



AALS

American Association of Law Schools

## **Animal Law Section**

# **Newsletter December 2009**

## **Officers**

### **Chair**

Katherine Hessler, Lewis & Clark Law School

### **Chair-Elect**

Rebecca Huss, Valparaiso Law School

### **Executive Committee**

Taimie Bryant, UCLA Law School

David Cassuto, Pace Law School

David Favre, Michigan State University Law School

Thomas Kelch, Whittier University Law School

Ani Satz, Emory University Law School

Verne Smith, Widener University Law School

### **Ex Officio**

Past Chair: Joan Schaffner, George Washington University Law School

## Letter from the Chair

Kathy Hessler

I am honored to have been the Chair of the AALS Section on Animal Law this past year, following in the footsteps of the founding Chair, Joan Shaffner. Like Joan, I am confident that this section will flourish for years to come.

Below is just a partial list of some of the animal law work that occurred last year. I am excited for all the things already planned for the coming year. Conferences, more courses and CLE offerings, as well as more law students and lawyers becoming involved, that is good news for tough times!

Looking forward, the Section will be focused on getting more formalized. We are likely to go through the process for our permanent section status approval – outgrowing our provisional status. We will be looking for ways to include more lawyers, teachers, and law students in animal law, and to share the work that we are all doing with one another. As our Section develops, we will have committees and a formal nominations process for the Executive Committee to replace those of us on it as we rotate off. We will continue to look for suggestions and your energy to build the Section.

We will continue to the work we have already begun:

- sponsor programs at the annual AALS meetings,
- maintain a web site, currently at <http://www.animallaw.info/policy/aalsindex.html>, thanks to David Favre, and
- communicate via a listserve, thanks to the ALDF.

And we will continue to work to:

- create opportunities for mentoring young scholars,
- support the collection of syllabi and other resources for teaching animal law classes hosted by ALDF, and
- sponsor and support programs to further professional development.

As we get more organized working to further animal law in the U.S. we also increasingly look outside this country to help our colleagues across the globe. Much exciting work is ahead of us. I am proud to be engaged in that work with such wonderful colleagues and look forward to our many collaborations.

The Section next year will be in the capable hands of Professor Rebecca Huss of Valparaiso University. I know you will all support her work to develop the Section.

I look forward to seeing many of you in New Orleans! And for all of us, here's to peaceful and healthy holidays and a wonderful new year.

## **Please attend our 2010 Program**

### **[5120] Section on Animal Law**

Topic: Working on the Wild Side: Wildlife and Animal Law

Moderator: Rebecca Huss

Panelists: Taimie Bryant, David Favre, Dale Goble, and Katherine Meyer

As Wildlife Law and Animal Law continue to evolve there are more instances in which they intersect. Scholars and practitioners in both fields have much to learn from each other. This panel presents one opportunity for such learning. Speakers will address international and domestic wildlife matters. They will also look at the Ringling Brothers's case which, when decided, will offer the latest judicial thinking about intersection and development of both of these areas of law, and could expand upon the protections necessary for threatened species held in captivity in the United States.

Friday, January 8, 2010, 8:30 - 10:15 a.m.

Eglinton & Winton Room, 2<sup>nd</sup> Floor,

Hilton New Orleans Riverside, 2 Poydras Street, New Orleans, Louisiana, 70140

## **Please join us at the Reception**

Please join us for drinks and delicious vegan hors d'oeuvres in celebration of the Association of American Law Schools Animal Law Section, hosted by the Animal Legal Defense Fund. This is a great opportunity to mingle with like-minded individuals and learn how you can support the section.

We thank the ALDF for their tremendous generosity and support of the Section.

## **Animal Legal Defense Fund Reception for Members of the AALS Section on Animal Law**

**Thursday, January 7, 2009**

**6:30 – 8:30 p.m.**

**Westin New Orleans Canal Place Hotel**

**Chairman's Room, 12<sup>th</sup> Floor**

**100 Rue Iberville, New Orleans**

From the Hilton (headquarter hotel), stay right on Poydras Street, turn left on Canal Street, turn right on N. Peters Street, then turn left on Iberville Street (approximately an 8 minute walk).

