

# Animal Law

By Donald Garlit

## What is Animal Law?

If you went to law school more than 20 years ago, you may be asking yourself this question. More recent graduates know the answer, and a surprising number went to law school to use the legal system to better the lives of animals.

This special issue of the *Bar Journal* will introduce you to this vibrant, varied area of the law. David Favre's article views animal law through two lenses: that of the practical, with lawyers solving problems for clients; and that of public policy and social change. While some attorneys use creative theories and impact litigation to challenge the law's definition of animals as property, there are ways the practitioner can weave animal law into his or her practice. Julie Fershtman writes about equine law, an area of specialization that she and a few other Michigan attorneys practice. John Arenz's article provides a fresh approach to discussing the relatively new field of pet trusts. Richard Angelo writes movingly about Cola, a dog he helped using his legal background and who has, in turn, had a lasting effect on the author.



## The Developing Field of Animal Law

Animal law is relatively recent, getting its start in the late 1970s. It was developed by a handful of attorneys, many of whom (including Favre) are still involved. It grew in the 1980s and 1990s. In 1995, the State Bar of Michigan Animal Law Section was formed; it's believed to be the first statewide animal law organization in the country.

Animal law's reach and influence within the bar and law schools have expanded greatly over the last 20 years, as evidenced by the following:<sup>1</sup>

- Only nine animal law courses were offered by American Bar Association-accredited law schools in 2000; now there are more than 145.
- Student animal law groups, many affiliated with the Animal Legal Defense Fund, are proliferating. In 2000, there were 12 SALDF chapters; by 2012, there were 192.
- There are 26 statewide animal law sections; in 1994, there were none.
- There are more than 10 animal law journals, the oldest of which is in its 20th year. Several books are suitable for teaching animal law courses, and the animal law casebook is now in its fourth edition.
- Money is available for animal law programs. In the past decade, television personality Bob Barker funded eight major

law schools with \$1 million endowments earmarked for teaching animal law. He also funded his alma mater, Drury University, to teach undergraduates multidisciplinary animal studies, a robust and growing academic field in its own right.

One final statistic that demonstrates the growing influence of using the legal system to improve animals' lives: 49 states currently have a felony animal cruelty law, up from 16 states in 1995.

## SBM Animal Law Section

The Animal Law Section has several active committees and provides public service programs. For example:

- The Legislative Committee considers pending legislation, recommends that the section council take a position on certain relevant bills, and provides research. Members are also available to testify at committee hearings.
- Prosecutors and Litigation committees provide assistance to prosecutors in animal cruelty cases and monitor cases for filing of amicus briefs, respectively.
- The Animal Legal Lifeline referral service—accessed through a toll-free number, (866) 211-6257—allows callers to have summaries of their issues distributed to the section via its listserv. Any resulting legal work may be pro bono or for a fee negotiated by the client and the answering attorney.



Section activities include:

- Hosting a lunch most years for aides of legislators in leadership positions on committees that most commonly consider bills relevant to the section.
- Publishing a newsletter 2–3 times a year.
- Sponsoring symposiums featuring both Michigan and national speakers.
- Recognizing law professionals, law students, and others with awards:
  - The Brandi Award, established in 2000, is given to law professionals and legislators who make outstanding contributions to animal law.
  - The Sadie Award acknowledges nonlegal, professional activities of persons who make exceptional contributions to better the lives of animals.
  - The Wanda A. Nash Award, named for the founder and first chair of the section council, recognizes a Michigan law school student who has made extraordinary efforts on behalf of animals, on the basis of nominations by animal law professors.
- Encouraging law student involvement by including non-voting representatives on the section council.

## Conclusion

The articles on the following pages have been selected to introduce SBM members to animal law. Although many of us in the Animal Law Section have a passion for improving the lives of animals through the legal system, we welcome all with an interest in the topic. We believe the section will grow and prosper if we can provide useful information to practitioners wishing to incorporate principles of animal law into their practices. As we enter our 19th year, we will continue our work to improve the lot of animals, speaking for those who cannot speak for themselves, and to support the State Bar of Michigan. ■



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## ENDNOTE

1. See generally Animal Legal Defense Fund <<http://aldf.org/>>; The Humane Society of the United States <<http://www.humanesociety.org/>> [accessed November 2, 2013].