

Animal Law Developments

By Virginia C. Thomas

Many people associate animal law with animal cruelty and abuse cases. High-profile news reports about dog fighting, puppy mills, animal hoarding, and the legal remedies they entail have become commonplace. Compelling as these accounts may be, they represent only some of the animal-related concerns addressed by our legal system.

Whether viewed from the perspective of a practitioner or an academician, animal law is a distinct field with very broad impact. According to animal law expert David S. Favre, professor of law at Michigan State University College of Law, “Animal law is a cross-section of almost every area of law...torts, property, contracts—all sorts of issues.”¹ Add to that list criminal law, constitutional law, wildlife law, public health law, consumer protection, and, yes, even estate planning and family law. There are animal law implications for international trade and environmental law as well.

As an example, what might the United States Supreme Court’s recent decision in *Snyder v Phelps*² have to do with animal law? This is the case involving members of a church congregation who picketed the funeral of a Marine killed in the line of duty in Iraq. The Court determined that the picketers were expressing their views on a matter of public concern and so extended First Amendment protection to “even hurtful speech on public issues to ensure that we do not stifle public debate.”³ Animal activists, who publicly criticize laws that govern the treatment of animals, should be cognizant of how *Snyder* could impact *their* First Amendment rights.

Animal law represents a growing part of the legal publishing marketplace. Publishers are risk adverse. They market their products to established practice areas within the legal profession. Numerous treatises, casebooks, journals,⁴ and web resources dedicated to

animal law have entered the legal publishing marketplace in the last decade. West’s 2011 publication of the first edition of *Animal Law in a Nutshell* as part of its long-standing “Nutshell Series” is a clear sign that animal law has entered the mainstream of legal education and legal practice.⁵ The fact that the West headnote “Animals” has been expanded to encompass 113 subtopics signifies a complex (and growing) body of state and federal caselaw at the appellate level.⁶

Organizations that provide leadership and standards for the legal profession also are taking notice of animal law. The Tort Trial & Insurance Practice Section of the American Bar Association includes an Animal Law Committee to address “all issues concerning the intersection of animals and the law.”⁷ The Association of American Law Schools also supports a Section on Animal Law⁸ that creates educational programming for its membership. Closer to home, the SBM Animal Law Section⁹ sponsors an annual Animal Law Symposium and operates the Animal Legal Lifeline as a means of connecting potential clients with section members who may be able to assist with animal law issues.

The Martindale-Hubbell online practice profiles are helpful in getting a sense of the growing interest in animal law as a practice area. Currently, 1,855 attorneys included in Martindale-Hubbell identify animal law or related areas in their practice profiles.¹⁰ For more specifics that show how animal law

impacts our profession, let’s look at some of the numbers:¹¹

- Michigan attorneys with Martindale-Hubbell practice profiles including animal law: 53
- Michigan law firms on Lawyers.com that handle animal law cases: 329
- Michigan appellate decisions digested by West headnote/key number “Animals/28” in 1989–2000: 10
- Michigan appellate decisions digested by West headnote/key number “Animals/28” in 2001–2010: 19
- Amendments to Michigan *Dog Law of 1919*: 50
- Last amendment to Michigan *Dog Law of 1919*: 2010
- Maximum sentence for fighting, baiting, or shooting an animal for sport in Michigan: 4 years
- 95th Michigan Legislature bills introduced regarding animals: 34
- 95th Michigan Legislature bills enacted regarding animals: 6
- American Bar Association-approved law schools in the United States offering an animal law course: 119 (of 200)

Whether viewed from the perspective of a practitioner or an academician, animal law is a distinct field with very broad impact.

- ABA-approved law schools in Michigan offering an animal law course: 3 (of 5)
- U.S. law schools with Animal Legal Defense Fund chapters: 156
- Michigan law schools with Animal Legal Defense Fund chapters: 5
- Books about animal law in the WorldCat Database: 3,621
- Scholarly journals dedicated to animal law issues: 7
- USDA Class B “random source” animal dealers in the United States: 9
- USDA Class B “random source” animal dealers in Michigan: 3
- U.S. universities and research facilities that purchase Class B “random source” animals for experimental research: 47
- Michigan universities that purchase Class B “random source” animals for experimental research: 2

- Animal shelters and impoundment facilities in Michigan: 197
- “No-kill” animal shelters in Michigan: approximately 30
- Dog owners in the United States: More than 67,000,000
- Cat owners in the United States: More than 83,000,000 ■



Virginia C. Thomas is director of the Arthur Neef Law Library at Wayne State University. She holds a JD from Chicago–Kent College of Law, an AM in library science from the University of Chicago, and an MBA from the Illinois Institute of Technology. Currently, she serves as vice president/president-elect of the Michigan Association of Law Libraries and as a member of the State Bar of Michigan Libraries, Legal Research, and Legal Publications Committee.

FOOTNOTES

1. Pursglove, *Profile in Brief: David Favre, Animal Lover*, Detroit Legal News, March 23, 2011, at 1.
2. *Snyder v Phelps*, 562 US ___, 131 S Ct 1207; ___ L Ed ___ (2011).
3. *Snyder*, 131 S Ct at 1220.
4. For example, the *Journal of Animal Law* was launched in 2005 by Michigan State University College of Law.
5. Frasch, Hessler, Kutil and Weisman, *Animal Law in a Nutshell* (West 2011).
6. See <<https://a.next.westlaw.com/Browse/Home/WestKeyNumberSystem?guid=lfafa4d91202482795e9d49062af8a144&originationContext=documenttoc&transitionType=Default&contextData={sc.Default}>>>. All websites cited in this article were accessed April 18, 2011.
7. American Bar Association, Tort Trial & Insurance Practice Section home page <<http://apps.americanbar.org/tips/animal/>>.
8. Association of American Law Schools, Section on Animal Law home page <https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=25b753df26c8-4544-8e8b-36ac82e63e2e>.
9. State Bar of Michigan, Animal Law Section home page <<http://www.michbar.org/animal/>>.
10. See <<http://www.martindale.com/Find-Lawyers-and-Law-Firms.aspx>> [search results are dynamic].
11. On file with author.