



## Establishing Pet<sup>1</sup>-friendly Disaster Shelters: The Human-Animal Bond is Important

By Allie Phillips<sup>2</sup>

*Editor's Note: This article includes information about the recently passed Pet Evacuation and Transportation Standards (PETS) Act, which was a response to situations that arose in the wakes of Hurricanes Katrina and Rita in 2005. The act was signed into law by President Bush on October 6, 2006.*

### Introduction

The American Veterinary Medical Association defines the human-animal bond as “a mutually beneficial and dynamic relationship between people and other animals that is influenced by behaviors that are essential to the health and well-being of both. This includes, but is not limited to, emotional, psychological, and physical interactions of people, other animals, and the environment.”<sup>3</sup> Following the devastating effects of Hurricane Katrina, which came ashore in the Gulf region on August 29, 2005, countless people remained behind in their bacteria-infested homes destroyed by the flood to ensure the safety and well-being of their companion animals. This was the epitome of the human-animal bond in an exaggerated state.

To date, the number of animal casualties in the wake of Hurricane Katrina is unknown, as is the number of human deaths from people staying behind with their companion animals. What we do know is that if people had been allowed to take their companion animals with them as they fled the Gulf Coast to inland shelters, the number of human and animal deaths would have been significantly lessened.

On September 23, less than four weeks after Hurricane Katrina slammed into the Gulf Coast, Hurricane Rita came ashore in Louisiana and Texas. One month later on October 24, Hurricane Wilma arrived in Florida. What was different about Hurricanes Rita and Wilma was that the governors of Texas and Florida requested residents to evacuate with their pets. A significant lesson was learned from Katrina, and the procedure worked in the wake of Rita and Wilma. This article will address the importance of social recognition of the human-animal bond and outlines the steps to create pet-friendly disaster shelters necessary to avoid the unnecessary loss of life that occurred with Hurricane Katrina.

### The Human-Animal Bond

According to the American Veterinary Medical Association (2002 Pet Ownership Handbook), there are more than 60 million dogs and 70 million cats in American homes. Seventy percent of American homes with children under age six have at least one pet (pri-

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# Chair's Corner - Knowing the Things that Matter

By Jean Ligon

“Things which matter most must never be at the mercy of things which matter least.”

—*Johann von Goethe*

It has been a true honor and privilege to serve as the chair of the Animal Law Section these past two years. In this, my last “Chair’s Corner,” I am passing along a story that appeared recently in my grandchildren’s school newsletter. It spoke strongly to me, as I hope it does to you, not just for its lesson in kindness, but because of the increasing concern I have for the well-being of animals far beyond the companion animals that are high on our radar screens – those countless living creatures whose very existence we impact, sometimes in unintended and tragic ways, such as the recently announced extinction of the black rhino. Whether bee or bird, finned or furred, the loss of a species is an unrepairable loss to the whole.

My hope is that this section has both the vision and sufficiently broad arms to champion animals of every kind, in every place, and we, as informed attorneys, will raise our individual voices to speak for the protection and well-being of them all, from the feral cat in our back yard to the predicted mass extinction of species. And now, the story.

## The Whale

If you read the front page story of the *San Francisco Chronicle*, you would have read about a female humpback whale that had become entangled in a spider web of crab traps and lines. She was weighted down by hundreds of pounds of

traps that caused her to struggle to stay afloat. She also had hundreds of yards of line rope wrapped around her body, her tail, her torso, and tugging at her mouth.

A fisherman spotted her just east of the Farralone Islands (outside the Golden Gate) and radioed an environmental group for help. Within a few hours, the rescue team arrived and determined that the only way to save her was to dive in and untangle her – a very dangerous proposition. One slap of the tail could kill a rescuer.

They worked for hours with curved knives and eventually freed her.

When she was free, the divers say she swam in what seemed like joyous circles. She then came back to each diver, one by one, and nudged them, pushing them gently as she thanked them. Some said it was the most beautiful experience of their lives. The guy who cut the rope out of her mouth said her eye was following him the whole time, and he will never be the same.

*May you be so blessed and fortunate . . . to be surrounded by people who will help you get untangled from the things that are binding you. And may you always know the joy of giving and receiving gratitude. 🐋*

Jean Ligon

*Note: Kieran Patrick Marion became chair of the Animal Law Section on October 1, 2006.*

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## Editor's Note

As always, we need your help with articles and news items to continue an effective and valuable newsletter and one that is published on a regular basis. If you have an article or would like to write one, please contact me. I will see that you get published!

This issue has articles about a wide variety of topics, including ones that have legal and statutory information about pet-friendly disaster shelters, a very interesting monetary award in Washington State, and two involving the Section’s Animal Legal Lifeline.

Other articles are updates including information about Section activities this year.

As treasurer, I can state that the Section is active and financially sound. I will provide a full report on the Section’s financial status with the next issue of the newsletter.

You should expect to see some articles in the coming issues dealing with new trends in the law as well as articles discussing cases involving animals that are of practical and financial value to attorneys.

