



## Redemption of the Michael Vick Dogs

By Sara Chisnell-Voigt

***Editor's Note:** Section and Council member, Sara Chisnell-Voigt, shares this story of one of the Michael Vick fighting dogs along with a summary of the legal actions related to the Vick dogs case. The article includes an interview with his new human friend talking about his new vocation. Sara hopes that you enjoy the pictures. She is Legal Counsel with the nationwide United Kennel Club based in Portage and an early version of this article was published in the January 2011 issue of UKC's magazine, "Bloodlines." The Animal Law Section Council has taken a position against the recently proposed HB 4714 which would regulate so-called "pit bulls" as Breed Specific Legislation is considered to be ineffective.*

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After the recent spotlight Michael Vick has enjoyed due to his rise to stardom once again, coupled with the new book by Jim Gorant entitled *The Lost Dogs*, I felt compelled to share the story of the Vick dogs. The subject is controversial, and many people feel that Vick shouldn't even be playing football. Others feel he has served his debt and should be free and clear. I'll leave my personal opinion on that matter out of this, but I will say that what he did was pretty heinous. I would recommend that anyone interested in the subject read *The Lost Dogs*. It was a fantastic book, and it tells you a great deal more than what was covered in the media.

However, this article is not about whether or not Vick should be playing football: it's about the importance of that case and the outcome for the dogs. Heinous as the acts against the dogs were, many positive results have arisen from this case. Because it involved a famous football player, it brought the bane of dogfighting to the forefront through national headlines. More importantly though, it illustrated that these dogs CAN and HAVE BEEN successfully saved and adopted as great family dogs. Prior to the Michael Vick case, most dogs seized in dogfighting cases have been traditionally held as evidence and then euthanized. Adoption has not even been an option. This case truly portrayed the dogs as victims, and not some kind of evil uncontrollable fighting machines. It also illustrates that these dogs are not the monsters they are often portrayed to be; rather they are truly human-loving dogs that deserve the second chance they received.

The dogs were initially seized in a federal raid in April of 2007 and distributed amongst shelters, but were considered in custody of the federal government. There were 51 pit bulls in all, and one Presa Canario that was returned to her owner. (While I am well aware that 'pit bull' is not really a breed name but rather a generic term, for the sake of this article I am using that term. Most of these dogs were American Pit Bull Terriers, Staffordshire Bull Terriers, or combinations of the two.) Other non-pit bull dogs were seized and held by the state of Virginia and later re-homed: nine Beagles, two Rottweilers, and a Cane Corso. Two of

### Upcoming Event

Friday, September 16, 2011

1:30-3:30 p.m.

Note: This time is correct, even though the official schedule says 2-4 p.m.

Annual Animal Law Section Meeting at the State Bar of Michigan Annual Meeting at the Hyatt Regency in Dearborn.

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## Editor's Note

Welcome to the first issue of the Newsletter for 2011.

Two Section members provide us with compelling stories related to dogs and the law. Sara Chisnell-Voigt tells the story of the redemption of one of the Michael Vick fighting dogs including his new human friend. Dave Clifford recounts a story of a St. Bernard dog whom he was able to help through excellent and persistent legal effort as well as the assistance of members of the Animal Law Section. Our members have an interest in these types of positive stories and many pictures of Frisbee champion Wallace and former fighting dog Hector are included with the article by Sara.

As always, please remember that this is your newsletter, too. Helpful articles are always needed. In fact, if I can get one good main article for each issue, I can do the rest. Please consider writing an article that will be of interest to your fellow Section members. 🐾

Donald Garlit  
Newsletter Editor  
donaldgarlit@yahoo.com

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## Nominating Committee Report - 2011

The Nominating Committee recommends to the Section the following nominees for the Section Council.

