

# the Animals' ADVOCATE

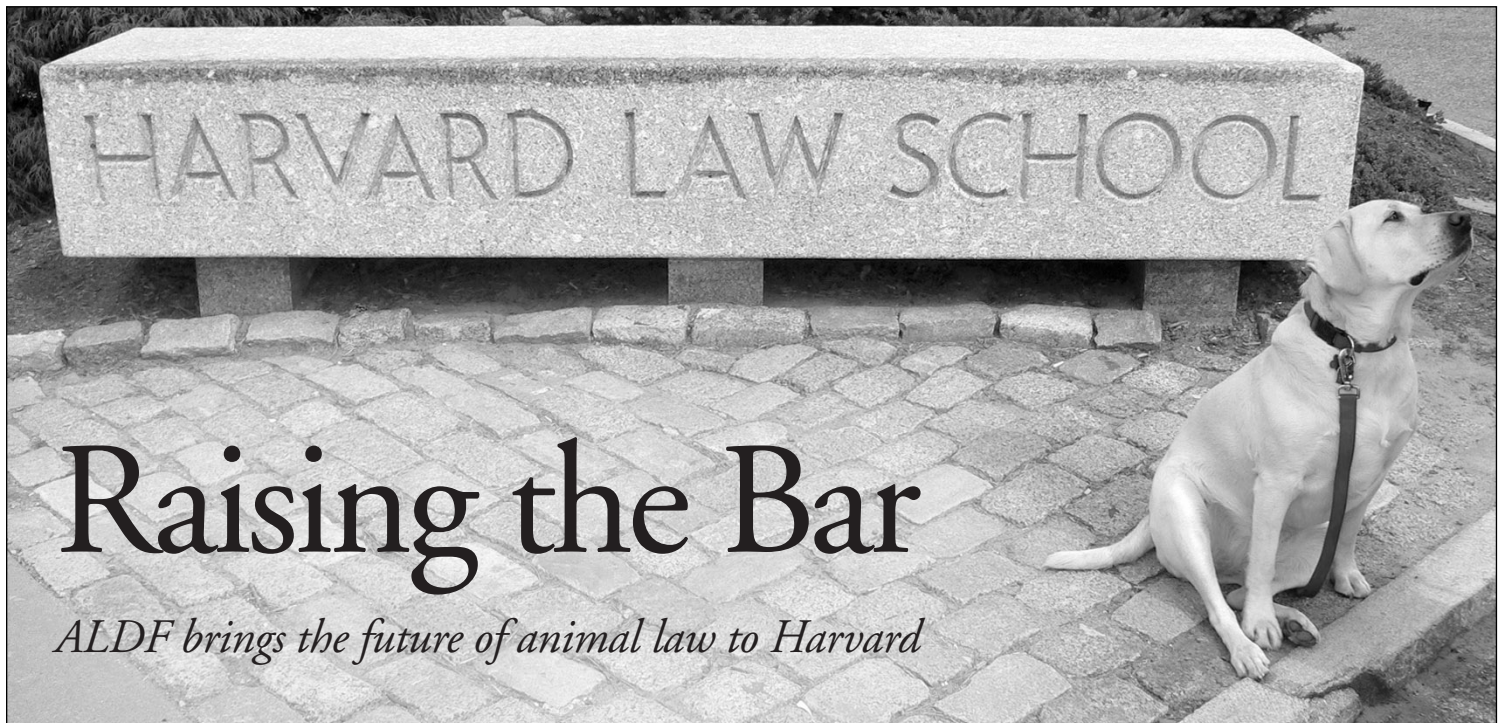
Summer 2007  
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A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND

**INSIDE:**

Legal  
Pioneering  
Protects  
Cats

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## Raising the Bar

*ALDF brings the future of animal law to Harvard*

**H**istory and emerging legal issues came together this spring as attorneys, law students, professors, and activists from around the world convened for “The Future of Animal Law” at the prestigious Harvard Law School in Cambridge, Massachusetts. Sponsored by ALDF and the Harvard Student Animal Legal Defense Fund (SALDF) chapter, the March 30 – April 1 weekend conference gathered more than 300 participants to hear 36 presenters, including keynote speakers Jeremy Rifkin and Ben Stein, explore vital issues relative to animal law and activism.

