Animal Law: The Next Generation

Competition offers glimpse of tomorrow’s heroes, today

This February, you didn’t need a crystal ball or a deck of Tarot cards to see the future of animal law. You just needed to be on the campus of Harvard Law School in Cambridge, Mass. That’s where nearly three-dozen law students from across America gathered to compete in a groundbreaking event: a moot court and closing argument competition focused on animal law.

“I was delighted to see so many talented, enthusiastic students using their skills to tackle animal law issues,” says ALDF Executive Director Joyce Tischler. “These students are going to be the great animal advocates of tomorrow.”

“Everyone there agreed that the future of animal law is certainly in good hands,” adds Laura Ireland Moore, executive director of the National Center for Animal Law (NCAL).

Held at Harvard Law School February 27-29, the National Animal Advocacy Competitions was the first moot court/closing argument competition to focus on the rapidly expanding animal law field. The event was hosted by Harvard’s chapter of the Student Animal Legal Defense Fund and organized by NCAL. ALDF funded the event with a $10,000 grant and also underwrote travel expenses for several participants.

“Moot courts” are mock trials that give law students the chance to hone their skills arguing legal points before judges and juries. Fourteen law schools sent teams, including Harvard, Lewis & Clark Law School, Western State University College of Law, Roger Williams University School of Law, Northeastern University School of Law and Cleveland-Marshall College of Law. Competition participants presented oral arguments, briefs and closing arguments related to several important animal law issues.

Specifically, the moot court focused on the issue of standing (whether or not a given individual or group has the right to bring action in court). Because animals don’t have legally recognized rights, standing is frequently an obstacle for animal advocates. Competition participants had to argue both sides of a mock court case in which an animal rights organization was trying to sue the USDA over the treatment of chickens in factory farms.

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—John Hanchette, columnist, The Niagara Falls Reporter

“Hold on, Spot. Hold on, Fluffy. Animal law is a specialty whose time has come… Nothing warm and fuzzy about it, either. It is the level-headed practice of a new kind of law — a specialty that is now about where environmental law, which also didn’t exist once upon a time, was a few decades ago.”
—Zay N. Smith, columnist, The Chicago Sun-Times

This “Moot Court” Was Anything But

I’m an attorney, but this February I got to be a judge — and I loved it. I wasn’t ruling on a case, however. I was watching the future of animal law come to life before my very eyes.

What was I judging? The “moot court” competition featured in this newsletter’s cover story. While I was in Cambridge, Mass., for the National Animal Advocacy Competitions, I saw law students go head to head using the skills they’ll need one day to argue cases as attorneys. They wrote persuasive briefs, made impassioned oral arguments and convincing closing arguments and generally worked their tails off (so to speak). It was inspiring — in more ways than one.

You see, moot courts are pretty common around law schools, but this one was very special. First, and most exciting of all, the mock cases the students tackled all had a common theme: animal law. Second, the competition was held at Harvard Law School, one of the most prestigious law schools in the country. Third, it drew student teams from schools across the United States, proving that interest in animal law isn’t limited to a few isolated pockets of the country. And fourth, it gave those students — the animal advocates of tomorrow — a chance to hone their skills, preparing them for the day when they will be leading the fight to protect animals from cruelty and exploitation.

I came away from the competition filled with both pride and hope. Pride in the leadership role ALDF has taken in nurturing the animal law field. Hope because that nurturing is obviously paying off. The law students I met will become influential lawyers, judges and lawmakers in the years to come. Through them, animal law won’t just enter the mainstream, it will become the mainstream… and America’s animals will have a whole new generation of champions.

As an ALDF supporter, you should share my pride and hope. Without friends like you, we wouldn’t have the resources we need to nurture new SALDF chapters in law schools across the country. We wouldn’t have the resources we need to underwrite important, cutting-edge events like the Harvard moot court. We wouldn’t have the resources we need to make a difference for the animals who need our help.

It’s not every day you come face to face with the future. The future I saw in Cambridge was very bright indeed!

For the animals,

Steve Ann Chambers

Chambers with fellow judges William Funk (left) and Jonathan Lovvorn

For the RECORD

“Another group I support is the Animal Legal Defense Fund. The ALDF’s approach? Sue the bastards.”
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The Max Case: Round Two

The Winter 2003 issue of The Animals’ Advocate featured an article about Max, a cat in Spokane, Wash., who died after being set on fire by a pair of teenagers (“Little Steps on a Long Road”). Many ALDF supporters were disappointed by the lenient sentence the teens received – one year of probation, a fine, 150 hours of community service and random drug checks. ALDF was disappointed, as well. That’s why ALDF has awarded a grant to member attorney Adam Karp so he can pursue a civil case against the individuals who abused Max so cruelly.

