American Bar Association National
Task Force on Stand Your Ground Laws

The American Bar Association’s Coalition on Racial & Ethnic Justice (COREJ), along with ABA entities, the Center for Racial and Ethnic Diversity, the Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, the Young Lawyer’s Division and the Section on Individual Rights & Responsibilities, the Criminal Justice Section, the Young Lawyers’ Division, the Standing Committee on Gun Violence, and the Commission on Youth at Risk, have created the National Taskforce on Stand Your Ground Laws to review and analyze the recently enacted state Stand Your Ground laws that have received increased attention for their potential impact on public safety, individual liberties and the criminal justice system.

The Task Force and its advisory committee are comprised of legal scholars, social scientists, public health professionals, law enforcement executives, criminal defense attorneys, prosecutors and leading victims’ rights advocates. Members are appointed by ABA entities and strategic partners, including the Association of Prosecuting Attorneys, the Urban Institute, the International Association of Chiefs of Police and the National Organization of Parents of Murdered Children. Members of COREJ, Leigh-Ann Buchanan of Miami, FL, and Jack Middleton of Manchester, NH, will serve as the Co-Chairpersons of the Task Force.1

The Task Force and its partners have already convened several regional public hearings. The Southwest regional public hearing was held on February 8, 2013 during the 2013 ABA Midyear Meeting in Dallas, TX. The Midwestern and Northeastern regional public hearings were held in Chicago, IL, on May 2, 2013, and Philadelphia, PA, on June 6, 2013, respectively. The Western regional public hearing is slated for August 9, 2013 during the 2013 ABA Annual Meeting in San Francisco, CA.

1 A complete roster of the Task Force members is appended here as Attachment A.
The Task Force will embark upon a comprehensive legal analysis of the impact of the Stand Your Ground statutes which have substantially expanded the bounds of self-defense law in over half of the jurisdictions in the United States. The multidisciplinary study to be conducted by the Task Force will be national in scope, incorporating criminological and social science methodology and perspectives, to assess the utility and necessity of existing and proposed Stand Your Ground laws across the United States. The Task Force is also charged with examining and reporting on the potential effects these laws may have on public safety, individual liberties and the criminal justice system.

THE PRINCIPAL CHARGES OF THE TASK FORCE

The principal charge of this Task Force will be to review existing state Stand Your Ground laws and all available qualitative and quantitative data regarding the impacts of such laws to support the development of recommendations concerning the prudence of modifying or repealing these laws as well as the effect of such legislation on public safety, traditionally marginalized communities, racial and ethnic minorities and economically disadvantaged societal cross sections. In fulfilling this charge, the Task Force will endeavor to:

1. Evaluate the construction of Stand Your Ground laws through the lens of traditional criminal law principles to gauge the propensity for misapplication in operation due to missing or imprecisely articulated procedural safeguards, mandatory statutory presumptions of reasonableness, lesser thresholds of proof at early procedure stages, the absence of proportionality requirements, and absence of guidelines to be applied to circumstances involving unarmed individuals.

2. Analyze existing data compilations, including state records, national and state-level reports and published data concerning the measurable impact of Stand Your Ground laws on crime rates, including fluctuations in homicide rates, with the objective of identifying and extrapolating quantitative support for indicators of ways in which Stand Your Ground laws may adversely impact the criminal justice system and the diverse population of constituents with which it interacts. Further, The Task Force will undertake a review and assessment of existing reports and studies of law enforcement agencies, governmental agencies, public documents and private publications that focus exclusively on examining the ramifications of Stand Your Ground laws.

3. Assess the unique impact of Stand Your Ground laws on the law enforcement and prosecutorial function, including the potential endangerment of law enforcement personnel due to expanded circumstances wherein civilian use of deadly force maybe found justified in addition to the propensity for exploitation of Stand Your Ground protections by criminal offenders and vigilantes.

4. Conduct a quantitative study and investigative review of Stand Your Ground laws by examining the effects of racial or ethnic bias, implicit and explicit, on the perception of threat precipitating the use of force, including deadly force, in circumstances
to which Stand Your Ground laws apply. The Task Force will also examine the extent to which Stand Your Ground laws may exacerbate imbalance across racial and socio-economic lines within the justice system. Indeed, the National District Attorneys Association posits that one such negative consequence of this legislation is its “disproportionately negative effect on minorities, persons from lower socio-economic status, and young adults/juveniles.”

