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AALS

American Association of Law Schools Section on Animal Law

Newsletter November 2010

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School of Law

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Katherine Hessler, Lewis & Clark Law
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Letter from the Chair Rebecca Huss

I am honored to have been the Chair of the AALS Section on Animal Law this past year. Following in the footsteps of Joan Schaffner and Kathy Hessler is a daunting task, but the Section has made some good progress in the past months.

First, let me thank Professor of Law and Director of the Ruth Lilly Law Library at Indiana University-Indianapolis Judith Anspach for being so kind as to put together the newsletter this year. I truly appreciate her assistance. As part of formalizing our Section processes, we are now using a Nomination Committee for recommendation of new Executive Committee Members. Thank you to David Cassuto, Tom Kelch and Kathy Hessler for acting as that Nomination Committee this year.

If you are receiving this newsletter through a colleague, please consider joining the Section on Animal Law (and encourage any interested colleagues to do so as well). It is very easy to do. If your school has you listed as a faculty member, just go to the AALS website (aals.org), click on the "Online Store" icon on the left hand side of the screen, click on "Section Membership" at the top of the screen and choose Animal Law. It is free to "purchase" membership in the section. If you are an adjunct professor, there are two ways to approach the issue. You can remind your Dean that the AALS Deans' Questionnaire (usually distributed in the Spring) asks for law schools to identify the adjunct faculty. If you are identified as an adjunct faculty member you will not need to pay any fees to become an associate member of AALS Sections. You can also ask your Dean's office to send an email to Sean Prichard or Kelly Caulk at the AALS stating that you are in fact an adjunct at the law school and they can add the you to the Section list at no charge.

The Section began using the official AALS platform for communication this year. This newsletter is being distributed via the "Announcements" listserv (which only certain Section officers can access). There is also a "Discussions" listserv that you must "opt into" – and can be used for communication among the members. In addition, the Section is now using the official section webpage through AALS. You must be listed as a faculty member of an AALS school to get access to the webpage – and it includes helpful information about the Section itself, past newsletters and links to useful information on teaching and research in the area of animal law. The website can be accessed through the AALS Animal Law Section page or the website address of <https://connect.aals.org/p/co/ly/gid=306>

In July 2010 the Section submitted its petition for full status to the AALS Executive Committee. After the Annual Meeting in January, the incoming Chair will submit an addendum to reflect the activities of the Section at that meeting. We anticipate that the Section will be informed of the decision of the Executive Committee during the Spring of 2011.

Due to the Section's current provisional status, it is especially important that there is significant attendance at the Annual Meeting program in San Francisco. Fortunately we have a great panel scheduled titled *The Treatment and Impact of Farmed Animals* on Saturday, January 8, beginning at 8:30 AM. (More information about the panel is below.) The Section did request (along with many other sections) to have the AALS relocate our panel out of the Hilton (to either the Parc 55 or Hotel Nikko) given the labor boycott issues in San Francisco. There are limited spots available for relocation – and we will not know until closer to the meeting whether our request was granted – but we hope you will join us regardless of the location. If you have ideas for future programs, please pass them on to an Executive Committee member. Please keep in mind, the deadline for new programs is pretty early in the year – so it is best to provide any ideas by Mid-January.

You might also be interested in some other sections' programs at the annual meeting. Just a few to consider are the joint program of the Agricultural and Property Law Sections titled *Changing Concepts*

of *Water in Law* on Wednesday, January 5 from 2:00-5:00 PM and the program from the Section on Natural Resources Law, Co-Sponsored by the Section on Environmental Law titled *New Voices on Cutting Edge Issues in Natural Resources and Environmental Law* on Friday, January 7 beginning at 8:30 AM.

On Friday, January 7 from 7:00-9:00 PM the Animal Legal Defense Fund is sponsoring a reception for professors interested in animal law. This reception is a great way for folks interested in this area of the law to meet and I plan on being there. Currently the reception is scheduled to be at the Hilton - but check the program once you have registered for the conference to confirm the location.

Taimie Bryant of UCLA is scheduled to take over as Chair of the Section at the Annual Meeting in January. I am confident that she will keep the Section moving forward and I am sure that you will support her in this endeavor.

I look forward to seeing you in San Francisco!

Please Attend Our 2011 Program

Section on Animal Law

Topic: *The Treatment and Impact of Farmed Animals*

Moderator: Verne R. Smith

Panelists: Rebecca Bratspies, David Cassuto, Tom Kelch, and Bruce Wagman

Over ten billion animals (excluding fish) are consumed as food each year in the United States. This represents ninety-eight percent of the animals with whom humans interact. The development of antibiotics that allow for intensive factory farming, reduction in the number of small family owned farms and consolidation of the industry have shifted the paradigm of raising animals for food production. This panel will focus on issues relating to the treatment and impact of farmed animals. Topics to be explored include issues with confined animal feeding operations including the relationship between confined animal feeding operations and climate change, a comparative perspective regarding the treatment of farmed animals and a discussion of litigation in the area.

Saturday, January 8, 2011, 8:30 – 10:15 a.m.

Upcoming Conferences and Other Activities:

(Submitted by Joan Schaffner, George Washington University Law School)
Bridges to a Better Civil Society: Animals in Law, Legislation & Policy, April 8, 2011, sponsored by the Animal Law Section of the Maryland State Bar Association.

