

# AALS Section on Animal Law

## LETTER FROM THE CHAIR



It has been my honor to serve as Chair of the Section on Animal Law this year. I am so grateful for the energy and dedication of the 2019 Executive Committee as we moved forward with the Section's mission to

teach and improve the law relating to animals, and I am especially excited to see where our next Chair, Ann Schiavone, takes the Section in 2020.

It was exciting to watch as Section members busily increased the visibility and vibrancy of the animal law field in 2019. They published novel and necessary articles and books, shared their research in scholarly presentations, taught some of the 160+ animal law courses now offered, and advised some of the almost 200 student-run animal law organizations. The prominence of animal law in legal education has come a long way since the Section's inception in 2008, and it is heartening to see it continue to grow.

In 2019 we also saw a plethora of encouraging—and, unfortunately, discouraging—changes in animal law around the world. On the positive side, the Punjab and Haryana High Court in India granted “legal person or entity” status to animals this year. In the United States, the Environmental

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## AALS ANNUAL MEETING

Marriott Wardman Park,  
Washington, DC

January 2-5, 2020



Photo: pinterest.com

## ANIMAL LAW SECTION PROGRAM

CO-SPONSORED BY  
THE SECTION ON  
INTERNATIONAL  
LAW

*“Crossing Borders:  
Comparative  
International  
Animal Law”*

**Friday, January 3,  
1:30-3:15 p.m.**

Room: Madison B,  
Mezzanine Level

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## 2019 SECTION OFFICERS:

### CHAIR:

**Courtney G. Lee,**  
University of the  
Pacific McGeorge  
School of Law

### CHAIR ELECT:

**Ann L. Schiavone,**  
Duquesne University  
School of Law

### IMMEDIATE PAST CHAIR:

**Justin Marceau,**  
University of Denver  
Sturm College of Law

### EXECUTIVE COMMITTEE:

**Taimie L. Bryant,**  
UCLA School of Law

**Richard L. Cupp,**  
Pepperdine School of  
Law

**David S. Favre,**  
Michigan State  
University College of  
Law

**Sarah J. Morath,**  
University of Houston  
Law Center

**Jessica Rubin,**  
University of  
Connecticut School of  
Law

## 2020 EXCELLENCE IN ANIMAL LAW AWARD

The winner of the AALS Section on Animal Law's 2020 Excellence in Animal Law Award is Kathy Hessler, Clinical Professor of Law and Animal Law Clinic Director at Lewis & Clark Law School in Portland, Oregon.



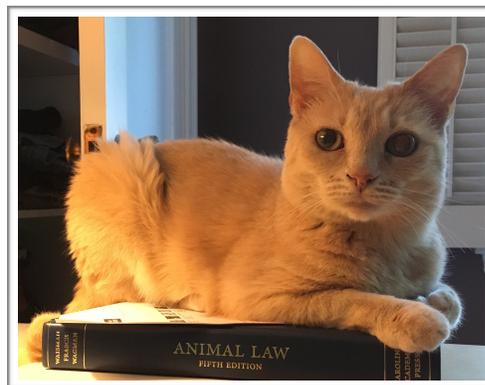
In addition to the Animal Law Clinic, Professor Hessler also directs the Aquatic Animal Law Initiative at Lewis & Clark. She serves as the faculty advisor for the school's Student Animal Legal Defense Fund, as well as its journal, the Animal Law Review. She is a prolific scholar, examining pressing animal law issues in many articles, essays, and books, both alone and with co-authors. (Some of her scholarship is available for download [here](#).) She also is a sought-after presenter, teaching and lecturing widely across the United States and internationally.

Professor Hessler's service record is exemplary. For instance, she actively supports the elevation of the status and efficacy of animal law through the production of and participation in events like the outstanding annual Animal Law Conference with the Center for Animal Law Studies and the Animal Legal Defense Fund. She co-founded the AALS Section on Animal Law and has served as its chair; she instituted the Animal Law Summit; she was a board member with the Animal Legal Defense Fund; and she helped found the Animal Law Committee of the Cuyahoga County Bar. For more information, please see her [Lewis & Clark faculty page](#).

