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**Co-Editor's Note:** This issue contains another “first” in the newsletter’s history – it features two articles as part of a collaboration between the Animal and Environmental Law Sections. Both articles will appear in the *Animal Law Newsletter* and the *Michigan Environmental Law Journal*. You can access the *Journal* through the Environmental Law Section’s homepage on SBM Connect. There is considerable overlap on issues of interest between the two sections and we hope this will be the first of many fruitful collaborations.

The Animal Law Section contribution is an interview with Bee Friedlander and Don Garlit on the 25<sup>th</sup> anniversary of the Section, in which we discuss the history of the section and the similarities in the animal law and environmental law movements. The Environmental Law section contribution is a synopsis of the second edition of *What Can Animal Law Learn From Environmental Law?*, a book edited by Professor Randall Abate. Two additional submissions will be published in the Spring 2021 newsletter.

## Preview of a New Book that Provides Expansive Exploration of the Parallels and Synergies between Animal Law and Environmental Law

By Randall S. Abate, Professor, Monmouth University

Published in July, the second edition of *What Can Animal Law Learn From Environmental Law?* (hereinafter the Book) (Environmental Law Institute Press, 2020) features significantly expanded coverage of what animal law can learn from environmental law in many contexts and how the two fields can work together to secure mutual gains. The book updates and builds on the existing coverage of topics from the 17 chapters in the first edition and adds 12 new chapters on cutting-edge topics including lab-grown meat, animal testing, “tag-gag” litigation, deceptive advertising, climate change, right of nature, impact assessments, enforcement, regulatory avoidance, and “animal socioequality.”

The U.S. has a long history of exploiting animals for human advancement and comfort in much the same way that natural resources have been exploited since the industrial revolution. The environmental movement in the United States in the 1960s and 1970s demanded that the use of natural resources be carefully managed to ensure a sustainable future for our nation and our planet. In the five decades during which it has been recognized as a specialty area in U.S. law,<sup>1</sup> environmental law in the United States has been highly successful in promoting this sustainable management objective. Drawing support



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## Co-Editor's Note

Welcome to the second issue of the Newsletter for 2020 although you will be reading this in early 2021. We are now in our 26<sup>th</sup> year as a section. The Section had its initial official meeting at the 1995 State Bar of Michigan Annual Meeting. Our Section is the first state-wide animal law section in the United States; something that we can all take pride in.

Much happened in 2020. The world continues to struggle with COVID-19 (although the available vaccines are expected to alleviate the situation in 2021) as well as other issues and it has impacted the Animal Law Section as you would expect. The State Bar of Michigan building was shut-down. The SBM print shop which prints this Newsletter is having a limited reopening. Many courts are closed so there are fewer cases to report in this issue. The SBM Annual Meeting was virtual this year.

We worked on a collaboration project with the Environmental Law Section in late 2020. Two articles that resulted from the collaboration are the main articles in this issue. One is a book preview from author Professor Randall Abate and the other is an interview about the history of the Animal Law Section. I have often discussed a special history article for the Newsletter which has yet to happen. Consider the interview as our next best attempt at a Section history issue. Additional articles from the collaboration effort will be published in the next issue.

Other articles include Recent Animal Law News from Michigan, the USA, and around the world. We have articles about the Student Animal Legal Defense Fund chapter at MSU, Attorneys for Animals (the predecessor to the Animal Law Section), and the Section financial report

We continue to print the issue in all color including photographs and graphics. We use better quality paper. This greatly increases the visual appeal of the Newsletter. The photographs are much clearer with this approach. We like to include many animal photos, too.

I recently counted the pages and issues published by the Section since we were founded in 1995. Our first Newsletter was in 1997. Since that time, we have published 43 issues of the Newsletter (this issue is number 43) and have been the featured section in two issues of the SBM's Michigan Bar Journal. We have published over 600 pages of content over the years!

We have a major article for an upcoming Newsletter and I believe that you will find it most interesting. The article discusses dogs in court rooms.

As always I will make my standard request, please remember that this is your newsletter, too. Helpful articles are always needed. In fact, if we can get one good main article for each issue, we can do the rest. Co-Editor Maggie Sadoff and I welcome new authors and articles. Please consider writing an article that will be of interest to your fellow Section members. We only ask that you talk with us first so that we can discuss general article parameters and publication timing.

Donald Garlit

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**Preview of a New Book ... continued from page 1**

from both legal and social developments in the late 1960s and early 1970s, environmental law quickly moved within its first decade from a marginal niche to a fully institutionalized field in the American legal system.

There are many reasons for this success. First, there was an urgent and visible pollution crisis in our air, water, and land. Second, economic stability in the 1960s and 1970s enabled the United States to regulate the environment in a manner that would have been economically challenging in previous decades. Third, scientific evidence had been collected to establish direct links between environmental contamination and human health. Fourth, growing awareness of the importance of ecosystem integrity and biodiversity led to protection of the “unseen” and “overlooked” in our natural world, which gained national attention in the *Tennessee Valley Authority v. Hill* case in 1973, involving protection of the snail darter under the Endangered Species Act.

In addition to these reasons for the environmental law movement’s success, the most important reason that environmental law became mainstreamed as a legal specialty is because it worked within the system rather than against it. While there were, and still are, many radical environmental groups and objectives that challenge the status quo of the legal system, the vast majority of environmental law issues acquired legitimacy through victories in the courts and in Congress. Ultimately, environmental law succeeded because its message was understood that protecting the environment ensures a sustainable future for humans. Many environmental law regulations are premised on enforcing standards that seek to protect human health.

While animal law has enjoyed some important victories within the past three decades in the courts and in federal and state legislative initiatives,<sup>2</sup> it has remained largely marginalized in the American legal system and has struggled for legitimacy. Much of this struggle is rooted in a false perception in the legal system and in society regarding what animal law represents—that enhancing legal protections for animals somehow requires a corresponding diminution of legal protections for humans.

To secure enhanced legitimacy and success, the animal law field needs to capitalize on the successful strategies of the environmental law field. In much the same way that the American public has grappled with the knowledge that economic growth does not require unsustainable depletion of natural resources, our increased demand for food, scientific research, and entertainment likewise should not require animal suffering. Moreover, animal law can work directly with environmental law on some issues for mutual benefit.

The Book seeks to address several dimensions of this inquiry. It raises important parallels between animal law and

environmental law and proposes strategies for how animal law can benefit from the well-worn trail that environmental law has blazed in the legal system. Some key similarities include:

- Both fields involve defending those unable to defend themselves in the legal system (e.g., mountains, rivers, trees, and animals).
- Both fields involve the need for creative lawyering (e.g., drawing on a mix of statutory and common law theories) to develop new theories of protection under the law.
- Both fields must confront issues of federalism and avoid the pitfall of preemption as a limitation on the scope of available protections.
- Both fields benefit from cross-disciplinary engagement with other doctrinal areas (e.g., human rights) and with foreign domestic and international law principles to advance new theories of protection.
- Both fields must confront how best to define their focus and may benefit by defining goals for mutual gain. For example, environmental law is routinely paired with natural resources law, energy law, and land use law. Animal law is related to environmental law to a similar degree as these fields; however, it is rarely paired with environmental law as a joint enterprise.
- “Think globally, act locally” is an appropriate mantra for both fields, yet it has galvanized environmental law’s success much more so than it has for animal law. Environmental law issues are inherently international because of their transboundary nature, whereas animal law issues are intertwined with cultural and religious traditions that tend to make them more national and local in character.