**Chair:** Donald Garlit

**Chair-Elect:** Mary Ann Kozlowski

**Secretary:** Richard Angelo

**Treasurer:** Brandon Scott

**Immediate Past Chair:** Anna Scott

**Term Expiring 2014:** **Sharon Noll Smith:** Sharon is a prior Council member and is in private practice in Bloomfield Hills

**Laurie Hrydziuszko:** Laurie is a Judicial Clerk with the Michigan Court of Appeals in Lansing

**Mary Chartier** (was Chair Elect) will serve the remainder of Richard Angelo's term expiring in 2012.

**Jennifer Pierce** (was Secretary) will serve the remainder of Brandon Scott's term expiring in 2013.

Per the Animal Law Section Bylaws, other nominations may be made from the floor.

The Nominating Committee on behalf on the Section Council wishes to thank Denise Noble whose term ends this year and Immediate Past Chair Anna Rose Stern neither of whom is standing for reelection. We also thank Pam Amato who resigned earlier this year due to schedule conflicts.

Submitted by the Nominating Committee, Donald R. Garlit

**Redemption... continued from page 1**

the pit bulls mysteriously died while being held in the shelter. In July, an ‘in rem’ hearing was held to determine the status of the dogs, as they were being held as evidence. Procedures were followed that required the government to provide notice to all that may have interest in the dogs. Michael Vick was charged pursuant to the Animal Welfare Act—his official charge was “conspiracy to travel in interstate commerce in aid of unlawful activities and to sponsor a dog in an animal fighting venture.” He pled guilty in August. He further admitted that he assisted in killing six to eight of the dogs by methods such as hanging or drowning. Evidence was discovered that showed many dogs had been tortured prior to being killed.

At the time of Vick’s case, the penalty for dog fighting under the AWA was 1 year in prison, and for the conspiracy a maximum of 5 years. Subsequent to this notorious case, the penalty for the AWA animal fighting provision was increased to 3 years. Also, the Food Conservation and Energy Act was passed in 2008, which increased imprisonment for dog fighting to 5 years, and dog fighting was finally made a felony in all 50 states (Wyoming and Idaho were the final states to make dog fighting a felony.) Vick was sentenced to 23 months in prison. Upon completion of his sentence, he began a 3 year term of supervised release, and will not be permitted to purchase, possess, or sell dogs during that time. At the time he pled guilty, he was also ordered to pay restitution for the costs of the care and disposition of his dogs. Concerns then arose that Vick was basically liquidating his assets before his sentencing hearing, and so the US Attorney’s Office filed a motion to freeze his assets. He then paid the restitution; \$5,000 for each dog that was likely to be rehabilitated and re-homed, and \$18,275 for each dog that would require more rehabilitation or permanent sanctuary. In total, he paid \$928,073.04.

While there were many rescue groups and individuals that were responsible for the salvation of the Vick dogs, one group that really helped facilitate the whole idea of saving the dogs was Bay Area Doglovers Responsible About Pitbulls (BADRAP). Founder Donna Reynolds wrote a proposal that included her group’s history of successfully rescuing and re-homing pit bulls and also providing dogs for law enforcement. The Humane Society of the US had been rumored to handle the animals, but HSUS president Wayne Pacelle had also been quoted as calling the Vick dogs “some of the most viciously trained dogs in America.” If HSUS had gotten possession of the dogs, most, if not all, would likely have been euthanized as that was a policy HSUS endorsed. Due to all the negative publicity HSUS received because of this policy, they have since revised their stance. Donna Reynolds had been wanting to help these dogs since the case had first made headlines. Later, when a panel of behaviorists and trainers from various



Wallace and Roo (All photos Joshua Grenell)



Hector

Continued on next page

## Redemption... continued from page 3



Hector and Roo

groups were brought together to evaluate the dogs, she and fellow BADRAP'er Tim Racer were asked to participate.