Professor Hessler is bright, thoughtful, and inclusive. A willing mentor to fellow educators and a positive influence upon countless others, she is a wonderful ambassador for this burgeoning area of law. The Section is honored to present her with its 2020 Award.

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Protection Agency issued a memo stating its intent to eliminate requests and funding for scientific testing on mammals by 2035, bringing the U.S. more in line with other countries that regulate this practice. But on the more foreboding side, this fall the United States approved the first lion trophy import from Tanzania since the Endangered Species Act began extending its protections to lions.



*Shelby, Professor Lee's Editorial Assistant*

Building on these and other global developments, expert speakers at this year's Section program at 1:30 p.m. on Friday, January 3 will compare current facets of international and domestic animal law. Scholars David Favre, Ann Schiavone, and Kathy Hessler will explore the need for a new treaty concerning animal welfare and its potential impact on domestic legislation; how democracy has impacted the plights of animals both domestically and abroad; and how attorneys represent animals in both legal and social senses. Anna Frostic, Senior Attorney for Wildlife and Animal Research at the Humane Society of the United States, will discuss recent litigation concerning U.S. approval of foreign hunting programs.

Thank you to all Section members for a fruitful and exciting 2019! I hope to see you at the Section program on January 3, and I look forward to reading about the strides you will make in 2020 and beyond. Thank you for allowing me to serve in the leadership of this wonderful Section.

– Courtney G. Lee, McGeorge School of Law

## 2020 CHAIR-ELECT AND EXECUTIVE COMMITTEE NOMINEES

### CHAIR-ELECT:



**Sarah J. Morath** joined the faculty of the University of Houston Law Center in 2016 as a Clinical Associate Professor of Lawyering Skills and Strategies. She previously was an Associate Professor of Legal Writing at the University of Akron School of Law where she taught legal writing, environmental law, and animal law. Before joining academia, Professor Morath clerked for Chief Judge John A. Woodcock, Jr., of the U.S. District Court, District of Maine; Justice Andrew M. Mead, Maine Supreme Judicial Court; and four justices of the Maine Superior Judicial Court.

Professor Morath's 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

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Resources Journal. Professor Morath's first book, [From Farm to Fork: Perspectives on Sustainable Food Systems in the Twenty-First Century](#), was published in 2016.

Professor Morath earned her J.D. from the University of Montana School of Law, her M.E.S. in Environmental Studies from Yale University, School of Forestry and Environmental Studies, and her B.A. in Geology from Vassar College, where she was inducted into Phi Beta Kappa. She is admitted to practice in Ohio and Maine. For more information, see Professor Morath's [faculty page](#).

### [EXECUTIVE COMMITTEE:](#)



**Dolores Ann Donovan** is Professor Emeritus at the University of San Francisco and specializes in constitutional and comparative law. Her publications deal with the legal systems of developing nations and criminal justice systems. Her articles can be found in domestic and foreign law journals, ranging from peer-reviewed publications such as the *American Journal of Comparative Law* to the *Ethiopian Law Review*. Professor Donovan is a consultant to foundations and government international development agencies. She was the South Asia regional senior equity advisor to the U.S. Agency for International Development, a senior Fulbright Professor at the Ethiopian Civil Service College, a visiting scholar at Harvard Law School, and a visiting professor at the UC Hastings College of Law and the East China Institute of Politics and Law in Shanghai. She also is experienced in serving in a leadership capacity for AALS Sections.

On retirement in 2013, Professor Donovan returned to her life-long interest in animals, got a certificate in Animals and Human Health from the University of Denver Graduate School of Social Work, and wrote an article titled *Domestic Violence and Animal Welfare: The Science of Human-Animal Interaction* (53 U.S.F. L. REV. 479 (2019)). She intends to continue writing about animal law issues. For more information, see Professor Donovan's [faculty page](#).