As always, please contact me with comments or suggestions. 🐋

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## Establishing Pet-friendly ...

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marily a dog or cat); 78 percent of homes with children over age six have at least one pet; and 72 percent of homes have women as the primary caretaker of pets.

Annual studies conducted by the American Veterinary Medical Association show the importance of pets in American households. For instance:

- 84 percent of pet owners acquired their pet mainly for companionship;
- 83 percent refer to themselves as their pet's mom or dad;
- 59 percent celebrate their pet's birthday;
- 90 percent would not consider dating someone who was not fond of their pet;
- 52 percent believe their pet listens to them best;
- 69 percent allow the pet to break household rules (such as letting their pet on the bed) when their spouse or significant other is not present;
- 93 percent are likely to risk their own life for their pet;
- 55 percent have an emergency preparedness plan for their pet in case of a disaster; and
- 36 percent have named a guardian for their pet.<sup>4</sup>

The bond between animals and humans begins very early in life. Babies and infants have animals imprinted on their pajamas and other clothing, on their toys, and in their books. Children's television shows portray pets and animals as friends, such as Big Bird, Blues Clues, Clifford the Big Red Dog, Curious George, Garfield, and pet action heroes such as Lassie and Benji. As part of healthy growth and development, bonding with animals and pets teaches children empathy and compassion for other living creatures early in life. Breaking this bond can cause serious emotional difficulties for children and adults, particularly during a time of crisis.

Studies have shown that there are significant similarities between the emotional closeness shared between people and their pets, and people and their closest family member. One-third of pet owners responded to one study that they felt closer to their dogs than to other family members.<sup>5</sup> Another study found that children are more likely to have pets than siblings or fathers.<sup>6</sup> And more than 75 percent of pet owners say their pet's health is as important to them as their own.<sup>7</sup>

These studies begin to demonstrate how people who are bonded to their companion animals may choose to remain in a crisis to keep their pet safe. Similar dynamics occur in domestic violence and other abusive situations when family victims delay leaving a violent home until they can take the pet with them. A 1997 survey of five Utah crisis shelters of abused and non-abused women in the community revealed that abused women will hesitate to leave their pet behind in a violent home.<sup>8</sup> The survey involved 161 women, some who

were housed at a family violence shelter and some who were non-abused women living in the community. Although the study focused primarily on the connection between animal abuse, child abuse, and domestic violence, it also showed that 25 percent of the shelter women did not leave their abusive home because of concerns about leaving the pet behind. This same dynamic is equally applicable to disaster situations, such as those played out during and after Hurricane Katrina when hundreds, and possibly thousands, of Gulf residents refused to leave their homes without their pets. So how can lives be saved during the next disaster?

### Psychological Impact after Disasters

The American Psychological Association Disaster Response Network says that the emotional impact following a hurricane is similar to what followed the 9/11 terrorist attacks on America. But unlike the terrorist attacks which fostered national pride, the hurricane demonstrated bungling rescue efforts and overall disappointment in the American government and related agencies.<sup>9</sup>

People residing in the Gulf region who were directly impacted by the 2005 Hurricane season, as well as citizens across the country watching the disaster and aftermath unfold on national television, coped with the emotional aftermath of the hurricanes, particularly as it related to unnecessary animal suffering. With significant coverage provided by all the national news networks for several months following Hurricane Katrina, the portrayal of animal suffering (companion animals, farm animals, and wild life) was brought into all our homes via our television. We watched dogs clinging for life on rooftops waiting for rescue (many with their human owners by their side); cats hiding in ceilings of homes to avoid rising flood waters; cattle and horses roaming wildly through dangerous flood waters; and dogs wading through toxic and infected flood waters to seek refuge on a passing rescue boat, only to be pushed off due to "no pet rules."

Americans watched helplessly as Gulf residents, including many elderly people, refused to accept a safe boat ride out of their destroyed home after being informed by FEMA, the Red Cross, or the National Guard that their companion animal was not welcome on board the rescue boat or shuttle bus. For many people, their pets were their only family and only source of comfort. Telling a person that his/her pet is not entitled to be saved is the equivalent of telling a mother that her children are not welcome on the rescue raft.

Dr. Annette LaGreca studied the effects of stress on children after Hurricane Andrew in 1992 and published *After the Storm: A Guide to Help Children Cope with the Psychologi-*

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*cal Effects of a Hurricane.*<sup>10</sup> Many of the children lost their homes, possessions, and cherished pets and this caused stress, anxiety, and depression, even months later. If reducing the trauma of a disaster can be alleviated, it should be done.

In 2003, the American Psychological Association (APA) created materials to help families prepare for resilience in time of war. The materials included tips on having a plan in the event of a disaster. In the plan, the APA recommended making a plan for your pets and having a list of items to take in an emergency. In May 2006, in preparation for the 2006 hurricane season, the Department of Homeland Security, in conjunction with the American Society for the Prevention of Cruelty to Animals, the American Kennel Club, the American Veterinary Medical Association, and the Humane Society of the United States, created a brochure entitled, "Preparing Your Pets for Emergencies Makes Sense. Get Ready Now."<sup>11</sup> In addressing the issues learned after Katrina, Homeland Security (which oversees the Federal Emergency Management Agency) now encourages people to evacuate with their pets and to have a plan in place for safe evacuation for the entire family.

