



“The Future of Animal Law” Conference

By Mary Ann Kozlowski

***Editor’s Note:** Mary Ann Kozlowski with Animal Section members Bee Friedlander, Barbara Goldman, Margo Miller, and Anna Marie Scott attended “The Future of Animal Law” conference held at Harvard in April 2010. (As Treasurer, I will add that they all traveled at personal expense.) You should find this report most interesting. The conference was sold-out with attendance of more than 300 people.*

Table of Contents

“The Future of Animal Law”
Conference1

Editor’s Note2

Nominating
Committee Report - 2010.....2

MSU Law Professor Favre Wins
ABA Animal Law Award.....3

Coco Returns Home4

Cola’s Adoption- A Perfect Ending....5

Treasurer’s Summary Report for
2010 Fiscal Year (FY) –
Through July 20106

Book Review.....7

“REMEMBER WHEN YOU THOUGHT YOU COULD CHANGE THE WORLD? YOU STILL CAN.”

This phrase caught my attention early in 2007 after I read an article discussing Animal Law as one of the top emerging careers in law. Searching the Internet looking for information about Animal Law, I stumbled across a conference being held at Harvard Law School in the spring of 2007. This phrase was the title for the conference which was sponsored by the Animal Legal Defense Fund (ALDF) and their Harvard student chapter. Looking for something that would allow me to pursue my love of animals, I attended the Future of Animal Law in March 2007. I also attended the conference again this year which was held on April 9–11, 2010. The following is a brief overview of this year’s event.

The first topic on the program for Saturday, April 10, 2010 was “*Charting a Course for the Protection of Farmed Animals: Legal and Economic Approaches.*” Detailed information on this topic was presented by several speakers including but not limited to Peter Stevenson, chief policy advisor, Compassion in World Farming and Dr. Patrick Brown, Howard Hughes Medical Institute and Department of Biochemistry, Stanford University School of Medicine.

The next topic on the agenda was a discussion on “*Canine CSI: Advances in Investigating and Prosecuting Cruelty to Animals.*” Steve Payne, detective, Oregon State Police discussed securing admissible evidence and the acceptable methods utilized in order to prosecute animal cruelty cases. He was joined in his presentation by Dr. Melinda Merck, a forensic veterinarian with the American Society for the Prevention of Cruelty to Animals. Detailed information by Dr. Merck can be found on the website www.ivfesa.org.

Other topics covered on the first day of the conference were, “*Pet Theories: Breaking New Ground with Companion Animal Law*” and “*Almost a Person: What Lies Ahead for Chimpanzees?*” In reference to the first topic, Dr. Sebastian Gay, economics lecturer at the University of Chicago put forth theories for determining the fair market value of an animal. In reference to the second topic, Sarah Baeckler, executive director for Chimpanzee

Upcoming Event

Friday, October 1, 2010
2-4 p.m.

Annual Animal Law Section Meeting at the State Bar of Michigan Annual Meeting at the Amway Grand Plaza Hotel in Grand Rapids.

**Animal Law Section Council
2009-2010**

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Editor's Note

Welcome to the second issue of the Newsletter for 2010. This issue is primarily an informational newsletter about events involving Section members.

Section members Sharon Noll Smith and Richard Angelo recount stories of individual animals whom they were able to help through excellent and persistent legal effort. Our members have an interest in these stories and pictures of the assisted animals, who are Coco the cat and Cola the dog, are included with the articles.

We have several articles on other topics such as an important ABA award to Section member David Favre, the Treasurer's report for 2010 FY, a summary of a book about to be released and authored by Section member Allie Phillips, a report of the recent animal law conference in Massachusetts, and the nominating committee report for the upcoming year.

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

Nominating Committee Report - 2010

The Nominating Committee recommends to the Section the following nominees for the Section Council. The officers will continue as-is since they are in the second year of a two year term.

Chair: Anna Marie Scott
Chair-Elect: Mary Chartier
Secretary: Jennifer Pierce
Treasurer: Donald Garlit

Term Expiring 2014: **Tom Boven:** Tom is a prior Council member and is with Scholten Fant in Grand Haven

Sara Chisnell-Voigt: Sara is Corporate Legal Specialist with United Kennel Clubs

Brandon Scott (second term as Council member)

Amy Slameka (second term as Council member)

Per the Animal Law Section Bylaws, other nominations may be made from the floor at the Section's Annual Meeting.

The Nominating Committee on behalf on the Section Council wishes to thank those members for their prior work who are now term limited and unable to be nominated: Sharon Noll Smith and Suzanne Culliton Stephan.