Kicking off the proceedings was ALDF Executive Director Stephen Wells, who welcomed attendees and introduced Joyce Tischler, ALDF’s founding director. Joyce reflected on how the field of animal law has grown since she founded the Animal Legal Defense Fund in 1979. She

said she is inspired by the words of author and law professor David Favre, who has suggested that the property status of animals is like a river, with humans on one side and animals on the other. “The purpose of animal law is to find the narrowest, shallowest parts of that river,” she said.

The energy was palpable inside Harvard’s Ames Courtroom during a variety of panels and interactive sessions. Guest speakers included Sara Amundson, executive director of the Humane Society Legislative Fund; Paul Berry, CEO of Best Friends Animal Society; Chris Green, vice-chair of the American Bar Association’s Animal Law Committee; Cathy Liss, president of the Animal Welfare Institute; Ian Robertson, barrister and solicitor of the High Court of New Zealand; Paul Waldau, director of the Center for

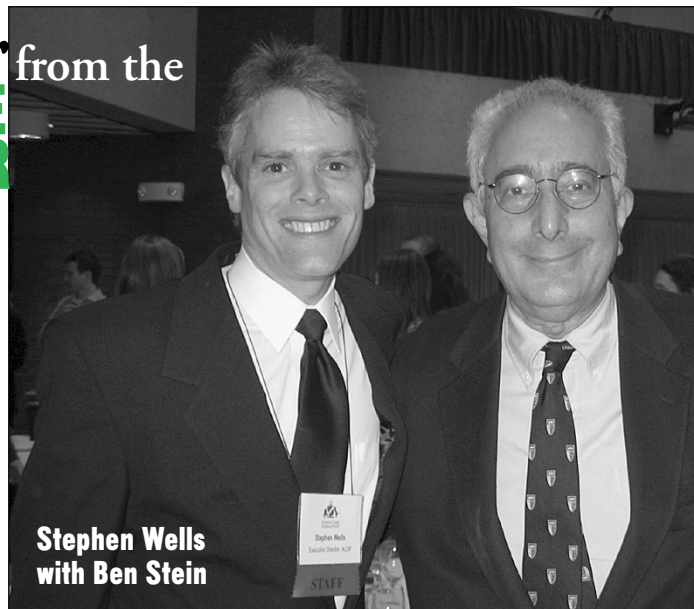
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For the **RECORD**

*"...what I can do is to make sure that those lost, the strayed, the abandoned, the unwanted animals that are given up to shelters, regrettably very frequently on a daily basis are, if they can't find a good home, euthanized in accordance with the laws duly passed by the Georgia General Assembly, not last year, not two years ago, but 17 years ago."*

—**Judge Cynthia Wright** of Fulton County Superior Court, in her order in *Morton v. Georgia Department of Agriculture*, ordering the state of Georgia to enforce the prohibition on the gassing of dogs and cats in Georgia shelters

**Letter** from the  
**EXECUTIVE DIRECTOR**



**Stephen Wells  
with Ben Stein**

## What a Difference a Decade Makes...

**T**wenty-eight years ago, animal law was nonexistent. Even ten years ago, putting those two words together in front of a lawyer or law professor would have been met with incomprehension or, worse, ridicule. Not any more.

Many of you will remember actor/comedian/game show host Ben Stein as the spectacularly boring high school teacher in the movie *Ferris Bueller's Day Off*. But what you may not know is that Ben was also the valedictorian of his Yale Law School class and taught law at Columbia, Pepperdine and UC Santa Cruz. Not to mention that he's the author of 16 books and was a speechwriter for two presidents. He is also a vocal and eloquent advocate for animal protection.

Ben was one of 37 speakers who came to Harvard at the end of March for ALDF's second biennial conference, "The Future of Animal Law." Joining him were lawyers, law students and law professors from all across the country—even animal law experts from as far away as China, New Zealand and Australia.