### The Importance of Allowing Evacuees to Take Their Pets

In spite of progress made to encourage residents to evacuate with their pets, the current disaster plans still have two distinct problems. First, if a person wishes to evacuate on a governmental boat, bus, or other mode of transportation, the government will not allow a pet to be included. Second, if an evacuee must take refuge at a shelter, shelters currently operated by the government or the Red Cross will not permit pets.

In the aftermath of Hurricane Katrina, the media aired numerous stories showing distraught and traumatized evacuees being forcibly separated from their pets. One particularly distressful scene involved a small boy having his dog, Snowball, forcibly removed from his arms as the boy wailed for his beloved pet. The psychological impact of these scenarios is unknown for these evacuees and will likely remain with them forever.

The American Veterinary Medical Association and other research studies show that pets can help the physical and mental health of individuals, particularly during stressful times. Pets provide cardiovascular benefits, such as (1) lowering blood pressure, triglycerides and cholesterol among pet owners; (2) the survival after myocardial infarction is higher among dog owners, who are 8.6 times more likely to be alive after one year; (3) lower stress; (4) better weight control; (5) fewer minor health problems; (6) fewer doctor visits; and (7) less medication required. The benefits for mental health

have been addressed in relation to childhood development and elderly citizens. For children, studies have shown (1) pets benefit childhood development by providing a sense of security and self-esteem to children; (2) pets allow children to develop trust due to constancy, security, reliability, love, and affection; (3) pets facilitate play, exploration, and independence; (4) pets promote responsibility and nurturing of children; (5) pets provide social and emotional support; and (6) pets provide a positive impact on the lonely, emotionally or physically impaired, and delinquent. For elderly citizens, studies have shown (1) pets benefit the elderly by filling a void for lost relationships; and (2) pets transcend sensory deficits, mental changes, and mobility restrictions that can impede human-human relationships.<sup>12</sup>

A study from 2002 found that some people are better off with pets than with a friend or a spouse during a stressful situation.<sup>13</sup> In this study, researchers documented that people see their pets as important sources of social support. The researchers believed that pets lower stress by providing non-judgment support, and pets (dogs or cats) seemed to alleviate stress associated with negative or judgmental people, such as friends, partner, or spouse.

People who are fleeing a disaster area should be permitted to take their pets with them on rescue transportation and should have appropriate temporary housing available for both the animal and the person. Allowing this will benefit people and their communities, as well as the animals. As outlined above, it is well documented that pets are therapeutic to people, especially during times of trauma and crises. Pets can help to stabilize children in crisis. Pets provide unconditional love and attention to those who have been traumatized, and help keep cohesiveness within a family in turmoil. When people lose everything that they own to a natural disaster, having their family (including family pets) with them to provide comfort is the only way to help them mentally, emotionally, and physically handle the crisis.

Several public health concerns would be remedied by allowing people to evacuate with their pets. First, when residents are forced to leave their pets behind, this can create a public health hazard for rescue workers (both for human and animal rescuers) who must enter disaster areas and attempt to retrieve frightened animals. Numerous media reports after Hurricane Katrina demonstrated concerns from FEMA and the National Guard in having to work around scared and abandoned animals and trying to ensure that the animal rescuers were safe. If evacuees are permitted to take their pets with them, this will significantly reduce the number of animal rescue disaster workers in declared disaster areas which, in turn, will reduce the pressure on federal agencies engaging in human rescue missions.

Second, removing pets from disaster areas will decrease the spread of disease. Pets who are not removed from disaster areas and who die as a result of being abandoned may spread diseases through contaminated water. Moreover, pets that do survive a catastrophe, such as a hurricane, fire, or tornado, may come in to contact with contaminated articles or water and then spread the contamination if allowed to run loose. Third, approximately six months after Hurricane Katrina, many of the lost companion animals became wild or feral and then procreated offspring. Thousands of newly born wild and stray cats and dogs emerged in the Gulf Region, which put already scarce resources in jeopardy. Alley Cat Allies and other animal welfare groups continue to work in the Gulf area to trap, spay/neuter, and then place lost animals. These efforts could have been avoided if people had been allowed to take their companion animals with them.

### Model Pet-Friendly Shelters

Following the model of a domestic shelter that allows abused women to bring their pets with them provides guidance on how to set up a temporary disaster shelter. To help combat the issue of leaving pets behind in harmful situations, The Shelter for Abused Women and Children in Naples, Florida, which opened in November 2002, is the first known family violence shelter that permits families to bring their pets with them when fleeing an abusive home. At this shelter, the pets are housed in a separate room away from the living quarters of the residents. This lessens any concerns regarding allergies or concerns about living with pets by other residents. Each resident is responsible for caring for his/her pet, including feeding and exercise of the pet and cleaning the cage. A volunteer veterinarian provides care if needed.