Not only was this case special because the dogs were saved, but also because the court appointed a special master/guardian to oversee the disposition of the dogs. It appears the Vick case was the first time a special master was used, rather than completely turning the dogs over to shelters or rescues. It sets a legal precedent for future dog fighting and abuse cases, and while the use of the term 'guardian' makes me cautious, I think it will be a good thing when used to save dogs that may otherwise be euthanized. The special master was used to represent the dogs' best interests, similar to children or human victims in abuse cases. A special master could also be helpful in cases where 'pit bulls' are seized in an area with breed specific legislation. In the Vick case, Valparaiso University School of Law professor Rebecca Huss was chosen to represent the dogs. Her job was to oversee the welfare of the dogs, coordinate between the various rescue organizations involved, and to make individual decisions as to what would be done with each individual dog.

Rebecca was personally involved and went to see all of the dogs in Virginia. Her first order of business was to seek per-

mission from the court to immediately place the dogs with fosters and get them out of the shelters. This was not only for the benefit of the dogs, as they had been in shelters with little human contact for about 5 months by this time and were going kennel crazy, but it also took the burden off the shelters that were housing the dogs. The dogs were individually evaluated to decide which ones had adoption potential and what dogs needed more work. Ultimately, Rebecca had 49 dogs to make decisions for. The panel of behaviorists and experts, before evaluating the dogs, had high hopes of saving approximately FIVE dogs. They believed after being used for fighting and the horrible abuses the dogs suffered, the dogs would have understandable fear, mistrust, and aggression towards humans.

These dogs are a true testament to this wonderful breed—out of the remaining 49 dogs, only TWO had to be euthanized. One female displayed aggression towards everything, and was so mentally far gone and miserable that euthanasia was clearly the best option. Another dog was riddled with tumors and suffering. However, after evaluating the dogs, Rebecca and the panel decided most of the dogs could be saved: many aimed towards adoption, and others slated for sanctuaries. The fact that any of these dogs would let humans near them after what they were put through illustrates the breed's intense loyalty and love for humans. Many of the dogs seemed to bounce right back, showed affection for their caretakers, and really only needed to learn manners and socialization. Jim Gorant provides updates on all of the dogs in his book, *The Lost Dogs*, but one dog really struck me: Hector. He is owned by Roo Yori, who I have previously met and is well known in the disc dog circles I frequent. I've always had a lot of admiration for Roo and his superstar pit bull Wallace—both are amazing athletes in the sport of canine disc. Traditionally, herding breeds are the most successful at disc, but Wallace has shown the world that pitties can really rock the disc field. I was so intrigued by the Vick dogs and inspired by the book that I interviewed Roo for this column so you could all hear from an owner of a Vick dog.

**SCV:** Give a little introduction and background for yourself, both in general and your background in dogs.

**Roo:** I went to St Mary's University. I graduated from there with a Bachelor's in Biology, played soccer all four years, and ran track my senior year. I got a job at the Mayo Clinic as a lab tech with my biology degree, and bought my first house. Clara and I weren't married at the time, but we adopted our first two dogs from the local humane society. We were hooked. We started volunteering there, and Clara

eventually accepted a job there. I started reading books and articles related to dog training and behavior, but really found my niche when I answered an ad from somebody looking to start a disc dog club in our area. We had Wallace in our house who was a foster dog at that time. He loved toys, and loved to play fetch, so we figured we'd give him a shot. It clicked with both of us right off the bat. We helped build the Minnesota Disc Dog Club by helping other dog owners get involved with the sport and teach them how to train their dogs to strengthen their relationship. Wallace and I went on to win multiple awards including the 2006 Cynosport World Games and the 2007 Purina Incredible Dog Challenge National Championship. I enjoy the dog sports myself, but understand that each dog has specific strengths just like us. I enjoy discovering the strengths in each dog as an individual and helping them achieve what they are capable of. When I left the Mayo Clinic I was a Development Technologist for the Biochemical Genetics Lab. I was designing sequencing assays to test for specific genetic disorders. I made a big career switch about a year ago when I accepted a position with Animal Farm Foundation. Now I work with dogs called pit bulls (not all of them are APBT's) that need a second chance at a home. Most of the time it's not the dogs' fault they are without a home, so we train them and prepare them for their next opportunity, and do what we can to make sure that next home sticks.