### Progress for Animal Law

Since the publication of the first edition of the Book in 2015, animal law advocates have secured landmark victories in three high-profile contexts—SeaWorld, the Circus, and Pet Custody laws. Longstanding traditions of captive breeding of orcas at SeaWorld and training of elephants for performance in Ringling Bros. and Barnum and Bailey circus came to an end within the same year in 2016, thanks to persistent and creative litigation, legislative, and public information campaigns.<sup>3</sup> While these developments did not intersect directly with environmental law on the surface, they built on a legacy of advocacy strategies that were successful in environmental law in previous decades: (1) the power of advocacy based on science and public information campaigns in the case of SeaWorld, and (2) the power of grassroots

advocacy at the local level to secure a nationwide outcome in the case of the circus, which relied on a patchwork of local bans in multiple states on the use of the bullhooks used to train elephants.<sup>4</sup> In the companion animal context, California enacted a groundbreaking pet custody law in 2018 that authorizes judges to consider what is in the best interests of companion animals in custody disputes, which elevates animals' status above their traditional recognition as property.<sup>5</sup>

In other animal law contexts since the release of the first edition of the Book, animal rights advocates continued the ambitious and important quest for recognition of legal personhood protections for animals. High-profile cases filed by three of the leading animal protection organizations in the nation used creative strategies intended to secure a common goal in the animal law and environmental law movements: legal personhood for these “voiceless” entities (i.e., animals and natural resources) to be recognized as rights holders to some degree under the law. The first of these cases, *Naruto v. Slater*,<sup>6</sup> also known as the “monkey selfie” case, involved



People for the Ethical Treatment of Animals' (PETA's) suit on behalf of a crested macaque monkey in Indonesia, Naruto, to secure intellectual property rights to selfie photos that the monkey had taken with a photographer's camera that was set up

on a tripod in an Indonesian rainforest. The Copyright Act extends protections to any “person,” which is not limited by its terms to humans under the statute. The Court concluded that “person” should not be interpreted to include non-humans and that Naruto therefore lacked statutory standing under the Copyright Act.<sup>7</sup>

Second, the Nonhuman Rights Project (NhRP) also proceeded undaunted with its line of habeas corpus cases that began prior to the first edition and continued through to the publication of the second edition of the Book.<sup>8</sup> These cases have sought to have chimpanzees and elephants released from captivity and placed in sanctuaries. The most recent of these cases involved Happy, a 49-year-old Asian elephant in captiv-



ity at the Bronx Zoo.<sup>9</sup> Happy's case is the first in the world for a court to issue a habeas corpus order on behalf of an elephant.<sup>10</sup> The “show cause” order required the Bronx Zoo to justify its ongoing confinement of Happy. In February 2020, the NhRP's case was dismissed,<sup>11</sup> but NhRP continues to pursue litigation and legislative initiatives in the U.S. and abroad to secure legal personhood protections to recognize these animals' rights to be free from confinement.

In the last of this trio of legal personhood cases on behalf of animals, the Animal Legal Defense Fund (ALDF) filed a high-profile case on behalf of Justice, a horse, in a suit against

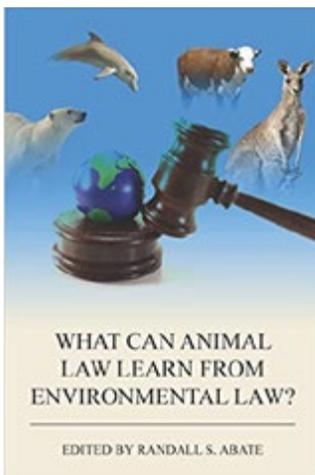
**“[The case] is the first in the world for a court to issue a habeas corpus order on behalf of an elephant.”**

the horse's owner for abuse under Oregon's animal cruelty statute. The suit seeks to establish that animals have a legal right to sue their abusers in court. The case was dismissed in 2018 on the ground that non-human animals lack standing to sue on their own behalf.<sup>12</sup> ALDF's appeal of the dismissal was pending at the time that the second edition of the Book was published.<sup>13</sup>

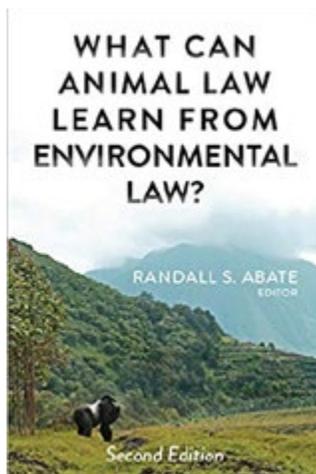
Building on the momentum from these landmark victories and creative and ambitious litigation strategies in the animal law field since 2015, animal protection initiatives can be enhanced by learning valuable lessons from environmental law in certain contexts, and by seeking collaboration with environmental law on certain issues for mutual gain. New chapters in the second edition of the Book address how two contexts from the environmental law field – rights of nature and environmental justice – serve as foundations for potential future gains for animal law. One chapter presents an Australian perspective on how recent successes in rights of nature initiatives can provide an opportunity for animal law and environmental law to secure mutual gains through a “comprehensive ecosystem personhood” approach. Another chapter coins a new term, “animal socioequality,” as an innovative approach to enhance protection for animals through an environmental justice lens.

## The Intersection between Animal Law & Environmental Law

Developments at the intersection of animal law and environmental law have exploded since the publication of the first edition of the Book in 2015. The second edition addresses some of these developments to build on some of the existing content from the first edition and extend the book's coverage in new directions. One of these developments is food law and policy as a rapidly growing area of convergence between these two fields. In adding new chapters addressing how food law and policy can enhance protection of animals, the second edition builds on the first edition's



*What Can Animal Law Learn from Environmental Law?*,  
First Edition



*What Can Animal Law Learn from Environmental Law?*,  
Second Edition

coverage of one dimension of this topic addressed in the meat labeling chapter. New chapters in the second edition extend the coverage of food law and policy issues to include consumer protection litigation involving false advertising claims, potential synergies between greenwashing and humane washing contexts, and animal and environmental law and policy considerations concerning lab-grown meat.

Another area of convergence between animal law and environmental law is climate change regulation. The first edition of the Book addressed this topic with two chapters: one proposed strategies to address greenhouse gas emissions from concentrated animal feeding operations (CAFOs), whereas the other addressed how the listing of the polar bear as threatened under the Endangered Species Act can offer lessons for enhanced protection of wildlife. The second edition adds two new chapters that address

climate change as common ground between these two movements. One of these chapters considers synergies between climate change mitigation and wildlife conservation and the other seeks to build on the environmental law movement's ambitious use of the public trust doctrine to leverage enhanced protections for wildlife.