Other communities are beginning to understand the importance of allowing family members to flee abusive homes with their companion animals and are building onsite housing for pets. The Shade Tree Shelter for Homeless and Abused Women and Children in Las Vegas, Nevada is building Noah's Animal House to provide onsite housing for pets. The LACASA family shelter in Howell, Michigan, recently built a kennel at the shelter.

Other family safety shelters that do not have the space or ability to house pets are arranging for off-site foster care for pets leaving abusive homes with their families. Examples include PetSafe, a program assisting the Safe House Domestic Violence Shelter at Michigan State University. Started through the MSU School of Veterinary Medicine, pets are housed in foster care while families are housed at the shelter. The Violence Prevention Center of Southwest Illinois created the Safe Haven Foster Care Program to house pets in foster care while families are in crisis. More foster care programs are being created each day for families leaving abusive homes due to increasing awareness of this issue.

### Establishing Pet-Friendly Disaster Shelters

Concerns over housing pets at disaster shelters that house people can be addressed in several ways. For animals who have been rescued by their family and are healthy and uninjured, these pets can be placed with their owners in the shelter. Shelters should establish a separate area that can house pet-owning evacuees. This will help alleviate issues related to allergies of non-pet owning evacuees, or noise from pets that could disturb other displaced residents and will minimize contact with animals by people who have fears of pets. Providing a separate area within an evacuation shelter, even separated by a temporary wall or barrier, will aid in this effort.

Standard Operating Procedures (SOPs) should be in place before establishing a pet-friendly disaster shelter. Policies should include:

- (1) Evacuees must care for their pets, including providing food and water if possible.
- (2) Animal welfare organizations should be permitted to make daily contact with pet-friendly shelters to provide food, water, and other veterinary care as needed, and to provide onsite volunteers to assist pet-owning evacuees.
- (3) Evacuees must keep their pets either in a cage/crate or on a leash at all times so as not to disturb other evacuees or allow animals to run at-large.
- (4) If an evacuee arrives with an unfriendly or vicious pet, he or she should be allowed to first cage the pet to prevent the pet from attacking any other person or animal. If that does not work, then the evacuee should be provided information on local temporary animal shelters where the pet could be safely housed.
- (5) If an evacuee arrives at a disaster shelter but is unable to care for his/her pet, then the disaster shelter should have a list of temporary animal shelters that have been established that will house the pets while their owners are displaced.

### Economics

It does not take significant money or effort to establish a pet-friendly temporary disaster shelter. Shelters that will allow residents to bring their pets with them should coordinate ahead of time with local, state, and national animal rescue and welfare organizations regarding requests to receive donated supplies. Many national organizations, such as The Humane Society of the United States, United Animal Nation, the American Society for the Prevention of Cruelty to Animals, The American Humane Association, Noah's Wish, and many others, may be able to obtain donated supplies for pet-friendly shelters immediately before and after a known natural disaster. Requests to local media to ask for donations

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of supplies will also result in an overwhelming show of support, as was seen after Hurricane Katrina.

Supply wish lists should include:

1. Crates or cages to house animals
2. Food (canned and hard)
3. Water
4. Food and water bowls
5. Towels and blankets
6. Cat litter

The American public was generous in donating supplies and money to national, state, and local animal welfare organizations that were immediately onsite in the Gulf Region after the hurricanes. Any evacuation shelter that will allow residents to bring their pets should make contact with the animal welfare organizations so that donations of supplies, food, and volunteers can be provided.

### Training

Federal human rescue workers should receive training on how to assist evacuees fleeing with their pets. This training should involve an effort of both human and animal welfare rescue agencies working together. Allowing the residents to evacuate with their pets during a disaster or other crisis will reduce the public health hazard of leaving pets behind and will clearly save lives of humans that refuse to evacuate without their four-legged family member. Training currently exists with these agencies: American Humane Association, American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States, Noah's Wish, and United Animal Nation.

### A Better Law

A few weeks after Hurricane Katrina, Representatives Tom Lantos (D-CA) and Christopher Shays (R-CT) introduced legislation that would allow people to evacuate with their pets. In May 2006, the U.S. House of Representatives passed the Pets Evacuation and Transportation Standards (PETS) Act, H.R. 3858, which requires state and local emergency management agencies to make plans that take into account the needs of individuals with pets and service animals in the event of a major disaster or emergency. The legislation passed by a vote of 349 to 24.

In April 2006, Senate Bill 2548 was introduced by Senators Ted Stevens (R-AK) and Frank Lautenberg (D-NJ). The bill included several additional provisions, such as granting FEMA the authority to assist in developing the household pet and service animal disaster plans, and authorizing federal funds to help create pet-friendly evacuation shelters and to provide assistance for household pets and service animals following a major disaster. In August 2006, Senate Amendment 4881 added that state and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency and that these plans must be submitted to FEMA. The House passed the amendment in September 2006. President George W. Bush signed the legislation and the PETS Act became Public Law 109-308 on October 6, 2006.

