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# Section Member Report: ABA TIPS Animal Law Committee Meeting in San Francisco and a Visit to BADRAP Pitbull Rescue

by Sara Chisnell

*All photos in the article courtesy of Sara Chisnell*

I had an amazing opportunity to attend the ABA Annual Meeting on behalf of United Kennel Club (UKC) in order to learn more about and become more involved in the Animal Law Committee (ALC). The ALC is a subsection of the Tort, Trial, and Insurance Practice Section (TIPS). It is comprised of some of the most brilliant legal minds active in animal law across the country, and I was honored to finally meet in person some of the people from my field that I truly admire. As Legal Counsel for United Kennel Club, I am always seeking new ways to expand my knowledge base and work with others in the field to improve dog laws while still protecting the rights of responsible dog owners. This was a new foray into a new group of people for me, and I'm so glad I was able to attend.

First thing Friday morning was the ALC meeting. It was the last meeting for the outgoing chair, Professor Rebecca Huss. Rebecca has quite the resume in animal law, and particularly in fighting breed specific legislation, but most notable was her involvement with the aftermath of the Vick dogs. She was appointed the "special master" (guardian) for the dogs and her job was to oversee the disposition and care of all of the dogs. Rebecca did an amazing job in coordinating with behaviorists, veterinarians, and various rescue groups to individually evaluate each dog and place them in fitting circumstances.

As Legal Counsel for the nation's largest performance dog registry that proudly boasts the American Pit Bull Terrier as one of its top registered breeds, I have always been a huge fan of Rebecca's work. We have communicated quite a bit over the past few years about various Breed Specific Legislation (BSL) issues. She has always given me excellent guidance, and helped encourage me to become more involved with the ABA TIPS Animal Law Committee. She introduced me as being with UKC at the meeting, and many seemed very happy to have someone from a purebred dog registry involved, which was quite refreshing and encouraging for me.

The meeting outlined some of the ideas and plans for the 2014 year. The incoming Chair, Yolanda Eisenstein, is authoring a book on "Dog Law" that has been approved by the TIPS Publication Board. Yolanda's theme for the upcoming year will be wildlife issues, and at least one of the newsletters will be dedicated to wildlife issues. There was discussion of setting up animal related service projects for upcoming ABA meetings, as these have



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## Editor's Note

Welcome to the first issue of the Newsletter for 2014.

We have two main article in this issue. The lead article is about animal law and activities at the August 2013 ABA Convention held in San Francisco. The second main article is a legislative update regarding the status of various proposed bills in the Michigan legislature. I was surprised at the number of proposed bills and the various issues that they address. The article should be of help to section members when they meet or communicate with legislators. Other articles are the Treasurer's Report for 2012-2013 (Final), my observations on animal law and the section after finishing two years as section chair, and recent news of animals and the law.

We continue to print the issue in all color including photographs and graphics. This greatly increases the visual appeal of the Newsletter. I personally like the many photographs from San Francisco.

As always, please remember that this is your newsletter, too. Helpful articles are always needed. In fact, if I can get one good main article for each issue, I can do the rest. Please consider writing an article that will be of interest to your fellow Section members. I have had several members suggest or volunteer articles and I am looking forward to these and other articles.

Donald Garlit, Newsletter Editor  
*donaldgarlit@yahoo.com*

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### San Francisco . . . continued from page 1

been successful in the past. I believe one is currently planned for the mid-year meeting in Chicago.

ALC was planning a shelter and rescue law program in October 2013 that went on to become a success. It may also be possible for the ALC to put on a CLE this upcoming year on an animal law topic. ALC has had great success increasing visibility of the section through the Facebook page; the page is active nearly every day with posts. Finally, the meeting ended with discussion on how to focus and grow state bar association outreach in an effort to attract membership and continue to grow.

After the meeting, several of us joined in the TIPS service project. It was originally going to be a dog-related



A view of the Golden Gate Bridge taken during running event

service project, but as that fell through, it was done with The Crossroads instead. The Crossroads is a unique organization that reaches out to homeless youth in San Francisco's Mission and Tenderloin districts. Many of their counselors go out onto the streets to find teens that don't use traditional services and they shape support services around the needs of each individual client. We helped to label and put away clothes donated mainly from Old Navy, Gap, and Banana Republic. While we were working, we got to hear more about their mission and how uniquely they work, all on donations. They receive no government funding so that they can follow their own guidelines instead of adhering to rigid standards and requirements. The time just flew by, and it was some of the most enjoyable and inspiring volunteer work I've done.

