"The administration of justice is the firmest pillar of government."

George Washington
ANIMAL LAW—
IT’S MORE THAN ACTIVISM

Jane Underwood*

When someone mentions “animal law” do you think of PETA activists? Animal law is much more than public activism. The field of animal law is broader than laws that directly pertain to animals. Animal law issues are as diverse as estate planning for companion animals, due process for reckless dog owners, standards of care for animals in industry and agriculture, and insurance. With dwindling natural habitats for wild animals and two-thirds of Americans living with pets, public interest in animals has increased. Animal law courses are now offered at more than 140 American law schools. The number of laws pertaining to animals has also grown with criminal felony laws for animal abuse now existing in every state and the District of Columbia. Citizens of many states have used ballot initiatives to pass laws to improve the treatment of both wildlife and farm animals.

Attorneys in need of a comprehensive guide to handling animal disputes should look at Litigating Animal Law Disputes: A Complete Guide for Lawyers. Even if an attorney’s practice seemingly has nothing to do with animal law, the client’s dispute may deal with negligence and tort law, animal-related contract and sales issues, service animals, or custody of animals. This one-stop resource discusses every major aspect of private civil and criminal litigation of animal law disputes. The book also contains sample litigation documents, discovery materials, and advice from experts in the field.

Dogs and their reckless owners often wind up in the news and in litigation. Many dogs are deemed legally dangerous, not on the traits of the individual animal, but by breed alone. A Lawyer's Guide to Dangerous Dog Issues discusses the handling of these “dangerous dogs” by law and by private associations. The authors believe breed discrimination is immoral, unfair, and ineffective. They outline progressive approaches to better handle reckless owners and their dogs, and share strategies for prosecuting and defending dangerous dog cases. Topics in this book include an overview of ordinances targeting reckless owners, the concept of canine profiling, the constitutionality of breed-specific legislation, enforcing and defending dangerous dog laws, and information on dangerous dog registries and hearings. Attorneys will discover how to use witnesses such as victims, animal control officers, physicians and animal behaviorists. The book also covers discrimination by the insurance industry, homeowner associations and zoning boards.

The American Bar Association Tort Trial & Insurance Law Section Animal Law Committee is dedicated to discovering innovative ways to use the rule of law to level the legal playing field for the status of animals. Many attorneys are interested in such “bread and butter” client issues as estate planning for companion animals, while others work for standards of care for animals used in agriculture and industry. The Animal Law Committee site under “Animal Law Committee in the News” links to a list of articles in the ABA Journal concerning animal law issues. The Problem of Dog-Related Incidents and Encounters is also listed under the Committee’s News section. To download the publication, follow this link to the National Canine Research Council’s publication page: http://nationalcanineresearchcouncil.com/publications/ncrc-publications/. This publication by the Community Oriented Policing Services of the U.S. Department of Justice, the Animal Law Committee, the National Canine

*Contributions have been received in memory of this person to the Northern Kentucky Bar Foundation.

Please contact Julie Jones at (859) 781-1466 or at juliejones.director@nkybar.com if you are aware of a death to be listed in an upcoming issue of the NKBA Lex Loci.
Research Council and other organizations gives insight and strategies in dealing with dog-related incidents and encounters for the public, law enforcement, and dog owners alike. Research findings as well as recommendations for improving dog encounter processes are presented and illustrated to promote safety for law enforcement officers, the public, and the dogs. Refer to this research for useful information when dealing with a client’s dog situation. It contains a list of articles and web sites for further information.

Legal blogs (or “blawgs”) are a great source for up-to-the-minute information on trends, litigation and legislation on particular subjects. The ABA Journal lists legal blawgs by topic, including those written on Animal Law.

The Equine Law Blog is dedicated to educating the horse industry about laws, legal developments, and details in the law having consequences for businesses, associations, companies, nonprofits, and individual horse owners. Julie Fershtman, an attorney and the author of Litigating Animal Law Disputes, is the blogger. Kentucky posts on this blog include lawsuits for defective equine products and whether the Government may be held responsible for a breeding farm’s Contagious Equine Metritis (CEM) outbreak. Topics covered are zoning and land use, insurance issues, sales and disputes. The author also includes practical tips on avoiding disputes.

“The Kentucky Journal of Equine, Agriculture & Natural Resources Law” blawg writes for the audience of legal scholars, practitioners and students in the fields of equine, agricultural and natural resources law. The blawg is updated weekly by 2L and 3L staff members of the Kentucky Journal of Equine, Agriculture & Natural Resources, providing an online counterpart to the print journal. While most blawg posts are written by University of Kentucky College of Law journal staff members, legal professionals in the field are encouraged to submit online articles to be published on the blawg. Responses to the blawg posts are encouraged. The post “A Horse Owner’s Tax Checklist” discussed the perils of horse owners attempting to deduct business expenses related to their horse activity. The blawg is an interesting mix of federal and state issues dealing with animal and natural resources.

The United States Ag & Food Law Blog is the joint effort of two organizations. The American Agricultural Law Association is a national professional organization focusing on the legal needs of the agricultural community, including animal law issues. The National Agricultural Law Center is a federally funded, nonpartisan research and information organization serving as a leading source of agricultural and food law research and information. Blog entries have covered an amendment to the federal Horse Protection Act dealing with Tennessee Walking Horse shows, new guidelines by the USDA on humane handling of livestock, and news of a pig virus in Canada spreading to farms in the United States.

The following sites are useful for the mix of statutes, regulations and research. The National Agricultural Law Center maintains a list of topics, including animal feeding operations and animal welfare. Each topic contains a comprehensive list of current electronic resources for an agricultural or food law topic. Links are provided to major statutes, regulations, case law, research articles, government publications, Congressional publications, and other sources. Each topic has an article providing an overview of the history and development of the topic. The Animal Legal and Historical Center has a great database for laws by jurisdiction and topic.

Visit these resources for trends, litigation, legislation, and research on animal law. No matter what your client’s dilemma, all aspects of animal law will be covered.

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1 Joan Schaffner & Julie Fershtman eds., 2009 (located under KF 390.5 A5 L58 in the Chase Circulating Collection).
6 http://www.abajournal.com/blawgs/topic/animal+law/.
10 http://nationalaglawcenter.org/research-by-topic/.
11 http://animallaw.info (Click this link for an interactive map linking directly to each state’s exotics regulations.)