**SCV:** How did you get into the American Pit Bull Terrier breed?

**Roo:** Credit for that would have to go to Wallace. To be honest, I'm not and wasn't at the time a pit bull guy specifically. I just like dogs, and Wallace was a really cool dog that happened to be what I thought was an APBT. (don't have any papers). With our success, a lot of APBT owners started to follow us and thank us for backing up our talk with our actions on a larger level.

**SCV:** How did you get into the sport of canine disc?

**Roo:** See above. Additionally, I had to basically teach myself by watching videos online and asking questions on forums. I actually checked out a book from the public library on how to throw a Frisbee to help get me started.

**SCV:** What made you want to compete with an APBT as opposed to one of the herding breeds, as those have shown the most success in disc?

**Roo:** Wallace was the dog that got me into the freestyle aspect of disc, so we started out together. I'll admit that I actually looked into getting a herding breed dog after we got more involved because I wasn't sure if Wallace could cut it. Nothing really came along that I really thought would fit with us, so I



Hector and Roo on a walk

continued to focus on Wallace. Needless to say, he proved me and pretty much everybody else wrong on that one. It seemed like we were really doing a good thing for the dogs that looked like him, so I focused on Wallace and started walking the walk the best we could. I've always enjoyed doing things that other people don't think are possible. My friend Josh that started the disc club always would joke with me that if he wanted to see if something was possible he would just tell me that I can't do it. Everybody (including myself) didn't think it would be a possibility to win a national or world championship with Wallace. It gave me an opportunity to see what was possible and to help a whole lot of dogs in the process. It gave me a new perspective on the competitions, and gave us a purpose beyond just trophies and medals. It's the reason why a long time disc dogger came up to me after taking 2<sup>nd</sup> at a big

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A close up of Hector

competition and said - "You may be able to beat Wallace (at a competition), but you can't beat Wallace." Wallace represents something more, and you just can't beat that.

**SCV:** How did you end up with Wallace? What's Wallace's background?

**Roo:** Wallace was turned into the local humane society where my wife was working at the time and I was volunteering. He wasn't doing well there, and people were scared of him due to his appearance. He started causing trouble at the shelter, and because he was a pit bull, many people did not want to see him adopted out. We were able to convince enough people to let us foster him, so he was transferred to the North Central Working Dog Club and into our care. We fostered him for a while training him in weight pulling, thinking he would make somebody a great competitive weight pull dog. He did succeed in weight pulling also, but once we discovered disc, Clara and I decided that maybe he had been home all along.

**SCV:** What made you want to adopt a dog from the Vick case, and how did the adoption happen?

**Roo:** I wasn't really in the market for another dog, but it was a unique situation. My goal has always been to let the dogs speak for themselves through their actions and accomplishments. With all the attention that the case was getting, the dogs could have a great opportunity to do just that. I was already showcasing Wallace, and figured that if one of those dogs happen to fit into our home, then I would consider adopting one to further the work we had been doing up to that point. I had been in touch a little with BADRAP through email, so I reached out to them since I knew they were involved with the evaluations and had taken a number of the dogs. I explained my situation and let them know if they had a dog that would fit in to let me know. Eventually that dog became Hector. I think it's a good idea to meet a dog that you are considering bringing into your home, so I flew out to California from Minnesota to meet him. He was a great dog, so Clara and I made the decision to give him a new beginning.