**Stacey Gordon Sterling** is the Director of the Jameson Law Library at the University of Montana Alexander Blewett III School of Law, where she also teaches several courses, including Animal Law. Professor Gordon Sterling is a frequent CLE presenter on legal research and animal law topics. She writes in the area of animal law and is the advisor of the law school's chapter of the Student Animal Legal Defense Fund.

Professor Gordon Sterling is a graduate of Eastern Washington University, the University of Washington School of Library and Information Science, and The University of Montana School of Law, where she was a member of the Jessup International Moot Court team and served as business editor of the *Public Lands and*

Resources Law Review. Before coming to the University of Montana, she was the Library Director at Salish Kootenai College.

In addition to her work in the law school, Professor Gordon served as the Secretary of the Board of the Humane Society of Western Montana, and Chair of the HSWM Legislative and Advocacy Committee. She is also the Chair of the American Association of Law Libraries Animal Law Caucus Education Committee, and served previously as a member of the American Association of Law Schools Animal Law Section Executive Committee. Her pro bono and volunteer work focuses on consulting on animal law issues. She is also a HOPE foster parent for the Humane Society of Western Montana and always has a house full of animals in need of permanent homes. In 2019, she was the recipient of the Humane Society of Western Montana Ken Shughart Humanitarian Award. For more information, see Professor Gordon's [faculty page](#).



**Delcianna (Delci) Winders** received her J.D. from N.Y.U. School of Law, where she was awarded the Vanderbilt Medal for outstanding contributions to the law school (based on her work bringing animal law to the school), named as a Robert McKay Scholar, and served as the Senior Notes Editor of the NYU Law Review. She also served as Harvard's First Animal Law and Policy Fellow.

Following law school, Professor Winders clerked for the Honorable Martha Craig Daughtrey on the United States Court of Appeals for the Sixth Circuit. She then practiced animal law for more than a decade in a variety of settings, including private practice as an associate, and later, as Vice President and Deputy General Counsel at the PETA Foundation, where she led a team of lawyers, veterinarians, and scientists to successfully transfer over a hundred individual captive wild animals from appalling conditions to reputable sanctuaries.

She has taught Animal Law at the Elisabeth Haub School of Law at Pace University, Loyola University New Orleans College of Law, Tulane University School of Law, and Vermont Law School. She has published animal law scholarship in top-50 law review journals, as well as opinion pieces in National Geographic, Newsweek, New York Daily News, New York Times, USA Today, Wall Street Journal, Washington Post, and numerous other media outlets. Fittingly, Professor Winders was featured in O Magazine as one of "Six Women Who Dare." For more information, see Professor Winders' [faculty page](#).

*The final vote for these nominees will take place during the Section business meeting following the program on January 3, 2020. If you are unable to attend the meeting and would like to share your vote in advance, you are welcome to send it via email to [Courtney Lee](#) by December 16, 2019.*

## 2019 SECTION MEMBER PUBLICATIONS

### Gerry W. Beyer

*Don't Forget About Pets When Planning for Disability and Death: A Legal Guide to Caregiving for Pets After an Owner's Death*, GENERATIONS: J AM. SOC. AGING, Fall 2018 at 109 (co-authored with Barry Seltzer).

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### David N. Cassuto

*You Don't Need Lungs to Suffer: Fish Suffering in an Age of Climate Change with a Call for Regulatory Reform* 5 CJCCL (2019).

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### Dolores Ann Donovan

*Domestic Violence and Animal Welfare: The Science of Human-Animal Interaction*, 53 U.S.F. L. REV. 479 (2019).

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### Stacey Gordon Sterling

*Out to Save the World: Using Animal Welfare and Environmental Law to Respect Fragile Ecosystems*, \_\_ BELMONT L. REV. \_\_ (forthcoming 2020).

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### Joan MacLeod Heminway

Peer Reviewer, Access to Veterinary Care Coalition (AVCC) report, *Access to Veterinary Care: Barriers, Current Practices, and Public Policy*.

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### Rebecca J. Huss

*Pups, Paperwork and Process: Confusion and Conflict Regarding Service and Assistance Animals*, 20 NEV. L. J. \_\_ (forthcoming 2020).

