

# AALS SECTION ON ANIMAL LAW



NEWSLETTER 2016

## SECTION OFFICERS:

### Chair:

**Ani B. Satz**

Emory University School  
of Law

### Chair Elect:

**Francesca Ortiz**

South Texas College of  
Law Houston

### Executive Committee:

**Stacey L. Gordon**

Alexander Blewett III  
School of Law at the  
University of Montana

**Rebecca J. Huss**

Valparaiso School of Law

**Courtney G. Lee**

University of the Pacific,  
McGeorge School of  
Law

**Justice Marceau**

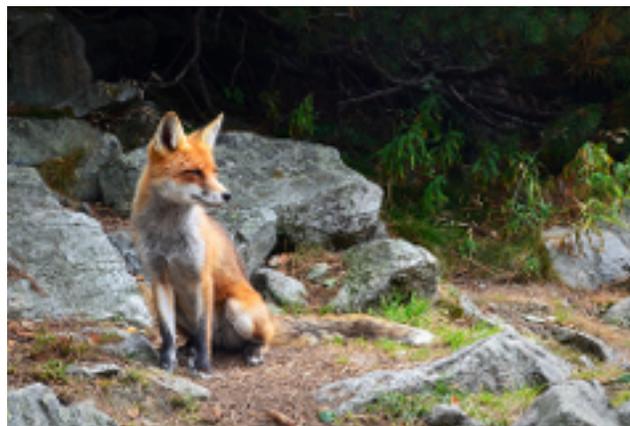
University of Denver  
Sturm College of Law

**Ann L. Schiavone**

Duquesne University  
School of Law

**Kristen A. Stilt**

Harvard Law School



## **AALS Annual Meeting San Francisco, January 3-7, 2017 Section on Animal Law Events:**

**Thursday, January 5, 2017  
7:30 am – 2 pm**

Joint Field Trip of Animal Law,  
Environmental Law, and Natural  
Resources and Energy Law –  
**Farallon Islands Eco-Tour**

**Friday, January 6, 2017  
10:30 am - 12:15 pm**

Animal Law, Co-Sponsored by Disability  
Law, and Law and Mental Disability –  
**Animals as Living Accommodations**

**Friday, January 6, 2017  
5:30 pm - 7:30 pm**

**ALDF Reception**  
Hilton San Francisco Union Square  
Continental Parlor 3 (Ballroom Level)

## LETTER FROM THE CHAIR



Dear Colleagues:

It was my honor to serve as Chair of the Section on Animal Law this year. I am indebted to our executive board members—Ann, Courtney, Fran, Justin, Kristin, Rebecca, and Stacey—for such a successful year.

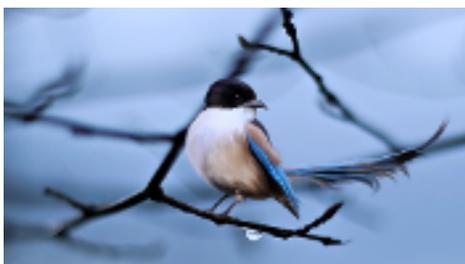
We are offering our first field trip (co-sponsored with Environmental Law and Natural Resources and Energy Law) to the Farallon Islands to view marine life in the wild; the trip is sold out. We also have an exciting program (co-sponsored with Disability Law and Law and Mental Disability) on a topic never addressed by our section, i.e., the use of animals as living accommodations for individuals with disabilities and other impairments. For the first time during my thirteen years in AALS, we had immediate acceptance from all of our accomplished speakers and have one expert traveling internationally to participate on the panel. The proceedings of the panel will be published as a symposium in the *Animal Law Review*, and we are hoping it will serve as a reference for students, lawyers, politicians, businesses, educators, and others working in this important area. Building on the work of Immediate Past-Chair Joan Schaffner, we also awarded our second annual Excellence

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in Animal Law Award to David S. Favre, a pioneer, leader, and mentor in the field.

