

GP MENTOR

Animal Law and Your Practice

By Pamela Alexander

Michael Vick. Hurricane Katrina. Pet food recall. These events have magnified the gap between how the legal system treats animals and the significant role that animals play in people's lives. As a result, more and more attorneys are using their legal expertise to close this gap in the rapidly emerging field of animal law.

During the past several years, animal law has gained a stronger foothold in the mainstream legal arena. This shift is reflected both in academia and in legal practice. For example, in 2000 there were only nine animal law courses being offered at ABA-accredited law schools. Currently there are more than 100 such courses. Similarly, in 2000 there were 12 Student Animal Law Defense Fund (SALDF) chapters. Currently, there are more than 140 SALDF chapters across the United States and Canada.

Not only has there been a surge in the interest in animal law at the academic level, but attorneys are now finding ways to incorporate animal law into their legal practices. This relatively new phenomenon highlights the ways in which animal law intersects with "traditional" areas of the law, such as tort, contract, criminal, and constitutional law. Examples of this intersection include animal custody disputes in divorces or separations; veterinary malpractice cases; housing disputes involving "no pets" policies and discrimination laws; damages cases involving the wrongful death or injury to a companion animal; and enforceable trusts for companion animals.

At first blush, this overlap may not appear obvious, but one need only reflect on the cases that have made the headlines during the past few years to realize that the complex and dynamic field of animal law is here to stay. The intersection of animal law with other areas of law, along with the recognition of the special bond between humans and animals, provides a vast array of opportunities for making money while practicing animal law. The following examples suggest ways in which animal law can be incorporated into a legal practice:

- **Estate planning.** Animal lovers or not, most Americans probably shared a similar reaction when they learned that Leona Helmsley had left \$12 million to her dog, Trouble. This was an extreme example of estate planning for companion animals, but more and more clients are looking for ways in which their non-human loved ones can be taken care of after their passing. Currently, 38 states and the District of Columbia allow for companion animal trusts. This area of the law offers a unique opportunity to provide cutting-edge legal advice and expertise to your new and existing trust and estate planning clientele.
- **Custody disputes.** Another area of practice with enormous potential for providing animal law expertise involves custody disputes over companion animals. With the divorce rate on the rise, statistics show divorcing couples are willing to invest time and resources to negotiate over who gets custody of Fido or Fluffy. In fact, courts are increasingly ruling

on what should happen to companion animals in divorce cases, including which partner should get custody.

- **Tort claims.** An increasing number of companion animal guardians are bringing tort claims against those who either intentionally or negligently harm their beloved family members. These cases include, but are not limited to, claims against veterinarians, groomers, kennel operators, neighbors, and police officers who shoot dogs. Although such claims have not yet yielded the high-dollar judgments seen in human tort claims, progressively more judgments are being made in favor of companion animal guardians.
- **Free speech cases.** First Amendment free speech cases for animal activists who have been denied the right to protest or leaflet present another avenue for practitioners to offer their legal services. Both the federal and state laws have attorney fees provisions. (*See* 42 U.S.C. § 1988; Cal. Code Civ. Proc. § 1021.5.) Moreover, attorney fees can be negotiated as part of a settlement. These cases have the potential to offer a stable source of income for legal practitioners.
- **Animal law courses.** Of the 200 ABA-approved law schools in the United States, more than 100 currently offer animal law classes and seminars. These classes are taught mainly by adjunct professors—usually prominent animal law practitioners from the local community. If you live reasonably near one of the remaining 100 law schools, you have an opportunity to teach animal law.

The above examples are not meant to be exhaustive, and with the growth in animal law showing no signs of stopping, there will be increasingly more opportunities to engage in this dynamic and cutting-edge area of the law. Additionally, for lawyers who feel saddened, frustrated, and outraged when confronted with headlines such as those involving Michael Vick, Hurricane Katrina, or the pet food recall, practicing animal law offers a unique and meaningful way to merge your profession with your passion for animals.

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