Representing Bernadette Womack, Max’s human guardian, Karp has filed a lawsuit requesting that the young men’s families pay non-economic damages (i.e., compensate Womack for Max’s real worth as a companion, not just his market value as a piece of property). In addition, ALDF has filed an amicus (“friend of the court”) brief in the case supporting the need for non-economic damages.

“Damages are clearly appropriate here....,” the brief argues. “Max was...a living, breathing, feeling being with an identifiable physical and emotional life and consciousness, and an important member of the plaintiff’s family.”

“This kind of lawsuit is an incredibly valuable tool for animal advocates,” explains ALDF Anti-Cruelty Division Director Pamela Frasch, who has worked with Karp on the case. “It gives us another option. If we’re not satisfied that justice was done in the criminal courts, we can take the matter to the civil courts. One way or another, we can make sure victims like Max aren’t forgotten.”

Lawsuit Targets Dog Breeder

ALDF has also awarded a grant to Karp to pursue a lawsuit against a Washington woman who sold a puppy who died within days. The 14-week-old male Welsh Corgi, Levi, was suffering from severe diarrhea when he was purchased. Though the unlicensed animal dealer who put him up for sale, Coreenia Preston, claimed the illness was a result of being fed tuna fish by a child, a veterinarian has opined that Levi had been infected with the canine disease parvovirus for several days before he was sold.

Karp is seeking nearly $1,000 from Preston to cover his client’s veterinary bills, lost wages and other expenses related to Levi’s death. But that’s not all: He’s also hoping to send a message.

“This case is important because it will hopefully prevent breeders from believing they can sell sick animals without taking any responsibility,” says Karp, who’s seeking injunctive relief to prevent Preston from breeding and selling animals in the future. “In turn, that will reduce the suffering of the animals these people breed.”

ALDF Bids Farewell To Littlest Staffer

An ALDF office fixture passed away this winter: Louisa, a feral cat who came to live in ALDF’s Petaluma office in 2000. Louisa was the shyest of ALDF’s six feline “employees,” spending her first few years in the office quietly lurking under desks and in storage rooms. In the last year, she’d begun warming up to her officemates, however, and she could often be found hanging out with her cat pals Spike and Andy. Unfortunately, longstanding health problems developed during her life on the street finally overwhelmed her, and she died in March.

Anyone who loves animals has felt the pain of losing a friend like Louisa — whether cat, dog, bird, horse or some other species, our animal companions seem to leave us all too soon. If you’re struggling to overcome the pain of that parting, you’ll find helpful words of guidance on the ALDF website. Look for the essay “Getting Through Grief” by bereavement expert Julie Axelrod. It’s in the Resources section of the site under “Losing a Best Friend.”

Sentencing Approaches for Bird Killers

Three men have pleaded guilty to charges arising from the wanton killing of exotic birds at a sanctuary for abused and unwanted animals in Lacey Township, N.J. Three emus, two rheas and three Peking ducks were found bludgeoned to death at the Associated Humane Societies’ Popcorn Park Zoo after the seven-acre wildlife reserve had closed for the day.

Matthew Ronneberg pled guilty to animal cruelty, criminal mischief, criminal trespass and burglary. He will be sentenced July 16. Thomas Cavanaugh and Matthew Mercuro pled guilty to burglary, criminal mischief, arson (a golf cart and a shed were set ablaze) and other charges. They will be sentenced after Ronneberg.

To thank the prosecutor for aggressively pursuing this case — and request that the defendants receive psychiatric treatment and be restricted from future contact with animals — send a polite letter to:

Thomas Kelaher
Ocean County Prosecutor’s Office
119 Hooper Avenue
Toms River, NJ 08753
“Standing’ effectively bars animal advocates from getting key issues before a judge,” Tischler explains. “It’s one of the biggest hurdles you face if you’re trying to protect animals through the courts. It was inspiring to see these students finding new and innovative ways to overcome this challenge.”

A team from the South Texas College of Law took first place in the moot court competition despite having limited involvement with animal issues in the past. For the South Texas students, it wasn’t just a victory — it was an eye-opening experience.

“We learned a lot about abuses in the poultry industry — things that we had never heard before and which were very disturbing. I can assure you that no one from our team will be blind to those issues any longer,” says South Texas law student Daniel Johnson (who won the “Best Oral Advocate” award, as well). “I also learned a lot about the people involved in animal law. I didn’t feel judged because I hadn’t previously been involved in the animal rights movement. In fact, the opposite was true. People were very welcoming.”