Many members of our section are involved actively in, or allied with, animal law reform and other initiatives, and this year brought some successes for animals. I list only a few here for animals used for food, entertainment, and fashion, and who suffer from human encroachment. The Humane Society of the United States reports that, “[t]his year alone, there will be 15 million fewer egg-laying hens in battery cages, and by 2025, nearly all of the laying hens in the U.S. will be raised cage-free.” More than two hundred companies, including McDonald’s and all of the nation’s leading grocery chains except Publix, have agreed to stop selling and using eggs from battery hens. In March, SeaWorld agreed to phase out its captivity of orcas by ending orca breeding in its parks, and in May, Barnum and Bailey Circus (Feld Entertainment) retired their performing elephants. Also this spring, Giorgio Armani signaled that luxury should not embrace cruelty by ending the use of all fur in garment production, when no “humane” fur options were found. In December, one of the largest Canadian retail companies, Canadian Tire, also announced it would go fur-free. After four years, the Ninth Circuit Court of Appeals reversed a lower court holding and found that the U.S. Navy could not use sonar harming whales, dolphins, and other marine life.

While it is important to celebrate these and many other law and policy victories, much work remains to promote the well-being of animals. No constitutional floor exists to limit human use of animals, and laws protecting animals are weak and under-enforced. Many victories are tied to individual animals or situations, bring *de minimis* improvements, or require long phase-in periods. Animal cruelty often is not addressed by courts, enforcement



officials, and activists due to legal standing issues or the myth of federal preemption of state claims. And while the top-down approach of changing law and policy is vital, a ground-up approach is needed to address the current suffering of animals through more effective and robust rescue, entailing the creation and support of rescue networks and sanctuaries. Cutting across both top-down and ground-up approaches is the need to continue to educate people about animal capacities and needs. Just last week, I found myself explaining to a neighbor why she could not keep a five pound dog she “loves” tied to a plastic crate in her yard in freezing weather.

As our nation faces much uncertainty in 2017, I fear that animal causes will be further marginalized. It is important that we strive to prevent that from happening. Law- and policy-makers must address all vulnerability—human and nonhuman—simultaneously. Animal interests must be accounted for in their own right, not only when they align with our own. And false conflicts between human and animal interests arising through our use of animals must be identified and addressed.

Ani B. Satz  
Emory University School of Law  
Rollins School of Public Health  
Emory Center for Ethics  
Goizueta Business School

## AALS Animal Law Section 2017 Excellence in Animal

### DAVID S. FAVRE

PROFESSOR OF LAW &  
THE NANCY HEATHCOTE  
PROFESSOR OF PROPERTY AND  
ANIMAL LAW

### MICHIGAN STATE COLLEGE OF LAW



David S. Favre has dedicated his entire career to the development of Animal Law in the United States and internationally. His dedication to teaching, scholarship, and service has propelled the discipline forward and made an impact on countless lives, both human and non-human. He joined the Michigan State Law College faculty in 1976. Prior to joining the faculty, Professor Favre was a practicing attorney in Virginia. He has written several articles and books dealing with animal issues including such topics as animal cruelty, wildlife law, the use of animals for scientific research, and international control of animal trade. His books include *Animal Law and Dog Behavior*, *Animal Law: Welfare, Interest, and Rights*, and *International Trade in Endangered Species*. He also has presented to international audiences on these topics. He is a national officer of the Animal Legal Defense Fund and of the ABA Committee on Animal Law. He served as interim dean of the Law College from 1993 to 1996 and from 1999 to 2000. He teaches Property, International Environmental Law, Wildlife Law, and Animal Law.

His complete biography is available at:  
[http://www.law.msu.edu/faculty\\_staff/profile.php?prof=12](http://www.law.msu.edu/faculty_staff/profile.php?prof=12)

## American Bar Association, Tort Trial and Insurance Practice Section, Animal Law Committee Activities

The Animal Law Committee (ALC) of the Tort, Trial and Insurance Practice Section is continuing its activities in a variety of areas. It publishes three substantive newsletters annually, develops and sponsors a variety of educational programs and promotes policy initiatives through ABA

resolutions and model legislation. You can access a great deal of information about the activities of the committee at the [ALC Website](#). The website contains past newsletters (with an index) and Resolutions and Reports including resolutions dealing with animal seizures, wild animals and due process in canine ownership.

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# 2017 SECTION COMMITTEE NOMINEES

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A nominating committee of the Animal Law Section has nominated the following individuals for 2017 Section Officers. Voting will take place at the Section's annual meeting to be held at the 2017 AALS Annual Meeting in San Francisco.