## *Activities of our members and community*

### **Conferences:**

- **ALDF's Future of Animal Law Conference - April 9-11, 2010 – Harvard Law School**

Save the date! Attorneys, law students, professors, and activists from around the world will convene for "The Future of Animal Law" conference, April 9-11, 2010, at Harvard Law School, to explore vital issues relative to animal law and activism. Our keynote speaker is Bob Barker, television personality and founder of DJ&T Foundation. Sponsored by ALDF and the Harvard Law Student Animal Legal Defense Fund (SALDF) chapter, this is a conference you don't want to miss! Visit [www.animallawconference.com](http://www.animallawconference.com) for registration details.

- Verne R. Smith reports on The Pennsylvania Bar Institute's 6<sup>th</sup> Annual Animal Law Conference, held in three locations in PA in July and August 2009 (Philadelphia, Pittsburgh, and Mechanicsburg). For the past three years, I have served as a course planner for this highly-regarded, day-long program that annually attracts several hundred attendees. This year's conference featured sessions in Pennsylvania's newly rewritten dog law (which tightened restrictions on puppy mills); developments in cat law (which I presented); the law of marine mammals; and resolving pet disputes in divorce cases. Planning for the 7th Annual Conference is already underway.

- **NAS Symposia:**

Dr. Paul Locke of the Bloomberg School of Public Health at John's Hopkins University asked ALDF, The Center for Animal Law Studies at Lewis & Clark Law School and ELI (Environmental Law Institute) to work together to support implementation of the vision of the National of Academy of Sciences which calls for the beginning the end to animal testing. One of the main projects of this group was to develop a symposium series to bring together the many stakeholders for frank discussion about the needed changes in the testing science and the barriers to that transition.

- University of Ottawa – *Workshop on Implementation of the U.S. National Research Council Report on Toxicity Testing in the 21<sup>st</sup> Century*, Ottawa, Ontario, June 29-30, 2009
- Lewis & Clark Law School - *The Science, Ethics, and Law of Animal Testing in the 21<sup>st</sup> Century: Are We on the Verge of a Paradigm Shift?*, Portland, Oregon, September 12, 2009
- University of Chicago - *The Economic Implications of the U.S. National Research Council's Report on Toxicity Testing in the 21<sup>st</sup> Century: Can We Make the Business Case for Alternatives?*, Chicago, Illinois, November 5, 2009.

- **Animal Law in Academia Teleconference:**  
ALDF conducted an “Animal Law in Academia” nationwide conference call with special guest panelists. During this conference call hosted by Pamela Alexander, Director of ALDF’s Animal Law Program and Adjunct Professor at the University of Chicago, each panelist discussed a particular topic and focusing on specific teaching methods they find to be effective when teaching an animal law course:
  - Introduction to Animal Law - Pamela Frasc, Assistant Dean and Executive Director Center for Animal Law Studies Lewis & Clark Law School
  - Torts - Bruce Wagman, Partner at Schiff Hardin Law Firm; Chief Outside Litigation Counsel of the Animal Legal Defense Fund; and Adjunct Professor at University of California Hastings College of the Law, University of California (Berkeley), Stanford Law School and University of San Francisco School of Law
  - Constitutional Law - David Cassuto, Professor of Law and Director of Brazil-American Institute for Law and Environment (BAIL) at Pace Law School
  - Commercial Uses of Animals - Kathy Hessler, Professor and Clinical Director, Center for Animal Law Studies at Lewis & Clark Law School
  - Criminal Law - Dana Campbell, Animal Legal Defense Fund Attorney and Adjunct Professor at Cornell Law School
  - Contracts, Wills and Trusts - Rebecca Huss, Professor of Law at Valparaiso University School of Law
  - Property and International Law - David Favre, Professor and Editor-in-Chief, Animal Legal & Historical Web Center Michigan State University College of Law
  - Animal Rights Jurisprudence, Social Movement(s), New Directions - Taimie Bryant, Professor of Law at UCLA Law School

**Publishing:**

- Richard L. Cupp - Named the 2009 winner of the Professional Scholarship Award by the American Agricultural Law Association (AALA) for his article "Moving Beyond Animal Rights: A Legal/Contractualist Critique." The article's citation is 46 San Diego Law Review 27 (2009), and it may be downloaded at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1411863](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1411863). The award was presented at AALA's annual conference in Williamsburg, Virginia, on Sept. 25.
- Susan Hankin - Making Decisions about our Animals' Health Care: Does It Matter Whether We Are Owners or Guardians?, 2 Stanford Journal of Animal Law & Policy 1 (2009).

