



AALS SECTION ON ANIMAL LAW

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of Law Houston

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University of Denver
Sturm College of Law

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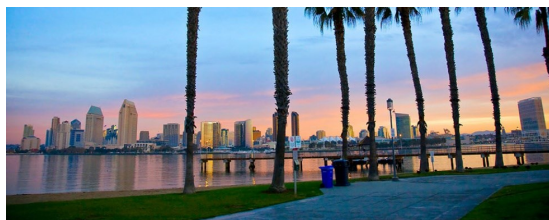
Valparaiso School of
Law

Courtney G. Lee

University of the Pacific
McGeorge School of
Law

Ann L. Schiavone

Duquesne University
School of Law



AALS Annual Meeting
San Diego, California
January 3 - 6, 2018

Animal Law Section Events

Panel presentation:
Corporate Transparency,
Accountability, and
Animal Welfare

Thursday, January 4
10:30 a.m. - 12:15 p.m.
Marriott Marquis San Diego Marina
Pacific Ballroom Salon 26

ALDF Reception
Friday, January 5
5:30 p.m. - 7:30 p.m.
Manchester Grand Hyatt San Diego
Regatta B Room
(4th Floor, Harvard Tower)

Letter from the Chair

As I consider the events of 2017, I reflect on two things: the uncertainties of a new administration and a calendar filled with natural disasters, both of which show the continuing need for animal advocacy and assistance.

Last January brought in a new presidential administration. Actions by Trump during his first year in office threaten strides already made in protecting public lands and wildlife habitat. Rollbacks on environmental policies, loss of protected lands, and smaller agency budgets threaten protection, and the USDA Blackout of animal-related documents on agency websites—the subject of Delciana Winders' talk at our panel presentation—hinders abilities to effectively advocate and watchdog animal industries. For more on these issues and the challenges ahead, see Kathy Hessler's article *Animal Law in a Changing (and Challenging) Political Climate: One Professor's Musings after 100*

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2018 Excellence in Animal Law Award



JOAN E. SCHAFFNER
Associate Professor
of Law

**GEORGE
WASHINGTON
UNIVERSITY
LAW SCHOOL**

The 2018 Excellence in Animal Law Award recipient is Joan E. Schaffner, Associate Professor of Law at the George Washington University Law School. Joan has a long career in animal law and was instrumental in the creation of two national animal law organizations: the AALS Section on Animal Law, for which she served as founding chair and as chair in 2015, and the Animal Law Committee of the ABA's Tort, Trial & Insurance Practice Section (ABA TIPS ALC), for which she served as chair in 2009-2010 and still serves as the newsletter vice chair. Joan was also one of the main driving

forces behind drafting and passage of ABA Resolution 102B, which endorses the use of trap-neuter-vaccinate-return programs to manage community cats. Joan currently serves on the ABA TIPS Council and is a Fellow of the Oxford Centre for Animal Ethics.

Joan directs the GWU Animal Law Program, which includes an Animal Welfare Pro Bono project and maintains an animal cruelty website, and she is the faculty advisor to GWU's SALDF.

Joan is a frequent speaker on animal law, presenting at numerous panels

and conferences worldwide. She is an accomplished animal law scholar, producing a long list of book chapters and law review articles, and she authored the book *Introduction to Animals and the Law*. She co-authored and edited *A Lawyer's Guide to Dangerous Dog Issues* and *Litigating Animal Law Disputes: A Complete Guide for Lawyers*, both published by the ABA.

In August 2013, Joan received the ABA TIPS Excellence in the Advancement of Animal Law Award.

Days of the Trump Administration and Delci Winders' article *Transparency in the Blackout Era: Revisiting the E-FOIA's Proactive Discharge Mandates* to be published later this year in the *Denver Law Review*.

Last January also started a year filled with an unusual number of natural disasters. From the January ice storms to the December wildfires, we saw heroic efforts of first responders and communities band together to save lives. Law schools stepped up to the plate as well. When Houston was devastated by the floods caused by Hurricane Harvey, my own law school—South Texas College of Law Houston (STCLH)—set up a grant

fund for students, staff, and faculty and established a network to connect victims of the storm with needed resources. Professors, staff and students were seen working in various locations throughout greater Houston, assisting evacuees. The University at Buffalo School of Law also responded to the needs of Puerto Rico in the aftermath of Hurricane Maria, creating the Puerto Rico Recovery Assistance Legal Clinic, led by Kim Connolly, professor, vice dean, and director of the school's legal clinical education program. In this program, students have been trained on

the relevant laws in Buffalo and will fly to Puerto Rico this month to provide on-the-ground legal assistance. For more information on their efforts, click [here](#).

On the animal front, lessons from Hurricane Katrina served well as first responders to Hurricane Harvey were ready to take animal evacuees along with their human companions to safe ground. Animal holding locations were set up in the main evacuation centers so that animals were not separated from their families. National and local animal organizations came forward to handle the

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Chair-Elect and Executive Committee Nominees

Voting to fill the positions of the Section's Chair-Elect and two seats on the Executive Committee will take place at the 2018 Annual Meeting during the Section's business meeting after the panel presentation. Thank you to our nominating committee—Susan Hankins, chair, Courtney Lee, and Ann Schiavone—for selecting the following nominees.

Chair-Elect: Courtney G. Lee

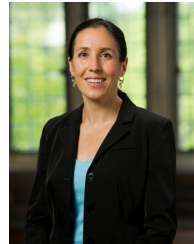
Courtney Lee is a Professor of Law-
 yering Skills and Director of Bar Support at the University of the Pacific's McGeorge School of Law. In addition to her other courses, Courtney teaches Animal Law and focuses much of her scholarly research and writing in this field. She was the 2017 recipient of the John G. Sprankling Faculty Scholarship Award for her article, *The Animal Welfare Act at Fifty: Problems and Possibilities in Animal Testing Regulation*. Other areas of research include the ineffectiveness of animal cruelty laws in combatting animal hoarding recidivism and the use of deadly force by law enforcement against companion animals. She has presented nationally on integrating



animal law examples throughout the curriculum and reviewed and provided feedback on a criminal law chapter in a textbook with the same focus. She has served on the Executive Committee of the AALS Section on Animal Law and is a member of the American Bar Association Tort, Trial, and Insurance Practice Section Animal Law Committee. She is also the Faculty Advisor of the McGeorge Student Animal Legal Defense Fund. For her full faculty bio, see http://www.mcgeorge.edu/Courtney_G_Lee.htm.

Executive Committee: Jessica Rubin

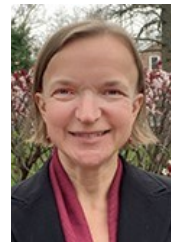
Jessica Rubin is an Assistant Clinical Professor of Law and Director of the Legal Practice Program at the University of Connecticut School of Law. Jessica includes among her courses Animal Law, a field in which she is a widely recognized expert. Professor Rubin was instrumental in creating Desmond's Law, which allows Connecticut courts to appoint advocates—law students under supervision—in animal cruelty cases. She supervises students and appears in court to advocate for justice in cases of animal cruelty. She researches and writes in the area of Animal Law and recently organized, in partnership with the



Connecticut Bar Association, a symposium entitled, "Animal Cruelty: Legal Challenges and Potential Solutions." Jessica was awarded a University Provost's Award for Public Engagement in 2017. For Jessica's full faculty bio, see <https://www.law.uconn.edu/faculty/profiles/jessica-rubin>.