Individual jurisdictions are also creating their own pet-friendly evacuation plans, as was done by New Orleans Mayor Ray Nagin. States including Maine and New Mexico have passed state legislation, and California, Florida, Hawaii, Illinois, Louisiana, New Hampshire, New Jersey, New York, and Vermont are now considering bills dealing with animal disaster planning and response.



*Section member Allie Phillips is a senior attorney with the American Prosecutors Research Institute in Alexandria, VA, working with the National Center for Prosecution of Child Abuse and the National Child Protection Training Center. Her articles, "How Pets Can Help Abused Children: The Dynamics of Animal Abuse, Domestic Violence, and Child Abuse" and "Assisting Animals in the Aftermath of Hurricane Katrina," were published in the Summer 2005 and Winter 2006 issues, respectively, of the Animal Law Section Newsletter.*

## What Can You Do?

If you have pets, please read the brochure created by Homeland Security and have a disaster plan in place for you, your family, and your pets. If you know others who have pets, farm animals, or wildlife that they care for, provide this information to them. Work with your local animal shelters, animal rescue groups, and government to establish a local pet-friendly disaster plan. This plan should allow evacuees to bring their pets on government-funded transportation and to all evacuation shelters.

It took a horrific disaster to remind us that all life is precious and that no one, not even a pet, should be left behind. 🐾

## Endnotes

- 1 For purposes of this article, this author is using the word “pet” to describe companion animals such as dogs, cats, rabbits, birds, fish, ferrets, and other household animals.
- 2 Allie Phillips is a senior attorney with the American Prosecutor’s Research Institute in Alexandria, Virginia. Previously, she was an Assistant Prosecuting Attorney in Ingham County and is a council member of the Animal Law Section.
- 3 AVMA Position Statement, November 2005. See [www.avma.org](http://www.avma.org).
- 4 American Animal Hospital Association 14<sup>th</sup> Annual National Pet Owners’ Survey, 2004; AVMA Companion Animal Ownership Survey, 2004-2005.
- 5 Barker SB, Barker RT (1988), *The human-canine bond: Closer than family ties?* J MENT HEALTH COUNSELING 10:46-56.
- 6 Gail Melson, *WHY THE WILD THINGS ARE: ANIMALS IN THE LIVES OF CHILDREN*, Harvard University Press, 2001.
- 7 Pfizer Animal Health/Gallup Organization dog owner survey.
- 8 Ascione, F.R., Weber, C.V., & Wood, D.S. (1997). *The abuse of animals and domestic violence: A national survey of shelters for women who are battered*. SOCIETY AND ANIMALS 5(3), p. 205-218.
- 9 Interview with Rosemary Schwartzbard, *Monterey Herald Newspaper*, 9/25/05.
- 10 This manual can be found at [http://www.psy.miami.edu/faculty/alagrecal/after\\_the\\_storm.pdf](http://www.psy.miami.edu/faculty/alagrecal/after_the_storm.pdf)
- 11 To download a free copy of the brochure, go to [www.aspca.org](http://www.aspca.org).
- 12 Sandra K. Barker, *Therapeutic Aspects of the Human-Companion Animal Interaction*, PSYCHIATRIC TIMES, February 1999, Vol. XVI, Issue 2.
- 13 Karen Allen, PhD, Jim Blascovich, PhD and Wendy B. Mendes, MS, *Psychosomatic Medicine* 64:727-739 (2002).

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## Animal Legal Lifeline Activity: January through June 2006

By Donald Garlit

The Animal Legal Lifeline (ALL) operates as a way for potential clients to obtain legal advice from section members. Potential clients who have a legal issue involving animals are able to call a toll-free number (866-211-6257) and briefly describe their case. Situations are screened, summarized, and sent to all section members through the listserv. If a member wants to get involved with the case, then he or she can go back to the coordinator (Nicole Quandt) and get potential client contact information.

A summary of ALL activity in the first half of 2006 shows a total of ten inquiries from six different Michigan counties. The cases involved a wide range of issues, including a cat-hoarding situation, possible veterinarian malpractice (four cases), refusal of a pet adopter to have her cat spayed, and an

issue about the legality of keeping certain dog breeds within a jurisdiction. Six of our members were involved with these cases. Disposition of the cases was as follows: ALL advice was provided in two situations, no response to attorney contact in one case, one client is working with an attorney, and six cases have an unknown result.