- Verne R. Smith - The Law and Feral Cats this year in Vol. 3 of the Journal of Animal Law and Ethics (3 JALE 7 (2009)).
- Joe Vining - gave a talk at the annual Symposium of the Animal Law Section of the Michigan State Bar, "Beyond Genetics and Environment: Recognition in Animal Law of the Third Factor." It was published in the Michigan State Bar Animal Law Section Newsletter Spring 2009. In October he discussed animals and animal law at the end of a keynote address, "The Filaments of the Vicarious," at the Fourth Annual John F. Scarpa Conference on Law, Politics, and Culture at Villanova Law School, which will be published in the Villanova Law Review. In November he again discussed animals and animal law in Washington in the course of the 2009 Lecture in Law, Philosophy, and Religious Traditions at Catholic University, "The Consequence of Human Differences," which will be published in the Journal of Law, Philosophy and Culture. The lecture in its speaking version is on line at <http://live.cua.edu/lawvining.cfm>. In November he also gave a talk at an Institute of Medicine/National Research Council Roundtable Discussion on Animal Law and the Research Enterprise, "The Emergence of Animal Law in Law Schools," which took place at Harvard University.
- Ani Satz - *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, 16 ANIMAL L. REV. (forthcoming 2009). To be reprinted with permission in both English and French in INTERNATIONAL RESEARCH GROUP IN ANIMAL LAW, THE ANIMAL WITHIN THE SPHERE OF HUMANS' NEEDS (forthcoming 2010).
- Bruce Wagman - Finished the Fourth Edition of Animal Law, Carolina Academic Press, with co-authors Pamela Frasch and Sonia Waisman. He is also working on *Animal Law: A Worldview*, which collects illustrative laws from countries around the world and, in combination with a discussion of international treaties affecting animals, is intended to stimulate thoughtful dialogue on the state of animal law around the world, and the similarities and differences between countries.
- David Cassuto - just completed a monograph for the Animals & Society Institute on CAFOS and Climate Change.
- Pamela Frasch - Animal Law - 4<sup>th</sup> Edition with Sonia Waisman, Bruce Wagman, West Publishing, (forthcoming Fall 2010); Animal Law in a Nutshell with Kathy Hessler, Thompson West (forthcoming 2010).
- Kathy Hessler - Teaching Animal Law Across the Curriculum, Carolina Academic Press (forthcoming 2011). Animal Law in a Nutshell with Pamela Frasch, Thompson West (forthcoming 2010). *Exotic Animals as Pets*, with Tanith Balaban, American Bar Association GP Solo, Vol. 26, No. 5 (July/August 2009). *Agricultural Animals and the Law*, with Tanith Balaban, American Bar Association GP Solo, Vol. 26, No. 5 (July/August 2009).

### **Animal Law Growth – Chapters & Classes:**

Two primary benchmarks for the Animal Law Program, include growth in Student Animal Legal Defense Fund (SALDF) chapters and Animal Law courses offered at law schools across the nation. Year-to-date, there are 145 SALDF chapters, 12 of which were newly formed in 2009. Additionally, there are 115 animal law courses being offered at law schools across the country. At the end of 2008, there were 103, reflecting growth of 12 new Animal Law courses added to law school curricula.