Individuals taking part in the closing argument competition wrestled with another issue that has come to the forefront of animal law — non-economic damages. The students argued a mythical case involving a lawsuit filed against a pharmacy after a prescription error resulted in the death of a dog. The central question: Should the dog’s human guardians be awarded money beyond the animal’s market value?

“This is an issue we see daily at ALDF,” Tischler explains. “People’s companion animals are harmed or killed and they have no recourse because if they sue they can only recover the cost of replacing the dog, which could be $50 or less. Fortunately, I don’t think that will be the case forever. This is an area of the law that’s going to change — thanks, in part, to the efforts of committed new animal advocates like the ones I met in Cambridge.”

One of those new animal advocates is Ethan Eddy, a student at the Northeastern University School of Law and a closing argument semifinalist. The competition provided him with an opportunity to learn about the challenges he’ll face in the real world.

“It taught me that using the law to benefit animals requires a level of precision and mental agility you don’t always see in traditional areas of law practice,” he says. “I left with a much greater interest in animal law, but also with a more realistic view of the legal constraints and emotional strain that animal advocates have to face.”

**National Animal Advocacy Competitions 2004 Awards**

- **Moot Court Competition**
  - **First Place**
    - Winner: South Texas College of Law
    - Prize: $1,000
  - **Runner-Up**
    - Cleveland-Marshall College of Law
    - Prize: $250
- **Best Brief for Petitioner**
  - Northeastern University School of Law
  - Prize: $500
- **Best Brief for Respondent**
  - Cleveland-Marshall College of Law
  - Prize: $500
- **Best Oral Advocate**
  - Daniel Johnson, South Texas College of Law
  - Prize: $500
- **Closing Argument Competition**
  - **First Place**
    - Chris Green, Harvard Law School
    - Prize: $500

Semi-Finalists: Juan Garcia (South Texas College of Law), Ethan Eddy (Northeastern University School of Law), August McCarthy (George Mason University School of Law)
More Talk, Less Rock

Perhaps it shouldn’t be a surprise that Harvard Law School student Chris Green won the closing argument section of the National Animal Advocacy Competitions. After all, Green—who had to present his argument to several panels of judges—spent years learning how to win over audiences.

But those audiences weren’t judges or juries, and Green wasn’t doing his learning as a student. They were rock’n’roll fans, and he was behind the scenes as a tour manager.

Green spent years on the road with bands like Garbage, Goo Goo Dolls, Bush, Wilco and Rage Against the Machine. But after visiting 49 states and more than 20 countries, Green decided he’d rather help real animals than work for party animals.

“As enjoyable and lucrative as it was, ultimately I realized that there was more I should be doing with my short time on the planet than simply facilitating someone else’s fame and fortune,” he says.

Green’s desire to help animals pre-dates his head-banging days. As a teenager growing up in England and Illinois, he dreamed of becoming a veterinarian — until a not-so-helpful guidance counselor convinced him he wouldn’t have the grades to get into vet school. Her mistake turned out to be a blessing, as Green subsequently decided to pursue legal studies instead. After being admitted to Harvard, he enrolled in the school’s first animal law course. Green says the class (taught by author and animal advocate Steven Wise) put him on his current path.

He’s already put his legal knowledge to good use, writing a lengthy article on veterinary malpractice for Animal Law Journal, speaking about animal issues around the country and consulting with 60 Minutes and Dateline NBC on vet issues. He also hopes to create video documentaries that could be used to help educate state legislators across the country about the need for laws codifying civil damages for the loss of companion animals. And as if that weren’t enough, Green also plans to open a 4,000-seat music venue in New York City and launch his own restaurant chain.

Yet even with all these big plans (not to mention a ton of course work) to juggle, Green knew he had to find the time to take part in the National Animal Advocacy Competitions.

“It brought so many of the nation’s leading animal law figures together in the same room,” he says. “It was probably the largest, and certainly the most concentrated, assemblage of animal law heavyweights to date.”

And mixed in with the “heavyweights” were several young first-timers — students with little or no animal law background who left the Harvard campus with a new appreciation for the need to protect animals.

“As a byproduct of researching the cases, many of these people became converts,” Green says. “One team is actually starting a Student Animal Legal Defense Fund chapter at their school solely as a result of what they learned preparing for the competition.”

Green’s been an active SALDF participant himself, witnessing first-hand the big difference his chapter was able to make at Harvard — and the difference SALDFs at other law schools are making across the country.