The ALL needs everyone who gets involved to report back to Nicole Quandt so that we can determine the effectiveness of the ALL effort. The unknown results do not mean that there was no resolution or involvement in the cases. It simply means that we do not know the eventual result. I ask everyone who gets involved to report back in a timely manner with a simple disposition summary. 🐾

*Note: This article was developed based on information and records received from Nicole Quandt.*

# Jackson County Shelter Pets: Safe from Pound Seizure by Class B Dealers

By Allie Phillips

*Editor's Note: The initial involvement and subsequent work of Allie Phillips was made possible by a contact established through the Animal Legal Lifeline referral system of the Animal Law Section.*

*Section member Allie Phillips is a senior attorney with the American Prosecutors Research Institute in Alexandria, VA working with the National Center for Prosecution of Child Abuse and the National Child Protection Training Center. Her articles, "How Pets Can Help Abused Children: The Dynamics of Animal Abuse, Domestic Violence, and Child Abuse" and "Assisting Animals in the Aftermath of Hurricane Katrina," were published in the Summer 2005 and Winter 2006 issues, respectively, of the Animal Law Section Newsletter.*

*Judy Dynn timer was presented with the Sadie Award from the Animal Law Section at this year's annual meeting in recognition of her work to end pound seizure in Jackson County.*

In early 2004, Judy Dynn timer of Jackson County contacted the Animal Law Section's Animal Legal Lifeline to request legal assistance in what would become more than a two-year battle to end pound seizure in Jackson County. Allie Phillips (ALS council member and former assistant prosecutor in Ingham County, now working in the Washington, D.C., area) responded to the call due to her experience in helping to ban pound seizure from Ingham County Animal Control in June 2003.

Pound seizure involves USDA Class B dealers obtaining unwanted pets from random sources, such as county-run animal control shelters, for purposes of resale for research. Judy and Allie began e-mail correspondence, which occurred weekly, and sometimes daily, for a period of two years. Allie provided legal advice and guidance on how to effectively present information to the Jackson County commissioners on why the practice of pound seizure at county-run shelters is a betrayal to the citizens and pets in the county. The National Animal Control Association has a policy against the sale of county shelter pets to Class B dealers.

Judy Dynn timer worked countless hours to gather research and information regarding Class B dealers and the use of random source pets for medical research. Allie reviewed all information for legal accuracy to ensure that Judy and her volunteer group, Jackson County Citizens Against Pound Seizure, would be safe from liability.

On July 18, 2006, Jackson County commissioners suddenly brought the issue to a vote and by a vote of 10 to 1, the practice of pound seizure was banned from Jackson County. Within days after the success in Jackson County, the Michigan dealer conducting business in Jackson obtained an agreement from the Gladwin County Animal Control Shelter to obtain animals. Within a few weeks, animal welfare professionals and citizens in Gladwin County mobilized and had the new policy reversed. Allie Phillips was contacted by a rescue worker in the county for assistance with the issue.

Currently, it is believed that only six counties in Michigan still sell unwanted shelter pets to Class B dealers (Eaton, Gratiot, Mecosta, Midland, Montmorency, and Osceola). The remaining counties have banned the practice. There are approximately 15 Class B dealers remaining in business in the United States, with three of those conducting business in Michigan. 🐾

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## University of Detroit Mercy School of Law

By Natasha Groot

The inaugural meeting of the University of Detroit Mercy School of Law Chapter of the Student Animal Legal Defense Fund was held September 19, 2006. Officers include: Natasha Groot, President; Crystal Culbert, Vice-President; Barbara Rykw alder, SBA Representative; Kate Schilling, Treasurer; and Mara Weinstein, Secretary. The UDM SALDF has endorsed the Anti-Dove Shooting Campaign and participated in the Mega March for the Michigan Humane Society on October 8, 2006. The group raised over \$500 from the law school community, family, and friends. The goal of the group is to raise animal law awareness within the University of Detroit School of Law community by having guest speakers, presentations, and petitioning for an animal law class. To contact the group, please e-mail Natasha Groot at [grootna@students.udmercy.edu](mailto:grootna@students.udmercy.edu). 🐾

*Natasha Groot is a 3L student at the University of Detroit Mercy School of Law.*

# Section News: March - September 2006

By Bee Friedlander

## Seminar News

*Disaster Planning for Animals:  
The Role of Attorneys and Veterinarians*

The section joined forces with the Michigan Veterinary Medical Association (MVMA) to sponsor this timely and topical conference on March 17, 2006. It was the section's 5<sup>th</sup> annual symposium. Topics included the current status of planning in Michigan, the legal issues involved, and presentations from those who had worked "in the trenches" during Hurricanes Katrina and Rita last year. The Winter 2006 *Animal Law Section Newsletter* contains two articles on this topic, including the efforts of the Animal Disaster Relief Network to identify and propose solutions to the many legal issues that surfaced in the aftermath of the 2005 hurricanes.

*Beyond Animal Control:  
Timely Issues for Prosecutors, Animal Control  
Officers, and other Animal Welfare Professionals*

On May 8, the section hosted another conference, designed to bring together experts from around the country on current issues facing prosecutors, animal control officers, and employees of humane societies and rescues. Speakers included Byron Kortis, Neighborhood Cats, New York City, who spoke on feral cats and Trap/Neuter/Return programs; Kim Intino, Humane Society of the United States, speaking on hoarding; Don Rimer, Virginia Beach, on satanic rituals and the occult as it involves animals; and Allie Phillips, American Prosecutors Research Institute, speaking on preparing a cruelty case and on the linkage between animal cruelty and human violence.