### **New Courses and Teaching:**

- Karen Koch - the University of Arkansas School of Law faculty approved my proposal for an upper-level writing class based on animal law. This course will be one several course options that satisfies our requirement for a third semester of legal writing. She will be teaching it for the first time this coming spring semester.
- Jennifer McMahon – She will be teaching the first semester of Animal Law to be offered at St. John's University School of Law in Queens, NY beginning in the Spring 2010 semester.
- Susan Hankin - She will be teaching a new course this spring, a seminar on Animals and the Law.
- Patti Bednarik – She is teaching Animal Law at Penn State Dickinson Law School for the third straight year. The Pennsylvania Bar Association in conjunction with the Pennsylvania Bar Institute, has offered a 6 hour CLE on animal law for 6 years. The Animal Law Seminar is an annual event, which is offered every summer in three locations on three separate dates: Harrisburg, Mechanicsburg and Philadelphia. We have several course planners and generally get about 300 lawyers to attend. If you would like more information about the CLE, I recommend that you contact Lisa Muench who is the program director at PBI. Her contact information is [lmuench@pbi.org](mailto:lmuench@pbi.org)
- Sherry Ramsey - taught Animal Law in the Spring 2009 semester at NYLS as well as two CLE seminars. The topic was "Animal Law: An Overview". She presented CLE seminars to prosecutor groups in Philadelphia, Albany, New Jersey and at George Washington Law School in D.C. She presented two judicial seminars in Philadelphia and one in Chicago and two law enforcement training seminars in New Jersey on prosecuting dog fighting cases. She also presented at the Fort Bliss Army base in El Paso Texas to the JAG attorneys and investigators there. She will be teaching a new animal law course at Loyola University New Orleans College of Law in the spring and co-teaching the class at Tulane.
- Bruce – presented at the Animal Law: The Links Conference co-hosted by the Center for Animal Law Studies and the Student Animal Legal Defense Fund chapter at Lewis & Clark Law School. He also did a two week tour of Australia

- Ani Satz - Guest Lecturer, *Animal Experimentation for Health Care Purposes*, Course on Values in Science, Emory University School of Medicine, Atlanta, Georgia (January 12, 2010); Co-Host, *Spotlight on Teaching—Animal Advocacy*, Center for Faculty Development and Excellence and Academic Exchange, Emory University, Atlanta, Georgia (Sept. 21, 2009); Panelist, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, Law & Society Annual Conference, Denver, Colorado (May 28-31, 2009); Speaker, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, The Animal Within the Sphere of Humans' Needs, International Research Group in Animal Law (GRIDA), University of Montreal, Montreal, Canada (May 21-22, 2009); Speaker, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, Animal Legal Defense, Yale Law School, New Haven, Connecticut (April 13, 2009); Panelist, *Animals in Health and Disability Law*, All Law is Animal Law: Teaching Animal Law Across the Curriculum, American Association of Law Schools Annual Meeting, San Diego, California (Jan. 10, 2009) (Section on Animal Law Inaugural Program).
  
- David Cassuto - spoke at the Global Ecological Integrity Conference in Florence last June on the ethics of industrial agriculture and on a panel with Professor Dara Lovitz, Temple University School of Law and Professor Kathy Hessler. Lewis & Clark Law School, at The Animal, Within the Sphere of Humans' Needs conference, sponsored by Groupe de Recherche International en Droit Animal (GRIDA), at the University of Quebec in Montreal, May 2009. He also taught animal law at both Pace & Fordham this past semester (at Fordham it was the second semester in a row) and student interest continues to grow. David also spoke at the Animals & Society Institute on CAFOS and Climate Change at their fundraiser last October
  
- Pamela Frasch - *The Science, Ethics and Law of Animal Testing in the 21<sup>st</sup> Century: Are We on the Verge of a Paradigm Shift?*, Lewis & Clark Law School, September 2009; *Bio-Ethics and Animal Law*, Animal Law: The Links, Lewis & Clark Law School - October 2009; University of Chicago - *The Economic Implications of the U.S. National Research Council's Report on Toxicity Testing in the 21<sup>st</sup> Century: Can We Make the Business Case for Alternatives?*, Chicago, Illinois, November 5, 2009; *The Unequal Treatment of Animals by Species and Practice in the United States: A Moral and Legal Dilemma*, University of Chiba, Chiba, Japan, Hitotsubashi University, Tokyo, Japan, and Association of Japanese Legal Philosophy, Osaka, Japan - November 2009;

