

Law Schools

A Special Report

Legal Aid for Animals

Schools see a growing interest in representing creatures that can't speak for themselves.

BY JOAN SCHAFFNER AND KERRY CONTINI

It's 4 p.m. at the D.C. Animal Shelter. A black Lab puppy with longing eyes is being taken from his cage—to be euthanized. Because of the District's serious overpopulation of companion animals, this scene occurs every day at the shelter.

What's the solution? Laws requiring mandatory spaying and neutering of all licensed companion animals in the District



would keep this population under control. Today, though, no such laws exist. But students in the George Washington University Law School's animal law program are working with the Department of Health to finalize this legislation and present it to the D.C. Council. With new laws, and fewer animals needing adop-

tion, the black Lab being led to his death could have lived out his life in a loving home.

Working to require spaying and neutering is just one element of "animal law," a legal specialty that is starting to attract the attention of law schools across the country. The school at GW, for example, has grown to become one of the top law schools in the country to offer an extensive animal law program.

What is animal law? It can include elements of virtually every other discipline of law. For example, it might involve torts in dog-bite cases, criminal law in animal-cruelty cases, trusts and estates when people have willed their property to benefit their pets, environmental law when wildlife is affected by human activity, and international law when animals are traded between nations. Although there is often a well-developed body of law covering some animals, such as wildlife, almost no law protects other animals, such as animals used in research and farmed animals used to produce meat and other products for human consumption.

Why does animal law matter? Simply speaking, we need animal lawyers because animals can't speak for themselves. Lawyers with knowledge of animal law are the only living beings capable of representing animals' interests within the judicial system.

Until recently, animal law was a relatively small and unknown specialty in the legal profession. Meanwhile, corporate interests have exploited the holes in the laws applied to animals. For instance, the meat industries have ensured that the Animal Welfare Act—the federal statute purportedly providing protection for all animals—effectively does not apply to farm animals. And state laws applying to these animals deny them the most basic requirements of humane treatment as they lay eggs, provide milk, or wait to be slaughtered as meat.

Similar exemptions apply to animals used in research. Even where the law protects some animals, such as cats and dogs, economic interests easily push aside protections for man's best friend when substantial profits are involved; hence the stripping of legal requirements for puppy mills—large businesses in which female dogs are often treated as breeding machines and are stripped of their puppies soon after delivering them. The puppies are then stored in small, dirty cages until they are shipped out to people who order them over the Internet and never realize the squalid conditions in which they began their lives. Lawyers cannot only fill these gaps in the law but can establish improved protections for animals.

Just this past year, the Humane Society of the United States established the Animal Protection Litigation Section, which, with eight attorneys and several law clerks, is now the largest in-house animal-protection litigation department in the nation. Law schools are now looking to fill new opportunities in an exploding field, and the GW Law School is at the forefront in creating a program to train the nation's future leading animal lawyers.

THE RISE OF ANIMAL LAW

Until recently, the law school at Lewis & Clark College in Portland, Ore., was the only law school with a comprehensive

animal law program. Besides establishing the first animal law review, it is home to the first Student Animal Legal Defense Fund (SALDF) chapter, the annual Animal Law Conference, the National Center for Animal Law, and several courses in animal law. Lewis & Clark's animal law program continues to flourish. From Oct. 14 to 16, hundreds of people will journey to Portland to participate in the 13th Annual National Animal Law Conference. In fact, this academic year, Lewis & Clark's journal *Animal Law* will become a biannual publication for the first time, reflecting the increased scholarship on the subject.

In 2001, GW Law School was one of only eight law schools offering a course in animal law. Today, the Animal Legal Defense Fund (ALDF) reports that 59 law schools offer such a course. Three years ago only about a dozen law schools housed student chapters of the ALDF; this year the number hit 63. And this past year the Michigan State College of Law and the University of Pennsylvania Law School established animal law reviews. Well-known public figures are also getting involved. In memory of his wife, Bob Barker (yes, from "The Price Is Right") is in the process of establishing endowments at several law schools to fund animal law clinics. To date, he has made contributions to Harvard, Columbia, Duke, and UCLA.

GW LAW SCHOOL

Over the past four years, GW Law School went from one seminar on animal law to a comprehensive animal law program comprising two courses on animal law, the Animal Welfare Project, an SALDF chapter, a National Legislative Drafting and Lobbying Competition, and the Animal Law Litigation Project.