*Canines at the Company, Felines at the Factory: The Risks and Rewards of Incorporating Service Animals and Companion Animals into the Workplace*, 123 DICKINSON L. REV. 263 (2019).

*Canines in the Classroom Redux: Applying the ADA or the IDEA to Determine Whether a Student Should be Allowed to be Accompanied by a Service Animal at a Primary or Secondary Educational Institution*, 35 TOURO L. REV. 235 (2019) (Symposium).

*Regarding Respectful Use*, 27 SOC'Y & ANIMALS 347 (2019) (Book Review).

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**Courtney G. Lee**

*From Footnote to Forethought: Considering the Consequences of Large-Scale, Industrialized Animal Agriculture in Developing Nations*, 25.2 U.C. DAVIS J. INT'L L. & POL'Y 101 (2019) (companion article to a presentation at the Latina & Latino Critical Legal Theory South-North Exchange Conference in Antigua, Guatemala, in 2018).

**Ani B. Satz**

*Health Care as Eugenics in Health Care as Eugenics in DISABILITY, HEALTH, LAW AND BIOETHICS* (I. Glenn Cohen, Carmel Shachar, Anita Silvers, Michael Ashley Stein eds. (forthcoming Cambridge UP 2020).

*The Federalism Challenges of Protecting Workers' Medical Privacy*, 94 IND. L. J. (forthcoming 2019).

*Animal Welfare Act: Interaction with Other Laws*, 25 ANIMAL L. REV. 185 (2019) (with Delcianna Winders) (symposium).

*Exploring New Technologies in Biomedical Research*, Forward, DRUG DISCOVERY TODAY, Apr. 4, 2019 (with Kambez H. Benam, Siobhan Gilchrist, Andre Kleensang, Catherine Willett, & Qiang Zhang) (symposium).

**Ann Marie Schiavone**

*K-9 Catch-22: The Impossible Dilemma of Using Police Dogs on Apprehension of Suspects*, 80 PITT L. REV. 613-660 (2019).

**Decliana Winders**

*Captive Wildlife Under the Endangered Species Act*, in ENDANGERED SPECIES ACT (Donald C. Baur & Ya-Wei Li eds., 3d ed. forthcoming 2019) (with Jared Goodman and Heather Rally).

*The Animal Welfare Act at Fifty Conference at Harvard Law School*, 24 ANIMAL L. 155 (2019).

*Animal Welfare Act Enforcement*, 24 ANIMAL L. 249 (2019) (with Varu Chilakamarri).

*Animal Welfare Act Interaction with Other Laws*, 24 ANIMAL L. 185 (2019) (with Ani B. Satz) (symposium).

Photo:  
@itsmesesame  
on Instagram



## 2019 SECTION MEMBER PRESENTATIONS

### Stacey Gordon Sterling

Out to Save the World, 2019 Belmont Law Review Symposium: Contemporary Issues in Environmental Law (companion article to be published 2020).

Shelter Liability, Humane Society of Western Montana Pet Pro Conference, September 15, 2019.

Animal Law Summit V, San Diego Bar Association, August 22-23, 2019 (Montana delegate).

Ag-Gag Laws in Montana, Climate Save Missoula/Animal Save Montana, April 27, 2019 (community discussion panel member after viewing of *Dominion*).

### Joan MacLeod Heminway

Neither Here nor There: Tennessee's Laws Protecting Animals, 2019 Tennessee Animal Care and Control Conference, August 6, 2019.

Treat Thy Animal as Thyself? A Legal Narrative, Tennessee Bar Association 2019 Animal Law Forum May 17, 2019.

The Practice of Veterinary Medicine from a Legal and Ethical Perspective: Background and Problems, Knoxville Veterinary Medical Association law and ethics program.

### Rebecca J. Huss

Lessons Learned from the Bad Newz Kennels Case, Arizona State Law School, SALDF Organization Event (Phoenix, Arizona, October 24, 2019).

Americans with Disabilities Act, Fair Housing Act, and Air Carrier Access Act, Good Dogs and the Law: Service, Emotional Support, Therapy and Facility Animals, American Bar Association (Webinar, September 12, 2019).