### Chair-Elect: Justin Marceau

Justin Marceau is the Animal Legal Defense Fund Professor of Law at the University of Denver, Sturm College of Law. He writes on issues of criminal law, constitutional law, animal law, and the intersection of all three fields. His recent scholarship has appeared in the *Yale Law Journal*, the *Columbia Law Review*, and the *George Washington Law Review*, among others. He has been cited by more than a dozen federal courts in recent years and he actively litigates civil rights cases, primarily those with a connection to animal law. He is a graduate of Harvard Law School and Boston College.

<http://www.law.du.edu/index.php/profile/justin-marceau>

### Executive Committee: Randall Abate

Randall S. Abate is a Professor of Law at Florida A&M University College of Law. In January 2017, he will begin a three-year term as Associate Dean for Academic Affairs at the College of Law. He teaches courses in domestic and international environmental law, constitutional law, and animal law. Professor Abate has 22 years of full-time law teaching experience at six U.S. law schools. He has taught international and comparative law courses on environmental and animal law topics in Argentina, Canada, Cayman Islands, China, India, Kenya, Kyrgyzstan, Spain, Ukraine, and the United Kingdom. In 2016, Professor Abate delivered invited lectures on climate justice and animal law topics at several of the top law schools in the world including Harvard, Cambridge, Oxford, Yale, the University of Pennsylvania, and at six law schools in Australia. He is the editor of *Climate Justice: Case Studies in Global and Regional Governance Challenges* (ELI Press 2016), *What Can Animal Law Learn from Environmental Law?* (ELI Press 2015), *Climate Change Impacts on Ocean and Coastal Law: U.S. and*

*International Perspectives* (Oxford University Press 2015) and co-editor of *Climate Change and Indigenous Peoples: The Search for Legal Remedies* (Edward Elgar 2013). He holds a B.A. from the University of Rochester and a J.D. and M.S.E.L. (Environmental Law and Policy) from Vermont Law School. His faculty bio page is available here: <http://law.famu.edu/faculty/randall-s-abate/>

### Executive Committee: David Favre

David Favre is a professor of law at Michigan State University College of Law. Over the past thirty eight years Professor Favre has written a number of articles and books dealing with animal issues including such topics as animal cruelty, wildlife law, the use of animals for scientific research, respectful use and international control of animal trade. His books include the case book *Animal Law: Welfare, Interest, and Rights* (2nd ed.), *Animal Law and Dog Behavior*, and *International Trade in Endangered Species*. He introduced the concept of "Living Property" which was developed in a number of law review articles over the past decade. He also has presented to international audiences on a wide assortment of topics. He created and is editor-in-chief of the largest animal legal web resource, [www.animallaw.info](http://www.animallaw.info). He was a founding officer of the Animal Legal Defense Fund for 22 years, serving as President of the Board for the last two years. Presently he is a Vice Chair of the American Bar Asso./TIPS Committee on Animal Law and in 2012 was chair of the AALS Animal Law Committee. Now residing on a farm in lower Michigan, Professor Favre shares his space with sheep, chickens and the usual assortment of dogs and cats. (For resume and articles see, [http://www.law.msu.edu/faculty\\_staff/profile.php?prof=12](http://www.law.msu.edu/faculty_staff/profile.php?prof=12))



Among other activities in 2017, the ALC will be engaging in strategic planning at the ABA Mid-Year meeting in February in Miami. It is sponsoring a CLE at the TIPS Spring Meeting in Chicago at the end of April and is planning two public service events in association with the ABA Annual Meeting in August in New York City.

Students may join the ABA, TIPS and the ALC (as well as other TIPS committees) for free. You can share this link with your students to register for the ABA and TIPS <http://www.ambar.org/tipslboth>.



## SECTION MEMBER PUBLICATIONS

Rebecca J. Huss,, *Legal and Policy Issues for Classrooms with Animals*, in *How ANIMALS HELP STUDENTS LEARN: RESEARCH AND PRACTICE FOR EDUCATORS AND MENTAL-HEALTH PROFESSIONALS* (co-authored with Aubrey Fine) (forthcoming).

Courtney Lee, *The Animal Welfare Act at Fifty: Problems and Possibilities in Animal Testing Regulation*, 95 NEB. L. REV. 194 (2016).

Courtney Lee, *The Animal Welfare Act and Alternatives to Animal Testing*, ANIMAL L. COMMITTEE NEWSL. (Am. Bar Ass'n, Tort Trial & Ins. Prac. Sec., Chicago, Ill.), Summer 2016, at 14.

Ann L Schiavone, *Unleashing the Fourteenth Amendment*, 2016 WISCONSIN L. REV. FORWARD 27-36.