The first edition's core theme regarding lessons that environmental law can offer animal law extends in new directions in the second edition. The second edition adds new chapters addressing procedural contexts in which environmental law has enjoyed enduring success in enforcement of law generally, impact assessments, and accountability for regulatory avoidance. It also includes a chapter on what animal law can learn from environmental law to promote animal protection in the context of animal testing.

Successful demand reduction strategies are perhaps the most effective and most promising of all of the develop-

ments since the publication of the first edition of the Book. Demand reduction strategies can enhance animal protection more readily than litigation or legislative initiatives. Animal law and environmental law embrace demand reduction efforts through public information campaigns and science. In environmental law, this approach is reflected in efforts such as fossil fuel divestment, anti-fracking campaigns, and renewable energy initiatives to help move the public away from its addiction to fossil fuels. In animal law, demand reduction strategies take many forms because animals are considered property under the law and are abused in multiple contexts such as animals in agriculture and animals in entertainment. Examples of effective demand reduction advocacy occurred in the animals in entertainment context with recent victories against circuses and marine parks, in addition to previous victories against the dog fighting and dog racing industries.

**One example of these state tag-gag laws is the meat industry's attempt to limit the definition of the term "meat" to animal flesh...**

The rapid expansion of the plant-based meat and dairy industries since 2015 promises significant gains in animal protection by threatening the stronghold of the meat and dairy industries. The walls of this fortress of secrecy and abuse in the meat and dairy industries have continued to crumble in the years since the second edition of the Book, and at a much faster rate. Plant-based meat and milk have caused massive economic impacts to the meat and dairy industries such that some major dairy producers have filed for bankruptcy. Feeling this pressure, the meat industry has fought back by transitioning from one unsuccessful form of bullying tactics ("ag-gag" laws<sup>14</sup> seeking to stifle public information access and dissemination) to a new form of bullying with a recent wave of new "tag-gag" laws.<sup>15</sup> One example of these state tag-gag laws is the meat industry's attempt to limit the definition of the term "meat" to animal flesh for consumption in an effort to exclude the competitive threat from the plant-based meat industry's use of that term. These tag-gag laws have been challenged by animal protection advocates in a wave of pending litigation that offers a sense of déjà vu when one compares it to the ag-gag litigation that preceded it.

### Listen to the Experts

The Book assembles the insights of 36 experts in the animal law and environmental law fields to promote legal protections for animals by drawing on U.S., foreign, domestic, and international environmental law regulatory strategies and perspectives. The Book is divided into four units. Unit I provides introductory context with seven chapters that thoroughly examine the historical, political, and legal foundations of environmental law as possible building blocks (and

pitfalls to avoid) in seeking to advance the animal law field. Sub-topics within this unit address procedural mechanisms (standing, enforcement, damages, and impact assessments) and concepts and themes (politics of the environmental law movement, regulatory avoidance, and animal socioequality) to set the stage for Book's coverage in the ensuing three units.

Unit II addresses several U.S. law contexts to illustrate these lessons from environmental law and possible opportunities for collaboration between the two movements. These contexts include chapters on animal agriculture, consumer protection and labeling, emerging issues in food law and policy, climate change, lead pollution, fisheries management, and animal testing. Unit III considers these issues from international and comparative law perspectives. It reviews international trade and environment treaties and jurisprudence, environmental and animal welfare regulation in Australia and the European Union, and the need for regional and global animal welfare and rights laws to emerge to capitalize on the success and avoid the failures of the international regulation of species under environmental law regimes. Unit IV offers reflections in four chapters on how animal law can learn from environmental law in practical and theoretical contexts, and how the two fields can enhance their collaborative efforts for mutual gain.

A famous quote from Gandhi on the progression of social movements is particularly apt in reflecting on the future of animal law: "First they ignore you, then they laugh at you, then they fight you, then you win."<sup>16</sup> With the help of lessons from environmental law, and drawing on opportunities for increased collaboration between animal law and environmental law, animal law can close in on a "win" that will hopefully be a "win-win" for these two fields. 🐾

## About the Author



**Randall S. Abate**, Professor and Rechnitz Family and Urban Coast Institute Endowed Chair in Marine and Environmental Law and Policy; Director, Institute for Global Understanding, Monmouth University. Prof. Abate is the editor of *What Can Animal Law Learn From Environmental Law?* (ELI Press, 2020). This submission is adapted from the

prefaces to the first and second editions of the book with permission from the Environmental Law Institute.

## Endnotes

- 1 The early 1970s are widely regarded as the beginning of environmental law as a specialty field with the convergence of events such as Earth Day; *Sierra Club v. Morton* 405 U.S. 727 (1972); passage of major federal environmental laws such as NEPA, the CAA, the CWA, and the ESA; and the establishment of several environmental law journals at American law schools.
- 2 See *infra* notes 4 and 6 and accompanying text.
- 3 Jennifer Hackett, *SeaWorld Ends Controversial Captive Breeding of Killer Whales*, SCI. AM., (Mar. 17, 2016); see also Faith Karimi, *Ringling Bros. Elephants Perform Last Show*, CNN.com, (May 2, 2016).
- 4 For a discussion of some compelling parallels between the enactment history of the Clean Air Act and the use of local bans on bullhooks to secure the victory against Ringling Bros. circus, see Chapter 13 of the Book.
- 5 Dareh Gregorian, *New California divorce law: Treats pets like people—Not property to be divided up*, NBC News.com, (Dec. 29, 2018).
- 6 888 F3d 418 (9th Cir 2018).
- 7 *Id.* at 426. Despite the loss in court, there was some good news for Naruto and the animal protection advocates in the wake of the litigation. After oral arguments before the Ninth Circuit, however, the parties agreed to a settlement that provided that 25 percent of the proceeds from the photographer's sales of the monkey selfies would be donated to charities that seek to protect the habitat of the crested macaques in Indonesia. See Nicole Pallotta, *En Banc Review Requested in "Monkey Selfie" Copyright Case*, Animal Legal Defense Fund Animal L. Update, (Aug. 7, 2018).
- 8 For a summary of the chimpanzee cases, see Courtney Fern, *The Need for Chimpanzee Rights*, Nonhuman Rights Blog, (July 13, 2019).
- 9 For a helpful discussion of the context and controversy surrounding this case, see Brandon Keim, *An Elephant's Personhood on Trial*, The Atlantic, (Dec. 28, 2018).
- 10 Laura Choplin, *World's First Habeas Corpus Order Issued on Behalf of an Elephant*, Nonhuman Rights Blog, (Nov. 19, 2018).
- 11 Sophia Chang, *Judge Rules That Bronx Zoo's Happy the Elephant Is Not "Unlawfully Imprisoned,"* Gothamist, (Feb. 20, 2020).
- 12 Aimee Green, *Oregon judge refuses to be first in the nation to let animals sue*, The Oregonian, (Jan. 29, 2019).
- 13 Press Release, *Animal Legal Defense Fund Appeals Dismissal of Groundbreaking Lawsuit for Abused Horse*, (Jan. 22, 2019).
- 14 ALDF has been remarkably successful in challenging and defeating several ag-gag laws. See generally Issue: *Ag-Gag Laws*, Animal Legal Defense Fund.
- 15 Tag-gag laws seek to prevent plant based products from using terms such as "meat" and "milk." For a detailed discussion of laws and pending litigation in this context, see Chapter 11 of the Book.
- 16 For a helpful reference to this quote and its relationship to the plant-based meat revolution, see Rowan Jacobsen, *This Is the Beginning of the End of the Beef Industry*, Outside, (July 31, 2019).

