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photo courtesy Mary Ann Morgan-Filed

Broken Hearts...Strength In Healing

Our deepest sympathy and prayers go out to those families who lost loved ones or were injured at the horrible school shooting at Marjory Stoneman Douglas High School in Parkland. The resiliency of these students, and their mission to end school shootings, is a testament to the educators, families and students themselves. [The time has come to take action.](#) #MSDStrong.

A Farewell to (fire)Arms?

Thoughts on the tipping point for the new American revolution

By JOHN LEIGHTON

Preface: This follows the tragic February 14, 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida. As the world watched, yet another gunman entered yet another school, killing 17. The message that followed went beyond the usual "thoughts and prayers" rhetoric to which we have become accustomed. These are my personal thoughts.

I cheer for these kids, these survivors from Marjory Stoneman Douglas High School, the site of just the most recent mass shooting at an American school. I cheer for their families.

I cheer not because there is much to be cheery about. Not when a disaffected former student armed with an assault weapon ends the lives of 17 innocent people. Not when we witness the burials of 14 local children. Not when we see [the damage a .223 caliber assault rifle does to a child's body](#).

I cheer not because a confluence of incompetence, bureaucracy, inertia and cowardice came together to allow this tragedy.

I cheer because we are seeing that rare point in America when logic, reason and passion bring about that most elusive event: The Tipping Point. Impossible to time, tipping points often never come. But much like the #MeToo movement, this tipping point comes on the heels of an America angry that a serious problem has existed for so long because inertia (and election dollars) have taken control of the political steering wheel.

I cheer because we see real strength from these Parkland survivors and their community. This strength focused them on their mission that this shooting – one of 17 school shootings this short year in America and [291st since 2013](#) – would serve to change the way we deal with guns in this country.

I cheer because the last time we saw this kind of passion was in the 1960s. America's young adults were fed up with the Vietnam war. They took to the streets. They protested. They used coffee houses and bulletin boards and underground newspapers and radio stations and music to share their message. This was social media in the 60s. Today, these young people are organizing. They are not backing down. They are marching. Unlike the 60s, we don't see police or National Guardsmen facing them down with water cannons or attack dogs. Maybe it's due to a 24-hour news cycle. Yet maybe it's because most of America recognizes what these students know: the laws need to change...and we are way, way overdue.

I cheer for these kids because like the young adults of the 60s, it took violent deaths of peers to force change: In the 60s it was 47,000 young Americans whose flag-draped coffins were transported back to the Western hemisphere from Vietnam. Since the Sandy Hook shooting in 2012 – just 6 years – there have been [over 400 people shot in over 200 school shootings](#) in this country. Not quite the 47,000 of Vietnam, but the victims of Parkland (and Columbine, Sandy Hook, Virginia Tech, etc.) were not wearing fatigues or carrying M-16 rifles.

I cheer for these kids because I, like many of my generation, resigned myself to the idea that if witnessing 20 elementary school children slaughtered at Sandy Hook couldn't move Congress, there would never be change. But I didn't foresee the tipping point. Just like Harvey Weinstein never anticipated that 84 women would come forward, which created a tipping point and gave birth to #MeToo. This created a sea change in entertainment, business and politics (though, surprisingly, much less so among elected politicians for some strange reason).

I cheer for these kids, who have buried 17 people they loved. In his book *The Tipping Point*, author Malcolm Gladwell defines this point as "the moment of critical mass, the threshold, the boiling point." It's almost a magic moment when an idea, trend, or social behavior crosses a threshold, tips, and spreads like wildfire. He also recognizes how important the actual messengers are to the cause.

I cheer because the Parkland students are articulate in their positions. They have a powerful drive created by the lifetime effects of a four-minute bloody confrontation with an AR-15 assault rifle.

I cheer because this school shooting splayed open for the world to see how many opportunities existed for the shooter to be stopped before he went on his spree. Rarely has a mass shooter telegraphed his plans more openly than this one. He might as well have had a t-shirt that read "I am going to shoot up the school." The concept of "see something, say something" failed multiple times. The fact that police, social service agencies, the FBI and the law enforcement on site all failed in their mission to protect these victims leaves us to draw pretty clear conclusions about the best means for stopping this carnage in the future.

I cheer for them because they are where the rubber meets the road on the gun violence highway. America's affair with the assault rifle may be nearing an end. Will this movement eliminate the 300 million guns already in circulation? No. Will it stop the sales of most guns in America? No. Will it limit sales of the most casualty-inducing weapons of war? Maybe.

I cheer these kids because the focus on this national problem might actually change the way politics is done. By recognizing the power of money in campaigns, and how much financial influence the NRA asserts over elected officials, the Parkland survivors have pointed the laser beam directly at the source of the political oatmeal which has been sitting static for decades.

Finally, I cheer for these kids because it gives me at least a glimmer of hope that they might actually get out and vote. They realize that the most effective power is at the ballot box. Unfortunately, since 18-year-olds won the right to vote in 1972 they have consistently turned out in smaller proportion than other age groups. Young adult voting has stayed at or under 50% turnout in almost every presidential election year, and much lower in midterm elections. Perhaps this tipping point will ignite a change in voting behavior and an involvement in the national dialogue.