Ann L. Schiavone, *Barking Up the Wrong Tree: Regulating Risk, Not Fear*, 22 ANIMAL L. 9-78 (2016).

Ann L. Schiavone, *Real Bite: Legal Realism and Rational Basis in Dog Law and Beyond*, 25 WM. & MARY BILL RIGHTS J. 65 (2016)

## BOOK PUBLICATION

BEATING HEARTS: ABORTION AND ANIMAL RIGHTS, by Sherry F. Colb (Professor of Law and Charles Evans Hughes Scholar, Cornell) and Michael C. Dorf (Robert S. Stevens Professor of Law, Cornell) was published earlier this year by Columbia University Press. The book was the topic of a panel discussion at Cornell (moderated by Cornell's Bradley Wendel, with presentations by Deborah Tuerkheimer of Northwestern and Mylan Engel of the Northern Illinois philosophy department) and another panel discussion at Princeton (moderated by Peter Singer of Princeton, with presentations by Charles Camosy of the Fordham theology department and Karen Swallow Prior of the Liberty University English department). A forthcoming issue of the Boston University Law Review online will feature reactions to the book.

Rebecca J. Huss, *Civil Asset Forfeiture and Cost of Care Assessments Under the Animal Welfare Act*, Harvard Animal Law and Policy Program, Animal Welfare Act at 50, (Cambridge, Massachusetts, December 3, 2016)

## SECTION MEMBER PRESENTATIONS

Gerry W. Beyer, *Dog Gone (It) – Why Didn't My Human Set Up a Pet Trust for Me?*, Planned Giving Round Table of Northern Nevada (Reno, Nevada) (October 12, 2016).

Gerry W. Beyer, *Digital Assets, Pets, and Guns: Estate Planning Does Not Include Just Grandma's Cameo Brooch Anymore*, Financial Planning Association of Greater Kansas City (August 17, 2016).

Gerry W. Beyer, *Dog Gone? (it) – Why Didn't My Human Set Up a Pet Trust for*

*Me?*, Virginia CLE (telephone seminar) (July 21, 2016).

Gerry W. Beyer, *Estate Planning for Digital Assets, Pets, & Firearms*, 43rd Annual Midwest Estate, Tax, & Business Planning Institute (Indianapolis, Indiana) (June 3, 2016).

Gerry W. Beyer, *Digital Assets, Pets, and Guns: Estate Planning Does Not Include Just Grandma's Cameo Brooch Anymore*, Financial Planning Association of Greater Indiana (Indianapolis, Indiana) (February 12, 2016).

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Rebecca J. Huss, *Indiana Hot Topics and Service Animals in Schools*, 2nd Annual Animal Law Summit: Hot Topics Across North America (Seattle, Washington – Presentation via Videoconferencing, August 12, 2016)

Rebecca J. Huss, *Context Matters: Service and Assistance Animals Under Federal Law*, Animal Law Caucus Meeting, American Association of Law Libraries Annual Meeting (Chicago, Illinois, July 17, 2016)

Ani, B. Satz, Panel, *Without Work and Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and the Challenges of Federalism*, Southeastern Association of Law Schools Annual

Meeting, Boca Raton, Florida (Aug. 2016)

Ani B. Satz, Participant, Works in Progress, *Without Work and Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and the Challenges of Federalism*, Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (Aug. 2016)

Ani B. Satz, Panel (Discussant), Works in Progress: New Voices in Labor and Employment Law, Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (Aug. 2016)

Ani B. Satz, Workshop Participant, *Animal Protection and the Myth of AWA Preemption*, The Animal Welfare Act at Fifty, Harvard Law School, Cambridge, Massachusetts (Dec. 1, 2016).

Ani B. Satz, Panel, *Animal Protection and the Myth of AWA Preemption*, AWA Interaction with Other Laws, The Animal Welfare Act at Fifty, Harvard Law School, Cambridge, Massachusetts (Dec. 2, 2016).



## MEMBER HONORS

Gerry W. Beyer 1L Professor of the Year (2015-2016)

Gerry W. Beyer, *Wills, Trusts, and Estates Prof Blog* was named to the ABA Journal's *Blawg 100* and was awarded ABA *Blawg 100 Hall of Fame* status.

