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## PRESS RELEASE

## FOR IMMEDIATE RELEASE

### **Bay Area Legal Aid, Texas Advocacy Project and Allies File Amicus Brief to Safeguard Domestic Violence Survivors from Lethal Firearms Access**

- *Section 922(g)(8) focuses on preventing individuals who have committed or threatened family violence from accessing firearms during the period they are under a protective order.*
- *Safeguarding survivors from firearm access during the duration of protective orders is paramount to their safety and the broader well-being of communities.*
- *The coalition comprises organizations like the Texas Advocacy Project that have made it their mission to provide vital civil legal services and advocacy to survivors of domestic violence.*

**Oakland** – This week, Bay Area Legal Aid joined Texas Advocacy Project ("TAP") and a coalition of dedicated non-profit organizations\* across the nation in proudly filing an amicus brief in *US v. Rahimi* to ensure the safety and protection of domestic violence survivors through appropriate firearm regulations.

Their brief, submitted to the Supreme Court of the United States, comes in response to the Fifth Circuit's recent ruling that has potential life-threatening implications for survivors of domestic violence, their families, and the broader community.

The amici curiae, or "friends of the court," coalition comprises esteemed organizations like TAP that have made it their mission to provide vital civil legal services and advocacy to survivors of domestic violence.

Collectively, these organizations work tirelessly to increase access to justice, especially for underrepresented and underserved communities. Through direct representation of survivors and support for those representing them, the amicus seeks to create a world where every survivor can live free from abuse.

The amicus brief addresses the Fifth Circuit's ruling, which misapplied the precedent set by the Supreme Court's decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*. Contrary to the Fifth Circuit's ruling, Section 922(g)(8) does not impose a broad prohibition on firearm possession or carry; rather, it focuses on preventing individuals who have committed or threatened family violence from accessing firearms during the period they are under a protective order.

The brief also underscores the evolution of domestic violence over the centuries, emphasizing how the nature of these cases has transformed from 1791 to the present day.

The amicus asserts that the Fifth Circuit's misconceptions about domestic violence protective orders ("DVPOs") led to an invalidation of Section 922(g)(8) based on outdated anecdotes and hypothetical concerns. As a direct consequence of this ruling, the safety of domestic partners, children, first responders, bystanders, and the public is jeopardized, placing them at risk of serious or even fatal harm.

The amici curiae firmly believe that safeguarding survivors from firearm access during the duration of protective orders is paramount to their safety and the broader well-being of communities.



*“Through our domestic violence prevention work, BayLegal seeks to empower survivors and help ensure they can live a life free from violence. It is well documented that leaving an abusive relationship is the most dangerous time for a survivor and that an abuser’s possession of a firearm greatly increases the risk to the survivor,”* says BayLegal San Mateo County Managing Attorney and Family Law Regional Counsel, Erin Orum. *“A Domestic Violence Prevention Order can, for a limited time and after judicial analysis of facts and law, remove an abuser’s access to firearms, thereby reducing the risk to the survivor and the community. BayLegal has seen first-hand that obtaining these orders on behalf of survivors is one of the strongest tools we have to help them protect themselves. We hope that the Court will agree with the amici curiae in Rahimi and keep in place this limited, but vital protection.”*

TAP CEO Heather Bellino says, *“We live in Texas, where now, since the Rahimi decision, survivors in our state do not have the same protections as those in other states. While it is vitally important that everyone understands why someone with a protective order against them shouldn’t possess a firearm, this brief is also about the law. We are hopeful the Court will agree that Rahimi was a misapplication of the Court’s guidance in Bruen. It is important for the Court to hear from practitioners on the ground, from all states, who are engaging in this work. We are grateful to all of our partner agencies who stand shoulder to shoulder with us in serving survivors.”*

By joining forces to submit this critical amicus brief, these organizations aim to correct the misinterpretation of the law and advocate for the continued protection of domestic violence survivors.

For a copy of the amicus brief, please click [here](#).

\*The Coalition is comprised of the following dedicated nonprofits across the country: Atlanta Legal Aid Society, Inc., Bay Area Legal Aid, Central California Legal Services, Community Legal Aid SoCal, Eastside Legal Assistance Program, Georgia Legal Services Program, Greater Hartford Legal Aid, Indiana Health Advocacy Coalition, Indiana Legal Services, Inc., Law Foundation of Silicon Valley, Legal Aid of Arkansas, Legal Aid of NorthWest Texas, Legal Aid Society of San Diego, Legal Services of Northern Virginia, Los Angeles Center of Law and Justice, Maryland Legal Aid, New Haven Legal Assistance Association, OneJustice, SAFE Alliance, Southeast Louisiana Legal Services Corporation, Southern Arizona Legal Aid, Inc., Texas Advocacy Project, Texas Legal Services Center, University of Texas School of Law Domestic Violence Clinic, Virginia Poverty Law Center

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**About Bay Area Legal Aid:** BayLegal’s mission is to provide meaningful access to the civil justice system through quality legal assistance regardless of a client’s location, language or disability. In 2022 BayLegal provided representation to 6,749 clients and 5,877 family members in 7,769 cases, including 721 cases in which our attorneys helped survivors of violence and their children access legal protections against abuse.

**About Texas Advocacy Project:** Texas Advocacy Project’s mission is to end dating and domestic violence, sexual assault, and stalking in Texas. TAP empowers survivors through free legal and social services and access to the justice system, and advances prevention through public outreach and education. Our vision is that all Texans live free from abuse. In 2022, TAP provided legal services in 4,765 cases, serving 10,502 Texans. If you or someone you know needs help, call 800-374-HOPE or visit [TexasAdvocacyProject.org](https://TexasAdvocacyProject.org).

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