

No. 23-1351

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs-Appellants,

v.

ANNE ARUNDEL COUNTY, MARYLAND,

Defendant-Appellee,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (No. 1:22-cv-00865-SAG)
HONORABLE STEPHANIE A. GALLAGHER

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* AMERICAN
MEDICAL ASSOCIATION, MEDCHI, THE MARYLAND STATE MEDICAL
SOCIETY, AMERICAN ACADEMY OF PEDIATRICS, MARYLAND CHAPTER,
AMERICAN ACADEMY OF PEDIATRICS, THE MARYLAND PSYCHIATRIC
SOCIETY, AND WASHINGTON PSYCHIATRIC SOCIETY IN SUPPORT OF
DEFENDANT-APPELLEE AND AFFIRMANCE**

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I. INTRODUCTION

Pursuant to Fed. R. App. P. 29(a), the American Medical Association (“AMA”), MedChi, The Maryland State Medical Society, the American Academy of Pediatrics (“AAP”), Maryland Chapter, American Academy of Pediatrics (“MDAAP”), The Maryland Psychiatric Society (“MPS”), and Washington Psychiatric Society (“WPS”) respectfully request leave to submit the attached brief as amici curiae in support of Appellee and affirmance.

Fed. R. App. P. 29(a)(3) requires that a motion for leave state “the movant’s interest” and “the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.”

II. INTEREST OF AMICI CURIAE

The AMA is the largest professional association of physicians, residents, and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all physicians, residents, and medical students in the United States are represented in the AMA’s policy-making process. The AMA was founded in 1847 to promote the art and science of medicine and the betterment of public health, and these remain its core purposes. AMA members practice in every medical specialty and in every state, including Maryland.

MedChi, the Maryland State Medical Society, a component of the AMA, is comprised of 22,000 licensed physicians in Maryland, together with medical students and residents. Its mission is to serve as the foremost advocate and resource for Maryland physicians, their patients, and public health.

The AMA and MedChi submit this brief on their own behalf and as representatives of the Litigation Center of the American Medical Association and the State Medical Societies. The Litigation Center is a coalition among the AMA and the medical societies of each state and the District of Columbia. Its purpose is to represent the viewpoint of organized medicine in the courts.

The AAP represents approximately 67,000 pediatricians nationwide. The MDAAP represents the approximately 1,100 pediatricians in Maryland. Both are dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults.

MPS is a professional organization of psychiatrists whose members specialize in the diagnosis, treatment, and prevention of mental illnesses in Maryland. WPS is an organization of medical doctors working to ensure access to humane care and effective treatment for people with mental illnesses in the National Capital Area. WPS has chapters in suburban Maryland and the District of Columbia.

Amici respectfully seek leave to submit the attached brief to offer their unique perspective, as health care providers, on the compelling need to uphold the Anne

Arundel County (“the County”) ordinance. Physicians are on the front lines of the firearm and mental health crises facing our communities. They devote their lives to treating everyone, including in the most high-risk emergencies when patients are most vulnerable. They witness the brutal effects of gunshots on the body, the grief and suffering, and the often life-long physical, psychological, social, and economic consequences that follow survivors who can never be made whole. The firearm violence emergencies and trauma never end for amici’s members and other medical professionals and staff. Patients put their lives in their physician’s hands.

Amici’s members are patriotic Americans who understand the importance of protecting our constitutional rights. They include many individuals who grew up with and value the recreational use of firearms or choose to own a firearm for self-defense. But amici share the strong conviction, informed by their health care work and research, that the County and other state and local governments must be able to respond to the untenable levels of firearm violence, including suicide and violence against others, by distributing potentially life-saving information to gun purchasers regarding firearms, suicide prevention, conflict resolution, and secure firearm storage.

Amici have an enormous interest in this case because a negative outcome would detrimentally impact the health of Maryland’s most vulnerable citizens. They strongly support regulations that disseminate information regarding secure storage

and the risks associated with owning firearms. Those regulations may determine whether children, including babies and infants, live, die, or have their lives changed forever by devastating gunshots and psychological trauma.