# The Animal Law Section Turns 25: An Interview with Two of the Section's Founding Members

By Margaret M. Sadoff, Animal Law Section Council (2019-2021), Co-Editor of the Animal Law Section's Newsletter, Treasurer for Help4Wildlife<sup>1</sup>

The year 2020 will forever be remembered as the year of the pandemic. But this year also marks the 50th anniversary of Earth Day and the 25th anniversary of the Michigan Animal Law Section. As a member of both the Environmental and Animal Law sections, I often think about the overlap of issues important to both sections. A few examples are the devastating impact of climate change on wildlife and ecosystems, expansion of logging and oil and gas drilling into pristine wildlife habitat, and the effects of factory farming on animal welfare as well as air and water pollution.

Animal law as a recognized field of legal practice is relatively young, so I was surprised to learn that the very first anti-cruelty law dates back to 1641. In Massachusetts' first legal code "the Body of Liberties," it was provided (in the original Old English) that "No man shall exercise any Tyranny or Crueltie towards any brute Creature which are usuallie kept for man's use."<sup>2</sup> Animal cruelty laws have certainly come a long way. All states have some animal cruelty laws on the books and a federal anti-cruelty law (the so-called anti-crush legislation) was passed in November 2019.<sup>3</sup> Modern-day animal advocates seek not only to protect animals from abuse and cruelty but to improve the lives of animals and elevate their legal status beyond mere property. The Non-Human Rights Project,<sup>4</sup> which seeks to gain legal personhood for animals, is one such effort. Although it seems a lofty goal, other countries have already begun to recognize animals as sentient beings, deserving of legal rights and protections. As the Animal Law Section enters its 26th year, I wanted to reflect on its history and significance and explore the connection between animal and environmental law.

Michigan's Animal Law Section was created in 1995 through the efforts of a small group of like-minded attorneys which included founding members Bee Friedlander<sup>5</sup> and Don Garlit.<sup>6</sup> In fact, Don has the distinction of being the only member to have served the Section continuously, either as an Officer or on the Council, since its inception. Today, the Section has over 200 members and includes attorneys practicing in the field of animal law as well as attorneys working or volunteering with animal advocacy groups and attorneys who have a general interest in animal law and policy. The Section's goals, as set forth in its bylaws, include:

- Educating members of the State Bar and the public about laws relating to the protection of animals and animal rights, including the development and modification of existing law;
- Promoting legislation to advance animal protection and animal rights;
- Maintaining and operating a referral service for and among attorneys practicing in the area of animal protection and animal rights;
- Promoting animal protection and animal rights in Michigan through use of the legal system;
- Coordinating programs for lawyers practicing in the area of animal law with national and local bar associations; and
- Cooperating and sharing information with other groups within the State Bar which have an interest in legal issues of interest to lawyers practicing in the area of animal law related topics.



Bee Friedlander and Don Garlit

I spoke with Bee and Don about the history of the section, progress in animal law, the intersection of animal and environmental law, and their hopes for the future of animal law<sup>7</sup>

**Q: Bee and Don, between the two of you there's a ton of institutional knowledge. You have both been active in the Animal Law Section from the start as founding members. How did the Animal Law section get its start?**

**Bee:** The section began over 25 years ago with a notice placed in the Michigan Bar Journal: “Michigan attorneys interested in animal law contact Wanda Nash.” About 20 attorneys responded to that notice. Keep in mind this was before social media, so responses were via phone call or snail mail. The animal law field was a relatively new concept at the time, at least in Michigan.

What resulted from that initial invitation was the formation of the non-profit group Attorneys for Animals by Wanda Nash. A major goal of the newly formed organization was to create an animal law section within the State Bar. Michigan’s Animal Law Section would become the first such state-wide section in the United States. Attorneys for Animals still is active; it is a non-profit organization comprised of attorneys and other advocates dedicated to working within the legal system to ensure that animals are recognized, treated, and protected as individuals.



**Q: Who was Wanda Nash?**

**Bee:** Wanda Nash (1943-2008) was the Section’s founder and first Chair. She was my mentor. I admired her passion, energy, enthusiasm, and her optimism. She taught me resilience, which is an absolute necessity for an animal advocate. She taught me that the key to longevity in this movement is to remain on an even keel. We must take pride and

pleasure in victories small and large, and we must take losses in stride without succumbing to feelings of fatalism or futility. Wanda recognized the necessity of keeping ever vigilant.

The Section established the Wanda Nash Award in 2006 in her honor. The award recognizes a law student from a Michigan law school who is dedicated to animal law and has demonstrated outstanding involvement in animal issues. It is a fitting tribute to Wanda because she always encouraged those new to animal law. It is notable that Wanda’s family members continue to attend the annual ceremonies honoring Wanda Nash Award recipients.

**Don:** Wanda attended Cooley Law School in the mid-1980s, specifically to use her legal knowledge to advance the cause of animals which was virtually unheard of at the time. I visited Wanda shortly before she passed in 2008. I remember telling her “Wanda, we’re going to keep working for the animals.” She gave her trademark response: “FAN-tastic!” Wanda touched a lot of lives as evidenced by a recent tribute on the Attorneys for Animals website.<sup>8</sup>

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**Animal Law Section**  
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## Can Michigan Citizens Constitutionally Feed the Birds?

**EDITOR'S NOTE:** Last year, to its everlasting shame, the City of Eastpointe, Michigan decided to crack down on crime by citing Eastpointe resident Viki Paake, an otherwise law-abiding citizen, for feeding pigeons and wild birds in her backyard. After Ms. Paake was convicted in the city's municipal court, Animal Law Section attorney Stuart M. Collis initiated an appeal to Macomb County Circuit Court. A happy conclusion was ultimately achieved through third-party mediation whereby Ms. Paake's conviction was vacated, and she may continue, with minor restrictions, feeding her backyard birds. For those who may be faced with similar situations in their own communities, we present relevant portions of attorney Collis' Appellate Brief wherein he made a devastating attack on the constitutionality of the city ordinance as overbroad and vague.

**STATEMENT OF QUESTION PRESENTED**  
"Whether the Eastpointe City Ordinance 1860.03 is so vague or overbroad so that a reasonable person would not know what conduct was prohibited and therefore unconstitutional under the United States Constitution and Michigan Constitution."  
Defendants answer: "Yes."