Submitted by the Nominating Committee, Donald R. Garlit

Conference ... continued from page 1

Sanctuary Northwest, discussed her experiences working with chimpanzees.

The second day of the conference allowed the attendees to select topics depending on their interests. The morning session included two concurrent panels. The first one was entitled “*Replacing the Use of Animals in Toxicity Testing: A Mandate for the New Millennium*” and the second panel which I attended was entitled “*Defining the Second Wave of Animal Law.*”

The last session included concurrent panels on the topics of “*Proposing a Federal Animal Protection Commission: Updates and Next Steps*” and “*Putting the Critter in Critical Legal Theory: Lessons from Critical Legal Studies, Critical Race Theory, and Feminist Jurisprudence.*”

In reference to the weekend, there were many inspiring speakers as well as interesting attendees. Although not all of the topics were of interest to me, there were many fascinat-

ing ideas proposed as well as eye opening events occurring around the country in relation to Animal Law. My suggestion to section members would be to attend a future ALDF conference. The website for ALDF is www.ALDF.org. In addition, there are many other very informative conferences being held around the country in reference to animals. Conferences like these take us out of our daily routine and energize and inspire us.

It was at this conference in 2007 that I met Professor Favre and learned about all the wonderful things being done in Michigan in the area of Animal Law. If I had not attended this conference, I do not think I would have become as active in the Animal Law section as I am today. In addition, in 2007 I attended the conference alone. This time I was able to attend with several section members and that made the weekend not only a great educational experience but a fun one as well! 🐾

MSU Law Professor Favre Wins ABA Animal Law Award

Editor's Note: Section member Professor David Favre recently earned this important award.

Michigan State University College of Law Professor David Favre has been named the 2010 recipient of the American Bar Association Tort Trial and Insurance Practice Section (TIPS) “Excellence in the Advancement of Animal Law Award.”

The annual award recognizes a TIPS Animal Law Committee member who has advanced the humane treatment of animals through the law. Nominees are evaluated based on contributions to the field through legislation, scholarship, education, and/or leadership, with a special emphasis on activities carried out during the last three years.

“Professor Favre is a trailblazer in the fast-growing field of animal law,” said Joan Howarth, dean of MSU College of Law. “We are pleased that the ABA Tort Trial and Insurance Practice Section has recognized his far-reaching contributions to the field with this award.”

The ABA held a reception honoring Professor Favre at its annual meeting, which was August 5 through 10 in San Francisco.

The ABA Tort Trial and Insurance Practice Section provides a forum for its more than 35,000 members from across the nation to exchange information and address important



Professor David Favre

issues in tort trial and insurance practice. TIPS has 34 general committees, including the Animal Law Committee, which was founded in 2004 to address trends, develop policies, and serve as a clearinghouse for information regarding animals and the law.

Professor Favre, recently named the Nancy Heathcote Professor of Property and Animal Law at MSU College of Law, has been a member of the faculty since 1976. He has written numerous articles and several books dealing with animal issues, including *Animal Law and Dog Behavior*, *Animal Law: Welfare, Interest, and Rights*, and *International Trade in Endangered Species*.

Professor Favre is editor-in-chief of the *Journal of Animal Law*, the second legal journal on animal law established in North America, and one of only three in existence dedicated to the specialized topic. He is a national officer of the Animal Legal Defense Fund and of the ABA Animal Law Committee. He served as interim dean of the Law College from 1993 to 1996 and from 1999 to 2000. In addition to Animal Law, Professor Favre teaches International Environmental Law, Property, and Wildlife Law. 🐾

Source: Michigan State University College of Law

Coco Returns Home

By Sharon Noll Smith

Editor's Note: Section member Sharon Noll Smith presented the story of Coco at the March 2010 Symposium. This case resulted from a call to the Animal Legal Lifeline. Our readers are always interested in these stories about helping individual animals. I think Coco takes a good picture, too!

Coco, a shelter rescue kitty, was living the good life with his pet parent, whom we will call Janet, until her physician informed Janet that she would have to undergo extensive cancer surgery and would face an extended recovery time of several months, during which her physical activities would be substantially restricted. As Janet considered how best to care for her beloved Coco during her recovery, an acquaintance, whom we will call George, offered to have his mother care for Coco in the mother's home until Janet could fully resume caring for him.