Sarah J. Morath

Sarah Morath is a Clinical Associate Professor of Lawyering Skills and Strategies at the University of Houston Law Center. Among her courses, Sarah teaches Animal Law, a course she taught previously, along with Environmental Law, as an Associate Professor of Legal Writing at the University of Akron School of Law. Her research interests include environmental and natural resources law, food law policy, and legal writing pedagogy, and her articles have appeared in the *Oregon Law Review*, *Duke Environmental Law and Policy Forum*, and *Natural Resources Journal*. Sarah's first book, *From Farm to Fork: Perspectives on Sustainable Food Systems in the Twenty-First Century*, was published in 2016. For Sarah's full faculty biography, see <http://www.law.uh.edu/faculty/main.asp?PID=5152>.



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influx of animals, with Best Friends taking the lead at one main location and Friends for Life, a local shelter directed by the co-director of STCLH's Animal Law Clinic, leading the other.

Although better than the Katrina response, Harvey highlighted the continuing need for disaster planning. For example, some state-level responders

prohibited the evacuation of pets, local authorities in rural areas were overrun with stray livestock, and it took some time before out-of-state veterinarians were permitted to assist in Texas. Reuniting animals with their families was also rendered more difficult without a centralized database adhered to by all shelters and rescues involved, and adoptions were made uncertain without a clear emergency hold policy. Based on this experience, the STCLH Animal Law Clinic is preparing a dis-

aster response manual that can be used along with a Disaster FAQ discussed more in the clinic updates section further in this newsletter.

It was an honor to serve as chair of the section for 2017 and I appreciate the work of the Executive Committee in making this year a success.

Fran Ortiz
South Texas College of Law
Houston

Section Member Publications

BOOKS

David S. Favre, *RESPECTING ANIMALS* (Prometheus Press, forthcoming May 2018).

Kathy Hessler, *ANIMAL LAW – NEW PERSPECTIVES ON TEACHING TRADITIONAL LAW* (Carolina Academic Press 2017) (with Joyce Tischler, Pamela Hart, and Sonia Waisman).

Thomas G. Kelch, *GLOBALIZATION AND ANIMAL LAW* (2d ed. 2017).

ARTICLES

Pamela D. Frasch, *Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities*, 20 J. TOXICOLOGY & ENVTL. HEALTH 198 (2017) (with Paul Locke, Margit Westphal, Joyce Tischler, Kathy Hessler, Bruce Myers, Jr., and Daniel Krewski).

Pamela D. Frasch, *Gaps in U.S. Animal Welfare Laws for Lab Animals: Perspectives from An Animal Law Attorney*, 57 INST. FOR LABORATORY ANIMAL RES. J., no. 3, 2017, at 285-92.

Stacey L. Gordon, *Regarding Humanity: How a Punitive Damages Statute Reflects Humanity's View of Animal Cruelty*, 8 J. ANIMAL & ENV'T L., no. 2, 2017, at 1.

Kathy Hessler, *Cruelty to Human and Non-Human Animals in the Wild Caught Fishing Industry*, SUSTAINABLE DEV. L. & POL'Y (forthcoming 2018).

Kathy Hessler, *Animal Law and Legal Developments in the First 100 Days of the Trump Administration*, 23.2 ANIMAL L. 209 (2017).

Kathy Hessler, *Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities*, 20 J. TOXICOLOGY & ENVTL. HEALTH 198 (2017) (with Pamela D. Frasch, Paul Locke, Margit Westphal, Joyce Tischler, Bruce Myers, Jr., & Daniel Krewski).

Rebecca J. Huss, *Canines in the Classroom: Issues Relating to Service Animals in Primary and Secondary Educational Institutions After Fry v. Napoleon Community Schools*, 24 ANIMAL L. (forthcoming 2017).

Rebecca J. Huss, *Ensuring Effective Tools for a Challenging Task: Amending the Animal Welfare Act's Animal Fighting Venture Civil Asset Forfeiture Provision*, 78 U. PITT. L. REV. 399 (2017).

Rebecca J. Huss, *Legal and Policy Issues for Animal Assisted Interventions with Special Populations*, 21 APPLIED DEVELOPMENTAL SCI. 217 (2017).
Courtney G. Lee, *Never Enough: Animal Hoarding Law*, 47 U. BALT. L. REV. 22 (2017).

Justin Marceau, *The Truth Hurts: A Response to George Brauchler and Rich Orman*, 94 DENV. L. REV. 363 (2017) (with Sam Kamin).

Francesca Ortiz, *Looking for a Good Home: Balancing Interests in the Disposition of Impounded Animals to Owners and Rescues*, 67 SYRACUSE L. REV. 114 (2017).

Ani B. Satz, *Protecting Injured Workers' Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and "Symbiotic Federalism,"* EMORY L.J. (forthcoming 2018).

Ani B. Satz, *Animals as Living Accommodations*, 24 ANIMAL L. REV. (forthcoming 2017) (symposium).

Joan E. Schaffner, *Community Cats: Changing the Legal Paradigm for the Management of So-Called "Pests"*, 67 SYRACUSE L. REV. 71 (2017).

Ann L. Schiavone, *Writing the Law: Developing the "Citizen Lawyer" Identity through Legislative, Statutory, and Rule Drafting Courses*, 55 DUQ. L. REV. 119 (2017).

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Section Member Honors and Awards

Gerry W. Beyer

Recognized at the Texas Tech University Celebration of Excellence in Research, Scholarship, and Creative Activity (Oct. 7, 2017).

Selected an Integrated Scholar for 2017 in recognition of outstanding teaching, research and service, and the ability to generate synergy among these three functions.

2017 Outstanding Researcher, Texas Tech University School of Law.

May 2017 Hooding Professor (elected by student vote).

Courtney G. Lee

2017 John G. Sprankling Faculty Scholarship Award for *The AWA at Fifty: Problems and Possibilities in Animal Testing Regulation*, 95 NEB. L. REV. 194 (2016).

Ani B. Satz

Appointed Emory Global Health Institute Fellow.

Elected to University Senate.

Elected to Faculty Council.

Appointed to University Senate Governance Committee.

Section Member Presentations

Gerry W. Beyer

Digital Assets, Guns, and Pets: Estate Planning Does Not Include Just Grandma's Cameo Brooch Anymore, CFP Continuing Education, Opportunity Days, Texas Tech University Personal Financial Planning (Lubbock, Tex., Feb. 24, 2017).

Natasha Dolezal

The Global Expansion of Animal Law, 25th Animal Law Conference (Portland, Or., Oct. 15, 2017).

Animal Law in the US and Beyond, University of Zimbabwe School of Law (Harare, Zimbabwe, Oct. 2, 2017).

Animal Law in the US: In the Time of Trump, Hogans Lovell, (Johannesburg, South Africa, Mar. 29, 2017) (with Pamela D. Frasch).

Animal Law in the US and Beyond, University of Johannesburg School of Law (Johannesburg, South Africa, Mar. 29, 2017) (with Pamela D. Frasch).

Animal Law (with Goldens), Golden Bond Rescue Annual Meeting (Portland, Or., Feb. 26, 2017).

Pamela D. Frasch

Keynote: 25 Years of the Animal Law Conference, 25th Annual Animal Law Conference (Portland, Or., Oct. 13, 2017) (with Joyce Tischler).

Animal Law Education, Animal Grantmakers Conference (Portland, Or., Oct. 16, 2017) (with Joyce Tischler and Ever Vimbai Chinoda).

Animal Law at Lewis Clark: An Overview, sponsored by the Student Animal Legal Defense Fund, Lewis & Clark Law School (Portland, Or., Sept. 2017).