**SCV:** Has Hector's rehabilitation been difficult? How has his training compared with Wallace's?

**Roo:** One of the points we are trying to make is that Hector didn't need any rehabilitation in the context most people think. He didn't need to learn how not to be aggressive towards people or dogs. He basically needed a chance to get out of the situation he was in and allowed to be a normal dog. He needed to learn how to behave in a house - Don't chew the furniture, the potted plant in the corner is not a stick for you to play with, the dining room table is not your look out point, etc. That's just basic dog stuff though. Some of the dogs were affected more than Hector, but it was due to a lack of socialization more than anything else. Fortunately Hector is a confident dog that stayed true to himself. Once he was given the opportunity to show us who that is, he didn't let a horrible upbringing stop him. His past did not define him, and I think that's a great lesson for us all. Basically I believe that each dog is an individual, and you need to find out who that dog is despite what he looks like and where he came from. Hector and Wallace are two very different dogs. Hector's got some spunk, but doesn't have the working drive that Wallace has. Hector likes to play and have fun, while Wallace likes to work and do his job. Training sessions with Hector have to be shorter, otherwise I become that nagging authority figure that nobody wants to listen to. Haha! The contrast between the two show that even between similar types of dogs, there is great variation. That's why I like to get to know each dog as an individual, so I can set them up for success in whatever area that may be.

**SCV:** What kind of training methods do you employ with your dogs?

**Roo:** I promote positive reinforcement training. I basically try and make it worth the dogs' while to do what I would prefer them to do, and make sure I let them know that I like it through whatever motivates them. It could be food, toys, or in Hector's case the chance to sniff something new. I don't want my dogs to think they are spoiled though, and can get everything they want all the time. They have a "no reward mark" that results in all the "good stuff" going away so I can communicate with them if they are doing something I don't want them to do. I've heard people say that bully breeds need special training techniques, or need a prong/slip collar, etc. I don't buy it though. There are plenty of ways to communicate with your dog, so I don't think any one way is a necessity. I train pit bulls that are looking for homes on a daily basis now, and I use the same positive methods on them as all the other dogs I've trained over the years. It's been working great so far.

**SCV:** What kind of publicity and media coverage have you and Hector received?

**Roo:** Hector has been on/in a lot of things – People Magazine, CNN, CBS Early Show, E! Entertainment News, Parade Magazine, Dog World, Bark Magazine, multiple local media outlets. That's many of the bigger ones, but I'm sure I'm missing some.

**SCV:** What activities do you and Hector do/compete in?

**Roo:** Hector is a certified therapy dog. We can visit nursing homes and hospitals. We've also visited a lot of schools to teach the children compassion to animals and safety around dogs. We don't compete in anything. We've started to do some geocaching, and Hector enjoys accompanying us on those adventures. Hector likes to explore new things, so anytime we can take him somewhere new, I know he's gonna have a good time.

**SCV:** What's your take on Michael Vick?

**Roo:** Obviously I'm not one to condone dog fighting. It's a horrible form of animal cruelty, so I'm extremely glad he got caught. In my opinion, the fact that the dogs were finally portrayed as the victims rather than the villains was the landmark positive that came out of the whole situation. It's funny because when I'm asked what kind of dog Hector is and I say a pit bull, many people still kind of shy away. But then when I say he was rescued from the Michael Vick cruelty case, they soften and then want to come pet him. He's still a pit bull, so hopefully people start to generalize that empathy to all the dogs that look like Hector. He's an example, not an exception. As far as Vick being back in the NFL, I'm trying to focus

on the positive that it brings. The positive side to that is the continued attention and awareness being brought to the cause. I can reach a lot of people with Hector, but Vick can reach people that I can't. If he can stop people that I can't reach from following that path by using himself as an example, then good for him and good for the dogs. Has he changed? I can hope so, but only time will tell. In the meantime, I'm not going to try and stop him from helping us out how he can.

**SCV:** What are your views on breed specific legislation?

**Roo:** Despite how you feel about certain types of dogs, breed specific laws don't work to create a safer community for people or dogs. I don't know why people would waste their time, money and efforts on something that just doesn't work. Laws that focus on the owner being responsible for their dogs' actions regardless of what kind of dog it is do work to create a safer community. The data is out there, so it's a matter of common sense to me. Do what works, and don't do what doesn't.