Ani B. Satz, Elected Member, American Law Institute (elected June 27, 2016)

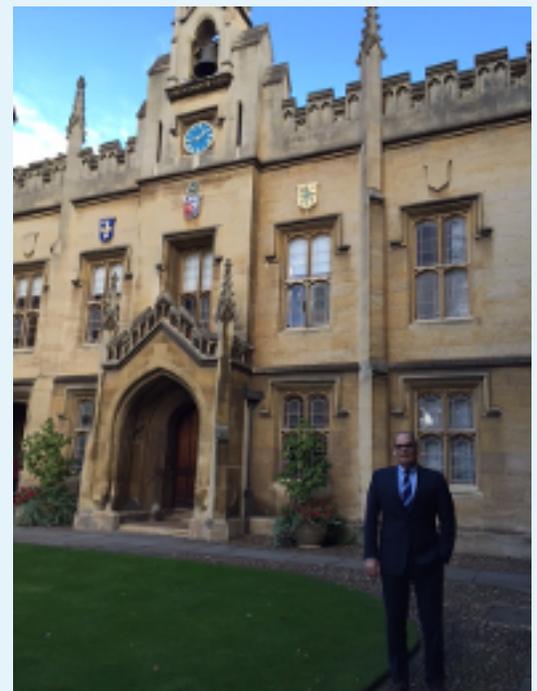
Ani B. Satz, Past-Chair, AALS Section on Law, Medicine & Health Care, 2016



## PROFESSOR ABATE AT CAMBRIDGE

Professor Randall Abate (Florida A&M) delivered a presentation on comparative animal legal personhood (U.S. and Australia) and a presentation on his book, *What Can Animal Law Learn From Environmental Law?* (ELI Press 2015) at the University of Cambridge on October 11-12, 2016. His presentations were part of the Fall 2016 lecture series at Cambridge, "Talking Animals, Law and Philosophy," <http://www.lml.law.cam.ac.uk/documents/animals-law-philosophy>. During his visit, he was interviewed for the program, "Law Matters," on Cambridge TV. The program features interviews of legal experts to explore current legal issues of social relevance. The episode, which aired in the U.K. in November, addresses animal rights and the relationship between animal law and environmental law: <http://www.cambridge-tv.co.uk/law-matters-ep21/>

Professor Abate also delivered the keynote lecture at the conference, *Environmental Law and Animal Law: Building Collaboration*, which was held at Yale Law School on November 5, 2016.



## Syracuse Law Review Devotes Volume 67 Book 1 to Animal Law!

By: Joan Schaffner, Associate  
Professor, George Washington  
University Law School.

The *Syracuse Law Review* is devoting Volume 67 Book 1 to Animal Law. While there are outstanding journals that focus exclusively on animal law, having a Law School's premiere Law Review devote an entire issue to animal law signals the expanding acceptance by law students and the academy that animal law is a serious and important topic for scholarship and study.

The editors have brought together authors from the academy, private practice, and non-profit organizations, with articles spanning a wide variety of animal law topics. Here is a brief description of the great line-up, in alphabetical order by author.

**Katie Barnett** is the owner and practicing attorney at Barnett Law Office, LLC in Lawrence, Kansas. Her article will focus on dog breed discrimination and the relationship between witness misidentification studies and dog breed discriminatory laws throughout the United States.

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## News from the Lewis & Clark Center for Animal Law Studies

### Animal Law Conference

In mid-October, the Center for Animal Law Studies at Lewis & Clark Law School, the Animal Legal Defense Fund, and the Student Animal Legal Defense Fund at Lewis & Clark Law School hosted the 24th annual Animal Law Conference. This year, we were pleased to take the conference on the road to Pace University's downtown New York City campus. With an audience of over 300, attendees had the opportunity to hear from over 30 nationally and internationally renowned presenters speaking on a host of relevant topics ranging from farmed animal litigation to military working dogs, and from aquatic animals to constitutional law. We look forward to welcoming everyone back to Portland, Oregon, next year for our 25th year anniversary. Please visit [AnimalLawConference.org](http://AnimalLawConference.org) for more information about past conferences, and to learn more about our 2017 conference. For a complete list of speakers and panels, please visit [AnimalLawConference.org](http://AnimalLawConference.org). And check out the [photos](#) and [videos](#) from the conference too. You can also check out the [agenda](#) for the weekend.