GW's animal law program began with the Animal Law and Wildlife Protection seminar. Co-taught by adjunct professors Nancy Perry, vice president of government affairs at the Humane Society, and Jonathan Lovvorn, vice president of the animal protection litigation section at the Humane Society, the seminar exposes students to the foundational issues in animal law while using its professors' practical experience to introduce students to strategies in lobbying and litigating on behalf of animals. Students read and discuss cases and articles on topics ranging from animal cruelty to international trade law to environmental law.

In the fall of 2003, as an on-campus opportunity for GW law students to do pro bono work and help the District of Columbia at the same time, the Animal Welfare Project was established. Through the project, students work to improve Washington's animal laws and make the District a model city for animal welfare. It's the only animal law project of its kind in law schools nationwide.

The District has a host of animal law issues. In addition to the overpopulation of companion animals, thousands of feral cats roam the streets, Rock Creek Park is home to many other wild animals, and horses carry visitors in carriages around the Mall. Moreover, animals are used for research in labs, and pit bulls are often illegally trained for dogfighting.

The Animal Welfare Project reviewed the District's laws and provided recommendations to improve them. Last year more than 60 community members attended an animal law summit

sponsored by the project. The summit's goals were to educate the community about Washington's animal welfare laws, build institutional knowledge on these topics, and develop ideas for law reform.

The project released a report in February compiling the District's animal welfare laws and outlining recommendations for legal reform. D.C. Councilman David Catania and Department of Health Director Gregg Pane accepted the project's report, and Catania requested the Animal Welfare Project's assistance in drafting animal welfare legislation to present to the D.C. Council.

Over the summer the project worked on drafting this legislation, which will be presented to the D.C. Council this session. Through the project, GW law students have developed expertise on issues such as dangerous-dog legislation, cross-reporting of animal- and domestic-cruelty cases, mandatory spay-neuter laws, guidelines for kennel facilities, specialized licensing for guard dogs, and non-economic damages in civil suits for the loss of a companion animal by the negligence or malicious intent of another.

Last fall, GW law students capitalized on this momentum by organizing the GW law animal-welfare community into the GW Law SALDF chapter. The chapter quickly became one of the law school's most active organizations.

Last February two of its members, Kristie Blase (3L) and Lynn Deavers (3L), won the National Animal Law Moot Court Competition at Harvard Law School, and Deavers was named best oral advocate at the competition. Two months later, another GW law student, Denise Starr (class of '05), won the first National Animal Law Legislative Drafting and Lobbying Competition, which was hosted by the GW SALDF and will take place again at GW next spring.

In addition to holding other events at the law school and participating in national conferences, SALDF members have demonstrated their dedication to animal welfare by volunteering at community events such as Feline Frenzy, an all-day spay-neuter event run by local community organizations.

This year the SALDF's plans have expanded even more. The chapter will host the first SALDF speaker series (which will be an annual event), bringing in experts in animal law to talk about topics such as animal activism, the connection between animal cruelty and domestic violence, and career opportunities in animal law. In the spring the SALDF will host an Animal Awareness Expo on the lawn in front of the law school, bringing together local animal welfare organizations, animal shelters, rescue organizations, and interested community members.

Over the summer, GW Law School solidified a partnership with the Humane Society of the United States, to provide GW law students the opportunity to work with lawyers at a leading national animal welfare organization. Students involved in the Animal Law Litigation Project will work on animal and environmental protection cases, protecting whales, dolphins, manatees, and other wildlife, as well as improving the treatment of farm animals, performing animals, and animals used in research.

An animal law lawyering course will be offered for the first time this fall in conjunction with the first semester of the Animal Law Litigation Project. This course will teach students strategies to deal with the challenges of litigating on behalf of creatures that cannot speak for themselves.

Animal law as a profession is becoming well recognized, and that idea is starting to appear in law schools. The success of GW's animal law program lies not only in its focus on pioneering new opportunities for students of animal law, but in its emphasis on creating partnerships and relationships between the law school and animal law organizations, such as the Animal Legal Defense Fund, the National Center for Animal Law, the Humane Society, and the D.C. government.

What will the future hold? LL.M.'s in animal law? Specialized study-abroad programs in animal law? In the short term we can expect to see enrollments in animal law courses increase and new courses develop.

It would be no surprise if many law schools soon begin to offer several courses on the topic beyond the general overview course, including courses in specialized areas such as farm animals, animals used in research, endangered species, animal cruelty, and international animal law. GW Law School certainly plans to continue to develop and expand its animal law program. GW Law's program is thriving, but it is not an anomaly. It is a sign of things to come.

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