



ANIMAL LEGAL DEFENSE FUND

Animal Law Academy

Critical Caselaw: Personhood Through the Lens of Animal Standing

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Discussion Questions:

1. After reading the criticism of PETA in the majority and concurring opinions in *Naruto v. Slater*, do you think PETA filed a frivolous lawsuit? Why or why not?
2. Is there room in any of the statutes discussed in *Cetacean Community* for the court to determine that a nonhuman-animal is a person for purposes of standing under the statute?
3. Do you think there was any way the court in *Cetacean Community* could have held that its language in *Palila* that the *Palila* bird “has legal status and wings its way into federal court as a plaintiff in its own right” was more than “rhetorical flourishes”? What do you think of the court saying in *Cetacean Community* that the statement was “certainly not intended to be a statement of law, binding on future panels, that animals have standing to bring suit in their own name under the Endangered Species Act”?
4. Do either of these cases preclude future courts from finding that nonhuman animals are persons for the purposes of standing even absent Congressional action? Why or why not?
5. Given its statement in *Cetacean Community* that “[a]nimals have many legal rights, protected under both federal and state laws,” did the court contradict itself in footnote 7 in *Naruto v. Slater* when it said that “animals do not possess cognizable interests”?