Janet visited George's mother in her home, and satisfied herself that the older woman would provide good care for her precious Coco. The arrangement included provision for Janet to compensate the mother for her care of Coco. It was clearly understood that as soon as Janet was able to resume care of Coco, the cat would be returned to her.

Shortly thereafter, George announced to Janet that he was not satisfied with his mother's care of Coco, and he had decided to take Coco into his own home, without consulting Janet. As soon as Janet felt she was up to caring for Coco, she insisted that George return the cat, only to be told that he did not wish to return Coco to her. He informed Janet he thought Coco should become his cat. At one point, after George insisted that Coco had run away from his home, Janet drove past his apartment and saw Coco sitting at the glass door wall. George also informed Janet he had changed Coco's name. On another occasion, George insisted that Janet owed him a large sum of money as reimbursement for rounds of drinks he had bought when he and Janet were out for an evening in a group of mutual acquaintances.

As Janet continued to demand the return of Coco and as George continued to stall, it became increasingly clear that George intended to coerce Janet into a dating relationship by refusing to return Coco to her.

Janet promptly filed an action for Claim and Delivery



Coco

in district court, and contacted the Section's Animal Legal Lifeline for assistance. I agreed to assist Janet and quickly determined that there had not been any degree of relationship between Janet and George, either at the time she acquired Coco or subsequently; that the two had never lived together; and that George had never purchased food, supplies, or veterinary bills for Coco. In short, he was precluded from claiming any ownership or part ownership in Coco.

Receipt of the district court papers together with my letter enclosing a copy of my appearance apparently served to get George's attention, and as the date of the pretrial in district court approached, George finally agreed to return Coco to Janet. He constructed elaborate plans as to how, when, and where the return would be made. When the plans changed from day to day, however, Janet finally went to George's home, taking another individual with her, carrier in hand, and demanded George turn over Coco without any further delay. As a result, Coco is now back in his loving home.

A number of factors came together in this case to produce a happy result for Coco and Janet, the first of which was Janet's refusal to be intimidated by the actions of a control freak and her initiative in filing the action for Claim and Delivery. Janet's next right move was to contact the Animal Legal Lifeline for legal assistance. There is little doubt that if Janet had remained *in pro per* and the matter had gone to trial on the merits, the district court would have awarded Coco to her in any event. However, the added presence of an attorney in the court case and the prospect of appearing in court presumably gave George a firm nudge in the direction of returning Coco to Janet.

Following the return of Coco to Janet, the parties appeared for pretrial, the case was dismissed and Janet was awarded her costs and (modest) attorney fees.

Clearly, the Animal Legal Life Line continues to provide an invaluable resource for members of the public seeking legal redress on animal issues. 🐾

Cola's Adoption- A Perfect Ending

By Richard Angelo

Editor's Note: The efforts of Richard Angelo and many other people made a difference for Cola. Yet much of this "Perfect Ending" was a result of Cola having a great will to live and then showing that he is a good dog and does not fit any false stereotypes. Richard mentioned last year how meaningful this case was for him as he helped an animal.

Many may remember the story of Cola (see Spring 2009 issue of the Animal Law Section Newsletter), a pit-bull mix who was abandoned by his previous owner in a house in Carrollton Township in Saginaw County. From approximately April 2007 to April 2008, Cola lived alone in this house, eating furniture, feces, woodwork, and whatever else he could to stay alive. He had no contact with people other than what he heard through the outside walls. Neighbors in the area reportedly would bring food and water at times and slide it under the door of the home for Cola in an attempt to keep him alive. Animal Control officials were under constant criticism from the residents in the area for their failure to remove Cola from the home. Numerous complaints were lodged with the Saginaw Animal Care Center, but the officials' hands were tied, because Cola's condition did not deteriorate to the point where the officials were legally able to rescue him. Finally in April 2008, his condition became such that Animal Control officials were able to remove Cola from the home. At the time, Cola was skin and bones, weighing approximately 40-45 pounds. After Cola was removed from the home, his owner was charged with various animal cruelty counts.