Once we were done with the service project, I was left with the remainder of the day to check out the ABA expo and explore San Francisco. That evening, I had an appointment with BADRAP in Oakland. While there were many rescue groups and individuals that were responsible for the salvation of the Vick dogs, one group that really facilitated just the idea of saving the dogs was Bay Area Doglovers Responsible About Pitbulls (BADRAP). Founders Donna Reynolds and Tim Racer wrote a proposal that included the group's history of successfully rescuing and re-homing pit bulls and also providing dogs for law enforcement. I felt like a groupie getting to meet my idols on this trip—not only Rebecca Huss, but the founders of BADRAP!

When Tim and Donna agreed to meet with me at their 'barn,' I was expecting to meet at a shelter type of building. I found out that the barn is actually in their backyard, and they opened up their beautiful home to me. Their 'barn' is a beautiful kennel facility, and they also have a guest cottage where interns can stay. Most of the dogs in BADRAP's adoption program start out in the kennels and stay in the home-like setting for a few days or several months. Depending on what the dogs need; they rest, heal and recover before moving onto foster homes or adopted families. In some cases, dogs with severe medical or behavior challenges stay here as a gentle ending to a difficult life. Dogs that are staying in the barn are part of the deal in the guest cottage—they get to spend the night with interns and guests.

I met some wonderful dogs, several of whom I could have taken home. They even had a little Parson Russell type dog that was one of two puppies they took in despite not being 'pit bulls.' His name was Mighty Tiny, which was fitting as he seemed to run the whole place. In addition, Donna and Tim also have a resident Husky mix named Elliott, who is elegant, stunning, and noble. He is such an even tempered and socialized dog that he is used in introducing rescues. I spent the evening talking with Tim and Donna on all things dog, and learned all about BADRAP.

Continued on next page



1. BADRAP office and kennel
2. Tim Racer and Donna Reynolds who are BADRAP founders
3. Interior view of BADRAP kennel
4. Pit bull-type dog carousel carving at BADRAP by Tim Racer
5. BADRAP kennel

San Francisco. . . continued from page 3

I learned they are originally Michiganders as both are from the Detroit area. Tim is an amazingly talented artist; he carves custom made carousel dogs that are just gorgeous in their creativity and detail. Both are such warm people with the biggest hearts for underdogs, I could have spent days with them. The evening flew by all too fast and before I knew it, it was time to get on the BART back to San Francisco, leaving with hopes of UKC and BADRAP working together in the future.

On Saturday, I attended the Presidential Showcase Program CLE, even though CLE's are not required in Michigan, because this CLE was hosted by TIPS. Most from the ALC were in attendance, as the title of the program was "Do You Really Know What You Are Eating? Contemporary Issues You Should Know About in Food Labeling, Advertising, and Fraud." The program was quite interesting and addressed litigation and legislation regarding a wide range of food products. The program was one of the most well-attended of the whole meeting, and was a great success.

Late Saturday afternoon, a reception for the Excellence in the Advancement of Animal Law Award recipient Professor Joan Schaffner was given. (Our very own Professor David Favre of Michigan State University College of Law was a recipient of the award in 2010.) The room was packed with members of the Animal Law Committee, TIPS, and others who were interested in animal law. Professor Schaffner is more than deserving of such recognition, her background and accomplishments in the world of animal law are quite extensive. She has helped author many ABA animal law books and publications, has written a scholarly book on animal law issues, *An Introduction to Animals and the Law* (2011, Palgrave MacMillan), has testified for breed neutral laws, and has been a presenter on animal issues at conferences worldwide.

Professor Schaffner is the Director of the George Washington University Law School Animal Law Program; a few of her students were in attendance for presentation of the award. After the reception, I was included in a small group that went to dinner with her. I got to speak more with Professor Schaffner, Rebecca Huss, and attorney Bonnie Lutz,



Tim Racer of BADRAP with Mighty Tiny and another dog



Noble Elliott, the husky mix

amongst other officers of the ALC. I had a great time getting to know them all, and for all of us to learn about each others' various interests in animal law. We all share a love for dogs in common and that bonded us together, despite our differences in background and some beliefs.