5. Conduct a series of four public hearings in regions across the country which will encompass states that have enacted Stand Your Ground statues. The regional public hearings will enable the Task Force to measure community awareness of Stand Your Ground laws, perceptions of equality in enforcement and application of Stand Your Ground law, opinions concerning of the utility of Stand Your Ground laws, and reactions to individualized experiences involving interactions with Stand Your Ground laws. Each regional public hearing will solicit participation from community stakeholders, affected individuals, justice system participants, legal academicians and other legal experts.

6. Prepare a final report and recommendations that will: (i) detail the Task Force’s research and analysis undertaken, (ii) concisely summarize the testimony elicited at the corresponding public hearings, and (iii) state the official policy that the Task Force recommends the ABA adopt and actions that the ABA should undertake as it relates to Stand Your Ground laws. The Task Force intends to present its final report to the ABA House of Delegates for approval at the 2014 Annual Meeting.

The ABA is uniquely qualified to analyze the impact of Stand Your Ground laws and the implications the expansion of the justified use of deadly force by these laws has on protecting the integrity of the criminal justice system, communities and individual liberties, notably, ethnic and racial minorities.

For more information on the ABA National Task Force on Stand Your Ground Laws, please contact Rachel Patrick, Staff Director, ABA Coalition on Racial & Ethnic Justice, at (312) 988-5408 or via email at Rachel.patrick@americanbar.org.
ABA NATIONAL TASK FORCE ON STAND YOUR GROUND LAWS

1. Co-Chair: Leigh-Ann Buchanan, Berger Singerman, Attorney
   *(ABA Coalition on Racial and Ethnic Justice, member)*

2. Co-Chair: Jack Middleton, McLane, Graf, Raulerson & Middleton, Managing Partner
   *(ABA Coalition on Racial and Ethnic Justice, member)*

3. Jose Arrojo, Miami Dade State Attorney’s Office, Chief Assistant State Attorney
   *(ABA Criminal Justice Section Task Force Appointee)*

4. David Harris, University of Pittsburgh School of Law, Professor of Law & Associate
   Dean for Research

5. Joshu Harris, Philadelphia District Attorney’s Office, Associate District Attorney
   *(ABA Young Lawyers Division Task Force Appointee)*

6. Steven Jansen, Association of Prosecuting Attorneys, Vice-President and Chief
   Operating Officer

7. John Roman, Ph.D., Justice Policy Center of the Urban Institute, Senior Fellow / District of Columbia Crime Policy Institute, Executive Director

8. Joe Vince, Mount St. Mary’s University
   *(International Association of Chiefs of Police Task Force Appointee)*

9. Stephen Wermiel, American University Washington College of Law
   *(ABA Individual Rights & Responsibilities Section, Chair/ Interim Task Force Appointee)*

10. To be appointed
    *(ABA Standing Committee on Gun Violence, Interim Task Force Appointee)*

11. Vacant
ABA CO-SPONSOR ENTITY LIAISONS

1. **Hon. David Perkins**, Third Circuit Court of Wayne County Michigan, Juvenile Referee
   *(ABA Commission on Youth-at-Risk, Task Force Liaison)*

2. **Jared Hautamaki**, U.S. Environmental Protection Agency, Attorney Advisor
   *(ABA Diversity Center Task Force Liaison)*

**TASK FORCE REPORTER**

**Tamara Lawson**, St. Thomas University School of Law, Professor of Law

**TASK FORCE ADVISORY COMMITTEE MEMBERS**

1. **Mario L. Barnes**, University of California, Irvine, School of Law, Professor of Law

2. **Nora Demleitner**, Washington & Lee School of Law, Dean and Professor

3. **Cynthia Lee**, George Washington University School of Law, Charles Kennedy Poe Research Professor of Law

4. **Kim McLaurin**, Suffolk Law School, Associate Clinical Professor, Juvenile Justice Clinic

5. **Dan Levey**, Executive Director, National Organization of Parents of Murdered Children, Inc.