The common thread through the weekend-long event was the myriad ways the law interacts with animals and affects their well-being. The bottom line: more needs to be done to assure that the law stops regarding animals as if they were "things" like a chair or a lamp. But the good news is that much has been done and is being done. And the number of motivated law professionals working on the problem is growing exponentially.

How did we get from ridicule to selling out Harvard Law School in about a decade? The answer involves greater public awareness of the plight of animals and inadequacies in the law. And certainly ALDF's pioneering work in the development of animal law has played a significant role. But I think the answer is even simpler.

In his keynote speech, Ben Stein underscored the need for the law to do a better job protecting animals from suffering, because, he said, "If animal cruelty is not wrong, then nothing is wrong." I don't think there can be a better summary for why and how animal law has become the burgeoning field that it is.

Thank you for your support!

For the animals,

Stephen Wells  
Executive Director

# Once Neglected, Now Protected

## *ALDF helps save eleven cats from horrifying conditions*

Eleven neglected cats have been permanently rescued from horrific living conditions, thanks to the hard work of an Oregon attorney and some legal maneuvering by the Animal Legal Defense Fund.

In awarding full custody of the cats to the Oregon non-profit group Cat Champion Corporation, the Oregon Court of Appeals became the first court in the U.S. ever to state that a fiduciary can be appointed on behalf of an animal owner to determine what is in the best interest of her and her pets and to grant a limited protective order allowing an animal protection organization to be the fiduciary making that determination. Normally a term used in banking, a fiduciary is a person or organization granted the authority to look after the assets of someone else, helping to manage their affairs, similar to a trustee. Here the order was limited to the disposition of a single asset: the cats.

The landmark case began three years ago when the Linn County Sheriff's Department arrived at the trailer of Jean Marie Primrose to investigate a veterinarian's report of animal neglect. Deputies found the malnourished cats living amid filthy surroundings, missing patches of fur, and suffering from upper-respiratory infections and untreated skin and eye diseases. The interior of the trailer was so soiled with urine and fecal waste that the deputies had difficulty breathing and could only remain inside for short periods. They seized 11 felines and relinquished custody of the animals to Cat Champion Corporation, an organization dedicated to the rescue and rehabilitation of cats. Another eight or nine cats ran off and could not be rescued.

Primrose was charged with misdemeanor animal neglect, but the trial court dismissed those charges in January 2005 after a psychological evaluation concluded that she was unable to assist in her own defense. Since Primrose was not convicted of a crime for mistreating the cats, the animals were not forfeited to anyone else, and Primrose remained their lawful owner.

Concerned for the animals' welfare, Cat Champion contacted ALDF, which immediately began researching the legal theories that might help Cat Champion win custody of the cats. After exploring a number of options, Dana Campbell, an ALDF attorney, realized that winning this case was going to take some creative legal thinking.

"We had won a similar case in another Oregon county by using this catchall statute in Oregon that basically said in any other case or matter where

someone needs help managing their assets that doesn't fall under these other categories, you can set up a fiduciary relationship," explains Dana. "We thought we could make Cat Champion a fiduciary that has these powers that could include taking care of these assets, which are the cats, on behalf of this woman, since she can't manage them herself."

Although ALDF lost the first round in the Linn County Probate Court, Dana decided to appeal the verdict, since ALDF had won a similar case in Oregon and believed a favorable ruling was still possible. "We had a difference of opinion," says Dana. "Two cases in two different counties with different decisions—these are the cases appellate courts like to hear."

Handling the appeal of the lower court decision was Oregon attorney Margaret Leiberan, who worked on this case for ALDF for almost no pay.

In late December of 2006, the Oregon Court of Appeals overturned the earlier probate court ruling, granting custody of the felines to Cat Champion. "In denying Cat Champion's petition," reads the new court ruling, "the trial court was hesitant to permanently divest Primrose of her cats.... While we agree with the court that it has a duty to protect Primrose's property, in some situations, such as here, protecting property means more than just holding the property for safekeeping. Each day that the cats remain in Cat Champion's care the expenses incurred in caring for them increase, and thus the debt owed by Primrose also increases. The end result is that Cat Champion seeks to protect Primrose's interests as well as its own."