**STATEMENT OF FACTS**  
On June 26, 1997, the Defendants were given a citation for an alleged violation of Eastpointe city ordinance 1860.03(C), which states, "All owners and/or occupants in the City, in order to prevent rat harborage, shall: Store and handle, in a manner approved by the City, all building materials, cartons, machinery raw materials, fabricated goods, food and/or foodstuffs and any other materials that might provide harborage and/or a food supply for rats." The Defendants own 24766 Dwight, which is located in the City of Eastpointe. Mr. Steve Glass is the code officer for the City of Eastpointe that gave the Defendants the citation based upon a large amount of pigeons that were located at the Defendants' home. Mr. Robert Willard also witnessed twelve pigeons on the ground, which he believed were feeding since he saw the pigeons pecking on the ground. He also witnessed several pigeon droppings, which he believed and to which three neighbors testified, were a nuisance to the neighbors. Mr. Willard believed that the birds were

of the neighbors testified as to the sighting of any rats but all testified that they wished the Defendants would stop feeding the pigeons.

The Defendants had testified that they had been feeding the birds since 1992 and that they purchased the bird feeder in 1996 at the request of the city officer, Mr. Steve Glass. Mr. Glass also had asked the Defendants not to feed the birds on the ground anymore, and the Defendants complied. Furthermore, the Defendants had moved the birdhouse to the farthest possible location on their property from their complaining next-door neighbor, Jeff Kretsch.

Mr. Gary Ricci, who lives across the street from the Defendants testified that the pigeons have always been in the neighborhood and that he feeds the birds as well. Furthermore, he testified that when a bird feeds, it knocks food onto the ground. He also testified that there are several bird houses in the neighborhood.

After a bench trial, the Defendants were convicted of the ordinance violation and ordered to pay \$500 or spend 30 days in jail, beginning the following day so the Defendants could make arrangements for their children. The Defendants elected to spend the time in jail, but, they changed their mind and paid the fine the following day. Finally, nowhere on the record, during or after the trial, were the Defendants informed of their right to be represented by an attorney.

*(continued on page 3)*

**Newsletter from 1998**

**Q: Tell me about the early days of animal law. I imagine there was skepticism and maybe even some pushback. What was it like?**

**Don:** In the early days, people didn't know what animal law was about. I would often be challenged by people who did not take the field seriously, but I always deflected with humor. I would ask people, "Do you have a dog (or cat)?" And when they responded "Yes" I would tell them "Well, your dog (or cat) has retained me and we're going to sue you." That broke the ice.

**Bee:** I remember our inaugural meeting in 1995. The bylaws used the term "animal rights" and some folks were opposed to that terminology. I also recall an early article in the news that mentioned Michigan's newly formed animal law section. The tone of that article was quite dismissive.

**Q: I know the Section's Legislative Committee is very active and has provided written position statements as well as oral testimony on animal-related bills. Can you give a recent example (or a favorite example) of legislation the Section has helped to move forward?**

**Bee:** By way of background, the Section has been taking positions on bills since the 2005-2006 legislative session. We take positions and provide testimony on a wide variety of legislation that impacts animals. We were active in supporting three major bills that became law in the past five years:

one allowing animals to be included in Personal Protection Orders (PPOs);<sup>9</sup> one strengthening the animal crimes law;<sup>10</sup> and one essentially making Michigan a cage-free state.<sup>11</sup>

Two bills are illustrative of our approach: In 2015, a bill was introduced as part of a package to repeal what were considered “archaic” laws. Among those was repeal of a bill “Prohibiting the Sale of Dyed or Artificially Colored Baby Chicks, Rabbits, Ducklings or Other Fowl” (2015 HB 4251). The Section, along with other advocates, raised immediate and loud objections. The bill was withdrawn. Our goal was to educate legislators that this is not a frivolous, outdated, or unnecessary prohibition.

HBs 4910/4911 of 2019 are the most recent bills on which we testified, in September 2020. These bills would regulate emotional support animals (not service animals) by criminalizing the misrepresentation of emotional support animals and allowing for early termination of leases for violations. We joined other organizations opposing the bill but focused on the hardship to the animals involved and the legitimate role these animals serve. [Note: Ultimately the Governor vetoed these bills.]

**Q: What stands out in your mind as an area in which Michigan has made significant progress in terms of animal protection?**

**Bee:** The greatest gains have been for companion animals. Michigan has strong animal cruelty laws. The addition of animals to PPOs has been significant, as threats of harm or actual harm to companion animals is common in domestic violence situations. Dove hunting was prevented— all counties voted against it in 2006. Some progress has been made to protect Michigan wolves, but that progress has been thwarted by special interest groups.

I’ll give you an example of the need for vigilance and persistence. In the early to mid-2000s, we started to see ballot initiatives introduced by advocacy groups to phase out the most egregious of agricultural confinement practices related to egg laying hens, gestation crates for pigs, and veal crates. Such a ballot measure was proposed for Michigan and had wide-spread support. In response, to avoid a lengthy and likely successful ballot measure, the legislature passed House Bill 5127 of 2009 (2009 PA 117), which set phase-out dates for confinement of egg-laying hens and ges-



tating sows by 2019 and phase-out of confinement of calves (veal crates) by 2012. However, as the ten-year deadline approached, the egg producers lobbied for more time and a bill was introduced that would have repealed all protections added by the 2009 law as well as extend the time for phase-out. The Section and other animal welfare groups mobilized and succeeded in passage of a much less draconian law referenced above (2019 PA 132) that delayed protections for egg-laying hens until 2024, less time than industry wanted. Michigan is the 5th or 6th largest egg producer, so the state going cage-free has significant impact on animals.

**Q: What trends or advancements have you noticed in animal law over the last 25 years?**

**Bee:** When the Section started in the 1990s, animal law was not taken seriously. Now it’s accepted, even feared! Animal law is a component of general practice in areas like probate and divorce. Many law schools now offer animal law classes or programs. In terms of animal cruelty/animal abuse laws, we went from about 12 states to 50 states with felony level penalties. The field is also becoming more sophisticated and politically savvy. Some of the best creative legal minds are making an impact in litigation and legislation.

**Don:** There is certainly more interest and activity in animal law. The section’s newsletter dates back to 1997. We’ve published 42 issues and the State Bar Journal featured animal law in two issues: December 2013 and July 2018. Collectively, that’s over 600 pages of content over the years. One of my favorite articles was written by Barbara Goldman. She wrote an excellent comprehensive article on dog bite law that I highly recommend (See “Sinking Your Teeth Into the Michigan Dog Bite Law” in the Summer 2010 issue of the Animal Law Section’s newsletter, available on the SBM website; updated in “Highlights of Animal Law, 2013-2018” in July 2018 in a special animal law theme issue of the *Michigan Bar Journal*).

**Q: Given current events, do you think there will be renewed interest in animal rights/protection issues, post-pandemic?**

**Bee:** History shows that after a period of social upheaval, people are more open to systemic change. I have never seen the topic of slaughterhouses discussed so much. People understand that wildlife markets played a big role in the pandemic. And I think they are starting to realize that factory farms have the same potential.