“At schools where resources are fiercely fought over, having both a national network of chapters and ALDF behind us has been extremely helpful in justifying funding and providing direction. Harvard would never have offered an animal law course were it not for the tenacity of SALDF, for instance,” he says. “And with more schools offering more animal law courses, more bright minds will be exposed to the problems animals face — and hopefully devote their professional lives to giving a voice to those who literally can’t speak for themselves.”
“Spin City
Akron Responds to Animal Advocates… with “Hooey”

Last issue, The Animals’ Advocate turned the spotlight on Akron, Ohio, where the city council has passed an ordinance that, in essence, outlaws outdoor cats (“You Can Fight City Hall”). The city has handed out traps to anyone who asked for them, and dozens, then hundreds and eventually thousands of cats have been captured and put to death.

For months, animal advocates who complained about this cruel practice all received the same response from the city council: silence. But after ALDF encouraged its supporters to send the council letters and e-mails demanding that the ordinance be changed, the council finally did something. It began responding with a form letter that attempts to downplay the controversy — and the city’s responsibility for the thousands of cats its policies have doomed.

After reviewing the council’s form letter, experts on the Akron situation tell ALDF there’s only one way to describe it: It’s a load of hooey.

The Council’s Letter: “There has been no ‘round-up’ of feral cats by City animal control officers.”

Reality: “The city gives a live-animal trap to anyone who asks for one, and the vast majority [of captured animals] turned over to city officials are killed the first day,” says ALDF member attorney J. Jeffrey Holland, who is representing six Akron residents in a lawsuit against the city.

“Whether or not you call that a ‘round-up’ of cats is a matter of semantics. The bottom line is the city’s policy has resulted in more than 2,000 cats being killed.”

The Council’s Letter: “Residents are instructed by wardens to place food and water in the trap...and to immediately telephone our Customer Service Division once a cat has been captured. Our goal has been to respond within 2 to 4 hours.”

Reality: “The city cannot claim to know how long cats are being held in live traps,” Holland points out. “The city has put the care of these animals in the hands of untrained residents, making the assumption that these individuals will act responsibly. There is no way to weed out violent criminal offenders, the mentally ill, cat haters or those who are simply irresponsible.”

The Council’s Letter: “Wardens specifically advise trap holders to remove the food from the trap and close the doors on weekends...to prevent an animal from being left in the trap when wardens are not available.”

Reality: “Witnesses have reported seeing baited, open traps on weekends and during very hot and cold weather,” reports Deanne Christman-Resch, co-chair of Citizens for Humane Animal Practices (CHAP), an Akron-based grassroots organization that was formed to oppose the cat ordinance. “Many cats and kittens have been impounded early on Monday mornings. We can only speculate as to how long these animals were confined in traps.”

“The vast majority of captured animals turned over to city officials are killed the first day.”

—ALDF member attorney J. Jeffrey Holland

Spring 2004
The Council's Letter: “We are not aware of a single instance where an animal control officer of the City of Akron has removed an identification tag from an impounded cat.”

Reality: On June 22, 2003, The Cleveland Plain Dealer ran an article in which Akron’s former director of Animal Control, Glenn James, admitted that it was possible that collars were being removed from trapped cats. (See the article, go to www.summitcare.org.) And one of the plaintiffs in the lawsuit against the city found her cat’s collar in the street after he disappeared — and was presumably killed.

“Whether a collar is removed by a city employee or a city resident who has been entrusted with a cat cage, the result is the same — and the city’s policy is responsible,” says Christman-Resch.

The Council’s Letter: “A healthy cat, one that is obviously socialized and able to be redeemed and/or adopted, is [set aside for adoption].”

Reality: “Cats in Akron are being killed for being ‘flea infested’ or other conditions that are readily treatable,” says Holland. “We also believe that some members of the shelter staff aren’t capable of telling a socialized cat from a feral one. Many otherwise friendly cats will react aggressively when cornered in a cage and placed in unfamiliar surroundings with other caged animals.”

“Cats and kittens are routinely killed [in Akron] for the mild fungal disease ringworm as well as for having diarrhea or being ‘mean,’” Christman-Resch adds. “They are also killed for treatable injuries they might have sustained when they were simply trying to get out of the traps.”

The Council’s Letter: “The only method of euthanasia that has been used for any cat is intraperitoneal injection.... Contrary to publicized assertions, the ‘heart stick’ or intracardiac injection method has never been used by the County Shelter to euthanize an Akron cat.”