**SCV:** Anything else you'd like to add?

**Roo:** Wallace and Hector Rock! :-)) You can keep up with them at [www.hectorthepitbull.com](http://www.hectorthepitbull.com) or [www.facebook.com/hectorthepitbull](http://www.facebook.com/hectorthepitbull) and [www.wallacethepitbull.com](http://www.wallacethepitbull.com) or [www.facebook.com/wallacethepitbull](http://www.facebook.com/wallacethepitbull) Wallace also has a documentary titled "Wallace – The Rise of an Underdog" coming out about his rise to National Champ next year. 🐾



Hector at the beach

# In the Matter of One St. Bernard named Ziggy (License # 7669)

By David M. Clifford

***Editor's Note:** You may remember the case of Ziggy the St. Bernard from earlier exchanges on the Section Listserv. Section member Dave Clifford recounts all the details in this interesting article. Please note the last paragraph as Dave thanks Section members for assistance in successfully resolving this difficult situation.*

This was a case in the St. Clair County District Court before Judge Monaghan. Ziggy is a 4 year old, 150 pound, St. Bernard. On the morning of June 23, 2011, Ziggy's tie-out broke as the boy next door, Zachary, age 12, 75 pounds, was taking out the garbage. Ziggy ran over to the boy to say "hello" and licked his hand. Zachary took Ziggy by the collar and took him back to his house. Meanwhile, Shannon, Ziggy's owner, had just learned that Ziggy was on the loose and was frantically throwing on her clothes. As Zachary brought Ziggy to the back door, he met Shannon there and reached toward Shannon to hand her the remains of the broken tie-out. At that point, Ziggy attacked Zachary, biting him on the arm and on the back of his head. As Zachary tried to escape, Ziggy knocked him down, biting him two more times on the arm and hand. Zachary had to have 18 stitches. Ziggy was taken to the St. Clair County Animal Shelter and an order was issued to show cause why he should not be destroyed.

This was a very emotionally charged case. Shannon, her fiancée, Duane, and Shannon's three children, love Ziggy very much and I have dealt with few clients who were more distraught over what was happening. I found myself getting emotionally involved with the case as did my office staff, my friends, and my family. Since I had never handled a "Dangerous Dog" case before, I

appealed to the  
Animal  
Law

Section of the State Bar and was surprised by the numerous emails I started to get offering advice and resources. I was looking for an expert to explain the sudden turnabout in Ziggy's behavior and Sharon Noll Smith, a former colleague of mine, suggested Steve Robinson who is a Certified Dog Behavior Consultant who operates a dog boarding and training facility called "Common Scents" in Ortonville.

Steve Robinson did a very thorough investigation, but he never got to see Ziggy because the Animal Shelter authorities would not allow it despite his offer to give them a release from liability. We brought a motion to allow the examination and the prosecutor replied that our expert was not qualified under MRE 702 and the Daubert standard set by the U.S. Supreme Court for expert testimony in 1993. We withdrew the motion because the final hearing date was looming large and we did not have the time or resources to do the examination, a de bene esse deposition, and have the transcript ready for trial. We did a deposition rather than have the expert appear at trial due to our limited resources. The prosecutor participated in the deposition by telephone.

Steve Robinson's deposition went very well. He explained that the attack happened in Ziggy's domain, the area of the tie-out at the door to the house. In terms of pack mentality, Ziggy is very protective of Shannon. Dogs are also very context specific, meaning that they evaluate a situation based upon the immediate circumstances rather than looking at the bigger picture. So there was Ziggy, with a strange boy holding him, at the back door to his house, reaching toward Shannon, whom he was sworn to protect, and who was obviously freaked out. Steve Robinson described it as the "perfect storm" for a dog who had no history of aggressive behavior. It was also what made this case so compelling. Ziggy was a good dog who was trying to do the right thing and protect his owner. Steve Robinson also explained that Ziggy's bites were "inhibited".

Oh, did I happen to mention there was a day care next door? Fortunately, that never came up at trial.



