ANIMAL LAW SEMINAR
Law 637 – Fall 2013

George Mason University Law School
Professors Ralph Henry and Aaron Green

Hazel Hall 348 – Monday 8:00-9:50 p.m.

Contact Information:

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Course Materials:

Assigned cases/articles are available through Westlaw or will be provided in advance of class.


Course Description:

This seminar offers a practical survey of legislative efforts and litigation on behalf of animals at the local, state, and national level. The course will address the historical status of animals in the law; the current application of animal protection laws to captive animals, wildlife, and farm and other domesticated animals; legislative efforts and citizen initiatives to strengthen animal protection laws; the role of international conventions and other laws concerning trade in animals and animal products; and the limitations on implementation and enforcement of laws addressing anti-cruelty, hunting and trapping, and animal fighting. Emerging areas of animal law, such as veterinary malpractice and other animal-related torts; the use of consumer protection statutes to address animal welfare concerns; and the impacts of free speech, religious expression, and other Constitutional provisions on animal protection statutes will be explored. The course will also address legal constraints on animal advocacy, and the movement to obtain legal recognition of the rights of animals.

Evaluation:

Students will receive a single final course grade based upon a completed final research paper. Since this is a seminar, class attendance and participation are an important component of a successful course and students are expected to be prepared for substantive discussions of the assigned material. Pursuant to George Mason Law School policy, final grades may be adjusted up or down by a single increment (e.g., from a B+ to an A-) based upon participation.

Final research papers are due on Monday, December 16, 2013 and should be at least 20 pages of typed, double-spaced text, with one inch margins and no less than 12 point type. All papers must be paginated at the bottom of each page, and sources must be cited in footnotes rather than end notes. As described below, proposed paper topics are due on or before October 15, 2013 (Tuesday class),
and outlines must be submitted on or before November 11, 2013. From our experience teaching this seminar, students who choose a topic and begin work early tend to have the best final papers and we encourage you to check-in with us during the course to ensure that you are working towards a quality end product.

**Reading Assignments:**

This syllabus sets forth the basic reading assignments for each class session. The syllabus will likely be supplemented each week with additional materials as Animal Law is a rapidly evolving subject area and major cases are decided regularly. Every effort will be made to discuss the topics and assignments as indicated in the syllabus. However, exact dates for discussion of particular assignments may change as the semester progresses, and there may be occasions where the subject from one class will carry over to the next. Students will receive advance notice of any variance from the schedule in the syllabus.

**Schedule and Assignments**

**Session 1 – August 19, 2013**

Introductions, overview, and discussion of course requirements. Outline of major topic areas of the course. Discussion of potential topics and requirements for research papers. Overview and history of state, federal, and international laws and regulations pertaining to wild and captive animals.


**Session 2 – August 26, 2013**

Animal protection litigation in state and federal courts – Part I: Building a case and establishing standing

- *Sierra Club v. Morton*, 405 U.S. 727 (1972)

**Session 3 – September 9, 2013**

Animal protection litigation in state and federal courts – Part II: Causes of action and judicial review

Session 4 – September 16, 2013

Animal protection litigation in state and federal courts – Part III: Strategic considerations in litigation (intended & unintended consequences of litigation in an emerging area of the law)

Winter v. NRDC, 555 U.S. 7 (2008)
La Jolla Friends of Seals v. NMFS, 2009 WL 1862424 (S.D.Cal., 2009)

Session 5 – September 23, 2013

Laws and regulations concerning animal cruelty and animal fighting

United States v. Gibert, 677 F.3d 613 (4th Cir. 2012)

Session 6 – September 30, 2013

Laws and regulations concerning companion animals; including puppy mills and breeding, sales and adoptions, and hoarding

Review Hammer v. American Kennel Club and ALDF v. Woodley from Session 3
Martinelli, et al. v. Petland, Inc., et al., Complaint; Motions to Dismiss; Order granting dismissal, Civ. No. 09-06131 (D. Ariz., filed Mar. 16, 2009)

Session 7 – October 7, 2013

Laws and regulations concerning farm animals; including laws prohibiting particular forms of confinement, and providing for humane slaughter and transport

Cavel Int’l, Inc. v. Madigan, 500 F.3d 551 (7th Cir. 2007)

Session 8 – October 15, 2013 (TUESDAY)
Research paper topics are to be submitted prior to class by email

Laws and regulations concerning captive animals; including animals used in research and experimentation, performing animals and animals used in other exhibitions

*ALDF v. Glickman*, 204 F.3d 229 (D.C. Cir. 2001)

Session 9 – October 21, 2013

Laws and regulations concerning wildlife; including protection of threatened and endangered species, marine mammals, wild horses and burros, and the national wildlife refuge and national park systems and other wildlife habitats, as well as prohibitions on poaching and interstate commerce in wildlife, and control of wildlife damage to other natural resources and livestock

*CHL v. Richardson*, 540 F.2d 1141 (D.C.Cir. 1976)
*AWI v. Kreps*, 561 F.2d 1002 (D.C. Cir. 1977)
*HSUS v. Locke*, 626 F.3d 1040 (9th Cir. 2010)

Session 10 – October 28, 2013

State and Federal Legislative Process for Enacting Animal Protection Laws – Issues in Legislative Drafting, Lobbying, Citizen Initiatives and Referenda and Grass Roots Activities

*Cavel International, Inc v. Madigan*, 500 F.3d 551 (7th Cir. 2007)

Session 11 – November 4, 2013

Constitutional Limitations on Animal Protection Laws – Freedoms of speech and religion and protection of animals, and other legal constraints on animal advocacy (including libel and defamation, invasion of privacy, and the Animal Enterprise Terrorism Act)

*State v. Miner*, 556 N.W.2d 578 (Minn.Ct.App. 1996)

Research paper outlines are to be submitted on or before November 11, 2013 by email

Session 12 – November 11, 2013
Brief presentations of research paper topics by students; discussion of issues and ideas, review and feedback

Session 12 may also be used for discussion of materials and information that we were unable to cover in prior sessions, or for any animal law issues or topics not otherwise covered in this course that students would like to discuss.

Session 13 – November 18, 2013

Veterinary malpractice and other tort actions concerning animals

Rabideau v. City of Racine, 243 Wis.2d 486 (Wisc.Sup.Ct. 2001)
Burgess v. Taylor, 44 S.W.3d 806 (Ky.Ct.App. 2001)
LaPorte v. Associated Independents, Inc., 163 So.2d 267 (Fl.Sup.Ct. 1964)
Corso v. Crawford Dog & Cat Hospital, 97 N.Y.S.2d 530 (Civ.Ct. City of N.Y. 1979)
Green v. Leckington, 192 Or. 601 (Sup.Ct.Or. 1951)
S. Gay, Companion Animal Capital, 17 ANIMAL LAW 77 (2011)

Session 14 – November 21, 2013 (THURSDAY)

The movement to obtain legal recognition of the rights of animal; the question of animal “rights” vs. animal “welfare,” rhetorical choices in advocating on behalf of animals, and the future of animal protection in the United States.

Steven M. Wise, Legal Personhood and the Nonhuman Rights Project, 17 ANIMAL LAW 1 (2011)
Patricia Roberts-Miller, John Quincy Adam’s Amistad Argument: The Problem of Outrage, the Constraints of Decorum, 32 RHETORICAL SOC’Y QUARTERLY 5 (2002)

***Final research papers are to be submitted on or before December 16, 2013