On Sunday all of the ALC activities were over and done, but a booth at the expo had advertised a guided fun run across the Golden Gate bridge. As I have recently gotten back into running, wanted to see Golden Gate up close, and have an unreasonable fear of bridges that I need to face, this was perfect. I made it down to the sports store by Crissy Field in the Presidio, in view of the Golden Gate bridge. Only a handful of attorneys made it out for the run, but it was a nice group and an easy going run, with gorgeous views. It was a great end to an awesome first experience at an ABA annual meeting.

I would really encourage all attorneys to become members and become involved in the ABA. The resources and learning opportunities are endless, in all forms from conferences to webinars to the ABA Journal to the ABA publications. In particular, the ALC is a small committee, but very active and very accomplished. I have used several of the publications in research and writing for my work at UKC. One notable achievement is the resolution that the ABA passed in 2012, thanks to the hard work of the ALC, regarding Breed Specific Legislation. The resolution urges adoption of breed-neutral dangerous dog laws and to repeal any breed discriminatory or breed specific provisions. The fact that the whole ABA stands against BSL is very important, and could be very persuasive to law makers considering any BSL. The ALC is very active in the fight against BSL and has had a great impact on many laws across the country. The more legal minds involved in the ALC to contribute to these kinds of things means the more that can be accomplished. 🐾



# Michigan Legislative Update

By Ann Griffin (Assistant Dean, University of Detroit Mercy School of Law) and  
Renee Edmondson (Legal Intern in the Office of State Senator Steve Bieda)

The information included in this chart was taken from [www.michiganlegislature.org](http://www.michiganlegislature.org) and is current as of December 13, 2013.

Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<b>S.B. 29</b> Engine Coolant Bittering Agent Act	“A bill to prohibit the sale of certain engine coolant in this state that does not contain denatonium benzoate as a bittering agent.”	1/16/13  Sponsored by Senators S. Bieda (PRIMARY), M. Kowall, D. Hildenbrand, J. Emmons, T. Rocca, R. Jones, G. Anderson, V. Smith, M. Jansen, G. Whitmer, V. Gregory, C. Young, M. Hood, B. Johnson, and H. Hopgood.	Referred to the House Committee on Regulatory Reform on 5/1/13.
<b>S.B. 560</b> Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters	“A bill to amend 1969 PA 287, entitled ‘An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies; and to repeal acts and parts of acts.’”  Subjects large-scale commercial breeders to the same Department of Agriculture regulations that apply to pet shops and shelters. Would require dogs and cats to have certain vaccinations before coming in to the state. Would establish hold times for dogs and cats entering animal shelters as strays.	10/1/13  Sponsored by Senators S. Bieda (PRIMARY), R. Jones, V. Smith, J. Emmons, V. Gregory, and B. Johnson.	Referred to the Senate Committee on Agriculture on 10/1/13.
<b>H.B. 4851</b> Puppy Protection Act	“A bill to regulate large-scale commercial breeding kennels; to provide for the promulgation of rules; to provide for exceptions; and to provide for penalties.”	6/19/13  Sponsored by Representatives V. Barnett (PRIMARY), S. Roberts, W. Schmidt, H. Santana, T. Brown, R. Kosowski, M. Callton, R. Tlaib, A. Kandreas, K. Yonker, D. Slavens, B. Dillon, and T. Abed.	Referred to the House Committee on Regulatory Reform on 6/19/13.
<b>H.B. 4850</b> Amendment to Dog Law of 1919	“A bill to amend 1919 PA 339, entitled ‘Dog Law of 1919,’ (MCL 287.261 to 287.290) by adding section 10a.” Requires “large scale commercial breeding kennel[s]” to be licensed and to comply with the Puppy Protection Act.	6/19/13  Sponsored by Representatives S. Roberts (PRIMARY), V. Barnett, W. Schmidt, H. Santana, T. Brown, R. Kosowski, M. Callton, R. Tlaib, A. Kandreas, K. Yonker, D. Slavens, B. Dillon, and T. Abed.	Referred to the House Committee on Regulatory Reform on 6/19/13.