Now cats like Possum, Jerry, Pearl, Larry, and Amy — all of whom were found to be suffering from dehydration, urine burns, and infections—are happy, relaxed, and learning what it means to have loving homes. 🐱

**Happy endings: Jerry and Pearl enjoy a good meal after their rescue**



## Conference Spotlight

# China's Song Wei

**W**hether it's the thriving market for animal parts for medicinal use, their horrific fur farms, or last year's campaign to massacre domestic dogs throughout the country, it's fair to say China is no stranger to heartbreaking acts of animal cruelty.

The world's most populous nation also has a reputation for cracking down on dissent. So when Song Wei, an attorney and professor of law at the University of Science and Technology of China, speaks out against his government's apparent lack of concern for the welfare of animals, it is both an act of compassion and courage. Professor Song has written and spoken widely about animal abuse in China, and ALDF was honored to have him address attendees at The Future of Animal Law conference in March. His presentation was both a lesson in Chinese cultural perspectives about animals and a compelling argument that these perspectives must continue to evolve if the overall treatment of animals is ever to improve.

Professor Song described how police, acting on


a government mandate to contain the threat of rabies in China, have gone door to door to viciously beat dogs to death. "Some people try to hide their dogs," he said. Suspicious police then come back at night. "They make noise outside the house, making the dog bark," at which point the helpless animal is dragged from his loving family and killed.

For Joyce Tischler, ALDF's founding director, Professor Song's presentation was the highlight of the conference. "It was absolutely wonderful and heartfelt, yet professional,"

she says. "While listening to his presentation, I thought about the fact that in China, as in the U.S., there is a dichotomy between those who exploit animals and those who have dogs living with them in their homes, much as we do. Professor Song's recounting of the mindless and destructive manner in which the police raided homes and forcibly removed dogs from their owners, or grabbed dogs while they were being walked on the street and beat them to death in front of their human guardians, was heartbreaking to listen to. That he is acting as a witness for the animals and presenting this to an outside world is admirable and brave."

"Song Wei's presentation was inspirational and courageous," says Pamela Frasch, vice president of legal affairs for ALDF. "Inspirational because he is working within a legal system that has very few protections for animals--yet, through diligent legal work, he was able to discover compelling legal bases on which to demonstrate that the dog killings were illegal under Chinese law. Courageous because he has been openly critical of the way various Chinese governmental agencies have handled the situation. He is, no doubt, acutely aware of the risks involved in being so vocal, and yet he has made the moral and ethical decision to speak up for those who cannot. He was also the only panel speaker at the conference to receive a standing ovation from the audience. Clearly, his work and his message struck a deep chord with the attendees."

Joyce marvels at Professor Song's strong character. "When we began animal law in the U.S., it was not long before we found others with the same interest, and while we were a very small group, at least we had each other. Professor Song is one of very few attorneys we have identified as an animal welfare/animal law expert in China. Although Professor Song receives some support from his colleagues and students, much of his work is conducted without the benefit of a well-developed community of like-minded legal advocates. He must have great strength of will to carry out his important work in an environment of little understanding or support."

"From the first moment I met him in Beijing at an international animal law and protection conference, roughly four years ago," adds Pamela, "I was very impressed with his compassion, intelligence, legal skills, and dedication to helping China's animals. I can think of no better advocate for the animals in China than Professor Song Wei." 

**ALDF Founding Director  
Joyce Tischler and  
Song Wei**





**Jeremy Rifkin signs his book for conference attendees following his keynote address**

## Raising the Bar

*continued from front page*

Animals and Public Policy at Tufts University; and many more.

These experts discussed the importance of animal attorneys and advocates forming alliances with other groups, the impact of citizen initiatives on animal welfare, the recent Animal Enterprise Terrorism Act, and the hypothetical creation of a Federal Animal Protection Agency. Other panels explored the differences between U.S. and EU animal welfare standards, the enormous problem of animal hoarding and the pathology of hoarders, methods for filing lawsuits against abusive factory farms, and the emotional benefits—and burdens—of dedicating one's life to helping animals through the legal system: "Not many other lawyers have to stop to cry," said panelist Bruce Wagman, chief outside litigation counsel for ALDF and partner at Schiff Hardin.