### National Animal Law Competitions

The 13th Annual National Animal Law Competitions (NALC) took place February 19 - 21, 2016. It was presented by the Center for Animal Law Studies in collaboration with the Animal Legal Defense Fund and was hosted by Harvard Law School's Animal Law & Policy program. NALC, is an inter-law school competition presented by the Center for Animal Law Studies at Lewis & Clark in collaboration with the Animal Legal Defense Fund. NALC provides law students from across the United States an opportunity to develop knowledge in the field of animal law while honing their written and oral advocacy skills. The event is comprised of three separate competitions:

- Legislative Drafting & Lobbying Competition
- Closing Argument Competition
- Appellate Moot Court Competition

(The competitions are on hiatus for 2017.)

### LL.M. Program

Lewis & Clark Law School is proud to offer the world's first advanced legal degree in animal law. Our commitment is to educate students who will become the leading legal educators and advocates in the field. Students will have the opportunity to develop a curriculum specific to their career aspirations, whether it is teaching, or practicing law in a private firm, non-profit organization, corporation or government agency.

For information about applications, scholarships and other aspects of the program, please contact: Natasha Dolezal  
Director, Animal Law LL.M. Program  
Center for Animal Law Studies, 503.768.6976, [ndolezal@clark.edu](mailto:ndolezal@clark.edu).

### Summer Program in Animal Law

The CALS Summer Program classes are available for academic credit to Lewis & Clark law students, visiting law students, and international students. CALS Summer Program courses are also available for auditing by attorneys and non-law students. Registration for Summer 2017 courses will open in January 2017! course [Visit the Registrar's Summer School webpages](#) to sign up for email alerts and find comprehensive information about registration, tuition, dates, deadlines, etc. 2017 Summer offerings are posted on the website.

*Syracuse Law Review continued*

**Daina Bray** currently serves as General Counsel at the International Fund for Animal Welfare and is Chair-elect of the ABA TIPS Animal Law Committee. Her article will address the constitutionality of certain laws that aim to limit fundraising efforts by animal rights groups throughout the United States.

**Fran Ortiz** is a law professor at the Houston College of Law, a scholar in the fields of Animal Law and Administrative Law, and is currently Chair-elect of our AALS Section on Animal Law. Her article will focus on the disposition of impounded animals to owners and rescue organizations.

**Leslie Rudloff** serves as Senior Counsel at the Physicians Committee for Responsible Medicine. Her article will address the issue of using animals as testing subjects in science labs.

**Joan Schaffner** is a law professor at The George Washington University Law School and Past Chair of our AALS Section on Animal Law. Her article will focus on the legal issues raised by community cats and their management.

**Steven Wise** teaches Animal Rights Jurisprudence at several law schools and universities throughout the country and is currently President of The Nonhuman Rights Project, Inc., where he spearheads impact litigation efforts in the area of Animal Law. He will write two articles for the *Law Review*, one detailing the recent efforts of his organization, The Nonhuman Rights Project, Inc., and the other addressing the application of Home Rule to Animal Law.

**Chris Wlach** is an associate at Arnold & Porter in New York City and the Secretary of the Animal Law Committee of the New York City Bar



Association. His article will examine how the Freedom of Information Act may be a viable tool for litigators to overcome “Ag-Gag” laws.

The issue is slated for publication in early February and is available for purchase through the [Syracuse Law Review](#). Congratulations to Editor-in-Chief, Benjamin Cranston and Lead Articles Editor, Hillary Anderson for their outstanding efforts in bringing this book to fruition!

## HARVARD ANIMAL LAW & POLICY PROGRAM 2016 UPDATE

By Christopher Green, Executive Director, Harvard Animal Law & Policy Program

### Growth of the Harvard Animal Law & Policy Program

After formally being established in September of 2015, the [Harvard Animal Law & Policy Program](#) had a substantive and productive 2016. In recognition of that work, this year we received an [extremely generous gift](#) from Jeff Thomas, which already has allowed us to expand our efforts in the area of farmed animal welfare and build upon the work made possible by Bradley Goldberg and Bob Barker.

The announcement of that gift included incredibly supportive quotes not only from the Dean of Harvard Law School, but also from the President of Harvard University:

“The Jeffrey Thomas Fund will support the critically important work of the Animal Law and Policy Program. I look forward to seeing how it will advance research and teaching to improve the welfare of animals,” said Harvard president Drew Faust.