The Animal Welfare Act, guest lec-

urer in Dr. Paul Locke's course - *The Law and Ethics of Animal Testing*, Lewis & Clark Law School ((Portland, Or., July 2017).

Animal Law in the U.S., and the Development of Animal Law Education – Recorded lecture presented to attorney participants in Zimbabwe as part of the first-ever animal law training organized by *Speak Out for Animals* (recorded June 20, 2017).

Animal Law in the U.S. and Beyond, University of Johannesburg School of Law (Johannesburg, South Africa, Mar. 29, 2017) (with Natasha Dolezal).

Animal Law in the US: In the Time of Trump, Hogans Lovell (Johannesburg, South Africa, Mar. 29, 2017) (with Natasha Dolezal).

Kathy Hessler

Aquatic Animals: Using the Law to See and Protect Them, Louisiana State Bar Association, Animal Law Section Annual CLE (New Orleans, La., Dec. 2017).

Animals: Understanding, Using, and Protecting Them, German Literature in Translation, Professor Katharina Altpeter-Jones, Lewis & Clark College (Portland, Or., Nov. 2017).

Animals in Entertainment, Animal Grantmakers Conference (Portland, Or., Oct. 2017).

Aquatic Animals in Agriculture, panel with Dr. Lori Marino, 25th Annual Animal Law Conference (Portland, Or., Oct. 2017).

Animal Law Careers, ALDF Student Convention (Portland, Or., Oct. 2017).

Aquatic Animal Law Overview, Animal Law Fundamentals class,

Lewis & Clark Law School (Portland, Or., Sept. 2017).

Animal Law at Lewis Clark: An Overview, sponsored by the Student Animal Legal Defense Fund, Lewis & Clark Law School (Portland, Or., Sept. 2017).

Development of Animal Law in the U.S., Conference on Animal Law, Ethics and Legal Education, Liverpool John Moores University School of Law in collaboration with the UK Association of Lawyers for Animal Welfare (Liverpool, United Kingdom, Sept. 2017).

Why Fish Aren't Real "Alternatives", at the Breaking Through Scientific and Cultural Barriers to Expand Nonanimal Research satellite meeting, 10th World Congress on Alternatives and Animal Use (Seattle, Wash., Aug. 2017).

Aquatic Animals in Testing, guest lecturer in Dr. Paul Locke's course - *The Law and Ethics of Animal Testing*, Lewis & Clark Law School (Portland, Or., July 2017).

Animals in Agriculture, Master Vegetarian Program, NW Veg (Portland, Or., Apr. 2017).

Animal Law Mentoring session, Student Animal Legal Defense Fund, Lewis & Clark Law School (Portland, Or., Apr. 2017).

Caught in the Net: Labor in the U.S. Fishing Industry, Just Food? Forum on Labor Across the Food System, Harvard Law School (Cambridge, Mass., Apr. 2017).

The Animal Law Clinic, panel of clinicians from Lewis & Clark Law School, Community and Recreation for Employees, Staff Development Day, Lewis & Clark College (Portland, Or., Mar. 2017).

The Link Between Human and Animal Violence, on a panel with Da-

Animal Consortium—A New Use of an Old Action

By Professor David Favre
Michigan State University
College of Law



This is a short summary of a law review article, with the usual full set of footnotes, extensive legal history, and scientific references for the importance of the animal human bond to humans. It is being published by the TENNESSEE LAW REVIEW in the Spring of 2018 (co-authored with Thomas Dickinson).

Imagine that a seven-year-old Golden Retriever, named Goldie, has been an adopted part of the Jones family for a number of years. She is an integrated family member, spending evenings with the human members and often going out with them on walks or trips. One day she is out barking in the front yard and a neighbor gets upset at the noise, calls her over, and stabs her five times with a knife; she staggers over to her yard and dies within minutes. Thirty minutes later she is discovered dead by the 16-year-old daughter of the family. The family sues the neighbor for damages, which consist of loss of companionship, comfort and affection. What damages are actually recoverable?

Existing Legal Context

Today, in a majority of states, the Jones could recover only the fair market value of Goldie at the time of the incident, perhaps the \$200 adoption fee, at best. Time and time again plaintiffs have filed lawsuits to seek recovery for the negligent or intentional injury or death of a companion animal in the context of damages to property, only to run into a wall of negativity at the state supreme court level. For example, the Texas Supreme Court stated: “Therefore, like courts in the overwhelming majority of other states, the Restatement of the

Law of Torts, and the other Texas courts of appeals that have considered this question, we reject emotion-based liability and prohibit recovery for loss of the human-animal bond.” *Strickland v. Medlen*, 397 S.W.3d 184, 191–92 (Tex. 2013).

A more rewarding approach occurs when the plaintiffs leave the world of property damages and enter the world of individual civil rights with roots in the Constitution. The federal constitutional claim arises as a § 1983 action under the federal Civil Rights Act. (42 U.S.C. § 1983) The basic purpose of a § 1983 damage award is to compensate persons for injuries caused by the deprivation of their constitutional rights. *Smith v. Heath*, 691 F.2d 220, 226 (6th Cir. 1982). A 2016 opinion in Michigan clarified that this purpose applied where government agents shot the plaintiffs’ dog while performing government functions. *Moreno v. Hughes*, 157 F. Supp. 3d 687, 688 (E.D. Mich. 2016). In rejecting the position of the defendant that damages should be limited to the Michigan view of the dog’s property value; the court allowed that damages could be much broader and will include non-economic damages. For the same result under a state constitutional claim, see *Brooks v. Jenkins*, 104 A.3d 899, 909–10 (Md. Ct. Spec. App. 2014).

The primary limitation of the civil rights cause of action is that the actor must be an agent of the government when the event occurs. Thus, there can be two very different jury awards for the death of companion animal, depending upon whether the bad actor is a neighbor or a local police officer. This discrepancy does not seem appropriate and the adoption of animal consortium as a cause of action will allow

“If it can be accepted that four-legged beings are part of the family, at least for some individuals, then the public policy underlying loss of consortium should also support recovery for the intentional killing of a companion animal.”

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for more consistent outcomes.

Common Law Consortium

The nominal recovery available for the loss of a companion animal such as Goldie doesn't sit well with many people. That is because people are increasingly viewing their companion animals less like property, as they are seen in the law, and more like members of the family. When someone kills one of the members of a family unit, it is a harm recognized at common law under the umbrella of loss of consortium. This cause of action, which initially recognized only the economic part of family relationships, has expanded over the past one hundred plus years to include the social aspect of relationships between humans. The term was defined by a modern Ohio Supreme Court: "Consortium includes services, society, companionship, comfort, love and solace." *Gallimore v. Children's Hosp. Med. Ctr.*, 617 N.E.2d 1052, 1054 (Ohio 1993). But the umbrella of consortium can expand further. It is the proposal of this article that a new cause of action for the intentional killing of a companion animal become available: animal consortium.

The existing tort of loss of consortium can be expanded to include those companion animals who have increasingly become integral parts of our emotional and physical families. While the term family traditionally speaks in term of "persons" living together under one roof, today, many individuals self-define family to include their companion animals. If it can be accepted that four-legged beings are part of the family, at least for some individuals, then the public policy underlying loss of consortium should also support recovery for the intentional killing of a companion animal.