While every session of the conference had its high points, a presentation from Song Wei, the first person to teach animal law in China, was particularly powerful. Amid gasps and tears from conference attendees, Professor Song discussed the senseless and vicious massacre of thousands of dogs in an anti-rabies campaign currently sweeping his country. An appreciative audience gave him a long standing ovation.

### Keynotes & Awards

Keynote speakers Jeremy Rifkin and Ben Stein underscored the tone of the conference by addressing, each in his own way, our need to respect the rights of animals. Rifkin, president of the Foundation on Economic Trends, captivated attendees with a compelling discussion on the

environmental impact of factory farming and quoted a recent UN report that attributes 18% of the world's greenhouse gas emissions to the meat industry. "What's bad for the animals is bad for us," he warned.

Stein, an economist, Nixon speechwriter, author, and actor, talked lovingly of his dogs and posed the rhetorical question, "Does a cheeseburger taste good enough to justify the terror a cow experiences as she's about to be slaughtered?" Both speakers, each of whom earned a law degree, emphasized the importance of empathy

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## Here's how a few attendees responded when we asked them to evaluate **The Future of Animal Law 2007:**

"THE BEST conference I have ever attended."

"I was extremely impressed with all the panelists and their presentations. It was a wonderful learning experience and inspiring."

"Excellent! Exquisite presentations!"

"It was inspiring to be with the pioneers in the field of animal law who are clearly still energizing to create change for the benefit of the animals."

"This is my first animal conference and [it] seemed to be the most effective way to give practicing and non-practicing individuals a large amount of information in a short amount of time."

"Thank you so much for re-inspiring me. These conferences are going to become an integral part of my career."

**Dear Joyce:**

*I've read about the recall of tainted pet food and want to know how to protect my cats and dog from being poisoned.*

**Dear Reader:**

The massive recall of tainted commercial cat and dog food by Menu Foods has many people rightfully concerned about the food we feed our companion animals. Our hearts go out to all of the families who have suffered the loss of beloved cats and dogs due to tainted pet food. If a member reading this column has a cat or dog who may have eaten tainted food, contact ALDF at [info@aldf.org](mailto:info@aldf.org), or by phone at 707-795-2533, x1010, for more information on the legal options available to you.

Here are some practical steps that all of us can take to protect our companion animals:

- Check the Menu Foods web site, which lists the brands and types of food that have been recalled, and make sure that the food you feed your companion animals is not listed. Ask your grocer or feed store to keep a current list of the recalled foods prominently posted, as a service to you and other customers.

- Contact the companies that produce the food your companion animals consume and express your concern about the safety and quality of the food that you are purchasing from them. Demand that they use only high quality ingredients in their foods.

- Contact your U.S. Senators and Congressman and the federal Food and Drug Administration and demand stricter regulation and inspection of pet food production.

- Consider purchasing organic pet foods.



your companion animals the balanced nutrition they need for long term good health. Check out one or more books on companion animal nutrition.

- Learn more about the manufacture of and ingredients that go into commercial companion animal food. Our colleagues at the Animal Protection Institute have developed an informative report called "What's Really in Pet Food," and I recommend that you download that report from the API web site, [www.api4animals.org](http://www.api4animals.org).

This recall is distressing, but it is also a wake-up call for all of us who care about animals. We all need to ask some hard questions in order to protect our companions.

— Joyce 🐾

*If you have a question you would like to see answered in The Animals' Advocate newsletter, email Joyce Tischler, ALDF's Founding Director, at: [askjoyce@aldf.org](mailto:askjoyce@aldf.org), or write to "Ask Joyce," Animal Legal Defense Fund, 170 East Cotati Avenue, Cotati, CA 94931. We regret that we are unable to publish answers to all questions. This column provides general information only. Each state and, in some cases, each county has its own rules and procedures, so please consult a local attorney to assure that you receive advice specific to your jurisdiction.*

## Raising the Bar

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when considering animals.