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Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>S.B. 285</b></p> <p>Amendment to the Michigan penal code</p>	<p>“A bill to amend 1931 PA 328, entitled ‘The Michigan penal code,’ by amending sections 50 and 50b (MCL 750.50 and 750.50b), section 50 as amended by 2007 PA 152 and section 50b as amended by 2008 PA 339.” Enhances penalties for crimes against animals and creates a companion animal definition.</p>	<p>3/21/13</p> <p>Sponsored by Senators S. Bieda (PRIMARY), R. Jones, T. Rocca, M. Kowall, G. Anderson, M. Jansen, M. Hood, C. Young, and B. Johnson.</p>	<p>Placed on order of third reading with substitute S-2 on 9/19/13.</p>
<p><b>S.B. 286</b></p> <p>Amendment to the code of criminal procedure</p>	<p>“A bill to amend 1927 PA 175, entitled ‘The code of criminal procedure,’ by amending sections 16b, 34, 40, 46, and 49 of chapter XVII (MCL 777.16b, 777.34, 777.40, 777.46, and 777.49), section 16b as amended by 2008 PA 562, sections 34 and 40 as added by 1998 PA 317, section 46 as amended by 1999 PA 227, and section 49 as amended by 2002 PA 137.” Makes changes consistent with S.B. 285.</p>	<p>3/21/13</p> <p>Sponsored by Senators R. Jones (PRIMARY), T. Rocca, S. Bieda, M. Kowall, G. Anderson, M. Jansen, M. Hood, C. Young, and B. Johnson.</p>	<p>Placed on order of third reading on 9/19/13.</p>
<p><b>S.B. 348</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters; also referred to as the Puppy Lemon Law</p>	<p>“A bill to amend 1969 PA 287, entitled ‘An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies, ‘by amending the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 5b.” Regulates the sale of dogs and cats by certain persons and provides protection to dog and cat purchasers.</p>	<p>5/2/13</p> <p>Senators S. Bieda (PRIMARY), M. Kowall, R. Jones, H. Hopgood, V. Smith, B. Johnson, R. Warren, G. Anderson, and M. Hood.</p>	<p>Referred to the Senate Committee on Agriculture on 5/2/13.</p>

Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>S.B. 378</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person’s criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>“A bill to amend 1969 PA 287, entitled ‘An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,’ (MCL 287.331 to 287.340) by adding section 8b.” Requires shelters to search the ICHAT system to screen potential adopters and provides that shelters may not adopt an animal to an individual who was charged with an animal abuse offense and entered a plea or who was convicted of an animal abuse offense unless at least five years had passed since the conviction.</p>	<p>5/22/13</p> <p>Senators S. Bieda (PRIMARY) and R. Jones.</p>	<p>Referred to Senate Committee on Judiciary on 5/22/13.</p>
<p><b>S.B. 386</b></p> <p>Amendment to the Michigan penal code</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person’s criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>“A bill to amend 1931 PA 328, entitled ‘The Michigan penal code,’ by amending sections 49, 50, and 50b (MCL 750.49, 750.50, and 750.50b), section 49 as amended by 2006 PA 129, section 50 as amended by 2007 PA 152, and section 50b as amended by 2008 PA 339.” Prohibits a person who has been convicted of animal abuse from owning an animal for a period of five years.</p>	<p>5/23/13</p> <p>Senators R. Jones (PRIMARY), P. Colbeck, S. Bieda, and M. Kowall.</p>	<p>Referred to Senate Committee on Judiciary on 5/23/13.</p>

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Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>S.B. 603</b></p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1935 PA 120, entitled 'an act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police.'"</p>	<p>10/8/13</p> <p>Senators S. Bieda (PRIMARY), R. Jones, R. Kahn, J. Pappageorge, J. Ananich, P. Colbeck, G. Anderson, M. Kowall, and C. Young.</p>	<p>Referred to Senate Committee of the Whole with substitute S-2 on 10/17/13.</p>
<p><b>S.B. 604</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1969 PA 287, entitled 'An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies.'"</p>	<p>10/8/13</p> <p>Senators S. Bieda (PRIMARY), R. Jones, R.Kahn, J. Pappageorge, J. Ananich, P. Colbeck, G. Anderson, M. Kowall, and C. Young.</p>	<p>Referred to Senate Committee of the Whole with substitute S-2 on October 17, 2013.</p>

Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>H.B. 4354</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1969 PA 287, entitled 'An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,' (MCL 287.331 to 287.340) by adding section 8b." Requires shelters to search the ICHAT system to screen potential adopters and provides that shelters may not adopt an animal to an individual who was charged with an animal abuse offense and entered a plea or who was convicted of an animal abuse offense unless at least five years had passed since the conviction.</p>	<p>4/10/13</p> <p>Representatives P. Muxlow (PRIMARY) and H. Santana.</p>	<p>Referred to House Committee on Judiciary on 4/10/13.</p>
<p><b>H.B. 4755</b></p> <p>Amendment to the Michigan penal code</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1931 PA 328, entitled 'The Michigan penal code,' by amending sections 49, 50, and 50b (MCL 750.49, 750.50, and 750.50b), section 49 as amended by 2006 PA 129, section 50 as amended by 2007 PA 152, and section 50b as amended by 2008 PA 339." Prohibits a person who has been convicted of animal abuse from owning an animal for a period of five years.</p>	<p>5/21/13</p> <p>Representative H. Santana.</p>	<p>Referred to House Committee on Criminal Justice on 5/21/13.</p>

Legislation . . . continued from page 9

Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>H.B. 5061</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters</p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1969 PA 287, entitled 'An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies.'"</p>	<p>10/8/13</p> <p>Representatives H. Santana (PRIMARY),</p>	<p>Referred to the House Committee on Criminal Justice on 10/8/13.</p>
<p><b>H.B. 5062</b></p> <p>(ICHAT* package- adds animal abuse crimes to the ICHAT system; waives the \$10 access fee for animal shelters and animal control; allows animal shelters and animal control to take into consideration a person's criminal history, including crimes charged as well as convictions, in deciding whether to allow that person to adopt; prohibits a person who has been convicted of animal abuse from owning an animal for a period of 5 years.)</p>	<p>"A bill to amend 1935 PA 120, entitled 'an act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police.'"</p>	<p>10/8/13</p> <p>Representatives H. Santana (PRIMARY), D. Knezek, A. Schor, T. Stallworth III, A. Talabi, P. Cavanagh, and P. Muxlow.</p>	<p>Referred to the House Committee on Criminal Justice on 10/8/13.</p>

Bill No. & Title	Purpose	Date Introduced, Sponsors	Status
<p><b>S.B. 354**</b></p> <p>Amendment to an act to regulate pet shops, animal control shelters, and animal protection shelters</p>	<p>“A bill to amend 1969 PA 287, entitled ‘An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,’ (MCL 287.331 to 287.340) by adding section 8b.”</p> <p>Requires animal control shelters to euthanize dogs and cats by injection of a commercially prepared solution and would end euthanasia in gas chambers.</p>	<p>5/8/13</p> <p>Senators R. Jones (PRIMARY), T. Rocca, G. Anderson, J. Proos, J. Marleau, J. Pappageorge, M. Nofs, J. Ananich, S. Bieda, J. Brandenburg, T. Casperson, B. Caswelll, J. Emmons, G. Hansen, D. Hildenbrand, M. Hood, H. Hopgood, J. Hune, R. Kahn, M. Kowall, J. Moolenaar, D. Robertson, T. Schuitmaker, V. Smith, and R. Warren.</p>	<p>Referred to the House Committee on Local Government on 9/12/13.</p>
<p><b>H.B. 4861</b></p> <p>Sporting Swine Marketing Act</p>	<p>“A bill to regulate facilities used for raising and hunting of sporting swine; to regulate sporting swine livestock operations as agricultural enterprises in this state; to provide powers and duties of certain state agencies and officials; to authorize the issuance of certain orders; and to prescribe penalties and provide remedies.”</p>	<p>6/20/13</p> <p>Representatives E. McBroom (PRIMARY), S. Dianda, J. Kivela, M. Shirkey, G. MacMaster, F. Foster, J. Bumstead, K. Daley, P. Pettalia, and L. Posthumus Lyons.</p>	<p>Referred to the Senate Committee on Agriculture on 6/20/13.</p>
<p><b>H.B. 4862</b></p> <p>Amendment to Natural Resources and Environmental Protection Act</p>	<p>“A bill to amend 1994 PA 451, entitled ‘Natural resources and environmental protection act,’ by amending sections 40103, 41102, 41301, and 41302 (MCL 324.40103, 324.41102, 324.41301, and 324.41302), section 40103 as amended by 2012 PA 520, section 41102 as amended by 2009 PA 191, section 41301 as amended by 2009 PA 51, and section 41302 as added by 2009 PA 52.”</p> <p>Excludes sporting swine from prohibited species list.</p>	<p>6/20/13</p> <p>Representatives E. McBroom (PRIMARY), J. Bumstead, K. Daley, S. Dianda, F. Foster, G. MacMaster, L. Posthumus Lyons, P. Somerville, and J. Walsh.</p>	<p>Referred to the House Committee on Agriculture on 6/20/13.</p>

\* “The Internet Criminal History Access Tool (ICHAT) allows the search of public criminal history record information maintained by the Michigan State Police, Criminal Justice Information Center. All felonies and serious misdemeanors that are punishable by over 93 days are required to be reported to the state repository by law enforcement agencies, prosecutors, and courts in all 83 Michigan counties.”

