

# RWG Lawyer T. Peter Pierce Receives Prestigious Amicus Service Award from International Municipal Lawyers Association

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We are proud to announce that T. Peter Pierce of our firm will receive one of the International Municipal Lawyers Association's distinguished Amicus Service Awards for his service to the IMLA Legal Advocacy program in the *Rodriguez v. City of San Jose* case. Through the Amicus Service Award, IMLA recognizes lawyers who have done exemplary work to protect and advance local government interests.

The presentation of the award will be made at the IMLA Mid-Year Seminar in Washington D.C. on March 29, 2019.

In *Rodriguez v. City of San Jose*, police officers were called to the home of Lori Rodriguez whose husband Edward had suffered what is described as a "mental episode." As authorized under California law, officers confiscated 12 guns from the home, 11 belonging Edward and one belonging to Lori. The husband was detained for a mental health evaluation.

San Jose sought an order in California state court under the Welfare and Institutions Code to determine the proper disposition of the guns. The trial court refused to return the guns to Lori because the judge was not convinced she would be able to keep the guns away from Edward when he returned home. The California Court of Appeal affirmed the trial court's decision refusing to order the release of the guns to Lori.

Lori filed a lawsuit in federal district court alleging violations of her Second Amendment right to possess a firearm in her home for self-defense, and also alleging that her due process rights were violated. The district court granted summary judgment to San Jose. Lori appealed to the Ninth Circuit. With the assistance of RWG lawyers Kyle Brochard and Steven Nguy, Mr. Pierce prepared an amicus brief in support of San Jose on behalf of the League of California Cities and IMLA. The brief asserted that the California state courts have a constitutionally sound procedure for sorting out whether guns should be returned to a home with a resident who has been found mentally unstable. A decision by the federal court awarding any relief would undermine California's sovereignty and its discretion in exercising the police power, and also question the sound findings of the California trial court.

The case was argued in the Ninth Circuit on January 14, 2019. A decision is pending.

If you have any questions about appellate practices or police practices please contact **Peter Pierce**, Chair of our Appellate Practice Group or **Robert Ceccon** and **Jennifer Petrusis** of our Police Practices Group.