“How humans raise animals for food in this country and around the world affects animal welfare, human health, food safety, workers’ rights, as well as climate change and the environment,” said Dean Martha Minow. “With the leadership of the Animal Law & Policy Program, and the marvelous generosity of Jeff Thomas, Harvard Law School pursues scholarship and work at the forefront of these critical concerns, and I am so grateful.”

The Thomas grant immediately enabled us to hire our first Policy Fellow, Alice Di Concetto, who joined in November to work on animal welfare aspects of a larger U.S. Farm Bill policy analysis being overseen by the [HLS Food Law and Policy Clinic](#). Alice recently completed her Animal Law LL.M. at Lewis & Clark Law School and wrote about the Farm Bill while there. Given the substantial impact factory farming has on animal welfare, public health, and environmental degradation, we plan to hire additional fellows to work on farmed animal policy in the coming year.

Harvard Law School’s connection with animal law and policy goes back nearly 150 years when HLS alumnus George Thorndike Angell founded the Massachusetts Society for the Prevention of Cruelty to Animals, one of the nation’s first animal protection organizations. Two months later in 1869, Angell achieved passage of the Massachusetts legislature’s first

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general anticruelty law, *An Act for the More Effectual Prevention of Cruelty to Animals*. This more comprehensive act was rooted in the 1641 anti-cruelty provision included in the Massachusetts Bay Colony's *Body of Liberties*, which prohibited "any Tyranny or Cruelty towards any Bruit Creatures which are usually kept for the use of Man" and is considered to be America's first ever animal protection law. Angell was a primary architect of the modern animal protection movement and saw education as a key component of that effort. He later founded both the American Humane Education Society and the U.S. branch of Bands of Mercy--a national network of humane-education clubs in schools around the country that once boasted 82,000 chapters and drew 25,000 children to its convention in 1913.

Following on Angell's work, under the direction of Professor Kristen Stilt, in 2016 the Harvard Animal Law & Policy Program is now in full stride both operationally and programmatically. The Program is committed to analyzing and improving the treatment of animals by the legal system through engaging with academics, students, practitioners, and decision makers to foster discourse, facilitate scholarship, develop strategic solutions, and build innovative bridges between theory and practice in the rapidly evolving area of animal law and policy.

### **Animal Law & Policy Events**

The Animal Law & Policy Program began 2016 by hosting a trio of major events for the benefit of both students and academic scholars, all within a single week in February. As we did last year, Harvard Law School hosted the [National Animal Law Competitions](#), organized in collaboration with Lewis & Clark's Center for Animal Law Studies. This event uses real-world issues and scenarios to provide students an opportunity to compete in three different types of advocacy

competitions: Legislative Drafting & Lobbying, Closing Argument, and Appellate Moot Court. For the second year the Animal Law & Policy Program's Chris Green drafted the Legislative Competition problem while Delci Winders created the Appellate Moot Court case. The judges for NALC included some of the leading authorities in the Animal Law field, ranging from professors to practitioners, as well as sitting Federal Appellate Court Judges.

Coinciding with both NALC and our Workshop on Animals in Comparative Constitutional Law, the Animal Law & Policy Program co-sponsored the Second Annual [Harvard Animal Law Week](#) with the HLS SALDF--presenting notable animal law speakers to the broader law school community each day leading up to the Competitions. Prof. Kristen Stilt spoke the first day about the 2014 Egyptian constitutional provision on animal protection; the second day David Wolfson lectured about legal protection for farmed animals; on day three, Nancy Perry of the ASPCA gave a presentation about the public ballot measure process as a means to advance animal welfare legislation; and on Thursday, PeTA President Ingrid Newkirk drew over 125 people to hear her talk about animal rights and human obligations.

On the final day we held two events: the first featured ALDF's Scott Heiser and Nicoletta Caferra of the Queens County Animal Cruelty Prosecutions Unit providing a practitioner's perspective on prosecuting animal cruelty; Prof. Randy Abate then ended the week-long event with a talk about his newly published book, *What Can Animal Law Learn From Environmental Law?* This year's Animal Law Week again was extremely successful in boosting the visibility of Animal Law to the Harvard community. The *Harvard Law Record* published a

thorough summary of the lectures entitled, [In Winning Rights for Animals, Approaches Differ](#). Spreading the word more widely, the Harvard Communications Department then published a full feature article in *Harvard Law Today* under the title [Focusing on Law and the Treatment of Animals](#). The *Harvard Law Today* feature spotlighted the growth of the Animal Law & Policy Program, provided a full review of all the events hosted that week, and embedded full-length videos of the Animal Law Week lectures. *Harvard Law Today* is an effective vehicle for disseminating information about the Animal Law & Policy Program (and the field generally) given its reach throughout the Harvard Law School alumni network as well as its influence with administrators and faculty at other law schools around the world.