<http://apps.michigan.gov/ICHAT/Home.aspx>

\*\* The Animal Law Section voted unanimously to support this bill.

## Treasurer's Report – 2012-2013 FY (12 Months Ending September 30, 2013)

This is a summary of the Animal Law Section's financial status as of September 30, 2013 (12 months of the 2012-2013 Fiscal Year). The purpose of this summary is to assure the members that the Animal Law Section is operating and maintaining a sound financial status, and that your Section dues are being spent responsibly and for appropriate purposes.

Section membership for the year was about 185 including attorneys, affiliate members, and law students, a number basically unchanged from last year's membership.

Expenses for the year have included \$698 for the August 2013 newsletter, \$480 for the listserv (used by all members as well as for communications from the Animal Legal Lifeline) which is a monthly decline of about 10% from the beginning of last year, a net expense of \$385 for the November 2012 conference, \$417 for food and refreshments for the Wanda Nash award ceremony in May, \$250 award to Renee Edmondson (recipient of the Wanda Nash Award), \$151 for telephone conference calls for meetings of the Section Council and Legislative Committee, annual meeting room rental of \$150, and \$34 for miscellaneous expenses primarily a framed recognition certificate and postage.

The Section Council decided to provide a cash award rather than an award plaque this year to the Wanda Nash Award recipient; something that will be much appreciated by graduating law students. The conferences have often incurred a slight net expense which is judged to be accept-

able as they are an important component of our educational function.

Dues for the year totaled \$4,385. Expenses totaled \$2,180. Net conference expense was \$385. Our year end fund balance was \$14,474; an increase of \$1,820 from the prior year's ending balance of \$12,654.

Respectfully submitted,

*Donald Garlit*

Acting Treasurer (for last half of 2012-2013 FY)  
December 2013



## My Thanks to Section Members and Some Observations on the Section and Animal Law

By Donald Garlit, Immediate Past Chair of Animal Law Section

I was Section Chair for two years ending on September 30, 2013. Here are some thoughts on the section and animal law.

### Thank You Especially to Section Members

I want to thank everyone who supported the Animal Law Section over the last two years. This thank you goes to our dues-paying members who ultimately make all the various

activities possible, Council and committee members, those who helped with the various section programs, members who responded to people who called the Animal Legal Lifeline for assistance, authors of newsletter articles, and student members with an interest in animal law. You are all thanked and appreciated.

The State Bar of Michigan is very supportive of our Section. We have developed a positive relationship over the

years. The staff is very helpful and this includes people in member services and communications (especially publications), finance, section and committee services, government relations, and the executive staff. I think that it is important for us to continue to reciprocate and support State Bar of Michigan activities.

### Special Animal Law Issue of the *Michigan Bar Journal* of December 2013

I am sure that you have received or seen the recent animal law theme issue of the *Michigan Bar Journal* by now. I do want to once again thank the authors of the articles who were Richard Angelo, John Arenz, David Favre, and Julie Fershtman. Thanks to Section member Barbara Goldman who also authored an article in the same issue on Animal Law Resources for the Libraries and Legal Research Committee. Her article was a pleasant surprise addition to the issue.

Special thanks are in order to Linda Watson who voluntarily helped edit the issue as a member of the SBM Publications and Website Advisory Committee and SBM Michigan Bar Journal editor Linda Novak.

Linda Novak's choices of colorful and meaningful graphics for the issue helped the issue immensely. She kept us on track though out the publication schedule. The Section should plan a special issue again in about three years.

### Wanda Nash Award Ceremony in May 2013

We had a brief press release from Cooley Law School, Grand Rapids with a photograph of the Wanda Nash Award ceremony in May 2013 in the last issue of the Newsletter. I wrote that there would be more coverage in the next issue.

We had a very nice ceremony at Cooley in a large conference room setting. Cooley Law School personnel were very supportive of the event and deserve a big thank you. Their support included publicity, nice flyers, and arrangements with the caterer for light hors d'oeuvres.