III. AMICI'S BRIEF IS DESIRABLE AND THE MATTERS ASSERTED ARE RELEVANT TO THE DISPOSITION OF THE CASE

Amici respectfully submit that they offer unique perspectives and knowledge that will assist the Court. They will present distinct arguments, research, and analyses that will not otherwise be presented to the Court.

The first section of their brief explains the experience of physicians, surgeons, and health care professionals who treat children and adults who have suffered firearm injuries. The practitioners are highly experienced in the fields of pediatric, emergency, and trauma medicine. Their perspectives on the physical and psychological consequences of firearm injuries, including on children, are extremely relevant to the Court's consideration of the regulations at issue in this case.

A. Dr. Annie Andrews

Dr. Andrews is a pediatrician who has practiced and taught at the Medical University of South Carolina ("MUSC") for the last 14 years. She earned her medical degree from the University of Cincinnati. She completed her residency training in pediatrics at Cincinnati Children's Hospital Medical Center. She was an Academic Generalist Fellow and earned a Master of Science in Clinical Research at MUSC. She has published several articles on firearm-related injury prevention. *See*

e.g., Andrews et al., *Improving the Frequency and Documentation of Gun Safety Counseling in a Resident Primary Care Clinic*, 21 Acad. Pediatrics 117 (2021); Andrews et al., *Increase in Mental Health Diagnoses Among Youth With Nonfatal Firearm Injuries*, 21 Acad. Pediatrics 1203 (2021); Andrews et al., *Engagement and Leadership in Firearm-Related Violence Prevention*, 10 Hosp. Pediatrics 523 (2020).

B. Dr. David Callaway

Dr. Callaway is a Professor of Emergency Medicine at the Carolinas Medical Center—the region’s only Level 1 Trauma Center—and the Chief of Crisis Operations and Sustainability at Atrium Health in Charlotte, NC. He is also the Chief Medical Officer at Team Rubicon, USA, a disaster relief organization led by military veterans, and Chairman of the Committee for Tactical Emergency Casualty Care, an international group of experts in high threat medicine and rescue. Dr. Callaway has led teams to provide medical care to regions in crisis. For example, in March 2022, he led a team that set up stations in Poland and western Ukraine to provide medical support to people fleeing the war. Dr. Callaway earned his M.D. from the Georgetown University School of Medicine in 2001 and completed a residency in emergency medicine at Harvard. He received an M.P.A. in Security and Disasters from the Harvard Kennedy School in 2009.

C. Dr. Joanna Cohen

Dr. Cohen is a pediatric emergency physician at Johns Hopkins Children's Center and an Associate Professor of Pediatrics at The Johns Hopkins School of Medicine. She previously worked as a pediatric emergency physician at Children's National Hospital in Washington, D.C. Dr. Cohen received her M.D. from SUNY Downstate Health Sciences University. She completed fellowships at Children's National Hospital in pediatric emergency medicine and at the George Washington University School of Medicine in emergency ultrasounds. She has published several articles on firearm-related injury prevention. *See, e.g.,* Cohen et al., *Documentation of Firearm Safety Screening During Emergency Department Visits for Assault-Related Injury*, 23 *Health Promotion Prac.* 941 (2022); Cohen et al., *Firearms Injuries Involving Young Children in the United States During the COVID-19 Pandemic*, 148 *Pediatrics* 1 (2021); Cohen et al., *Firearm Storage in Gun-Ownning Households with Children*, 95 *J. Urb. Health* 295 (2018).