## Senate Finance Committee Testimony: SB 951/952

Rose Stern, section council member and current chair-elect, testified at a May Committee hearing in support of this legislation. The bills would create a companion animal welfare fund, which would award grants to shelters and non-profits to increase spay/neuter and adoption programs, and to improve enforcement of anti-cruelty laws. Funding would come from a state income tax check-off. The section council had voted to support the legislation in a letter to Senator Valde Garcia, the primary sponsor, dated February 22, 2006. Key points in Stern's testimony were:

- The expenditure would not be tax dollars but donations from the public;
- Importance of spay/neuter programs, especially in light of the number of animals euthanized each year
- The importance of education and anti-cruelty programs, especially in consideration of the strong link between domestic violence and other violent crimes and animal cruelty

All committee members were provided a copy of Naseem Stecker's article published in the September 2004 *Michigan Bar Journal*, "Domestic Violence and the Animal Cruelty Connection."

## Zoo Tour

Scott Carter, the Detroit Zoo's director of conservation and animal welfare gave section members, their children, and friends a personal tour of the zoo in May. The tour was arranged as part of the section council's retreat meeting.

## Legislative Lunch

The section's Legislative Committee hosted the 3<sup>rd</sup> annual meet and greet for legislative aides on August 28 at the State Bar building. These events are scheduled when the legislature is not in session and allow aides and staffers to meet section members. These gatherings provide section members the opportunity to offer our expertise in bill drafting or testifying before legislative committees.

## Brandi and Sadie Awards

Chief Judge Conrad Sindt, 37th Judicial Circuit Court, Battle Creek, and Michigan Representative Rick Jones, 71st District, Eaton County, received this year's Brandi Award. The section honored Judge Sindt and Rep. Jones for their recognition that sexual abuse of an animal is a serious matter and one that warrants listing on the sex offender registry. Judge Sindt ordered a man convicted of sodomy involving a sheep to be listed on the registry. Rep. Jones introduced HB 6099 requiring registration if the victim is any animal. In accepting the award at the section's annual meeting on September 14, Judge Sindt said; "We are judged by how well we protect the weak - it's that simple."

Judy Dynnik, executive director of the Volunteers Against Pound Seizure, received



Judge Conrad Sindt receives the Brandi Award at the annual meeting.



State Representative Rick Jones receives the Brandi Award at a ceremony at his office.



Judy Dynnik receives the Sadie Award at the annual meeting.

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# New Cause of Action: Malicious Injury to a Pet

It began with one of the cruelest animal abuse cases imaginable. Three young men took Max, a brown tabby cat, from his home in Spokane, Washington, doused him with gasoline, and set him on fire in a field. Max suffered extensive burns and, after veterinary efforts to save him were unsuccessful, had to be euthanized to end his suffering.

Following the 2003 criminal trial in which the teens received mere slaps on the wrists after being found guilty of first-degree animal cruelty, Bernadette Womack, Max's guardian, brought a civil suit against Jason Brumback, Rusty Von Rardon, and Jayson Anderson—the three who abducted and maliciously tortured Max. Ms. Womack sought compensation for the severe emotional pain and distress she had suffered, as well as for Max's inherent value. She received a \$5,000 award, which included some unspecified amount for her emotional distress. However, the trial court dismissed other claims relating to Max's torture. Womack filed an appeal on the dismissed claims.

## Historic Ruling by Washington Court of Appeals

Finally, in May of this year, a Washington Court of Appeals upheld the judgment in Womack's favor, but notably overturned the Spokane Superior Court's ruling with respect to some of the dismissed claims. In a historic ruling, the court recognized a new cause of action—malicious injury to a pet—in cases involving animal abuse. (A "cause of action" is the set of facts that entitles a person to sustain a lawsuit and to

seek a judicial remedy.) For the first time anywhere, malicious injury to a companion animal resulting in a guardian's emotional distress was recognized as a legitimate legal claim!

To assist Adam Karp, Womack's attorney and an attorney member of ALDF's Animal Law Program, on the appeal, ALDF filed an *amicus curiae* ("friend of the court") brief, which stated, "Unlike other property—that has no sentient life and cannot even be killed—Max was not a disposable item that can be replaced on the market... Max was indisputably a...living, breathing, feeling being who formed a valuable relationship with [Ms. Womack] and had an identifiable emotional life and consciousness. There should be no doubt that when [she] lost Max, [Ms. Womack] lost an important member of her family."

ALDF argued that the court should reject an evaluation of Max based on "market value" and instead award a measure of compensation for the loss of Max that reflects his "actual value to [Ms. Womack]." ALDF argued that the "traditional market value" approach to damages does not reflect society's values and does not adequately compensate a guardian when someone wrongfully kills or injures his or her companion animal.