ALDF President Steve Ann Chambers honored long-time animal advocate and animal-law supporter Bob Barker with the first-ever ALDF Lifetime Achievement Award. Barker, who accepted his award via video, reminded a packed house to spay and neuter their companion animals! A true hero for the animals, he has given millions of dollars in endowments to law schools specifically for the support of animal law programs, including those at Harvard, Columbia, Duke, Northwestern, Stanford, and UCLA.

Bruce Wagman presented the ALDF

Humanitarian Award to Lauren Bartfield, DVM, who, in 2004, responded to his call for a veterinarian who could assist with a now-infamous dog hoarding case in Sanford, North Carolina (*ALDF v. Woodley*, profiled in previous issues of *The Animals' Advocate*). In an emotional presentation, Bruce described Lauren's remarkable, selfless work — proof that one person can make a lasting difference in the lives of animals. Lauren told the audience about one special little dog named Angel, whom she found suffering in a small wire cage in the hoarders' house, crippled with atrophied muscles and other ailments. She managed to rescue Angel, who is now healthy and happy.

### Opinions Delivered

Showing their international support of

animal law, conference attendees and panelists traveled from Canada, the United Kingdom, China, Sweden, Australia, Nigeria, Puerto Rico, and all across the United States to participate. For Emily Gardner, the only attorney in Hawaii practicing animal law, the conference was a chance to learn and network. "Living and practicing in Honolulu," she says, "I sometimes feel a little disconnected from what other animal law attorneys are doing. The conference was an excellent opportunity to talk face to face with other attorneys in the field who address and grapple with similar issues. It's always useful to hear how different people tackle issues that are largely cutting edge."

Artemesia Jones, a third-year law student at Creighton University in Nebraska, was

# Pro Bono Heroes: Morrison & Foerster

For nearly three decades the Animal Legal Defense Fund has been working to affect legal doctrines, case law, and legislative direction as they pertain to animals. A dedicated staff leads the charge, backed by a legion of generous members and supporters, but when it comes down to legal research and litigation, ALDF often depends on attorneys who donate their time and expertise. Such pro bono service is critical to helping the organization stay one step ahead in the fight for justice for animals.

"Pro bono work is part of a lawyer's professional responsibility," explains attorney Kathi Pugh. As the firmwide pro bono counsel for Morrison & Foerster, Kathi works from the law firm's San Francisco office, matching non-profits and low-income clients with lawyers looking to represent a good cause or to fight for "the little guy." "There are a lot of attorneys who want to do this kind of work, so I try to provide opportunities for them," she says.


And with more than a thousand lawyers in eighteen offices around the world, Morrison & Foerster (or "MoFo") finds plenty of opportunities. "For more than a decade, the firm has devoted more than 5% of its billable time to pro bono work," says Kathi. "In fact, our San Francisco attorneys averaged well over one hundred hours of pro bono work last year." That's twice the number of hours the American Bar Association asks of its members.

Kathi was committed to pro bono service but hadn't thought much about animal law when MoFo partner and former ALDF board member Sonia Waisman introduced her to the concept. "Sonia brought in a case dealing with the Los Angeles Zoo," recalls Kathi, who at the time was focusing almost exclusively on various human

rights issues. "We were looking at whether certain laws were being violated regarding the care of the gorillas. It got me thinking, 'Gosh, how close are gorillas to humans?'" With the insights Sonia offered, Kathi became convinced that animals also deserve protection under the law. "I realized we have a responsibility to advocate for those who cannot speak for themselves – especially as lawyers being able to use our legal skills."

In the Los Angeles Zoo case, ALDF wanted zoo management to improve the living conditions of gorillas, six of whom had become infected from parasites allegedly passed from other animals. "The gorillas were kept in a modified bear enclosure, consisting primarily of concrete with a little grass and little other stimulus," says Kathi. "But it's not good enough to just point out what's wrong – you need to be able to offer a solution. So we found two bond initiatives that were passed in the '90s to improve the zoo and worked to have a portion of that funding allocated to benefit the gorillas and improve their enclosure."

