

Concealed Weapons Lessons from Texas, *KANSAS CITY STAR*, Sept. 23, 2003, at B4.

Smoking Guns: Exposing the Gun Industry's Complicity in the Illegal Gun Market, *BRADY CENTER TO PREVENT GUN VIOLENCE* (2003).

How the Board of Tax Appeals Changed Hollywood History, 55 *TAX LAWYER* 951 (2002).

Litigating Against the Firearm Industry, 84 *AM JUR TRIALS* 109 (2002) (co-authored with Ingrid M. Evans).

'No War, No Hate, No Propaganda' – Promoting Films About European War and Fascism During the Period of American Isolationism, 30 *JOURNAL OF POPULAR FILM & TELEVISION* 85 (2002).



Gunning for Justice, TRIAL, Nov. 2001, at 26.

A Sense of Duty: Retiring the “Special Relationship” Rule and Holding Gun Manufacturers Liable for Negligently Distributing Guns, 4 JOURNAL OF HEALTH CARE LAW & POLICY 42 (2000) (co-authored with Rachana Bhowmik, Jonathan Lowy & Rachel Hoover).

The Aftermath of the Million Mom March, op-ed syndicated by Knight-Ridder Tribune for publication in newspapers nationwide, May 2000.

The National Rifle Association’s Battle with President Clinton, op-ed syndicated by Knight-Ridder Tribune for publication in newspapers nationwide, May 2000.

Inside the ACLU: Activism and Anti-Communism in the Late 1960s, 33 NEW ENGLAND LAW REVIEW 425 (1999).

Government Lawsuits Against Gun Makers, op-ed syndicated by Knight-Ridder Tribune for publication in newspapers nationwide, December 1999.

Lawyers, Law & the Movies: The Hitchcock Cases, 86 CALIFORNIA LAW REVIEW 211 (1998).

The Changing Face of Hollywood’s Tax Lawyers, 75 TAX NOTES 1551 (1997).

Mr. Carter Goes to Washington, 25 JOURNAL OF POPULAR FILM & TELEVISION 57 (1997).

Return to Hot Wheels: The FCC, Program-Length Commercials & the Children’s Television Act of 1990, 19 HASTINGS COMMUNICATION & ENTERTAINMENT LAW JOURNAL 57 (1996).