**Q: There is considerable overlap on issues pertinent to both animal law and environmental law. What experience have you had with environmental law or advocacy? Do you see any similarities?**

**Bee:** Don and I both attended the first Earth Day events but



on separate campuses. This was before we met. I was at Ohio State and Don attended Michigan State. I remember Rachel Carson's *Silent Spring* was a big driver of the movement as was a law that would later become the Endangered Species Act. That spring there were also riots on campus related to the Vietnam War's expansion into Cambodia, so it was a pretty tumultuous time. I wouldn't describe myself as an environmental activist, but I was definitely interested in what was going on.

**Don:** I've always been interested in the economics of the American system. I can recall pushback on environmental law from people saying it would destroy jobs and the economy. I worked for an automotive company before I retired, so I am familiar with the battle for more stringent auto emission standards and regulations and I think there's been progress there. Animal law has also seen pushback due to economics, from people who see their livelihoods as threatened. For example, horse racing and greyhound racing are dying businesses. There is also more visibility to the problems of certain animal use industries, especially animals used as "entertainment." Economic issues are a big driver in both animal and environmental law, but changes in attitude have driven success in both areas. Animal law began with a focus on companion animals, but now there is more focus on wildlife and farmed animal issues which is where there is overlap with environmental law. Animal law is farther behind and can look to environmental law as a model.

**Bee:** We recognize that the environmental law movement can inform the animal law movement.

### Q: What do you hope animal law will look like over the next 25 years?

**Bee:** It's hard to predict because of the wild card – climate change. I would expect that the property classification will be removed or modified (e.g., animals as "living property"). I believe that the excesses of industrial agriculture (e.g., factory farms) will be curbed – for example, by strict enforcement of environmental laws and the industry no longer propped up by government subsidies.<sup>12</sup> I would hope that people will no longer view animals as entertainment or simply as money making schemes, with puppy mills becoming obsolete and adoption becoming the norm. When animals and money mix, the animals lose. I'd like animal law to achieve public acceptance, with animal law issues being embraced by the majority of society. I see a major shift in how humans interact with nature, and those who enjoy hiking, bird watching and similar activities, having more impact on its direction and funding. And, of course, we'd like – and expect -- to continue to attract the best people to the field.

**Don:** People often ask is it about rights or welfare? I think it's about social justice. We are the voice for the voiceless. The section gives out several awards each year to honor animal advocates. I always remind people at these ceremonies that the awards are earned, not won. On advocacy generally, if everyone does something, you can accomplish a lot. You don't need to do everything on every issue. Many hands make light work. You can accomplish powerful things one small step at a time. 🐾

### Endnotes

- 1 In accordance with the MELJ's mission statement regarding publication of viewpoint articles, the positions advanced within this piece are those of the author and the interviewees. They do not purport to represent the Animal Law or Environmental Law Sections' position on any legal issue.
- 2 G.K. Mikita, *Animal Law Section: An Advocate for Michigan's Animal Population*, 76 *The Michigan Bar Journal* 5, p 422-425 (1997).
- 3 See 2019 HB 724, Preventing Animal Cruelty and Torture Act as passed by 116<sup>th</sup> Congress. <https://www.congress.gov/bill/116th-congress/house-bill/724/text>
- 4 See The Non-Human Rights Project. <https://www.nonhuman-rights.org/>
- 5 Bee Friedlander leads several Section committees and is the President of Attorneys for Animals. She serves on the boards for Animals and Society Institute, Bird Center of Washtenaw County, and Leuk's Landing. Additional information provided by Bee from "A History of the Animal Law Section, 1995 to 2015" by Beatrice M. Friedlander, September 21, 2015.
- 6 Donald Garlit serves as Treasurer for the Animal Law Section as well as Attorneys for Animals and is Co-Editor of the Animal Law Section's Newsletter. He served on the board of Red-Rover from 2005-2011 and 2014-2019 and remains on the group's finance committee.
- 7 The answer portions of this article do not reflect direct quotes but rather excerpts and paraphrases from a conversation with Bee and Don.
- 8 See *Wanda Nash: A Remembrance at 75 and an Announcement*, Attorneys for Animals (2020). <https://www.attorneysforanimals.org/articles-for-advocates/wanda-nash-a-remembrance-at-75-and-an-announcement/>
- 9 2015 HB 4478; 2016 PA 94.
- 10 2017 HBs 4332/4333; 2018 PA 452 and 652.
- 11 2019 SB 174; 2019 PA 132.
- 12 There may be some traction on this federally. The Farm System Reform Act of 2019 (S. 3221) introduced last session by Sen. Cory Booker (and a companion bill in the House, H.R. 6718) would place a moratorium on new and expanding factory farms with phase-out by 2040, among other reforms.

# Recent Animal Law News

By Donald Garlit

***Co-Editor's Note:** The news below includes brief summaries of important and newsworthy items of interest. We chose these as being of most interest to our members. Many items are now appearing in the legal and national press and not all can be included.*

*You will see that some items cover situations in countries other than the United States. Improving conditions for animals is achieving worldwide interest.*

*Normally we only cover cases that have been fully adjudicated or legislation that has been signed into law. We are not following those approaches in all updates as there are several situations in the early stages that present interesting legal or legislative approaches that may be discussed below.*

*Additionally, we will continue to discuss recent cases which have involved dog attacks and animal cruelty which have resulted in serious charges against the owner/guardian. It appears that prosecutors are taking these situations much more seriously especially when there is a past pattern of dog aggression or animal cruelty.*

## Greece Increases Imprisonment Maximum Time from 1 Year to 10 Years in Cases of “Serious Animal Abuse”

Several cases of severe and gruesome animal abuse have shocked the people of Greece in 2020. As a result, parliament voted in November 2020 to increase the maximum possible sentence for animal abuse from 1 year to 10 years. The vote was unanimous.

“Serious animal abuse” is defined as poisoning, burning, mutilation, or hanging and would qualify for the 10 year sentence.

There is also a movement in Greece to create a special department within the municipal police force to deal with animal cruelty. However, that action is still under discussion.

Sources are International Tech News at: <https://internationaltechnews.org/greece-passes-revolutionary-animal-cruelty-laws-after-terrible-abuse/>

and

The National Herald at: [https://www.thenationalherald.com/archive\\_general\\_news\\_greece/arthro/greece\\_ups\\_animal\\_cruelty\\_penalties\\_to\\_10\\_year\\_maximum-1148331/](https://www.thenationalherald.com/archive_general_news_greece/arthro/greece_ups_animal_cruelty_penalties_to_10_year_maximum-1148331/)

## France Takes Pro-Animal Actions: Bans Wild Animals in the Circus, Phases Out Fur Farms, and Stops Breeding of Orcas and Dolphins

All actions were announced by the Ecology Minister Barbara Pompili in the end of September 2020.

First, the keeping and display of wild animals in the circus is to be phased out. Estimates are that there are 500 such animals held captive in French circuses. The eventual date for the ban was not announced although said to be “gradual.”

Second, the breeding of captive orcas and dolphins is



reported to be stopped. A broader ban was overturned by French courts almost 3 years ago. There are three marine parks in France.