This process of expansion can be charted in the cases of the New Mexico Supreme Court. In 1998, the Court set a national precedent by allowing a grandmother to bring a loss of consortium claim for the negligently inflicted death of her twenty-two-month-old granddaughter. *Fernandez v. Walgreen Hastings Co.*, 968 P.2d 774, 776, 782 (N.M. 1998). The court emphasized the closeness of the grandmother's relationship to the granddaughter in reaching the holding, and rejected the opposition's argument that allowing the claim would lead to increased insurance costs and litigation. In 2003, the New Mexico Supreme

Court again expanded the availability of loss of consortium, this time to unmarried cohabitating partners who shared "intimate familial relationship[s]." *Lozoya v. Sanchez*, 66 P.3d 948, 957 (N.M. 2003).

With the umbrella of the doctrine of loss of consortium already expanded to cover various filial relationships, a natural next step is to incorporate companion animals into the doctrine. The property status of animals should not be considered a hindrance to the application of the doctrine to companion animals. At the beginning of the doctrine, both wives and children did not possess full legal rights and were considered the property of the husband. (See full law review for full history and citations.) As society has already judged that the intentional, unjustified killing of an animal can result in a felony conviction in criminal courts out of concern for the lives of the animals themselves, it is time to also allow for the civil recovery for the family members harmed by the intentional acts of the defendant. However, this proposal is not to suggest that the killed animal would have any residual legal cause of action, this

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vid Rosengard, Animal Legal Defense Fund and Meg Garvin, Director of the National Crime Victims Law Institute, sponsored by the Crime Victim Rights Alliance, Lewis & Clark Law School (Portland, Or., Mar. 2017).

Aquatic Animals in Testing, Animal Experimentation: Current Welfare Policy, Socio-Legal Implications, and Avenues for Reform, The Sixth An-

nual Animal Law Review Symposium, Lewis & Clark Law School (Portland, Or., Feb. 2017).

Rebecca J. Huss

Air Carrier Access Act and Assistance Animals on Campus, Assistance Animals: What You Need to Know, American Bar Association (Webinar, May 9, 2017).

Understanding Your Role on the Board of a Non-Profit Organization, Dive Warning: Things You Should

Know Before Leaping into the Pool of a Non-Profit Board and Find Yourself Over Your Head, American Bar Association, Tort, Trial and Insurance Practice Section Conference (Chicago, Ill., April 27, 2017).

Fran Ortiz

Texas Hot Topics (Texas delegate), Third Annual Animal Law Summit (Chicago, Ill., Aug. 18, 2017).

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article is only about the harm to the human member of the animal-human bond.

Within the Family

This proposal is predicated upon the fact that companion animals can be indeed part of an intimate family. As set out in detail in the full law review article, the reality of the existence of the relations is supported by many articles in the general press. Science also supports the fact of family relationships as, in addition to the positive physiological effects of companion animal ownership, a wealth of studies also demonstrates positive psychophysiological and psychosocial effects of human-animal interactions. Companion animals provide owners with social attention, interpersonal interactions,

and elevated mood.

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See, e.g., Andrea Beetz et al., *Psychosocial and Psychophysiological Effects of Human-Animal Interactions: The Possible Role of Oxytocin*, 3 FRONTIERS PSYCHOL. 234 (2012).

It should also be noted that animals have jumped out of the property context in other family-related legal areas. It is now well established that a human may create a trust for the benefit of their companion animal. A new area is that of human divorce. Under a 2017 Alaska law, a divorce judge may take into account the "best interests" of the animal when deciding placement of the animal as between contesting spouses, similar to the placement of a child. ALASKA STAT. § 18.65.520(a) (2016). Finally, many states have expanded the granting of domestic protective orders to include companion animals. These examples reflect the reality that society has al-

ready acknowledged the importance of companion animals to the humans within a family.

An Action in Consortium

This expansion of the cause of action should be available only when there is intentional harm resulting in the death of a companion animal, not for injuries. It does not seek to be a step toward awarding the animal any damages in the form of wrongful death. Additionally, as the science for understanding the human-animal bond exists primarily for dogs, then, animal consortium should be available only for the loss of dogs (and cats). There should be only one claim per family. The plaintiff has the obligation to show both the tortious action of the defendant as well as the fact that the animal in question was a member of the intimate family at the time of the death. These limitations are a logical starting point from a practical implementation and a public policy standpoint.

If the courts of a particular state are unwilling to allow the expansion of animal consortium, then the legislative route is possible. Indeed, as of 2016, five states have adopted modest laws that provide some level of damages beyond market value for injury or death of animals. However, their provisions are diverse, and there is no attempt to tie into the concepts of consortium. See Conn. Gen. Stat. Ann. § 22-351(a); 510 Ill. Comp. Stat. Ann. § 70/16.3; Md. Code Ann. Cts. & Jud. Proc. § 11-110; Nev. Rev. Stat. § 41.740 (2015); Tenn. Code Ann. § 44-17-403(a)(1) (2016). (Detailed chart available in law review article.)

Our reference point for a statutory approach will be Florida, Fla. Stat. Ann. § 768.21. It would be relatively easy to amend this well written statute to allow an action for companion animals. Bracketed lan-

guage is provided as optional language:

(Sec.3a) For the intentional harm of a companion animal that results in the death of the animal, surviving intimate family members may recover for loss of companionship and the mental pain and suffering associated with the death. Companion animals are defined as the domestic species of dogs and cats that live their daily lives as part of the family. [There can be only one action filed for each deceased companion animal.] [The total recovery for an action under this section shall not exceed [\$50,000].]

[Intimate family members are those who interacted with the animal on a regular basis so as to form an emotional bond with the animal.] [Damages for loss of companionship shall relate to the strength of the bond with the deceased which existed at the time of the harm to the companion animal.]

Conclusion

Judges have the power to adapt the common law by expanding the loss of consortium doctrine to address the issue of appropriate damages for intentionally killing a person's companion animal. Just as judges can empower juries to value lost relationships, legislatures may do the same by codifying the common law with the adaptations suggested above. For all of the above reasons, a cause of action for animal consortium under the loss of consortium doctrine should be made available to any owner whose companion animal is intentionally killed.

Desmond's Law Allows Student Animal Advocates

By Jeanne LeBlanc

This story is reprinted from the Sept. 15, 2017 edition of UConn Today under the original title "UConn Law Team Pioneers Courtroom Advocacy for Animals."

UConn law professor Jessica Rubin and her students are at the forefront of a new courtroom advocacy program for abused animals that is gaining ground in Connecticut and attracting notice across the nation.

Under a groundbreaking law that took effect in October 2016, judges in Connecticut may appoint a law student working under supervision or a volunteer lawyer as an advocate for justice in animal abuse cases. The advocate gathers information about the case, interviews veterinarians and others, and speaks in court on behalf of the animal and the public's interest.

So far, the courts have assigned Rubin and her students six cases involving defendants accused

of dogfighting, torturing cats, starving dogs, and beating dogs. But their work began even earlier. They were deeply involved in shaping and finding support for the enabling legislation, called Desmond's Law after a dog that was beaten and killed by his owner in Branford in 2012. Other lawyers across the state have begun stepping up to volunteer as advocates, and a devoted group of activists, calling themselves Desmond's Army, have been tracking and identifying cases in which an advocate is needed.

The need for change was clear to supporters of Desmond's Law, including state Rep. Diana Urban, who sponsored the bill. Only 20 percent of the animal cruelty cases in Connecticut courts between 2006 and 2016 proceeded to trial, according to a report by the Connecticut Office of Legislative Research. Eighty percent of animal cruelty cases were either not prosecuted or dismissed, leaving no trace of the crime after the abuser completed a special

form of probation. That's what happened with the man who killed Desmond.