"The Max case is significant from the standpoint of the court starting to *get it*," Karp explains. "They see that animals aren't like other property, and that emotional attachments to them are genuine and foreseeable. This is a great step forward in judicial recognition of the inherent value of living beings." 🐾

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## Section News ...

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the Sadie Award at the annual meeting. Ms. Dynnik was instrumental in persuading the Jackson County Board of Commissioners to outlaw pound release, the practice of selling animals from the county animal shelter to medical researchers. It had been in place in Jackson County since the 1960s until this July. Ms. Dynnik, who described the campaign as a "David and Goliath" contest, acknowledged the assistance of the volunteers in her group, and those individuals before her who had fought against the practice. She also thanked attorney (and section council member) Allie Phillips, who advised the group for approximately two years.

The section presented the award to Rep. Jones at his Lansing office on September 18. He would like to have a hearing on the bill during this legislative session.

## Wanda A. Nash Award for Outstanding Law Students

The section council announced the creation of this award at its annual meeting. It honors the section's first president, who was instrumental in establishing the Animal Law Section, and will recognize a law student in Michigan who makes outstanding contributions to animal law. The first award will be given in 2007 and annually thereafter. The award is significant according to David Favre, professor of law at MSU College of Law and a nationally known animal law scholar: "Law students represent the energy and emotion concern for animals which Wanda has long possessed. And while it will be based upon the good works of the students, it is also a nudge for someone to enter into a lifetime of leadership on behalf of the interests of animals." 🐾

# State Bar Launches Practice Management Resource Center

As immediate past president of the State Bar of Michigan, I am proud to introduce a new membership benefit: the Practice Management Resource Center (PMRC). This new program will assist members in effectively and efficiently managing the business component of practicing law. It is designed to help attorneys manage everything from outfitting an office with the latest software that integrates time accounting, billing, and account management, to effectively marketing one's practice.

The PMRC is accessible through the State Bar's website at <http://www.michbar.org/pmrc/content.cfm>.

The PMRC contains different sections of information. The Resources section provides electronic access to articles, features, and forms on a variety of topics, such as business development, financial management, and calendaring and docket control. The Legal Software Directory contains links to dozens of vendors offering software applications to assist members in the day-to-day management of a law practice. A lending library is now available for members to search law practice management publications, tapes, CDs, and other resources. Those resources can then be requested online or at the State Bar of Michigan building in Lansing.

The PMRC also includes a Helpline, which is accessible by phone at (800) 341-9715 or by e-mail at [pmrcHelpline@mail.michbar.org](mailto:pmrcHelpline@mail.michbar.org). The PMRC Helpline is a confidential, informal service designed to quickly assist SBM members with practice management issues. Those accessing the Helpline can get practical guidance, suggestions, referrals, and information about a variety of practice management topics from a practice-management advisor.

In addition to the website, the PMRC has an onsite Educational Center located in the State Bar of Michigan's headquarters at 306 Townsend in Lansing. The Educational Center offers programs on a variety of topics, including "hands-on" software demonstrations on an informal, individual basis. For example, members and their staff can test-drive legal software in areas such as case management, time accounting, billing, and calendaring functions. We have made efforts to ensure that members statewide can avail themselves of this new service by taking the programs on the road in both Grand Rapids and Marquette. Bar associations interested in scheduling a program in their area should contact the PMRC Helpline.

The State Bar strives to be responsive to its members' needs. The PMRC was established in direct response to lawyers asking for help in keeping up with changes in technology, streamlining the way they practice, and enhancing the service they provide their clients. Many members in larger firm settings are simply trying to keep abreast of what tools are available. Others have undertaken career moves as a result of market changes or quality of life choices, placing many in the position of beginning solo and small firms midway through their legal careers. The PMRC is designed with both sets of needs in mind, providing practical guidance and useful resources.

I invite you to visit our website and call or send an e-mail to let us know what you think. ☛

*Thomas W. Cranmer*

## Animal Law Section Council 2006-2007

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### with assistance

Tanya Irwin, Detroit

# Upcoming Events

## SAVE THE DATE

**Thursday, March 15, 2007**

6<sup>th</sup> Annual Animal Law Section Symposium  
MSU College of Law, East Lansing  
Program to be announced

**Friday, March 30 – Sunday, April 1, 2007**  
**Harvard Law School, Cambridge, MA**

*The Future of Animal Law: Remember When You Thought You  
Could Change the World? You Still Can.*

Sponsored by Animal Legal Defense Fund and Harvard  
Student Animal Legal Defense Fund

*Check the section website for updates on  
section activities noted above and for future activities.*



## Animal Legal Lifeline

**Toll-free Number for Referrals:  
(866) 211-6257**



Judge Conrad Sindt receives the  
Brandi Award at the annual meeting.



State Representative Rick Jones  
receives the Brandi Award at a  
ceremony at his office.



Judy Dynnik receives the Sadie Award  
at the annual meeting.

## Brandi and Sadie Award Winners

See related story  
on page 9.



Visit our Website: <http://www.michbar.org/animal/>

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