Third, the farming of minks for fur is reported to be phased out within 5 years at France’s three remaining mink farms.

Sources are BBC News at: <https://www.bbc.com/news/world-europe-54353907>

and

ABC News at: <https://abcnews.go.com/International/wireStory/france-ban-wild-animals-circuses-marine-parks-73307384>

and

The Sunday Times (most behind pay wall although the initial page has some information about numbers of animals involved) at: <https://www.thetimes.co.uk/article/france-bans-mink-farms-and-captive-orca-breeding-9sdppftk0>

## Idaho Family Settles with US Government for \$38.5K after Son is Injured and Companion Dog Killed by “Cyanide Bomb”

Teenager Canyon Mansfield and his dog companion Kasey the Labrador were walking on Bureau of Land Management land when Canyon accidentally triggered a M-44

“cyanide bomb.” The resulting fumes killed the dog and caused Canyon to have symptoms for weeks.

The “cyanide bomb” had been placed on public land by Wildlife Services (part of the US Department of Agriculture) which is involved with wildlife and so-called predator “control.” Placement on public land was in spite of an earlier policy to only use the M-44 on private land and not on public land.

The family settled for \$30,000 for Canyon’s pain and suffering and \$8,500 for the monetary value of Kasey the dog. The family decided to settle as they believed a remote continuation of the case due to COVID restrictions prevented compelling testimony.

All personal injury claims were initially dismissed by a US District Court judge earlier in the year. The position of the government was that the triggering of the device was caused by the negligence of the family and child (Canyon was 14 years old when the event occurred in 2017). The government argued that there was no lasting harm to Canyon based on his outstanding performance in school and sports.

Sources are Idaho State Journal discussing the settlement at: [https://www.idahostatejournal.com/news/local/government-agrees-to-pay-local-family-38-500-in-lawsuit-over-cyanide-bomb/article\\_aae68aef-b04f-539c-ad38-969c0628096e.html](https://www.idahostatejournal.com/news/local/government-agrees-to-pay-local-family-38-500-in-lawsuit-over-cyanide-bomb/article_aae68aef-b04f-539c-ad38-969c0628096e.html)

and

Idaho State Journal discussing the government’s position at: [https://www.idahostatejournal.com/members/us-government-blames-local-boy-and-his-family-for-cyanide-bomb-detonation-that-injured-him/article\\_3e7d7e8f-3ecf-585b-8ed1-edf8d1dfe1b7.html](https://www.idahostatejournal.com/members/us-government-blames-local-boy-and-his-family-for-cyanide-bomb-detonation-that-injured-him/article_3e7d7e8f-3ecf-585b-8ed1-edf8d1dfe1b7.html)

and

US News & World Report at: <https://www.usnews.com/news/best-states/idaho/articles/2020-08-12/idaho-family-reaches-settlement-in-cyanide-bomb-lawsuit>

### **Pro Bone-o: Chicago animal shelter gets treats from ABA public service project – (Headline from ABA Journal Online Article)**

The ABA Section of Environment, Energy, and Resources held their first virtual service project in late October 2020. The project was to make dog tug toys for dogs at the Animal Shelter of Chicago. The group has done live public service projects in the past and wanted to continue the tradition even if the event had to be virtual.

Source is ABA Journal at:

[https://www.abajournal.com/web/article/aba-public-service-project-supports-chicago-animal-shelter?utm\\_source=salesforce\\_301747&utm\\_medium=email&utm\\_campaign=weekly\\_email&utm\\_medium=email&utm\\_source=salesforce\\_301747&sc\\_sid=01721076&utm\\_campaign=&utm\\_content=&additional4=&ad](https://www.abajournal.com/web/article/aba-public-service-project-supports-chicago-animal-shelter?utm_source=salesforce_301747&utm_medium=email&utm_campaign=weekly_email&utm_medium=email&utm_source=salesforce_301747&sc_sid=01721076&utm_campaign=&utm_content=&additional4=&ad)

[ditional5=&sfmc\\_j=301747&sfmc\\_s=51578391&sfmc\\_l=1527&sfmc\\_jb=340&sfmc\\_mid=100027443&sfmc\\_u=8978090](https://www.usdoj.gov/press/releases/2020/11/11/2020111101)

### **US Department of State Announces Visa Restrictions Aimed at Wildlife and Timber Traffickers**

The US Department of State announced visa restrictions to prevent entry into the United States of wildlife and timber traffickers. The restrictions began in November 2020. The goal is to “disrupt the movement and business of transnational criminal organizations.”

Restrictions will also apply to immediate family members if they are believed to be complicit or active in the trafficking.

The press release of the action mentions that an objective (among others of the restrictions) is to help in “protecting our precious natural world.”

Source is US Department of State press release at: <https://www.state.gov/new-visa-restrictions-for-wildlife-and-timber-traffickers/>

### **Supreme Court of Iowa Rules Emotional Support Animal Does Not Have Priority Over Tenant with Allergies in Animal-Restricted Housing**

Karen Cohen had a lease in a “no pets” building. David Clark, a new tenant, moved into the building. One month after moving in, Clark sought to bring an emotional support animal to live with him as the animal was needed to allow him to function. Cohen had documented allergies to dogs and wanted the building to remain animal-free.

The Iowa Civil Rights Commission contacted the landlord who tried to accommodate both tenants with such actions as an air cleaner in Clark’s apartment and separate stairwells for each tenant. Nevertheless, Cohen continued to have allergic reactions.

The Supreme Court of Iowa ruled in favor of Cohen in mid-2020 stating among other things that she had “priority of time” as her lease and tenancy pre-dated Clark and she had a right to “quiet enjoyment” of her property. The Court stated that the 4-3 decision was based on a balancing of interests.

Sources are ABAJournal at: [https://www.abajournal.com/news/article/emotional-support-dog-didnt-have-priority-over-tenant-with-allergies-court-says?utm\\_source=maestro&utm\\_medium=email&utm\\_campaign=weekly\\_email](https://www.abajournal.com/news/article/emotional-support-dog-didnt-have-priority-over-tenant-with-allergies-court-says?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email)

and

Supreme Court of Iowa opinion (Number 18-2173) at: <https://www.iowacourts.gov/courtcases/9110/embed/SupremeCourtOpinion>

## Colombia Bans the Use of Animal Testing for Cosmetics

The law passed in Colombia's Congress will take effect in 2024. Colombia joins nearly 40 other countries with such a ban. It is the first country in South America with such a ban.

Source is LiveKindly at: <https://www.livekindly.co/colombia-ban-animal-testing-cosmetics-cleaning-products>.

## US Court of Appeals for 9th Circuit Affirms that Cockfighting is a Crime of “Moral Turpitude” in Deportation Ruling – Conduct Caused Suffering to Sentient Beings

Petitioner Augustin Ortega-Lopez requested a review of a decision of the Board of Immigration Appeals (BIA) regarding deportation. The BIA had ruled that his conviction for cockfighting with a sentence of one year or more was a crime of “moral turpitude.” He was therefore ineligible for review of the deportation ruling.