Yet a growing body of research shows that people who commit violence against animals are likely to harm humans as well. In one study of women seeking shelter from domestic violence, 71 percent of those with pets reported that their partner had threatened, hurt, or killed the animals, according to the American Humane Society.

In Rubin's view, the new law has many beneficiaries. Animals gain protection, overburdened prosecutors get help, and potential human victims may be spared. And for her students, there is the additional benefit of gaining practical courtroom experience in a cause that matters to them.

Julie Shamailova, a third-year UConn Law student, says she jumped into the program because she has always been passionate about animal advocacy. But the experience has

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Shelter Animal Transport and the Law, ABA-TIPS Animal Law Committee: Animal Shelter Law Symposium (Virginia Beach, Va., Oct. 18, 2017).

Ani B. Satz

Disability and Public Health Emergencies, Defining the Gap, Minding the Gap: Law and Practice in Public Health Emergencies, Emory Law Journal's Thrower Symposium (Atlanta, Ga., Feb. 2, 2017) (panel).

Bridging the Gap, Minding the Gap: Law and Practice in Public Health Emer-

gencies, Emory Law Journal's Thrower Symposium (Atlanta, Ga., Feb. 2, 2017) (panel moderator).

Health Law Works in Progress, Section on Law, Medicine & Health Care; Association of American Law Schools Annual Meeting (San Francisco, Cal., Jan. 5, 2017) (panel).

Animals as Living Accommodations, Section on Animal Law, Ass'n of American Law Schools Annual Meeting (San Francisco, Cal., Jan. 6, 2017) (panel organizer and moderator).

ABA TIPS 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 community cats, animal seizures, wild animals and due process in canine ownership.

Among other activities in 2018 ALC members will be presenting at a continuing education event with the Animal Law Section of the British Columbia Branch of the Canadian Bar Association and participating in a

public service event in Vancouver at the Mid-Year meeting. It is also putting together a public service event for the Annual Meeting in Chicago at the beginning of August.

The ALC has increased efforts to engage law students by including student co-chairs for substantive law subcommittees and establishing a substantive law project for students to improve their research and writing skills. The current project to update state criminal law summaries, in coordination with the Association of Prosecuting Attorneys, is available on their web site.

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/tipslsboth>.

"I hope that the program can accomplish a few things — achieving justice in cruelty cases, preventing future violence, and spreading to other states so that these benefits multiply."

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brought her even more than the satisfaction of helping animals. Her career goals are tilted toward transactional law, she said, yet she has found the program is rounding out her education with practical courtroom skills that will be useful in pro bono work in the future.

"It allows me to do things that I likely would not be doing, even one or two years into practice," she says. "I think it's very rare that you can argue in court, even if you're a first-year associate, and I'm grateful to get the chance so early on."

Other students who have handled cases include Taylor Hansen, Christopher Kelly, and Jamie Wood-

side. Many have taken Rubin's Animal Law course or are involved in the Student Animal Legal Defense Fund at UConn Law.

Getting the law passed and the advocacy program started were the first steps. The continuing challenge is to ensure that judges and prosecutors use the program, and that there are enough advocates to meet the need. The Department of Agriculture now lists 11 lawyers from around the state, including Rubin, who will volunteer as advocates. She would like to see that number grow.

"The program encourages and supports vigorous enforcement of our anti-cruelty laws," Rubin says. "For lawyers who care about animals and

justice, animal advocacy work is very meaningful and fulfilling."

Recent publicity about the advocacy program has Rubin fielding calls and emails from around the country, many from judges, legislators, and animal rights advocates who would like to pass similar laws in other states. That is a prospect she finds gratifying.

"I hope that the program can accomplish a few things — achieving justice in cruelty cases, preventing future violence, and spreading to other states so that these benefits multiply," Rubin said. "As we progress in the ways in which we treat animals, the advocates can ensure that our justice system does the same."

ABA Approves Resolution 102B on TNVR

It is estimated that there are 30-40 million free-roaming ("community") cats living in the United States. Jurisdictions have struggled to manage the community cat population for many decades using a traditional trap-and-remove technique that typically results in killing the cats. This technique has proven inefficient, ineffective, and inhumane. Trap-neuter-vaccinate-return ("TNVR") is a management technique by which community cats are humanely trapped, evaluated, sterilized, by a licensed veterinarian, vaccinated against rabies, ear-tipped to designate they have been sterilized and vaccinated, and returned to their original habitat. TNVR has been shown to humanely reduce the number of free-roaming cats over time, reduce the chances of transmission of disease through vaccination, and reduce nuisance complaints. Because most TNVR programs are conducted by non-profits, the cost to the jurisdiction is negligible and the savings significant. Moreover, there is widespread public support for the use of TNVR to manage community cats. In these times of limited budgets for local animal control shelters, TNVR provides a humane, effective, cost-saving alternative for shelters seeking to limit the intake of community cats into their facilities, protect public health, and reduce the number of free-roaming cats in the neighborhoods they serve such that wildlife are also protected.

However, although TNVR has been used in the U.S. since the 1990s most jurisdictions do not explicitly recognize TNVR and many prohibit its use under traditional animal control laws, making implementation of TNVR pro-

grams difficult in such jurisdictions. For example, if the TNVR participant is deemed an "owner" of the cat, they could be subject to several obligations which may include licensing, pet limits, and at-large or leash laws, making it virtually impossible to perform TNVR. Further, even if not deemed an owner, feeding bans, nuisance laws, and laws prohibiting abandonment, may subject TNVR participants to civil and/or criminal prosecution or potential liability to third parties.

To address this legal impediment to the implementation of TNVR programs, the American Bar Association, Tort Trial & Insurance Practice Section's (TIPS) Animal Law Committee, whose mission is to address all issues concerning the intersection of animals and the law and to create a paradigm shift resulting in a just world for all, drafted a resolution and report. Professor Joan Schaffner, on behalf of TIPS, presented [Resolution 102B](#) to the ABA House of Delegates on August 14, 2017. The House approved Resolution 102B that urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies, that allow the implementation and administration of TNVR programs for community cats within their jurisdictions to promote their effective, efficient, and humane management. Now, animal advocates, armed with Resolution 102B demonstrating ABA support of TNVR, have a powerful and persuasive argument to encourage lawmakers nationwide that they should allow TNVR programs in their jurisdictions. For further discussion of TNVR and Resolution 102B, listen to this [podcast interview](#) by Mariann Sullivan of Our Hen House, with Joan Schaffner and Richard Angelo, Legislative Attorney for Best Friends.

Upcoming Conferences

3rd Global Animal Law Conference

The 3rd Global Animal Law Conference will be held in Hong Kong in May 2018. At present speakers from 13 different countries are confirmed to attend.

Center for Animal Law Studies

CALS will be hosting an Animal Law Week, March 16-23, 2018. Among other events, the week will include two animal law symposia: the *Animal Law Review* Symposium and The Food Law Symposium. The annual *Animal Law Conference* will be held in October 2018.

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Animal Law Summit 4

Animal Law Summit 4 will be held in Atlanta, Georgia later this year. The final date is still to be determined.

Favre in Barcelona

In October of 2017, Professor David Favre, Michigan State University College of Law, traveled to Barcelona, Spain to teach a week of classes in the Masters of Animal Law and Society Program that is part of the Universitat Autònoma de Barcelona. Two years ago the two universities became affiliated by the signing of a joint agreement.