6. **Song Richardson**, University of Iowa College of Law, Professor of Law

7. **Rory D. Smith**, John Marshall School of Law, Associate Dean of Diversity

8. **Dr. Garen Wintemute**, University of California, Davis, Baker-Teret Chair in Violence Prevention

---

1 The Task Force ABA co-sponsoring entities are the: Coalition on Racial & Ethnic Justice, Center for Racial and Ethnic Diversity, Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, Section on Individual Rights & Responsibilities, Criminal Justice Section, Young Lawyers’ Division, Standing Committee on Gun Violence, and Commission on Youth-at-Risk.
A presidential Task Force on Minorities in the Justice system was created in 1992 in the aftermath of the Rodney King disturbances. Shortly thereafter, a report was issued with recommendations by the Task Force. In 1994 the Task Force was re-named the Council on Racial and Ethnic Justice (now the Coalition or COREJ). The Coalition was designed to implement the recommendations and develop partnerships among community groups, civil rights organizations, businesses, religious organizations, and bar associations for the purpose of eliminating racial and ethnic bias in the justice system. Its primary goal is to serve as a catalyst for eliminating racial and ethnic bias in the justice system with a focus on systemic change.

COREJ (1) assists with the development of educational programs; (2) provides public forums for dialogue between legal institutions and non legal groups; and (3) provides technical assistance and advice on how to implement specific programs, strategies, and partnerships that eliminate racial and ethnic bias.

Since its inception, COREJ has been on the cutting edge of social justice issues. It has focused on a number of substantive and diverse issues such as racial profiling, access to the justice system, overrepresentation of juveniles of color, indigent defense, racial profiling and the war on terrorism, teen violence, the impact of foreclosures on communities of color, voting disenfranchisement and the impact of technology, election protection, injustices and discrimination in Tulia, Texas and restoring justice and equity by providing strategies for disaster preparedness and response that reduce patterns of discrimination and unfairness in the delivery of disaster aid and services e.g. Katrina Project.

RECENT PROGRAMS
- Know Your Foreclosure Rights: There’s Hope (August 2012, Tampa, FL)
- Do or Die: Analysis of the Stand Your Ground Statutes (August 2012, Chicago, IL)
- Justice Equality and A More Perfect Union: Community Recovery and Restoration After A Crisis (February 2012, New Orleans, LA)
- Raising The Bar on Foreclosure Prevention Efforts – Implementing Pro Bono Programs To Help Michigan Homeowners, Hosted by Federal Reserve Bank of Chicago- Detroit Branch (October, 28, 2011, Detroit, MI)
- HELP! I Need A Housing LIFELINE! (October 29, 2011, Detroit, MI)
- The War Against Foreclosures: Combating Foreclosures and Mortgage Crisis in Communities of Color (July 31, 2011, Baltimore, MD)
- Combating Foreclosures and the Mortgage Crisis in Communities of Color (February 12, 2011, Atlanta, GA)
- Stop Teen Violence: Time To Deliver (August 7, 2010, Golden Gate Law School, San Francisco, CA)
- Stop Teen Violence: Time To Deliver (May 3, 2010, Youthville Detroit, Detroit, MI)
- Stop Teen Violence: Time To Deliver (November 20, 2009, Chicago State University, Chicago, IL)
SIGNIFICANT PROJECTS

- Joint Project with the 10CORE Law Student Organization on Foreclosure

  - Overrepresentation of Juveniles of Color in the Juvenile Justice System

After an alarming number of national studies and reports revealed evidence that there is an overrepresentation of juveniles of color in the juvenile justice system and the justice system, the Coalition implemented a two-prong attack on the problems confronting juveniles of color. The first prong focuses on strategies that prevent young people of color from being trapped in the justice system; and the second prong focuses on strategies that divert young people of color and prevent their initial entrance into the juvenile justice system. A complete listing of juvenile justice programs sponsored by COREJ is attached.