The BIA noted that crimes of “moral turpitude” almost always involve the intent to harm or the harming of a person. The BIA explained that the immorality of the conduct by Ortega-Lopez involved “the infliction of suffering on sentient beings.”

The panel deferred to the BIA conclusion in an October 2020 ruling.

Source is Justia US law at: <https://law.justia.com/cases/federal/appellate-courts/ca9/18-72441/18-72441-2020-10-20.html>

## Nosey the Elephant Finds Her Peaceful Sanctuary

*Co-Editor's Note: We previously reported on Nosey the elephant in the Spring 2019 issue of the Newsletter in a short article about “Nosey's Law” in New Jersey which bans traveling wild animal acts in the state.*

Nosey the elephant “performed” for over three decades in a traveling animal show in poor conditions. She was seized by Animal Control officials in Alabama in late 2017 and transferred to the Elephant Sanctuary in Tennessee in 2018 to improve her living conditions and provide appropriate veterinary care to her. All of this was done pending a final adjudication or decision on her status.

The Elephant Sanctuary announced in early December 2020 that Lawrence County, Alabama transferred permanent custody of Nosey to them. She arrived in 2018 with major health issues and the sanctuary reports that she has had much improvement in her condition since that time. She is in visual and non-touching contact with other elephants although separate at this time as she has been exposed to TB. She turned 38 years of age in 2020.

The US Department of Agriculture revoked the Animal Welfare Act license of Hugo Liebel of the Great American

Family Circus in late 2019. The ruling meant that the circus can no longer buy, exhibit, transport, or sell any animals.

Source is The Elephant Sanctuary at: <https://www.elephants.com/news/elenotes/posts/the-elephant-sanctuary-is-granted-permanent-custody-of-african-elephant-nosey-and>

AL.com (Alabama news website) at: <https://www.al.com/news/2019/10/ex-owners-animal-license-revoked-nosey-saddest-elephant-in-the-world-at-home-in-sanctuary.html>

## Greyhound Racing in the United States is Ending Because of Legislative and Economic Reasons

*Co-Editor's Note: We last reported on the Florida ballot initiative and the state of greyhound racing in the United States in the Spring 2019 issue of the Newsletter.*

Florida's remaining three greyhound tracks closed at the end of 2020. Florida voters passed a ballot initiative in 2018 by an overwhelming majority to end greyhound racing in the state.

Additionally, other states have ended or plan to end greyhound racing. As noted in Kitty Block's (President and CEO of the Humane Society of the United States) blog, A Humane World:

Earlier this year, Alabama and Texas closed their last racetracks. Forty-one states, including Florida, have banned greyhound racing. The last track in Arkansas will close in 2021, leaving just two more states with greyhound racetracks—West Virginia and Iowa. In these states too, the sport is in a downward spiral, shored up by taxpayer funds.

It has been well known for years that the greyhounds are poorly treated at race tracks and related facilities. Many are injured and many die during races. The public has lost interest and tired of the “sport.”

Source is A Humane World at: <https://blog.humanesociety.org/2020/10/greyhound-racing-is-all-but-dead-as-florida-prepares-for-its-final-races.html>



# Michigan State University College of Law - Student Animal Legal Defense Fund (SALDF) Report

By Morgan Pattan, 3L, President, SALDF

While an entirely virtual semester has presented many challenges for law students, the virtual events that have taken place this fall have been a silver-lining for the Michigan State University SALDF chapter. The first event SALDF was able to host this year was a general meeting, where we were able to meet new members who recently joined and welcome back returning members.

This meeting gave us the opportunity to discuss areas of interest and potential events that would be feasible and beneficial throughout the semester. Our goal was to host one event each month that would allow members to engage with one another over our shared interests of animal welfare.

In October, SALDF members were fortunate to have a scholarship opportunity provided by Attorneys for Animals to attend the 28<sup>th</sup> Annual Animal Law Conference. This event was one of the positive instances of virtual learning in light of COVID-19. Typically, the event requires traveling accommodations, making it less feasible for some students

to attend. With the help of Attorneys for Animals, and the accessibility of the online platform, SALDF was able to hear from professors, attorneys, and scholars on the impacts on animals in a changing climate, a topic with great significance, specifically with the rise of zoonotic disease.

In November, members were able to attend a virtual speaker presentation with Sarah Foote, the General Curator of the Potter Park Zoo. With the popularity of Tiger King at the start of the pandemic, it was fascinating to hear about the procedures and care given to animals of an AZA accredited zoo. Members were able to learn about the licensing and accreditation process and the high standards that must be met to ensure proper welfare for the animals being cared for at the Potter Park Zoo.

With the spring semester quickly approaching, and our classes still being virtual, SALDF will strive to find creative ways to continue educating ourselves and our peers with ways to advocate for animals whether it be through legal systems or everyday personal choices. 🐾

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## Treasurer's Report – 2019-2020 FY (12 Months through September 30, 2020)

This is a brief summary of the Animal Law Section's financial status as of September 30, 2020 (12 months of the FY).

Membership totals about 215 members for the 2019-2020 FY. This is a membership increase of about 5% from the prior Fiscal Year (ended September 30, 2019).

Revenue for the year was \$4,855.

Expenses for the year were \$2,903.

Net income was \$1,952.

The major expenses for the year include two issues of the Newsletter (\$1,933), honorarium for the Wanda Nash Award (\$250), expenses for the pre-pandemic Award ceremony (\$264), and other miscellaneous expenses including teleconference calls, amicus motion fee for case related to animals, postage, eBlast thru SBM, and credit card fees from the SBM related to member payments of SBM annual dues (\$456).

There are no expenses related to the Annual Meeting this year. We have always believed that it is important for the Animal Law Section to have a presence at the SBM Annual Meeting to support the SBM as well as to increase the Section's visibility and credibility. However, SBM Sections will not be holding meetings at the SBM Annual Meeting beginning in 2019 and the 2020 SBM Annual Meeting itself was virtual.

The funds balance at the end of the FY was \$16,356; an increase of \$1,952 compared with the prior FY year-end balance of \$14,404.

Respectfully submitted,

Donald Garlit  
Treasurer, December 2020



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## Animal Law Section Upcoming Event

Thursday, February 11, 2021, at 3 pm Eastern

Details to come, watch for an Animal Law Section eblast from the State Bar of Michigan

**Animal Law Section Online Training: Ethics for Animal Lawyers**  
with Russ Mead, JD and Shared Earth Foundation Visiting Professor, Center for Animal Law Studies, Lewis & Clark Law School

Join us for an informative (and entertaining) look at the particular (and peculiar) ethical issues facing attorneys who take animal law cases.

Russ Mead is a popular lecturer nationwide who uses examples from his career as general counsel for animal rights organizations to illustrate animal welfare and other animal-related laws. Russ has served as General Counsel for two of the best-known animal sanctuaries: Best Friends Animal Society, and Farm Sanctuary; and served as Farm Sanctuary's interim Executive Director.



Russ Mead, JD

Jason Puttsche Photography