I made some opening remarks about Wanda Nash and the history of the award. Section member and Cooley adjunct professor Ginny Mikita who nominated Renee Edmondson for the award discussed Renee's work with animal law.

Renee Edmondson was very grateful for the award. I noted that the recipient did not "win" the award. The recipient earned the award and we had several excellent candidates for the award last year.

### Observations on the Section and Animal Law

Our section was formed in 1995 and is the oldest state-wide animal law bar section in the country. I think we all can be proud of that status and that is owed to Wanda Nash who initially developed and organized the section.

Animal law has come a long way in almost 20 years as I noted in my introduction to the special animal law theme issue of the *Michigan Bar Journal*. Just consider some of the following facts related to animal law in the last twenty years (I mentioned more in the introduction to the theme issue):

- 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 other examples showing that animal law and our section have come a long way in almost twenty years. Just look at the cases mentioned in this Newsletter issue as well as the many proposed laws summarized in the Legislative Update. People no longer chuckle when we mention that we are with the Animal Law Section of the State Bar of Michigan. There are attorneys and law students all over the United States and in other countries now interested in animal law. Rest assured that when I went to law school in the mid-1970's, I never heard the phrase "animal law."

At the same time, I know that things can seem static in the area of animal law especially if it is considered just month-to-month. However, change is occurring especially if one takes the long view as noted above. I am quite sure the future will present many interesting ideas, changes, and opportunities for animal law and those with an interest in animal law. 🐾

# MSU Student Animal Legal Defense Fund Report

By Kate Brindle

The Michigan State University College of Law Student Animal Legal Defense Fund (SALDF) enjoyed a productive semester in which we held several events and recruited new members. We held our first fall semester meeting in September and discussed the topic of animals in the movie industry. In October, we coordinated a “bark sale” and raised \$168.25 for Refurbished Pets of Southern Michigan by selling cookies, brownies, and other goodies to fellow law students. We also hosted a film screening of *Legally Blonde 2*, which we used as a catalyst to discuss animal testing.

MSU SALDF also accepted applications for spots on its team for the 11th Annual National Animal Law Competition, which it plans to attend at Northwestern University College of Law in February 2014. 🐾

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# WSU Student Animal Legal Defense Fund Report

By Rebecca K. Wrock

The Wayne State University Law School Student Animal Legal Defense Fund had a successful fall semester with several new 1L members, a presentation on Estate Planning for Pet Owners by Attorneys Bob Kass and Betty Carrie, a Keep Michigan Wolves Protected event with Jill Fritz, a tour of the organic Tantre Farm, and a presentation on Animal Experimentation, Research and Federal Law by Dr. Ken Litwak of Physicians’ Committee for Responsible Medicine (PCRM) which was followed the next day by participation in PCRM’s on campus demonstration against the dog experiments happening at Wayne State’s medical school.

Next semester we plan to view webinars on Equine Abuse, the links between Domestic Violence and Animal Abuse, and HBO’s “Death on a Factory Farm.” We’ll be putting together a vegan wine tasting networking event. Professor David Favre will present on Ethical Wildlife Issues at 12:15 p.m. in room DJK 2242 on Wednesday, February 5th. We’re also planning to learn about Michigan’s Canine Advocacy Program from director Dan Cojanu (TBA) and the Prosecution of Dogfighting from Wayne County prosecutor Raj Prasad (end of January). We’ll be sending two members to the National Animal Law Competition in February, and will be continuing our assistance to PCRM to end the dog experiments at Wayne State. 🐾



# Recent News of Animals and the Law

## Nonhuman Chimpanzee Rights Project Advances to New York Appellate Courts in 3 Cases

The Nonhuman Rights Project (NhRP) filed three lawsuits in early December of behalf of captive chimpanzees and requested judges to issue writs of habeas corpus. As expected, the writs were not issued as the chimpanzees are not legal persons. Interestingly, the judges appeared to provide encouragement and support of the NhRP position and all cases will be appealed.