Election Protection Project

COREJ developed a partnership in conjunction with the Lawyers' Committee and five ABA sections, divisions and entities to remove barriers to the electoral process for citizens of color who sought to participate in the 2004 election. COREJ, along with the Section of Individual Rights & Responsibilities and the Election Law Committee renewed their partnerships for the 2008 Elections and broadened the scope of the Project.

The goals of the 2008 Election Protection Project were: (1) Safeguard voters’ rights before, during and after Election Day by giving voters the information and resources they needed to cast meaningful ballots; and (2) Provide a comprehensive support system for eligible voters across the country that included support for registration programs, developing voter education materials, and providing direct legal assistance to protect the rights of voters. A primary goal for COREJ was to train volunteer lawyers who worked with voters on a national and local level to monitor polling places, educate voters, facilitate dialogues with state and local election officials, provide legal support to poll monitors and help answer the Lawyers’ Committee Hotline.

The three primary ABA Partners for the Election Project developed a plan for recruiting volunteer lawyers and law students and the major activities began in June 2008. An Election Protection website was launched on the ABA website.

- Katrina Project

The goal of the project was to educate, conduct outreach and coordinate resources and services across the country to assist those survivors that received disparate treatment in the midst and aftermath of Hurricane Katrina. These goals were accomplished by holding a national conference and three CLE programs, conducting outreach, and publishing a Report.

NATIONAL CONFERENCES

- Third National Conference – “Making the Invisible Visible: A Dialogue About Lessons Learned In the Aftermath of Katrina”

**Conference Overview:** The Coalition brought together approximately 200 judges, lawyers and their clients, health care workers, social workers, doctors, psychiatrists, psychologists, high school, college and law students, community groups, religious organizations, public and private leaders, survivors, responders and others who have devoted time to assisting victims of Katrina. The primary goals of the Conference: (1) conduct a productive dialogue among the survivors, planners (commissioners), and the participants; (2) produce a Report which identifies the type of problems that might emerge due to race
and ethnicity, how to avoid inequities based on race and ethnicity, and how to mitigate the problems; and (3) assist the survivors of Katrina with the rebuilding of their lives, restore justice and provide equity and respect to those victims that have been treated unjustly.

**Educational Programs**: Three successful panel presentations have been presented (1) ABA Midyear Meeting in Chicago, 2006 titled “Equity for Racial & Ethnic Survivors of Katrina;” (2) a jointly sponsored program with the National Bar Association as a Webcast Program “Hurricane Relief Seminar,” March, 2006 in Chicago; and (3) “Surviving Together; Healing Together” COREJ convened this special panel of experts in New Orleans to provide an in-depth status report of the communities that suffered disproportionately economically, legally, educationally and medically from Hurricane Katrina.

**Report**: The Final Report of the Conference contains specific recommendations from the speakers, participants and survivors. The Report titled “Making the Invisible Visible: A New Approach to Disaster Planning and Response,” contains an analysis of issues ranging from communications and language skills, to resource allocation, to pre-existing economic and social inequities. A number of excellent recommendations were received from the Conference. The recommendations were included in the Report that was issued in August 2007.

**Second National Conference on the Impact of Race and Ethnicity on the Justice System**
In March 2002, the Coalition held a highly successful conference in Baltimore. The conference was diverse, intergenerational, interactive and action-oriented. Recommendations from the Conference were used as blueprints for COREJ programs and projects. A report is available on the Conference.

- **First National Conference on the Impact of Race and Ethnicity on the Justice System**
In Los Angeles, CA 1999, after holding two “think tank” meetings, COREJ convened an extraordinary conference. Two reports are available: *Report on the Impact of Race and Ethnicity on the Justice System* provides a brief overview; and the *Draft of the National Conference Proceedings with Recommendations*.

Several major follow-up projects were developed from the 1999 conference:

1. Enhancing Access to the Justice System through Technology: Would Technology Have Changed the Outcome of the Vote in Florida?
2. Data Collection Project on Color/Racial Profiling: The Tulia, Texas Project
3. Friends of the Council

Justice Michael B. Hyman, Chairperson
Rachel Patrick, Director
Rachel.Patrick@americanbar.org
Deidra Franklin, Program Assistant
Deidra.Franklin@americanbar.org
Website: **www.americanbar.org/corej**