There are many miles to go on this political highway, much of it paved with special interest speedbumps if not whole walls. But there is a glimmer of hope created by this movement that offers the chance to create meaningful change that will save lives.

Changing gun laws, enhancing background checks, eliminating any gun possession for those mentally ill or on watch lists, and increasing purchase age would go a long way to reducing these mass killings. So too would repealing the gun manufacturers' immunity from lawsuits, which this industry pushed through a collaborating Congress with the lubrication of the NRA's lobbying.

Most reasoned people do not suggest taking away guns from mentally capable citizens. The real changes that will need to take place begin in Congress and extend to the Executive branch and the states as well. We will never see meaningful change without the continuation of this tipping point. Don't let this issue fade into the


background like the Equal Rights Amendment or so many important but not election disqualifying issues. Washington has the ability to slow these movements to try to outlast them. Bills have and will be proposed and become bottled up in committees; there will be poison pill amendments attached, and the rhetoric will continue. Until there are real changes made in the members of Congress (*and I'm talking to you Millennials and post-Millennials, because you will make up 49% of the voting public by 2020*), there will be no real change.

In the political gladiator fights, it's easy to forget that we are talking about real teens whose lives were snuffed out in our community. These were our children and teachers. They did not invite this. But now their community speaks for them.

I cheer for these survivors. And cry for these families.

John Leighton is a board certified trial lawyer who represents plaintiffs in catastrophic injury and death cases. He is the managing partner of Leighton Law, P.A. in Miami and Orlando. As a leader in the crime victim litigation movement, he speaks to lawyers, law enforcement and lay groups around the country about violent crime litigation, and is the author of the two-volume text *Litigating Premises Security Cases* (West Publishing 2006). He chairs the American Association for Justice/Association of Trial Lawyers of America Inadequate Security Litigation Group and is a founding member of the National Crime Victim Bar Association.

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HIGH SCHOOL

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<https://nationalcompassionfund.org/>.

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There are no administrative fees. All funds go to the victims.

We strongly support the National Compassion Fund.

JOHN LEIGHTON'S SPEECHES

Upcoming

- "Mass Shootings in America: Is The Solution Legislation or Litigation?," National Crime Victim Bar Association/National Center for Victims of Crime national conference, Orlando, FL September 2018.
- "Beyond the Shooter: Litigating Mass Shooting Cases in America," American Association for Justice Annual Convention, Denver, CO, July 2018.
- Faculty and lecturer, Ultimate Trial Advocacy College, Harvard Law School, Boston, MA, March 2018.

Recent

- "Safe or Scary? Negligent Security in Schools, Colleges, and Day Care," American Association for Justice Annual Convention, Los Angeles, CA.
- "Civil Justice for Victims of Crime in Florida," National Crime Victim Bar Association/National Center for Victims of Crime, St. Thomas University School of Law, Miami.
- "Terrorism as an Inadequate Security Case," American Association for Justice Annual Convention, Vancouver, Canada



FIRM NEWS

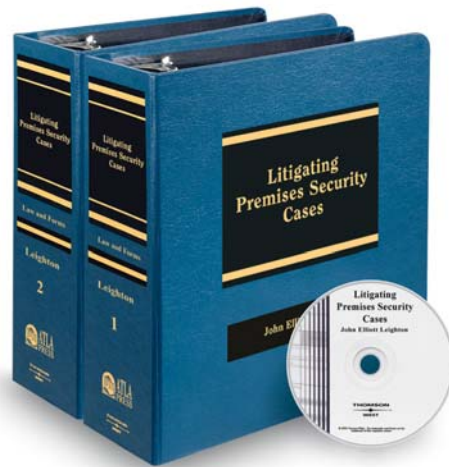
NEW ADDITIONS TO THE LEIGHTON LAW TEAM

We are pleased to welcome several new members to our outstanding staff. Legal assistants Kayla Oliver, Joselyne Sanchez and Maria Morales recently joined our firm, while law clerks Isabel Jolicoeur and Sydney Feldman have assisted our attorneys in research and writing issues. Our recent intern, Emily Ariz, provided incredible support and we look forward to her huge success in law school. Our growth is possible due to a dedication by all of our lawyers and staff, many of whom have been with us for over 20 years. Thank you to everyone at Leighton Law, both our new staff and our veterans!

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- America's Top 100 Attorneys



Leighton's Textbook on Premises Security Litigation Updated for 2018

Mr. Leighton's 2006 two-volume text, *Litigating Premises Security Cases*, was recently updated for 2018. It includes recent additional chapters on school shootings and terrorism. It also includes follow up on violent crime litigation which has been brought against a variety of premises and defendants, as well as theories of liability for crime victims. The text is the most widely used book on litigating violent crime cases and is updated annually. [CLICK HERE](#) to order.



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