Source is Marketwired at: <http://www.marketwired.com/press-release/nonhuman-rights-project-advances-new-york-appellate-courts-three-chimpanzee-rights-cases-1861061.htm>

See the Nonhuman Rights Project website at: <http://www.nonhumanrightsproject.org/>

## 49 States Now Have Felony Provisions for Animal Cruelty

Prior to 1986, only four states had animal cruelty laws that had felony provisions as noted in the article listed below. Michigan's felony provisions date from 1931 (4<sup>th</sup> state in nation to have such provisions) although Massachusetts' dates from 1804. Only South Dakota does not have felony provisions for animal cruelty. North Dakota became the 49<sup>th</sup> state with provisions by adding them in 2013.

Source is the Humane Society of the United States: <http://www.humanesociety.org/assets/pdfs/abuse/state-felony-cruelty-laws.pdf>

## California Law Moves Towards Recognition that Injured Animals are not “Replaceable” Forms of Property

Two cases from California (decided in late 2012) stated that recovery in the case of an injured animal is not limited to the “market value” of the animal. Plaintiffs were allowed to recover veterinary expenses. One case involved a dog shot by a neighbor and the other involved veterinary treatment.

Source is Animal Legal Defense Fund Blog: <http://aldf.org/blog/shifting-california-law-toward-a-recognition-that-injured-animals-are-not-replaceable-forms-of-property/>

## Detection Dog Sniffing for Narcotics on a Front Porch of a Private Home is a “Search” per Fourth Amendment

The US Supreme Court ruled last year in *Florida v. Jardines* that a detection dog sniffing for narcotics on a front porch of a private home is a “search” within the meaning of the Fourth Amendment and requires both probable cause and a search warrant. Other cases have ruled that use

of a detection dog without a search warrant is permissible although in different locations.

The case is discussed in detail at Wikipedia: [http://en.wikipedia.org/wiki/Florida\\_v.\\_Jardines](http://en.wikipedia.org/wiki/Florida_v._Jardines)

*Editor's Note: I am not suggesting using Wikipedia as a detailed legal research tool. However, the entry for this case discusses many aspects of it as well as other related cases.*

## Massachusetts Court to Decide if Animal Cruelty is “Exigent Circumstances” Overriding the Need for a Search Warrant

In the case of *Commonwealth v. Duncan*, police entered a yard in Lynn after they were able to look over a privacy fence and see two dead dogs and one live dog in apparent distress. They entered the fenced yard (after a lock was broken by the fire department) to help the dog. Defendant Duncan was charged with animal cruelty and challenged the legality of the search. The prosecutor is challenging the lower court ruling in favor of defendant Duncan regarding the legality of the search. The Massachusetts Supreme Judicial Court heard arguments in December and will rule on the case.

Source is court filings and Boston Globe at: <http://www.bostonglobe.com/metro/2013/12/02/mass-high-court-ponder-whether-search-warrant-needed-when-animals-are-danger/EGQb3orYWORztPigEdT07H/story.html>

Interestingly, a similar case in Fitchburg is on hold pending the finding of the Supreme Judicial Court.

Source is Sentinel & Enterprise News at: [http://www.sentinelandenterprise.com/news/ci\\_23297477/search-warrant-questions-stall-fitchburg-animal-cruelty-case](http://www.sentinelandenterprise.com/news/ci_23297477/search-warrant-questions-stall-fitchburg-animal-cruelty-case)

Section member Bee Friedlander has an interesting and detailed blog on the Duncan case at the Animals and Society Institute website at: <http://www.animalsandsociety.org/blog/is-a-dying-dog-an-emergency>

## Man in Japan Accused of Taking \$185K in Burglaries to Feed 120 Cats Premium Cat Food

Mamoru Demizu who is unemployed is accused of breaking into 32 homes and taking \$185K in cash and jewelry to feed 120 stray cats premium cat food. He kept some of the cats in a rented warehouse. Please, no jokes are allowed about him being a “cat burglar.”

Source is Huffington Post: [http://www.huffingtonpost.com/2013/12/14/mamoru-demizu-japan-crime-spreed-feed-cats\\_n\\_4444861.html](http://www.huffingtonpost.com/2013/12/14/mamoru-demizu-japan-crime-spreed-feed-cats_n_4444861.html)

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**(866) 211-6257**

## Upcoming Events

**July 11-12, 2014**

Second Annual International Animal Law Conference in Barcelona, Spain

**September 17-19, 2014**

State Bar of Michigan Annual Meeting in Grand Rapids

**Friday, September 19, 2014**

**1:30 – 3:30 PM**

Annual Animal Law Section Meeting in Grand Rapids during SBM Annual Meeting – (Time and Date is Preliminary Only)