The Section of the Maryland State Bar Association will host this conference to discuss and formulate solutions, ideas, comments, and future steps to current issues impacting law, legislation, policy, and animals. Panel discussions and lively conversations will be the format of this conference, which will occur from 8 A.M. to 5:30 P.M. at the historic West Minster Church in Baltimore, Maryland and at the Maryland State Bar Association headquarters. (Note that this is a decommissioned church, and is a renovated conference space contained within a historic location). The proposals, and moderators and speakers committee, Joshua L. Friedman, Esq., Chair, who is also Deputy Chair of the conference, will welcome receipt of proposals until and inclusive of, but not after, January 20, 2011, at iterpslaw@gmail.com.

To cover the cost of the conference, a fee of \$15.00 is required of attendees. The cost for law students is free. Please make, well in advance of the conference, your check payable to the Animal Law Section, Maryland State Bar Association. Please mail checks to 520 West Fayette Street, Baltimore MD 21201. Payment must be made prior to attending the conference.

For more information about the conference, including but not limited to sponsorship opportunities, please consult animalsymposium.com, the repository site for past and for future conferences and symposia of the Animal Law Section. Please do not hesitate to contact Gary C. Norman, Esq. at (410) 241-6745 or via e-mail at GLNorman15@hotmail.com.

(Submitted by Joan Schaffner, George Washington University Law School)
Join the ABA TIPS Animal Law Committee!

The American Bar Association Tort Trial & Insurance Practice Section's Animal Law Committee is an active and dynamic committee that is raising awareness among the lawyers of the American Bar Association to the emerging field of animal law and using this forum to create partnerships among

industry, lawyers and legal academics to appreciate the interests of animals and humans alike. The Committee meets quarterly, publishes three newsletters a year, has published three books and conducts a humane education project. Just since August of this year the Committee put on three outstanding CLE panels entitled: *What Price Love? Animals and Mass Torts*; *Deconstructing US v. Stevens: Animal Cruelty and Freedom of Speech*; and *Animal Rights and the Public's Right to Know: Farmed Animal Welfare and Consumer Labeling Issues*. Please consider joining ABA TIPS and this vibrant Committee at <http://www.abanet.org/tips/>.

Activities of our members and community:

Jerry L. Anderson, *Protection for the Powerless: Political Economy History Lessons for the Animal Welfare Movement*, 5 Stan. J. Animal L. & Pol'y 1 (Jan. 2011).

Gerry W. Beyer, *Fat Cats & Lucky Dogs – How To Leave (Some Of) Your Estate To Your Pet* (2010) (co-authored with Barry Seltzer). Link to the book's website: <http://www.fatcatsandluckydogs.com/>

Critters in the Estate Plan, NYSBA Trusts and Estates Law Section Newsletter, Summer 2010, at 25. This article is available on SSRN by following this link: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1666370.

David Favre, *Living Property: A New Status for Animals Within the Legal System*, 93 Marquette Law Review 1021 (2010)

This article develops the proposition that non-human animals can possess and exercise legal rights. This proposal is supported by the fact that our legal system already accommodates a number of animal interests within the criminal anti-cruelty laws and civil trust laws. To make a more coherent package of all animal-related public policy issues, it is useful to acknowledge the existence of a fourth category of property, living property. Once separated out from other property, a new area of jurisprudence will evolve, providing legal rights for at least some animals. This article establishes why animals should receive consideration within the legal system, which animals should be focused upon, what some of the legal rights might be, and how the traditional rules of property law will be modified to accommodate the presence of this new category of property.

Ani Satz, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, 16 ANIMAL L. REV. (2009). Reprinted in INTERNATIONAL RESEARCH GROUP IN ANIMAL LAW, THE ANIMAL, WITHIN THE SPHERE OF HUMANS' NEEDS (Martine Lachance ed., Thomson Reuters 2010) [French and English volume].

Speaker, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, Animal Legal Defense, Yale Law School, New Haven, Connecticut (April 13, 2009).

Speaker, *Animal Law Scholarship and Teaching*, Georgia Institute of Continuing Legal Education, Animal Law, Cruelty & Programs Conference, State Bar of Georgia Headquarters, Atlanta, Georgia (May 7, 2010).

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).

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 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).

Panelist, *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, Law & Society Annual Conference, Denver, Colorado (May 28-31, 2009).

Joan E. Schaffner, *An Introduction to Animals and the Law*. This new text is among the first in the new Animal Ethics Series published by Palgrave MacMillan in partnership with the Ferrater Mora Oxford Centre for Animal Ethics.

Throughout history, humans have raised and confined animals for food, clothing and research, trained animals for entertainment, fought animals for sport, bought and sold animals for profit, and lived with animals for companionship. The law under the umbrella of "animal law" regulates these human uses and interactions with animals. Animal law is extremely diverse, cutting across every substantive area, jurisdictional boundary, and source of legal authority. Although most countries have enacted Animal Welfare Acts and Endangered Species Laws, the law is currently designed primarily to protect the

interests of humans as owners of animals, or as users of environmental resources. The animals' inherent interests, if considered, are secondary. This text surveys the laws allegedly designed to protect animals, identifies the themes that link them, analyzes and critiques them in light of their consideration and protection of animals' interests, and explores characteristics of a future legal system that would adequately protect animals' inherent interests.