Shake on It: Negotiating Animal Contracts, 2019 Best Friends National Conference, Best Friends Animal Society (Dallas, Texas, July 26, 2019).

Differing Definitions: Service and Assistance Animals, 10th Annual Animal Law Conference, Illinois State Bar Association (Chicago, Illinois, March 1, 2019).

### Courtney G. Lee

Animals Today Radio, invited guest interviewed about animal hoarding (January 29, 2019).

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**Ani B. Satz**

Emory/UGA summer workshop, *Faux Federalism*, Emory University School of Law, Atlanta, Georgia (July 19, 2019).

Speaker, *Health Law for Radiologists*, department of Radiology, Emory University School of Medicine, Atlanta, Georgia (March 15, 2019).

Panelist, *False Preemption and Animal Protection*, Constitutional Law Scholars Forum, American Constitutional Society for Law and Policy, Barry College of Law, Orlando, Florida (Mar. 1, 2019).

Panelist, *Healthism: Health Status Discrimination and the Law*, University of Georgia School of Law, Athens, Georgia (February 27, 2019).

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**Decliana Winders**

Confronting America's Captive Tiger Crisis, Vermont Law School, July 2019.

Litigation on Behalf of Lolita, Lewis & Clark Law School, July 2019.

Transforming Animals Status Through Civil Litigation, Animal Law Conference, October 2019.



*Photo by Courtney Lee at the [Performing Animal Welfare Society Wildlife Sanctuary](#)*

## 2019 SECTION MEMBER AWARDS & RECOGNITION

### Stacey Gordon Sterling

Ken Shugart Humanitarian Award from the Humane Society of Western Montana, partially for work on animal welfare bills in the state legislature as past-Chair (and continuing member) of the HSWM Legislative & Advocacy Committee. The award also recognized Professor Gordon's teaching, and that she has consulted with law enforcement on animal welfare issues.

### Joan MacLeod Heminway

Professor MacLeod Heminway supervised a past student from her Animals & the Law course as he wrote an expository animal law paper that won third place in the New York State Bar Association's annual writing competition.

### Rebecca J. Huss

2019 Excellence in Animal Law Award from the American Association of Law Schools Section on Animal Law.

### Ani B. Satz

Appointed as President, Emory University Senate, 2019-20; Chair, Emory University Faculty Council, 2019-20; Chair, Tenure and Promotion Committee, Emory Law School, 2019-20; Co-Chair, Emory University Committee on Naming Honors, 2019-.

### Joan Schaffner

ABA TIPS Andrew C. Hecker Memorial Award for outstanding lifetime achievements in the law and the community.



Photo: [Blackberry Creek Farm Animal Sanctuary](#)

## NEW PROGRAM: ANIMAL LAW LITIGATION CLINIC

*By Delci Winders*

This fall Lewis & Clark Law School launched a new Animal Law Litigation Clinic (ALLC). Focused specifically on litigation that advances the interests of farmed animals, the ALLC is the first and only clinic of its kind in the world, and the second clinic devoted to animal law at Lewis & Clark. In 2008 the school launched the Animal Law Clinic, which is led by Professor Kathy Hessler and serves as a comprehensive training ground for students interested in a full range of policy work.

Under the leadership of professor Delcianna Winders, students in the ALLC are developing and litigating cutting-edge lawsuits aimed at establishing and expanding legal protections and rights for farmed animals, including by challenging the presumption that common, inhumane farming practices are shielded from judicial scrutiny, and pursuing novel causes of action. Cases are selected to maximize student learning opportunities while also making the most change for farmed animals. Students are involved in every aspect of litigation. Depending on the procedural posture of the clinic's cases, work may include interviewing potential clients/client representatives; drafting complaints; briefing and arguing dispositive motions; drafting and responding to discovery requests; taking or defending depositions; pre-trial motions practice; trial work, including voir dire and direct and cross examination; and post-trial briefing. Students will leave the ALLC with a solid litigation foundation, including experience in assessing the merits and implications of potential lawsuits on behalf of animals and zealously litigating the strongest cases.