- Kathy Hessler - *Animal Law and Agriculture*, NW Veg Master Vegetarian Program - December 2009; *Eliminating Invasive Species - A Debate*, with Professor Dan Rohlf and attorney Chrys Hutchings, Lewis & Clark Law School - December 2009; *Animal Testing*, and *The Development of Animal Law*, University of Chiba, Chiba, Japan - November 2009; *Animal Testing*, and *The Development of Animal Law*, Hitotsubashi University, Tokyo, Japan - November 2009; *Animals in Testing: Concerns and Consequences*, Association of Japanese Legal Philosophy, Osaka, Japan - November 2009; Student Panel, Animal Law: The Links, Lewis & Clark Law School - October 2009; *Animal Testing*, Animal Law: The Links, Lewis & Clark Law School - October 2009; *Factory Farming's impact on the Environment, Consumer Health and Worker Safety*, VegFest, Portland, OR - September 2009; *Ethical Foundations of Research*, The Science, Ethics and Law of Animal Testing in the 21<sup>st</sup> Century: Are We on the Verge of a Paradigm Shift?, on a panel with Joyce Tischler, Founder and General Counsel of Animal Legal Defense Fund, Sponsored by the Center for Animal Law Studies at Lewis & Clark Law School and the Center for Alternatives to Animal Testing, Johns Hopkins University - September 2009; *Ask the Experts*, with Pamela Frasch, Lewis & Clark Law School; Taimie Bryant, University of California at Los Angeles Law School; David Favre, Michigan State University Law School; David Cassuto, Pace Law School; Rebecca Huss, Valparaiso Law School; Bruce Wagman, Schiff, Harden; Dana Campbell, ALDF; Joan Shafner, George Washington Law School; and Pamela Alexander, University of Chicago and ALDF, call hosted by the Animal Legal Defense Fund to assist teachers of Animal Law - July 2009; *Legal Issues in Animals in Testing*, on a panel with Rebecca Huss, Valparaiso Law School, Taimie Bryant, University of California at Los Angeles Law School, and Elizabeth DeCoux, Florida Coastal School of Law at the Law & Society Annual Meeting in Denver - May 2009; *Animals in Testing: Legal Concerns and Consequences*, on a panel with Professor David Cassuto, Pace University School of Law and Professor Dara Lovitz, Temple University School of Law, at The Animal, Within the Sphere of Humans' Needs conference, sponsored by Groupe de Recherche International en Droit Animal (GRIDA), at the University of Quebec in Montreal - May 2009; *Developing Problems*, Concurrent Group leader, Workshop on Innovative Teaching Methods & Materials: A Conference for Authors in the "Context and Practice Series" sponsored by Washburn University Law School and Carolina Academic Press - May 2009; *Impact Litigation or Impact Education? Striking the Right Balance in Law School Clinics*, with Professor Juliet M. Brodie, Stanford Law School, Professor Yuri R. Linetsky, Case Western Reserve University Law School, and Professor Andrew S. Pollis, Case Western Reserve University Law School at the Annual AALS Clinical Conference - May 2009; Interviewed for *Animal Law: An Overview*, ABA GP Solo magazine - March 2009; *Animal Law and Standing*, guest speaker in Professor Patricia Matthews' class, Florida State University - March 2009; *What to Do About Non-Native Animal Species?* on a panel with Professor Dan Rohlf, Clinical Professor, Lewis and Clark Law School and Nathan Baker, Staff Attorney, Friends of the Columbia Gorge, sponsored by the Lewis & Clark Student Animal Legal Defense Fund - March 2009; *At Odds: Human*

## **Other News:**

### **Cases: Bruce Wagman**

*Kentucky Shelter Cases* -- after discovering details of illegal treatment of animals and illegal shelter practices in violation of the Kentucky Humane Shelter Law, sued Fiscal Courts of two counties based on those violations. In the first action, the County agreed to build a new shelter and enter into a consent judgment which will be triggered if there are violations of the settlement agreement. The brand new shelter is operational and an eager and highly motivated new ACO is in place. The second case is still pending.