Photo: photos.com

At trial, Judge Monaghan rolled his eyes when we told him that we had an expert and five other witnesses. It was quickly apparent that he planned to spend about twenty minutes on this case. The prosecutor presented one witness, Zachary. Zachary's wounds had healed well during the past month. On the complaint by the Animal Shelter, they had not checked the box stating that Ziggy had caused "death or serious injury to a person." "Serious injury" is defined as serious impairment of a bodily function or permanent serious disfigurement under MCL 287.321 of the Dangerous Animals Act. Sound familiar? We borrowed cases citing the No Fault Threshold under MCL 500.3135 to argue that while these bites were significant, they did not cause permanent serious disfigurement.

This is very important because if a dog bites a person and causes death or serious injury, the judge must destroy the dog with a few limited statutory exceptions such as unreasonable provocation that were not present in this case. If the dog does not cause serious injury, the question is whether the dog is likely to cause serious injury or death in the future. The judge agreed that Ziggy did not cause serious injury and that it was not alleged he would in the future which were two points for Ziggy. He then told us to hurry it along and that was not a good sign.

When we sought to introduce Steve Robinson's deposition, the prosecutor renewed her objection that he was not competent to testify as an expert. MRE 702 requires that the expert's opinion be based upon a reliable methodology that has been properly applied to sufficient facts. The Daubert decision actually was favorable, since it ruled that a field of expertise does not have to be well recognized. However, Judge Monaghan did not want to take the time to have us read our sixty page transcript into the record and he was reluctant to read it himself. He took the motion under advisement and proceeded to "read" the transcript while we were presenting other witnesses. It was all too clear where this was going.

When Zachary's mother testified, she stated that she did not consider Ziggy to be a dangerous animal. Her husband agreed with her as did Zachary. Judge Monaghan was genuinely surprised and rigorously voir dired the parents. That was what ultimately turned the tables and saved the day for Ziggy. He did not have to be destroyed, but there would be a litany of restrictions. The Animal Shelter would not release him until a written order was entered. They charged Duane and Shannon \$10 per day for Ziggy's stay. Ziggy lost 20 pounds while he was there and had to have three baths after he was released. A worker at the Animal Shelter said that in twenty-five years, she has never seen a dog released after a hearing.

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**We borrowed cases citing the No Fault Threshold under MCL 500.3135 to argue that while these bites were significant, they did not cause permanent serious disfigurement.**

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MCL 287.322 requires that dangerous dogs be tattooed and that the tattoo number must be registered with the Michigan Department of Agriculture. So we put that in the judge's order. The problem is that Department of Agriculture no longer registers dog tattoos due to budget restrictions. There is a pending bill to amend the statute. Ziggy was neutered and microchipped early in August. He must be in a fenced enclosure when he is in the yard and must be muzzled when he goes for a walk. There must be a "Dangerous Dog" sign prominently posted on the property.

I am very grateful for all the support I got from the Animal Law Section in this case. Before this case, I did not know what the Dangerous Animal Act was. The section really helped to bring me up to speed. I am also very grateful to Zachary's parents. It is very unusual to have next door neighbors who are so understanding. The case also made me acutely aware of how skewed the legal system is against dogs. I went into the case thinking Ziggy's prospects were good, but he escaped being destroyed by the narrowest of margins. Hopefully, we can all learn a lesson from Zachary and his parents. 🐾