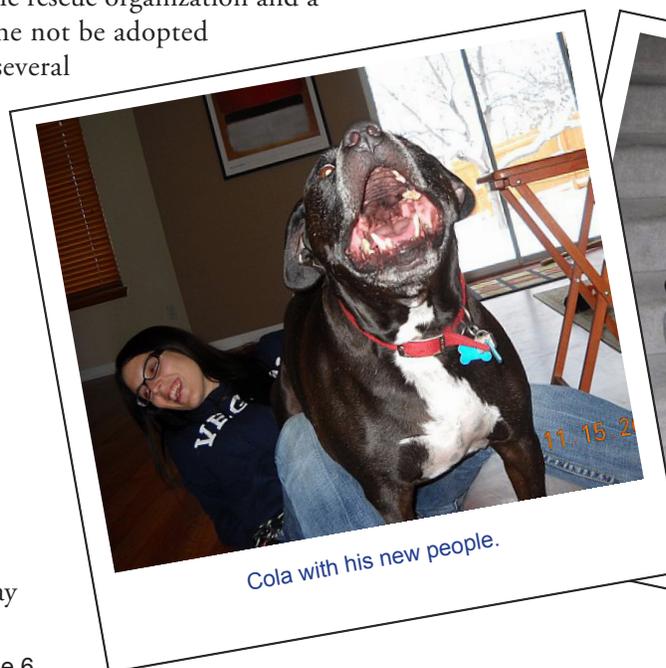
Since Saginaw County had, and still maintains to this day, an unwritten policy against adopting out pit bulls, Cola was likely to be killed once the court case against his former owner was completed. Several wonderful people took action, and in the end Cola was released to me, with the condition that he be placed with a reputable rescue organization and a further stipulation that he not be adopted out in Michigan. After several months of searching, Colorado Pit Bull Rescue agreed to take Cola if we could arrange his transport. In December of 2008, Cola finally reached the great people in Colorado to heal and hopefully start life anew.

I am happy to report that in December 2009, Cola was adopted by a wonderful family in Colorado (after a trial stay



Cola removed from house by animal control
(photo shown from 2009 newsletter)

All photos courtesy of Colorado Pitbull Rescue



Cola with his new people.



Continued on page 6

Cola ... continued from page 5



Cola at Adoption Event

at their home). The rescue spent several months providing treatment and training for Cola and was very careful in selecting the ideal adoption situation for Cola. Fittingly, right before Christmas in 2009, Cola found his perfect forever home.

He now has the run of his new home and goes on walks with his person on a daily basis. He loves meeting new people, especially the neighborhood children. Everyone who meets him is amazed

at what a wonderful “people” dog he is. After the ordeal that this wonderful dog had been through, his faith in humans has remained unbroken. According to his new person, he is quick to allow belly rubs and wags his tail constantly. Apparently his only issue is that if he sees a squirrel on his daily walks, all bets are off.

While the work that went into saving Cola was heart-wrenchingly difficult for all involved, it was all made worth it when you hear an update like this one. I cannot thank enough all of the wonderful people who assisted in getting Cola to safety, because there is no possible way it could have been done without them. 🐾



Cola after he was removed from the house by animal control

Treasurer’s Summary Report for 2010 Fiscal Year (FY) – Through July 2010

This is a summary of the Section’s financial status through July 2010. The purpose of this summary is to assure the members that the Animal Law Section is very viable with a healthy financial status and your Section dues are being spent responsibly.

The following will provide highlights of the financial status of the Section through July 31, 2010 (10 months of the FY):

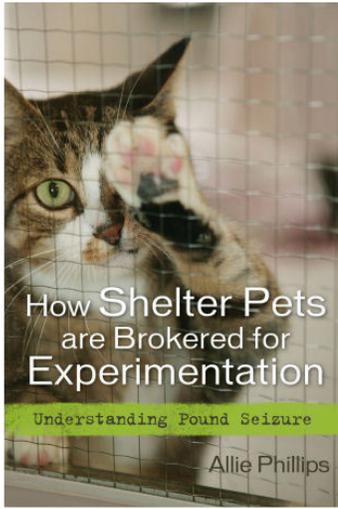
- Membership dues are down by about 3% this year. This is a reflection of the state of the Michigan economy.
- Expenses have been reasonable and have averaged about \$170 per month and are primarily for the Legislative Aides lunch in November, teleconference calls, the Wanda Nash award, and the website/listserv. We continue to have the monthly listserv charge so please use the listserv as a means of contacting other Section members.
- The total cost of the symposium was about \$490 (expenses exceeded revenues). Symposium attendance was good although lower this year as the symposium was aimed primarily at attorneys rather than a broader group which has included animal interest groups in the past. Additionally, we have always approached the Symposium as an educational function of the Section not as a profit making endeavor although we have generated a profit in some years.
- The latest issue of the Newsletter cost \$1,022 primarily as a result of it being the largest issue ever published by the Section, issue being all color, and extra copies printed for author, speaker, and event distributions.
- The Section fund balance was \$12,528 at the end of July – an increase of \$550 from the beginning of the fiscal year on October 1, 2009.