*USERL cases* -- ALDF has been representing the United States Equine Rescue League in a series of cases in which USERL is acting to rescue and save horses who have been neglected and starved by their owners. We have had cases in Indiana and North Carolina. The NC cases resolved in judgments in favor of USERL with the horses given to USERL and then adopted out. The IN case is still pending.

*National Meat Association v. California* -- Representing ALDF, USERL, HFA and FS who are all defendant-intervenors in a case brought by the meat industry in an effort to strike down California's law that requires the euthanization of downed animals. The meat industry wants sick and injured animals who cannot stand or move to be slaughtered and put in the food supply, without concern for their suffering.

*Huerta v. Denhoy* -- ALDF and cocounsel are representing a woman whose emotional disability is minimized by the presence of her dog, Manny. Her landlords are trying to evict her, in violation of the Americans with Disabilities Act and the California analog to that statute. An unlawful detainer (eviction) action is pending in state court and a federal ADA case is pending in federal court.

### **Honors: Joyce Tischler Honored for Advancement of Animal Law by ABA**

Chicago, Illinois – In August 2009, the Tort Trial & Insurance Practice Section (TIPS) Animal Law Committee of the American Bar Association presented ALDF's Joyce Tischler with the Excellence in the Advancement of Animal Law Award. Given to Tischler during the ABA's Annual Meeting in Chicago at the TIPS Animal Law Committee Awards Reception, it was the third annual presentation of the award. "The award recognizes exceptional work by a member or leader of an international, national, regional, state or local bar association's animal law committee, who, through commitment and leadership, has advanced the humane treatment of animals." In 1979, Tischler co-founded ALDF and served as its executive director for the next 25 years. She

now serves in the capacity of general counsel for ALDF. Congratulations, Joyce!  
[http://www.abanet.org/abanet/media/release/news\\_release.cfm?releaseid=689](http://www.abanet.org/abanet/media/release/news_release.cfm?releaseid=689).

**Animal Law Clerkship Program:**

The Animal Legal Defense Fund (ALDF) Animal Law Clerkship Program pairs animal law attorneys with law students interested in working in this dynamic area of the law. ALDF matches qualified candidates with practitioners for this innovative program and provides the funding for these clerkship positions. This ground-breaking program continues our commitment to creating opportunities for both legal professionals and law students by advancing animal law and furthering our mission – “To protect the lives and advance the interests of animals through the legal system.” Year-to-date, this program has paired over 30 law students with animal lawyers.

**TIPS**

Joan Schaffner, American Bar Association, Tort Trial and Insurance Practice Section  
Animal Law Committee (ALC)

It is wonderful now to have the two premier legal associations--the ABA and the AALS--officially recognize animal law, our areas of expertise, scholarship and passion! As the founding chair of our section, and current chair of the ALC, I invite you to join the ALC if you are not already a member. We are an active committee in the ABA and are looking for new members from the academy as well as from practice. The ALC was established in 2004-05 and since that time has sponsored several CLE programs, started humane education public service projects in NYC and DC with an expansion to Chicago in Spring 2010, published three books and the Animal Law Insights Podcast Series available on our web site at <http://www.abanet.org/tips/animal/home.html>, and recognized three outstanding leaders within the animal law community world-wide with our annual award for Excellence in the Advancement of Animal Law. The 2009 recipient was renowned animal advocate, lawyer, and founder of the Animal Legal Defense Fund, Joyce Tischler. The Committee publishes three newsletters annually, coordinates a bi-monthly member teleconference with a “guest speaker” from the membership to chat about their work, and seeks endorsement of the ABA on proposed legislation and policy statements designed to promote the interests of animals through the law. In 2010 year we will be sponsoring with support from ALDF a 90-minute webinar on the *US v. Stevens* case soon after the decision is released and will present a panel at the ABA Annual Meeting in San Francisco entitled “What Price Love? Mass Torts and Animals.” Animal law has come a long way but we have a longer way to go! To join TIPS please visit the Section web site at: <http://www.abanet.org/tips/about/home.html>. Please join the ALC as we pursue our mission to be “the instrument of a paradigm shift” in our thinking on animal issues and the law.

**Blogs:** David Cassuto - animal blawg is about to surpass 100,000 hits (in just over a year) and David would like to invite any and all to guest blog.