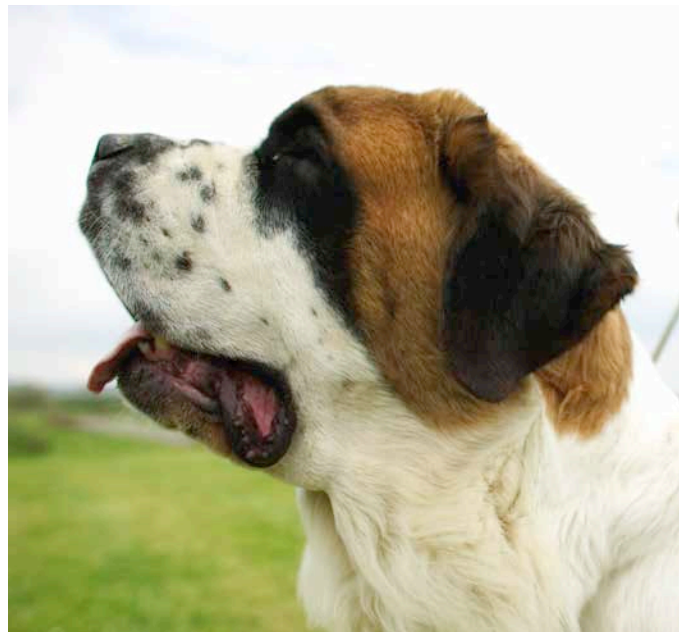


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**Animal Law Section Business Meeting**  
**Friday, September 16, 2011**  
**1:30-3:30 p.m.**

Note: This time is correct, even though the official schedule says 2-4 p.m.

Register for the meeting by going to <http://e.michbar.org>

## Upcoming Events



Julie I. Fershtman

### September 16, 2011

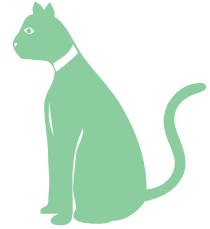
Annual Animal Law Section Meeting from 1:30 p.m. to 3:30 p.m. during the State Bar of Michigan Annual Meeting at the Hyatt Regency in Dearborn. (**Note:** *This time is correct, even though the official schedule says 2-4 p.m.*)

Please note that Animal Law Section member and Commissioner Liaison for our section, Julie I. Fershtman, will be sworn-in as 77<sup>th</sup> President of the State Bar of Michigan on Thursday, September 15, 2011. Julie has been our Commissioner Liaison for a majority of the time since the Section was formed in 1995.

Congratulations, Julie!

### Spring 2012

Annual Animal Law Symposium (more details later)



## SBM Annual Meeting Reception to Celebrate Diversity

The State Bar of Michigan will host a “Celebrating Diversity” reception from 6:30-8:30 p.m. on Thursday, September 15 at the historic Henry Ford Museum in Dearborn. It will take place in conjunction with the SBM Annual Meeting.

The reception will serve as a follow-up to an event at last year’s annual meeting, which introduced the Michigan Pledge to Achieve Diversity and Inclusion in the Legal Profession. In the year since, nearly 700 groups, firms, and attorneys have signed on to the pledge. SBM President W. Anthony Jenkins began his presidential year by appointing an advisory group consisting of 22 diverse attorney volunteers from across the state to help create benchmarks for the current state of the profession regarding diversity and inclusion, in order to eventually measure progress. Working with SBM Director of Diversity Gregory P. Conyers, the group recently released two assessment tools designed to build an ongoing data base of information for that purpose. Beginning the next bar year, the Diversity and Inclusion Advisory Committee – recently adopted as a standing committee of the bar – will continue the work of the advisory group and make recommendations about how to move the legal profession forward toward its inclusion goals.

This year’s reception will include remarks from Dennis Archer and a brief update on the many efforts undertaken by the State Bar to increase diversity in the legal profession. The reception will take place in the Henry Ford Museum’s “With Liberty and Justice for All” exhibit, which includes many significant historic artifacts, including the bus Rosa Parks rode on in December of 1955. Those attending the reception will have an opportunity to view highlights of the exhibit.

Admission to the “Celebrating Diversity” reception is \$10 per person, which includes two drink tickets.

For more information, or for help registering, contact Judy Herschkowitz at (517) 346-6335. To register online, visit [www.michbar.org/news/releases/archives11/AM/registration.html](http://www.michbar.org/news/releases/archives11/AM/registration.html).

For more information about the SBM Annual Meeting, visit [www.michbar.org/annualmeeting.cfm](http://www.michbar.org/annualmeeting.cfm).

**SBM**

STATE BAR OF MICHIGAN

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