MoFo has also filed "friend of the court" briefs on behalf of ALDF in veterinary malpractice cases across the country, urging the courts to consider the intrinsic value of companion animals to their guardians as a measure of damages. In addition, the firm has assisted ALDF by researching various cutting edge legal issues relating to the use and treatment of animals.

There are still many areas for animal law to improve, yet Kathi sees a bright future. "I think it's going to take more organizations like ALDF and more professors teaching it in law school and more awareness," she says. "But I really think it's just going to grow." 

*"I realized we have a responsibility to advocate for those who cannot speak for themselves."*

—Attorney Kathi Pugh

especially intrigued with the discussion on animal hoarding and the psychology behind it. "I thought the panel was very well-rounded, and it was nice to hear different perspectives on [how to deal with] the issue," she says.

"The level of positive energy on behalf of animals at the conference was unprecedented in my experience," says Steve Ann Chambers. "I had the feeling that those in attendance were propelled forward by that energy into a new quantum of creative thinking for the protection of non-human animals and the advancement of their interests through the law."


Members of Harvard's SALDF chapter were on hand throughout the conference, assisting with registration and panel discussions. "It's pretty wonderful that 300-plus

people dropped whatever they were doing and flew to Boston for an entire weekend," says SALDF member Marissa Dirks, who moderated the Opportunities in Animal Law panel. "That is dedication to a cause! My only regret is that I don't get to interact with these people on a regular basis. I'll miss everyone."

Harvard SALDF chapter President Rita Lomio was so busy helping ALDF staff that she didn't get to attend many of the panels, but she certainly enjoyed what she saw. "It was exciting and encouraging to learn about the many facets of animal law that are being tackled by such an amazing group of people," she says.

For Joyce Tischler, "The Future of Animal Law" resonated with inspiration and hope. "This conference felt qualitatively

different to me from ALDF's first Future of Animal Law conference, held at Yale Law School in 2004," she says. "It's as if we have risen to a new level of achievement in our field. We exuded a sense of confidence in our presentation that said to those in attendance, 'ALDF is truly the nexus of animal law; this is the organization that created it and is still the leader.'"

It would be hard to imagine a more successful gathering than this one, but ALDF is already thinking ahead...to the next Future of Animal Law conference, slated for 2009. 

*Note: Missed the conference – or just want to relive the excitement? "The Future of Animal Law 2007" is now available on DVD at our online store! Visit [www.aldf.org](http://www.aldf.org) for details.*


# the Animals' **ADVOCATE**

*Animal Legal Defense Fund*

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## Help America Say “Neigh” to Horse Slaughter!

Last year more than 90,000 horses were slaughtered in the U.S. and shipped to France, Italy, Belgium, Japan, and other countries for human consumption. Tens of thousands more horses were exported and slaughtered in other countries. These beautiful animals, who have come to symbolize the American spirit, deserve better.

In 2001, ALDF attorneys began advising and helping to draft the first versions of federal legislation aimed at prohibiting the slaughter of horses for human consumption and the domestic and international transport of live horses or horseflesh for human consumption. In each successive Congress, this legislation has gained more support. Late last year the House of Representatives passed the measure; however, Congress adjourned before the Senate could vote on the bill. Undaunted, legislative sponsors of the American Horse Slaughter

Prevention Act (AHSPA) have reintroduced the bill this year in both the House of Representatives (H.R. 503) and the Senate (S. 311).

“With our new 110th Congress, the AHSPA may well have its best chance in years of finally being passed,” says Stephan Otto, director of legislative affairs at ALDF. “By taking a few moments today to ask each of our members of Congress to vote for the AHSPA, we can send a strong message of support for America’s horses.”

What you can do: Please make a short, polite phone call to your U.S. Representative and your two U.S. Senators today expressing your support of the American Horse Slaughter Prevention Act and urging them to vote for it. You can reach your legislators by calling the Capitol switchboard at 202-224-3121. You can also call Congress at 800-459-1887 or locate your legislators online at [www.vote-smart.org/index.htm](http://www.vote-smart.org/index.htm).