ANIMAL LAW CLINIC AND PROGRAM UPDATES

George Washington University Law School

The George Washington University Animal Law Program continues to attract students committed to the legal protection of all animals and works to raise awareness of animal law issues on campus and in the community. This past year the Animal Welfare Pro Bono (AWP) project continued our alliance with the Association of Prosecuting Attorneys and the maintenance of their [animal cruelty web site](#) featuring summaries of each state's animal cruelty laws and the courts' interpretation and application of such laws. We now are also partnering with student members of the ABA Tort Trial & Insurance Practice Section's Animal Law Committee to continue the work of updating the state summaries. Recently the AWP also turned its attention to Beagle Freedom Laws that have been adopted in select states, including California, Connecticut, Illinois, Minnesota, Nevada, and New York, to research the possibility of drafting and introducing a similar bill in

the District. On the programming side, we hosted the 9th Annual DC Week for the Animals Law Night in June entitled "Advocating for Animals in the Trump Era." It was a huge success thanks to our fabulous panelists and animal law superstars Katherine Meyer, Founding Partner, Meyer, Glitzenstein, and Eubanks, LLP, and Nany Perry, Senior Vice President, Government Relations, American Society for the Prevention of Cruelty to Animals. Nancy has co-taught the GW Animal Law class for many years, along with Howard Crystal, Senior Attorney, Center for Biological Diversity. This fall, they, along with Heidi Meinzer, Esq., Law Office of Heidi Meinzer, presented a panel on "Careers in Animal Law," co-hosted by our SALDF group and the ABA Tort Trial & Insurance Practice Section. Finally, our SALDF group remains very active, including hosting Pet Study Breaks and the annual Cutest Pet at GW Law Contest.

Harvard Law School

Now halfway through our third year, in 2017 the Harvard Animal Law & Policy Program decided to emphasize issues impacting animals raised for food. This focus has included adding a new course, hiring our first Policy Director and several Policy Fellows, and hosting workshops, conferences, and symposia.

The topic also is the subject of Faculty Director Kristen Stilt's scholarship and she just wrapped up a fall sabbatical to finish

researching her upcoming book on Halal, which will be published by Oxford University Press. Kristen's research trips included a tour of Jordanian slaughterhouses and live animal markets, visits to Australia's largest feedlots and processing plants, giving a critical presentation to industry representatives at the Australian Live Exporters Convention, and an upcoming visit to Indonesia.

This September [Jonathan Lovvorn](#) joined our staff to

spend the 2017-18 academic year as [the first Policy Director of the Harvard Animal Law & Policy Program](#). Given Jon's extensive animal protection litigation and legislative drafting experience, his teaching history, and his direct work with clinic students, we are very fortunate to have him join us. This fall, Jon also taught Harvard's first ever [course in Farmed Animal Law & Policy](#). One of the "students" who took the new course was [Gregory](#)

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Parham, the former Administrator of APHIS under President Obama who spent 35 years at the USDA.

This year we have five **Farmed Animal Law & Policy Fellows** who will be spending part of the school year researching and writing on various issues here at Harvard. Here they are listed alphabetically with their research project titles :

- **Elan Abrell** (Visiting Professor, Queens College CUNY)
– “*The (Regulatory) Future of Food?: Cellular Agriculture, Animal Welfare, and the Law*”
- **Peter Brandt** (Attorney, HSUS Animal Protection Litigation)
– “*Connecting Cruelty to Farm Animals to Environmental and Public Health Threats*”
- **Matthew Hayek** (Ph.D., Harvard University)
– “*Environmental impacts from the production and sourcing of farmed animal and plant foods: a geospatially explicit framework for intersectional research in environmental science, policy, and law*”
- **Christine Parker** (Professor, Melbourne Law School, Australia)
– “*Engaging Citizens, Retailers and Producers in Farmed Animal Welfare Regulation*”
- **Steven White** (Lecturer, Griffith Law School, Australia)
– “*Farm Animal Protection Law and Policy: National, Transnational and International Dimensions*”

We additionally have a **Comparative Animal Law Fellow** who is finalizing a white paper on animal welfare aspects of the U.S. Farm Bill in conjunction with a broader Farm Bill Policy Analysis being spearheaded by the Harvard Food Law and Poli-

cy Clinic:

- **Alice DiConcetto** (M.S. in Economic Law, Sciences Po, Paris, France; LLM in Animal Law, Lewis & Clark Law School)
– “*Comparative Constitutional Animal Law*”

Most recently, we hired our first **Legislative Policy Fellow** who joined us in December to identify ancillary impacts from legislation seeking to prevent states from regulating the sale of “agricultural products” produced outside state borders. Such measures include the 2013 “King Amendment” to the U.S. Farm Bill, and the recently introduced, stand-alone “Protect Interstate Commerce Act” (H.R. 3599). Those measures have the potential to nullify a host of legislative gains regarding farmed animal confinement, including California’s Prop 2 and Massachusetts’ Question 3.

- **Ann Linder** (JD Stanford Law School, MS Tufts Animals and Public Policy Program)
– “*Ancillary impacts from legislation seeking to prevent states from regulating the sale of “agricultural products” produced outside state borders*”

The HLS Administration also just approved our proposal to establish an Animal Law & Policy Clinic at Harvard Law School. Aiming to have the clinic running by next January, we likely will be posting two clinical positions in the coming months and the Administration already has allocated us space in a new building the Law School is constructing for Fall 2018. Right upstairs will be the new home of the Harvard Food Law and Policy Clinic, facilitating potential synergies between the two Programs. We look forward to having all our team under one roof and sharing collaborative common

space with these other clinics and research programs.

EVENTS:

During the course of the 2016-2017 academic term the Animal Law & Policy Program helped sponsor over a dozen lectures and panels, presenting more than 20 notable animal law speakers to the broader Law School and Harvard communities. This included our Third Annual Harvard Animal Law Week where we host a different speaker each day during the last week of February. These lunchtime lectures drew audiences averaging around 75 students with some bringing in over 100 attendees. Most of these lectures and panels are co-sponsored by the Harvard Student Animal Legal Defense Fund (SALDF), and other student partners this year included the Harvard Journal of Law and Gender, Harvard Federalist Society, and Effective Altruism at Harvard. Some of the more notable events are listed below:

- **Just Food? Forum on Labor Across the Food System**

In April, the ALPP again sponsored a panel of the annual Just Food? Conference—organized by the Harvard Food Law Society, the Harvard Food Literacy Project, and the Harvard Food Law and Policy Clinic. This year’s topic brought together a diverse group of food system workers, advocates, scholars, practitioners and other authorities, to speak about topics including agricultural worker rights, worker compensation in the restaurant industry, regulatory responses, and alternative ownership and operating models. The ALPP sponsored panel was entitled

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"Lives on the Line: Labor Conditions in Meat & Poultry Processing Facilities" and included presentations by attorneys who represent laborers in factory farms exposing the appalling circumstances they often toil under. The conference also featured several dairy industry laborers who discussed their experiences and attempts to collectivize to win better working conditions. All of the conference panels were recorded and can be watched [here](#).

- **Animal Agriculture from the Middle East to Asia Workshop**

This May, the Animal Law & Policy Program partnered with the Islamic Legal Studies Program: Law and Social Change and the Harvard South Asia Institute to co-sponsor our second workshop

of the year on [Animal Agriculture from the Middle East to Asia](#). The event brought together academics, practitioners, and others

with backgrounds in law, the sciences, animal welfare, environmental studies, religious studies, cultural studies, economics, and public policy to exchange ideas as an initial step toward the goal of a broader collaborative research project. A list of the participants and their paper topics can be viewed [here](#).