D. Dr. Katherine Hoops

Dr. Hoops is an attending physician in the Pediatric Intensive Care Unit at Johns Hopkins Medicine in Baltimore, Maryland. She is an Assistant Professor of Pediatric Critical Care Medicine there. Dr. Hoops treats critically ill and injured children, including children who have suffered firearm injuries. She is also Core Faculty and leads the clinical programs and practice team at the Center for Gun

Violence Solutions at the Johns Hopkins Bloomberg School of Public Health. She has conducted extensive research about firearm safety and safety counseling by medical clinicians. Dr. Hoops is the Treasurer-Secretary of the MDAAP. She received her M.D. from the University of Miami Miller School of Medicine in 2011 and her M.P.H. from Johns Hopkins University in 2010. Dr. Hoops completed her residency in Pediatrics at the University of Alabama Birmingham, and a fellowship in Pediatric Critical Care Medicine at Johns Hopkins. Dr. Hoops is currently a J.D. candidate at the Georgetown University Law Center. She has published several articles on firearm-related injury prevention. *See, e.g.,* Hoops et al., *Firearm Suicide Among Veterans of the U.S. Military*, 186 *Mil. Med.* 525 (2021); Hoops et al., *Evaluating the Use of a Pamphlet as an Educational Tool to Improve Safe Firearm Storage in the Home*, 60 *Clinical Pediatrics* 67 (2020); Hoops et al., *Pediatric Resident Firearm Related Anticipatory Guidance*, 124 *Preventive Med.* 29 (2019).

E. Dr. Nathan Irvin

Dr. Irvin is an emergency physician and an Assistant Professor of Emergency Medicine at Johns Hopkins. He is also the co-director of the Health Humanities at Hopkins EM initiative, the clinical director of the Johns Hopkins Bayview Medical Center Emergency Department HIV screening program, and the Assistant Dean for Medical Student Diversity, Equity, and Inclusion. Dr. Irvin completed his residency at Alameda County Medical Center's Highland Hospital in Oakland, California, and

his fellowship at the University of Pennsylvania, where he received a M.S.H.P.R. He received his medical degree at Harvard Medical School. He has published several articles on firearm-related injury prevention. *See, e.g.,* Irvin et al., *Extreme Risk Protection Orders in Washington*, 173 *Ann. of Internal Med.* 392 (2020); Irvin et al., *Evaluating the Effect of State Regulation of Federally Licensed Firearm Dealers on Firearm Homicide*, 104 *Am. J. Pub. Health* 1384 (2014).

F. Dr. John Irwin

Dr. Irwin is a pediatrician at Medstar Harbor Hospital in Baltimore, Maryland. Dr. Irwin dedicates about two-thirds of his practice to the outpatient pediatric office—the other third focuses on labor/delivery and the Level 2 natal intensive care unit. His patients range from newborns to children up to the age of eighteen. Dr. Irwin grew up in Catonsville, Maryland and attended St. John's College in Annapolis. He has worked at Medstar Harbor since completing his residency 23 years ago. With the exception of medical school at Ross University School of Medicine and his residency at Rush University Medical Center, he has lived his entire life near the County. His hospital serves the northern part of the County, Glen Burnie, South Baltimore City, and South Baltimore County. He knows the communities very well.

G. Dr. Elizabeth Mack

Dr. Mack, a professor of pediatrics and division director of her team of pediatric critical care physicians, leads quality improvement and patient safety in the children's hospital, and serves as university faculty ombuds, at the Medical University of South Carolina in Charleston, SC. Dr. Mack is also the President of the South Carolina Chapter of the AAP. She received her M.D. from the University of South Carolina School of Medicine in 2003. Dr. Mack completed a residency in pediatrics at the University of South Carolina, and a fellowship in the pediatric ICU at Cincinnati Children's Hospital Medical Center. She earned an M.S. in biostatistics and epidemiology from the University of Cincinnati in 2009.