In March, the Animal Law & Policy Program sponsored a panel at the "[Just Food? Forum on Land Use, Rights and Ecology--A Conference Exploring Land and the Food System](#)." Organized by the Harvard Food Law Society and the Food Literacy Project, the sold-out conference filled the Law School's largest event space. The forum drew a broad array of scholars, farmers, activists, practitioners, and other authorities to explore the legal, moral, policy, health, historic, and environmental aspects of our modern domestic and international food system. The lecture sponsored by the Animal Law & Policy Program examined [The Impossible Case of Sonny Nguyen](#), a South Carolina farmer and Vietnamese immigrant who is a compelling example of the exploitative, unjust system in which commercial chickens are raised and how large corporations pit poverty-line farmers against one another for basic subsistence. The presentation was spurred by the 2015 Bloomberg expose [Who's Murdering Thousands of Chickens in South Carolina?](#), and later was developed into this [online multi-media piece](#) bearing the same name as the lecture. All of the

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Conference's panels and lectures were recorded and are available [online](#) for public viewing.

Reaching outside of the Law School, in April the Animal Law & Policy Program co-hosted an event at Memorial Church in Harvard Yard featuring Michael Pollan (author of *The Omnivore's Dilemma*), who interviewed Wayne Pacelle, the President of the Humane Society of the United States, about his new book, *The Humane Economy: How Innovators and Enlightened Consumers are Transforming the Lives of Animals*. The conversation drew several hundred attendees from across the Harvard and greater Boston communities. Afterwards, the University-wide newspaper, *The Harvard Crimson*, published a full review of the event, "[Authors Advocate for Farm Animal Protection.](#)"

2016 was capped by the Animal Law & Policy Program hosting our first major public event in December, [The Animal Welfare Act at Fifty Conference](#). The Animal Welfare Act is the most comprehensive federal animal welfare statute, regulating more than 1 million animals used in research, exhibition, and the wholesale pet trade at more than 15,000 locations. Our Conference marked the 50th anniversary of the AWA's 1966 enactment by convening experts from various disciplines to examine the evolution and implementation of the Act, assess its successes or failures, and explore areas for future improvement. The event drew roughly 250 attendees who included representatives of NGOs, academia, government, industry, and the general public.

The 40 speakers and moderators comprised a similar cross-section of experts who shared a diverse array of experience with the Act. These authorities included the Deputy Administrator at the USDA in charge of enforcing the AWA, the Department of Justice attorney coordinating and developing their animal welfare enforcement program, current and former animal research scientists, law school faculty and other

academics, leadership from animal protection organizations, and the director of the Detroit Zoo. The resulting panels addressed a wide range of topics, including AWA enforcement issues, litigation under the AWA, the exclusion of certain animals from the AWA, and much more. A panel moderated by the Executive Director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School explored emerging policy and technological developments pertaining to animals used for research.

In addition to the panel discussions, Harvard Law School Dean Martha Minow gave a heartfelt address underscoring the importance of animal law to her personally, to Harvard Law School, and to broader society; ALPP faculty director Kristen Stilt led an incisive discussion on the ethical, moral, and philosophical underpinnings of the AWA with animal welfare theorists Lori Gruen, Bernard Rollin, and Paul Waldau; and veterinary professor Jim Keen received a standing ovation for his closing address on food animals in federal research, tying together many of the themes of the conference and drawing on his own captivating experience as a whistle-blower on livestock cruelty at a federal government research facility.

Feedback from conference attendees was overwhelmingly positive and we're thrilled with event's success, which we consider just the beginning of an ongoing discussion with diverse stakeholders to achieve Congress's goal of humane care and treatment of animals used for research, exhibition, and the wholesale pet trade. Toward that end, we are working on developing next steps to build on the conversations had at the conference. For those who weren't able to attend the conference, we will be posting video of the entire event on our website, and also are collaborating to publish annotated transcripts of some of the panels.

We look forward to further developing our potential as we continue to create new opportunities for students, increase both the quantity and quality of academic scholarship in the field, and contribute to a broader public understanding of the pressing issues addressed by the Harvard Animal Law & Policy Program.