Reality: “We have also spoken with former shelter employees who say that the ‘heart stick’ method has been common practice there,” says Christman-Resch. “Sodium pentobarbital is injected directly into an animal’s chest. If it hits the heart, death comes quickly. If not, it can be a very slow process. Either way, the animal is killed very painfully. Shelter employees have used this inhumane method of euthanasia to kill thousands of animals.”

The Council’s Letter: “Contrary to information disseminated widely by internet e-mail, there has been no charge made to redeem or adopt a [captured] cat in Akron.”

Reality: “It is common practice in Akron to serve people who pick up their cats from the shelter with a criminal charge of allowing cats to run at large — a misdemeanor offense. The charge for a first offense has been $80, but the council recently voted to increase that by 50 percent,” says Christman-Resch. “There is also an adoption fee, even for nonprofit animal rescue groups who intend to rehabilitate and adopt out the animals as a public service.”

The Bottom Line: “Obviously, the Akron city council is trying to ‘spin’ its way out of trouble,” says ALDF Executive Director Joyce Tischler. “But I can think of a much better way for the council to make this controversy disappear: change the law. If they stopped the indiscriminate trapping and killing of outdoor cats, these outraged letters and e-mails would stop coming.”

Until that happens, Tischler says, CHAP, Holland and ALDF will continue to fight Akron’s callous cat policy.

Fishy Chips

In the wake of fierce criticism from animal advocates, the Akron city council is mulling over a change to its controversial ordinance outlawing outdoor cats. Unfortunately, the change wouldn’t end the killing of cats caught outside, which continues unabated. Instead, it would create a new program for inserting microchips into cats so that their human guardians can be alerted if they’re captured by the city.

Anyone who wanted their cat implanted with a chip would have to bring the animal to the local animal shelter and pay a small fee. Council member Renee Green proposed the program, saying it would ensure that “the animal kingdom is well-represented and protected by this City Council.” But those fighting Akron’s policies don’t agree.

“While it’s a positive move to spend $10,000 to implant chips in 1,000 cats, I can suggest a much cheaper way to save more cats than that — repeal the anti-cat ordinance,” says ALDF Executive Director Joyce Tischler.

On the heels of intense pressure from ALDF, Alley Cat Allies and a lawsuit brought by local animal advocates, the Akron city council is also looking at launching a series of spay/neuter clinics this year. Both Tischler and Alley Cat Allies National Executive Director Becky Robinson applaud that move, saying it’s a humane, proven way to reduce the number of stray animals in the community. The microchip idea, on the other hand, is being greeted with considerably less enthusiasm.

“According to Citizens for Humane Animal Practices in Akron, the city has already killed more than 2,000 cats because of this ordinance,” Tischler says. “Even if 1,000 of those cats had been microchipped, another 1,000 would still have been killed. A microchip program isn’t going to put an end to needless deaths.”

“This is a ploy to divert attention from Akron’s cruel cat-trapping campaign, and it doesn’t fool anyone,” adds Robinson. “Opening spay/neuter clinics is an excellent plan, but first and foremost they must stop encouraging the trapping and killing of Akron’s cats.”
Florida police department has donated $500 to ALDF as part of a settlement with Paul Potter, whose dog was killed by one of its officers nearly two years ago. The Riviera Beach Police Department also donated $2,500 to the Animal Rights Foundation of Florida and $1,900 to a trust account established for the Potter family.

In March of 2002, two Riviera Beach police-men responded to a silent burglar alarm that had been activated at a house next door to Potter's. The officers entered the Potter home by mistake, and an 8-year-old Springer spaniel named Bridgette heard them and went to investigate. One of the officers shot and killed Bridgette — who was mere feet from where Paul Potter sat watching television.

When Potter ran to Bridgette's side and asked the policeman why he'd killed the dog, the officer replied, “Standard police procedure” (though the Riviera Beach P.D. later disciplined the officer for several violations of procedure).

Represented by ALDF attorney member Fred Cohen, Potter brought suit against the police department, and the settlement was reached late last year.

“We're gratified that there was a reasonable payment to two organizations that are in the forefront of improving the lives and conditions of all living beings, even if they are not human,” Cohen says. “We accepted this settlement offer in the spirit in which it was offered and on behalf of Bridgette, a beloved companion and an innocent victim who was doing no more and no less than her job on behalf of her human guardian.”

“We’re heartened that the Riviera Beach Police Department has acknowledged the terrible sense of loss experienced by Bridgette’s human family,” adds ALDF Executive Director Joyce Tischler.

ALDF will use this donation to help support its Zero Tolerance for Cruelty campaign, through which it advises and assists law enforcement agencies handling cruelty investigations.