H. Dr. Paul Nestadt

Dr. Nestadt is an attending psychiatrist at Johns Hopkins University Hospital. He is also an Associate Professor of Psychiatry at The Johns Hopkins School of Medicine and an Associate Professor at Johns Hopkins Bloomberg School of Public Health. He received his M.D. from New York Medical College, and completed his residency at Johns Hopkins Hospital followed by a fellowship in psychiatric epidemiology at the Bloomberg School of Public Health. He has published extensively on the topics of suicide and firearm-related suicide prevention. *See, e.g.,* Nestadt et al., *Long gun suicides in the state of Maryland following the firearm safety act of 2013*, 53 J. Suicide and Life Threatening Behav. 29 (2023); Nestadt et al.,

Racial Differences in Statewide Suicide Mortality Trends in Maryland During the Coronavirus Disease 2019 (COVID-19) Pandemic, 78 JAMA Psychiatry 444 (2021); Nestadt et al., *Risk-Based Temporary Firearm Removal Orders*, 29 Harv. Rev. of Psychiatry 6 (2021); Nestadt et al., *Urban–Rural Differences in Suicide in the State of Maryland: The Role of Firearms*, 107 Am. J. Pub. Health 1548 (2017).

I. Dr. Monique Soileau-Burke

Dr. Burke is a General Pediatrician at The Pediatric Center in Columbia, Maryland. She works in outpatient pediatrics with infants and others up to the age of 22 in a culturally and economically diverse population in Howard County and four other Maryland counties, including the County. Dr. Burke is a Clinical Instructor at the Johns Hopkins School of Medicine. She is also President of the MDAAP. Dr. Burke received her M.D. from Tulane University School of Medicine in 1999 and completed her pediatric residency at Johns Hopkins in 2002.

J. Dr. Jen Sullivan

Dr. Sullivan, a pediatric emergency physician, is the Senior Vice President, Strategic Operations for Atrium Health. She previously served for five years as Secretary of the Indiana Family and Social Services Administration. Dr. Sullivan earned her undergraduate degree from the University of Houston Honors College, her M.P.H. at the Richard Fairbanks School of Public Health at Indiana University, and her M.D. at Indiana University School of Medicine.

K. Dr. Carol Vidal

Dr. Vidal is an assistant professor of psychiatry and behavioral sciences at Johns Hopkins University Hospital and School of Medicine, and President of the Maryland Psychiatric Society. Dr. Vidal earned her M.D. from the University Autònoma of Barcelona in 1999. She completed residencies in psychiatry at the Centre Assistencials Emili Mira i Lopez and the University of Maryland Medical Center, where she completed a fellowship in child and adolescent psychiatry. Dr. Vidal also earned a Ph.D. from the University Autònoma of Barcelona and an M.P.H. from Drexel University. She has published several articles on the topic of suicide. *See, e.g., Vidal et al., The Effects of Social Rank and Neighborhood and School Environment on Adolescent Depression and Suicidal Ideation, Child Psychiatry & Hum. Dev. (2022); Vidal et al., Perceived Family and Individual Social Status and its Association With Depression and Suicidality in an Adolescent Clinical Sample, 48 J. Comm. Psych. 2504 (2020).*

* * *

The amicus brief also addresses medical and public health research on the devastating physical and psychological consequences, including for children and adolescents, that result from improper and unsecure storage of firearms in the home, and on the importance of providing information about firearm storage and the risks of firearms, including suicide.

Finally, as more fully explained in the brief, amici agree with Appellee that the County's ordinance survives constitutional scrutiny, and respectfully urge the Court to affirm the district court's decision.

CONCLUSION

Amici respectfully request that the Court grant this motion and accept the proposed Amicus Curiae brief attached to this motion.

Dated: July 17, 2023

Respectfully submitted,

/s/ Michael J. Dell

Michael J. Dell

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). It contains 2,458 words, excluding the parts of the motion excluded by Fed. R. App. P. 32(f). This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2019 in 14-point, Times New Roman font.

Dated: July 17, 2023

/s/ Michael J. Dell

Michael J. Dell

CERTIFICATE OF SERVICE

I certify that on July 17, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the CM/ECF system. All participants in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

Dated: July 17, 2023

/s/ Michael J. Dell

Michael J. Dell