- **"Lean, Clean & Sustainable: Creating Animal-Free Meat that is Healthier, More Humane, and Less Harmful to the Planet"**

In October we organized this panel as part of the day-long, Fourth Annual Harvard-UCLA Food Law and Policy Conference. This year's topic is **"Food Innovation and the Law: Navigating the Next Frontier."**

Our Clean Meat panel included

a Scientist, Entrepreneur, Lawyer, Advocate, and Moderator examining the potential for alternatively grown meat to replace conventional animal agriculture:

- **Jon Lovvorn – Moderator** (Policy Director, HLS Animal Law & Policy Program)
- **Mark Post** (Professor, Maastricht University)
- **Mike Selden** (CEO, Finless Foods)
- **Nicole Negowetti** (Clinical Instructor, HLS Food Law and Policy Clinic)
- **Bruce Friedrich** (Executive Director, Good Food Institute)

- **The Death of Factory Farming**

Later in October, for the **Harvard Law School Bicentennial Weekend** HLS gave us an incredible platform to discuss the many fronts advocates are working to end factory farming (legislation, litigation, regulation, innovation, education, and investment). Video of the panel can be viewed [here](#).

Panelists included:

- **Kristen Stilt – Moderator** (Professor and Deputy Dean, Harvard Law School)
- **Chris Green** (Executive Director, Harvard Animal Law & Policy Program)
- **Nicole Negowetti** (Clinical Instructor, HLS Food Law and Policy Clinic)
- **Jonathan Lovvorn** (Policy Director, Harvard Animal Law & Policy Program)
- **Rosie Wardle** (Program Director, Jeremy Coller Foundation)
- **Justin Marceau** (Professor, University of Denver College of Law; HLS alumnus)

STUDENTS:

To familiarize students with the practice of animal law and policy and help get them integrated into the practitioner network, this year we again helped organize the 2nd Annual "Animal Law Student Trip" to Washington, D.C., in April. Over

two days the students visited 8 different animal law and policy practice settings—including animal protection organizations and regulatory agencies, as well as the office of Senator Cory Booker, who is a strong supporter of animal protection issues. In all, our students interacted with nearly 50 practicing animal attorneys and policy staff. The overall experience was invaluable for our students to get a feel for the cultures and environments at the different organizations and learn about the various paths these experts took in their own careers. The offices visited included:

- **The Humane Society of the United States**—Gaithersburg Campaigns Office
- **The Humane Society of the United States**—D.C. Litigation Office
- **ASPCA**—Government Affairs Department
- **Defenders of Wildlife**—Litigation Team
- **PeTA**—Litigation Team
- **Animal Welfare Institute**
- **USDA**—General Counsel's Office & Animal Care Enforcement
- **Meyer-Glitzstein**—Private Animal Protection Firm

The students also shared meals with other figures from the animal law and policy realm, including lunch with two members of the U.S. Dept. of Justice's Animal Welfare Enforcement team and Bruce Friedrich from the Good Food Institute.

This interaction has helped our students secure both full-time employment after graduation, summer/winter internships, and in-school externships during the academic term. After clerking for a federal judge the past year, former SALDF President, Alene Anello J.D. '16, started a 2-year Litigation Fellowship at the Animal Legal Defense Fund this past August. Reversing that order,

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Gregory Muren J.D. '17 began a 1-year Legal Fellowship with Compassion Over Killing this August, then will spend the following year clerking for the Ninth Circuit Court of Appeals. This term, 4 other students spent time doing work for outside animal protection organizations, including PeTA, HSUS, Compassion Over Killing, and the Animal Legal Defense Fund.

Chris Green separately is part of a team that developed a one-week intensive "[Animal Studies Summer Institute](#)" held in July at his undergraduate alma mater, the University of Illinois—which won a competitive grant from the Animals & Society Institute to lead and host the new initiative. The event convened 29 advanced graduate students and early career Ph.D.'s intent on developing their work in human-animal relations, and featured seminars, workshops, and

experiential learning. A list of the participants and their research topics can be viewed [here](#). As 2018 begins, 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 appreciation of the pressing issues addressed by the Harvard Animal Law & Policy

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Lewis and Clark Law School

The Animal Law Program and the Center for Animal Law Studies (CALs) continues to grow and has enjoyed a successful fall semester. Some highlights include celebrating the 25th annual Animal Law Conference in October, welcoming two talented visiting professors, Dr. Rajesh Reddy (who also serves as the Animal Law LL.M. Program Interim Director) and Russ Mead (our Shared Earth Foundation Visiting Professor) to teach in our program over the next two years, welcoming Rebecca Jenkins as the Animal Law Clinic's first Aquatic Animal Law Initiative Fellow, and welcoming several impressive new Animal LL.M. international students.

Animal Law Conference (co-hosted with the Animal Legal Defense Fund)

We are pleased to report that we had 420 attendees and another 60 virtual attendees who live-streamed the joint CALs-Animal Legal Defense Fund 25th Anniversary *Animal Law Conference*, held October 13-15, 2017 at the Hilton Hotel in downtown Portland. This is the largest group we have ever hosted which necessitated our taking the event off-site for the first time. We had over 40 speakers, a student summit, as

well as keynote, plenary, and breakout sessions throughout the three days. We invite you to visit our conference website - www.animallawconference.org - to learn more or to view the podcasts of the presentations. We want to especially thank our sponsors, Don and Pat Guter; South Texas College of Law, Houston, Animal Law Clinic; Lane Powell; and Chapman Cubine and Hussey, for their very generous support of the conference.

Upcoming Events

In addition to co-hosting the *Animal Law Conference* in October 2018, CALs is also hosting an *Animal Law Week*, March 16-23, 2018. There will be guest speakers, film screenings, a 5k run for the animals and other activities, including two special animal law symposia – The *Animal Law Review Symposium* on March 16th, and *The Food Law Symposium* on March 23rd. CALs will also be celebrating its 10th Anniversary that week – come and celebrate with us!

CALs is also pleased to partner with the University of Hong Kong, Michigan State University, Harvard Law School, and the Autonomous University of Barcelona to present the Third Global Animal Law Conference at the University of Hong

Kong, May 3 – 4, 2018. Planning continues and we expect scholars and practitioners from around the world to attend.

Animal Law LL.M.

We have an impressive class of five international LL.M.s this year, three of whom were awarded full scholarships generously provided by an anonymous donor. The International Advocates Animal Law LL.M. scholarships have been given to the head of the Wildlife Crimes Prosecution Division in the Office of the Director of Public Prosecutions in Kenya, a Kenyan magistrate who handed down one of the first life sentences under Kenya's Wildlife Conservation and Management Act, and an active animal law attorney from South Africa. Another Kenyan attorney who has been interning with the Kenya Wildlife Service, and an animal law attorney from Bolivia join them and our two wonderful domestic LL.M. students.

Interest in animal law education and our Animal Law LL.M. program continues to grow, and we are receiving more invitations to speak about animal law around the globe. As one example the Director of the International Animal Program at CALs, Natasha

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Dolezal, traveled to Harare, Zimbabwe recently, where she spoke to over 70 University of Zimbabwe law students and faculty about animal law and animal law education.

Animal Law Clinic

During the fall semester, the Animal Law Clinic continued to develop the Aquatic Animal Law Initiative. AALI has been focusing on various legal issues facing aquatic species

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in rivers, lakes, and oceans. Professor Kathy Hessler, as the director of the clinic, has been supervising clinic students working on legal, regulatory, and policy issues at the state, federal, and international level, including providing legal research for the Green Party of Ireland on their aquatic animal law and policy.