For more than a quarter century, Lewis & Clark Law School has been the vanguard of animal law. The law school's Center for Animal Law (CALs) was launched a decade ago and offers the most extensive animal law curriculum in the world, with more than 25 individual courses in animal law, as well as an Animal Law Certificate and the world's only master of laws (LLM) in Animal Law. CALs is home to the Animal Law Review, the first legal journal devoted exclusively to animal law; L&C SALDF, the first student animal law organization; the world's longest-running animal law academic conference; and the world's first and only Dean of Animal Law.



Photo: [Blackberry Creek Farm Animal Sanctuary](#)

## ABA TIPS ANIMAL LAW COMMITTEE ACTIVITIES

*By Fran Ortiz*

The Animal Law Committee (ALC) of the American Bar Association Tort, Trial and Insurance Practice Section continues its mission “to address all issues concerning the intersection of animals and the law to create a paradigm shift resulting in a just world for all” through education, publication, public policy, and public service. The 2019–2020 ALC chair is South Texas College of Law Houston professor Fran Ortiz.

From the education front, the ALC presented its annual half-day symposium on shelter law at the National Animal Care & Control Training Conference in Orlando in October 2019. Topics covered included legal considerations in privatizing field services, innovative approaches to working with and improving animal welfare services, liability related to transport of shelter animals, employment issues of shelter employees, and the ethics of representing animal shelters. Plans are currently underway for next year’s symposium to be held in Reno, Nevada. In addition, section members have enjoyed a number of lunch and learn presentations that take place each month at the conclusion of the ALC’s business meeting, including presentations in fall 2019 on horse welfare issues raised by the spate of horse deaths at the Santa Anita racetrack, pet trusts, and animal sentience. Lunch and learns planned for 2020 include presentations on, among others, wildlife corridors and pangolin conservation. The ALC is currently working on a presentation on pet insurance for the ABA TIPS Section Conference in May 2020.

The ALC publishes three newsletters a year, with substantive articles written by its members. The spring newsletter will be a special issue focusing on aquatic animal law issues. (For those interested, past newsletters are available on the [ALC website](#).) The ALC will also be including a section on animal law in the ABA TIPS Year in Review, a compendium of case summaries on significant tort and insurance cases issued in the last year. In addition, TortSource, a quarterly publication of ABA TIPS, will have a special issue on animal law in the spring. The issue will include articles on insurance coverage for farmed animals after natural disasters, damages for loss of a companion animal, and breed-neutral homeowner’s insurance policies.

The ALC is also working on two resolutions this year. The first encourages states to enact laws for dog encounter training for law enforcement officers, which will help assure officer safety, protect public health, and ensure humane treatment of the animals encountered. The second, which is cosponsored by the ABA’s International Animal Law Committee, concerns military working dogs and urges the passage of laws and policies aimed at their welfare, including veterinary care, transport back to their home country, and post-service adoption. The two resolutions passed unanimously through TIPS and are garnering support from other ABA sections before heading to the ABA House of Delegates for a vote in February.

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The ALC also led a public service project at the Leilani Farm Sanctuary on the island of Maui during the ABA TIPS training conference held in Wailea, Hawaii. The project included a presentation on legal issues affecting farm animals and a sanctuary tour followed by cleaning and grooming services performed by ALC members, other TIPS section members, and family.

Finally, ALC member and George Washington University professor Joan Schaffner was honored by TIPS at a special reception where she received the ABA TIPS Andrew C. Hecker Memorial Award for her outstanding lifetime achievements in the law and the community.

(Schaffner was also the recipient of the 2018 AALS Animal Law Section Excellence in Animal Law Award.) TIPS presented the ALC with the TIPS Leadership Award for outstanding achievement in leadership through the active involvement of committee members in leadership roles in the section or the ABA.

If you would like to become a member of the ALC, or know of a student who would be interested in a free student membership, you can find information [here](#). In addition, you can follow the ALC on LinkedIn, Twitter (@abatipsalc), and Facebook.



Photo: [World of Vegan](#)