Respectfully submitted,

Donald Garlit
August 2010

Book Review

Editor's Note: A new book by Section member Allie Phillips was released in August. The following is from the publisher's information about the book.



HOW SHELTER PETS ARE BROKERED FOR EXPERIMENTATION: UNDERSTANDING POUND SEIZURE

BY ALLIE PHILLIPS

This book is a must read for anyone who knows nothing about pound seizure, as well as for the person well versed in this heinous practice and who wants to understand what she or he can

do to make the madness stop. This book is for anyone who considers themselves a “Good Samaritan” in helping to get animals in-need to shelters, yet may be contributing to the delivery of a pet to an animal research facility. This book also painfully illuminates how owners who surrender their pets due to situations beyond their control, or have their precious pets stolen from their own yards, can never be sure that their pet won’t end up splayed on an operating table or housed in sterile lab conditions and subjected to repeated experimentation. The message is simple - this is a practice that could literally affect you and your pet tomorrow. For the local animal control or community animal shelter, this book is a message that engaging in pound seizure is a practice that, if discovered, can and will result in the withdrawal of precious donation dollars, loss of community support, and loss of compliance with stray dog laws and abuse/neglect laws. I highly recommend this as an important book both for educating the pet-owning public as well as for animal advocates seeking advice and a road map in their work to ban pound seizure in our country.—Debrah Schnackenberg, Vice President of Animal Programs, American Humane Association

Back in the 1940s, the practice referred to as ‘pound seizure’ became a common practice in taxpayer-funded animal shelters across the country. Whether for cosmetic testing, human or animal drug testing, medical technique and tool

testing, or biochemical testing, these once-family pets are subjected to experimentation that often ends in death. While many states fail to keep accurate data, the number of pets who become victims of pound seizure easily reaches the thousands and though most citizens are unaware of the practice, it may very well be happening at their local animal shelter. Pound seizure remains a dirty little secret in American society, but the practice is moving toward extinction with the help of local citizens advocating for change at their shelter, as well as animal rescue and welfare organizations providing assistance and advocacy. Learning more about the practice, as well as alternatives, will help give readers a fuller picture of what’s happening in American animal shelters and what they can do to stem the tide of dealers and brokers sweeping off animals to their almost-certain demise.

About the Authors & Editors:

Allie Phillips is Vice President of Human-Animal Strategic Initiatives at the American Humane Association. She specializes in advocacy and lobbying on child and animal welfare legislation, particularly pound seizure advocacy on federal and state legislation and conducts trainings on advocacy techniques and animal cruelty prosecutions. She has conducted over 100 trainings for prosecutors, judges, law enforcement, child protection, animal welfare, domestic violence, and medical/psychological professionals on best practices in child and animal protection. She is the vice president of No Paws Left Behind, a nonprofit organization that helps pets caught in the foreclosure crisis and awards grants to pet owners to help them keep their pet while finding new housing and employment. She has published several legal articles on legal issues related to child and animal welfare, including one book chapter in *The International Handbook on Animal Cruelty*. 🐾

Source: Rowmand and Littlefield Publishers website: <http://www.rowmanlittlefield.com/index.shtml>



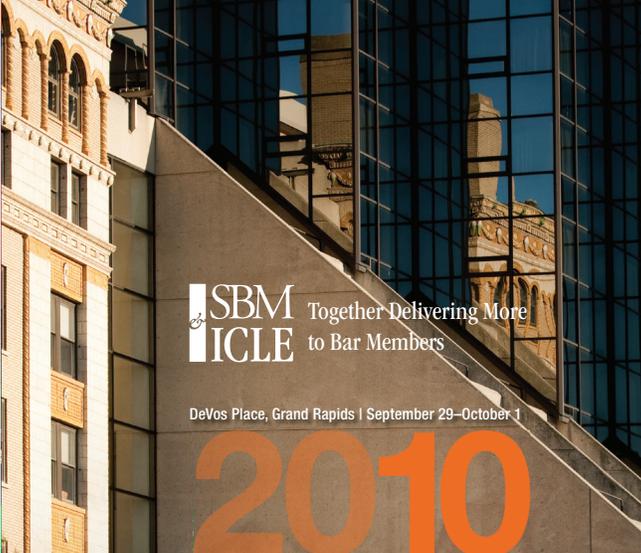
**“The Future of Animal Law”
Conference on page 1**



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Annual Animal Law Section Meeting
October 1, 2010 from 2–4 pm