A new focus for the clinic this fall has been a project to offer legal assistance and guidance to animal sanctuaries in Oregon with an eye toward developing a national

program. This has the dual benefit of giving our students experience in non-profit animal law and providing pro-bono legal work to local animal sanctuaries.

In addition to the aquatic animal and animal sanctuaries work, the clinic has partnered with multiple animal law non-profits and other clinics across the country to work on legal issues affecting companion animals, animals used in research and testing, and animals in the wild.

Michigan State University

The Animal Welfare Clinic at Michigan State University College of Law provides a unique opportunity for select students to gain dynamic practice experience in a rapidly developing field of law by utilizing multidisciplinary strategies to advance the legal interests of animals. Students gain familiarity with litigation strategies, regulatory/administrative law, and the Freedom of Information Act and help shape legislation/policy on major animal protection issues. Student attorneys also participate in media training, and on the final day of

the semester, do an on-camera interview with a special guest from a major media outlet.

In its inaugural semester, Animal Welfare Clinic student attorneys worked on a number of cutting edge legal issues concerning captive exotic animals. They led a coalition of seven reputable sanctuaries and organizations across the country in the preparation and submission of lengthy comments and voluminous exhibits in support of the USDA's proposal to close loopholes in the federal Animal Welfare Act regulations that enable chronic violators to renew their operating li-

censes. On the final day of class, students did media interviews about America's roadside zoo crisis with an award-winning documentary filmmaker.

The director of the clinic is Carney Anne Nasser, who previously taught animal law at Tulane University Law School as an adjunct and also previously worked for the PETA Foundation as Associate Director of Captive Animal Law Enforcement, and the Animal Legal Defense Fund as Senior Counsel for Wildlife and Regulatory Affairs.

South Texas College of Law Houston

South Texas College of Law Houston's Animal Law Clinic serves as a resource for students, professors, attorneys, organizations, media, and individual clients on animal law and advocacy. The ALC assists organizations and attorneys involved in animal protection litigation, legislation, and policy work.

The Clinic is led by co-directors Dean Elizabeth Dennis and Adjunct Professor Salise Shuttlesworth, executive director of

Friends for Life Animal Shelter & Sanctuary, with support from Professor Fran Ortiz. In the program, second- and third-year law students research and analyze developments in animal protection law. Although the ALC focuses on animal protection issues of the Texas and Gulf Coast region, clinic attorneys and students maintain close connections with national and international animal welfare organizations.

As the initial outreach of the ALC, the law students and faculty direc-

tors are creating a comprehensive disaster readiness manual in response to the devastating effects of Hurricane Harvey on area animals. The manual will set out specific protocols and best practices for animal protection before, during, and after catastrophic events. The students are also working with the Animal Legal Defense Fund and the ABA TIPS Animal Law Committee to complete a Texas-focused list of Frequently Asked Questions during disasters.

University at Buffalo School of Law

Since 2014, Student Attorneys enrolled in the University at Buffalo School of Law Animal Law Clinic have the chance to learn about practicing law by doing work on national, state and local policy addressing animal welfare issues. These issues range widely, from drafting and helping pass feral and community cat laws, creating model contracts for former race horses, assessing how legal changes might impact migratory birds, and helping organizations with corporate status. The work grew out of a pro bono project that Professor and Animal Law Clinic Director Kim Diana Connolly initiated five years ago in response to requests from multiple local organizations who cared about animals but could not afford an attorney to help them navigate the legal side of their work.

After over a year of doing volunteer work, an actual Animal Law Clinic was launched at UB. Student Attorneys were admitted to practice law under the Clinical Program's practice order, and began to represent organizations and individuals dealing with various legal issues, all related by the fact that the clients have some connection to animal welfare. Clinic clients come to Buffalo's Animal Law Clinic for many different reasons. They may be seeking model contracts for animal adopters, looking for help drafting and amending local laws to better protect animals, needing representation to help navigate the court system when the laws they are working with involve animals, seeking support for corporate structure work, such as incorporation, for new non-profits, or seeking a detailed analysis of federal, state or local law.

UB's Student Attorneys work with local government officials, non-profit employees, and all volunteer organizations on a variety of issues. This past year, students have worked on local laws related to the protection of community and feral cats, prepared a detailed analysis of current developments under the federal Migratory Bird Rule and how that might impact wildlife protection efforts in New York, defended someone in court found in violation of a law preventing proper care for community cats, considered how a system for appointing advocates for the animals themselves might work in cruelty cases, and a variety of other issues.

Graduates of the Animal Law Clinic leave with experience in direct advocacy in various fora, applied research, working with interdisciplinary professionals, client interviewing and counseling, fact investigation, drafting, teamwork, and other profession-ready skills. They have also reflected deeply on the process and ethics of lawyering, and begun to develop their professional identities as future members of the legal profession. Former ALC Student Attorneys from the University at Buffalo have gone on to a variety of employment opportunities, and some have even returned to the clinic to offer pro bono assistance.

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UCLA Law School

The UCLA Law Animal Law and Policy Program began three programs in the 2017-2018 academic year. One is the UCLA Animal Law and Policy Small Grants Program, which funds academic empirical research in law and non-law fields to support animal law and policy development. The first funding cycle ended in October with an impressively high yield of solid, fundable projects. Examples of funded projects include the following: human impacts on endangered wolf populations, consumer literacy regarding non-animal dairy product labeling, the relationship between high levels of empathy and avoidance of disturbing factory farming information, and underutilization of free or low-cost spay/neuter/veterinary services in under-served communities. As soon as funding procedures are complete, summaries of all funded projects will be posted [here](#). We are grateful to Bob Barker whose generous gift to UCLA Law provides the funds for this small grants program.

A second program begun in the 2017-2018 academic year is the Initiative on Animals and the Food System, which is funded with generous support from the Animal Welfare Trust. For this Initiative, the UCLA Animal Law and Policy Program and the Resnick Program on Food Law and Policy are collaborating on roundtables, which produce research possibilities we will develop through white papers, student clinic projects, and other avenues. This is a concept we developed with a roundtable in 2016 on the topic of vegan entrepreneurship. The roundtable resulted in a student food law clinic project over the course of two semesters for which students did research on Los Angeles Unified School District food procurement practices and developed a plan for the introduction of meat analog products in the school lunch program using federal funds. Our first roundtable this year focused on vegan investment. We brought investors in vegan businesses together to discuss first amongst themselves common incentives and disincentives for investment in vegan businesses. Entrepreneurs of vegan businesses then joined the investors and us for lunch and further discussion about barriers to investment. Our goal at UCLA Law was to learn how we as academics could make a contribution that would increase the development, availability, and utilization of environmentally sustainable, worker-conscious, human health-promoting, and animal friendly products. As a result of that roundtable, we are now working on projects directly relevant to those combined goals.

A third program starting at UCLA Law this year is an opportunity for our students to provide service to the City of Los Angeles while furthering their interests in animal law, administrative law, constitutional law, and evidence law. Following an intensive two-week training period at UCLA Law School beginning January 2, the General Manager of the Los Angeles City Department of Animal Services will appoint our students to serve as hearing officers in dangerous dog and nuisance dog complaint proceedings. The students enrolled for this inaugural program are very excited about the opportunity to be of service and to have a real impact on the treatment of dogs accused of being a nuisance or a public health and safety risk.

The Section on Animal Law promotes the communication of ideas, interests, and activities among members and makes recommendations to the Association of American Law Schools on matters of interest in teaching and improvement of the law relating to animals.