



# Animal Law in the Classroom

BY FRAN ORTIZ

**L**ook today at a law school curriculum and you will more than likely find a course in animal law, a class that was almost nonexistent 20 years ago. Although not yet established in every law school in the country, the course has found its way into more than 130 law schools through the efforts of practitioners, students, and the Animal Legal Defense Fund (ALDF).

Education in animal law began as a mainly individual endeavor. Until the late 1990s, those seeking to learn about this area had to educate themselves or rely on the assistance of those few others who practiced in the field. For students, brief coverage of animal-related materials could be found in other law school classes — property, torts, natural resources — but classes devoted to the subject were few and had limited initial success. According to Joyce Tischler, co-founder and general counsel to the ALDF, the first course — The Law and Animals — was developed by an adjunct professor at Seton Hall University School of Law in 1977 at the request of a student who would later become an ALDF staff attorney and adjunct professor of animal law herself.<sup>1</sup> The class lasted only a single semester. Similar courses were later tried at Penn State University's Dickinson School of Law in 1983 and Pace Law School in 1985 and additional attempts were made sporadically at other law schools for the next 15 years.<sup>2</sup>

Two things hampered acceptance into law school curricula. First, those unfamiliar with the area were concerned that the subject lacked legitimacy; they considered animal law to be nothing more than a novelty course dealing with trivial matters that merited little serious study.<sup>3</sup> Second, the initial animal law courses lacked a defined scope and were taught by practitioners who each developed their own course materials, making the course inconsistent between law schools, which further detracted from its legitimacy.<sup>4</sup> As time went on, though, each of these issues was addressed, making law schools more receptive to the subject area.

As to legitimacy of the practice area, growth of the social movement for animal welfare reform helped as the plight of animals used as resources caught the public's eye. Professor David Favre explains that, although the movement began in the 1950s<sup>5</sup> with attempts to enact federal animal welfare legislation,<sup>6</sup> it was not until the publication of Peter Singer's *Animal Liberation* in 1975 and Tom Regan's *A Case for Animal Rights* in 1983 that the movement received "intellectual traction."<sup>7</sup> The formation of national organizations also fueled the movement. For example, People for the Ethical Treatment of Animals, founded in 1980, focused the nation's attention on research animals with its infiltration of a research facility in Silver Spring, Md., in 1981.<sup>8</sup> A year later, Attorneys for Animal Rights was founded, becoming the first national organization of lawyers interested in animal issues. A few years after that, it changed its name to the Animal Legal Defense Fund.<sup>9</sup>

The progress of animal law courses took a further leap when the issue of course consistency was addressed. In 1999, the first animal law casebook<sup>10</sup> was published, which made it easier for practitioners to teach the course and facilitated course adoption by more clearly defining the scope of animal law.<sup>11</sup> Shortly thereafter, heavy-hitter law schools such as Harvard began offering a class, giving more legitimacy to animal law as a course of study.<sup>12</sup> ALDF also helped by beginning a campaign to make animal law an established course in the law school cur-

riculum. "After an intensive strategic planning process," Tischler explains, ALDF made the decision "to focus a significant portion of its energy and financial resources on a comprehensive, long-term program to establish student [ALDF] chapters and introduce animal law courses into a broad range of law schools."<sup>13</sup>

ALDF's decision has had an enormous impact, with the number of courses and student chapters jumping from a mere 15 in 1999 to more than 130 today, with additional courses being offered in undergraduate institutions and in law schools abroad.<sup>14</sup> ALDF devotes staff to work with law schools and students to establish courses; provides educational materials; maintains a database with all courses and instructors; and serves as a hub for student chapters, updating them on current events and activities at other law schools.<sup>15</sup> The organization also offers scholarships, career advice, and contacts for local and state bar associations with animal law sections.

ALDF credits the explosion of animal law courses and student chapters to intense student interest and involvement.<sup>16</sup> This interest, of course, was what drove development of the course in the first place, as college students sought legal degrees specifically with the intent to change the legal regime on behalf of animals.<sup>17</sup> Indeed, Johanna Miller, a third-year student and president of the Animal Law Society at South Texas College of Law in Houston, indicates that the existence of an animal law course and an active Student ALDF chapter was a primary motivation in her choice of law school. "I attended Animal Law Society meetings at South Texas while I was still an undergraduate," she says. "Animal law is an area in which I have an intense interest, and I plan to make it a part of my practice."<sup>18</sup>

Students now have a larger array of educational opportunities in the field. The basic animal law course, offered at most law schools, covers animal issues as they relate to traditional areas of the law and regulatory issues at the local, state, and federal levels. A few schools also offer courses focusing on specific issues, such as those relating to wildlife or factory farming. Lewis & Clark Law School in Portland, Ore., has even created a Center for Animal Law Studies in collaboration with ALDF, which allows students to specialize in animal law as a part of the school's environmental certification program. In addition, both Lewis & Clark and Duke University School of Law have created animal law clinics to provide upper-level students opportunities to participate in animal-related cases. A number of schools have also created animal law journals, and Michigan State University School of Law has created an online resource for researching animal law issues through its Animal Legal & Historical Center.

In Texas, law students have a number of opportunities to study animal law. Five of the nine Texas law schools — South Texas College of Law, Southern Methodist University Dedman School of Law, Texas Wesleyan School of Law, University of Houston Law Center, and University of Texas School of Law — offer animal law courses, and two of the four schools that do



animal law

not offer animal law courses have active student ALDF chapters, which is often the first step for establishing a course. Students may also participate in animal-related internships, including one with the Animal Cruelty Section in the Harris County District Attorney's Office. Bar-related activities are also available. Texas law students are frequently invited to local and state animal law section CLE events, and this year, the State Bar Animal Law Section has established its first annual student writing competition.

The State Bar Animal Law Section also plans to send animal law practitioners to the various law schools to meet with students and answer questions about the practice and discuss opportunities in the animal law field.

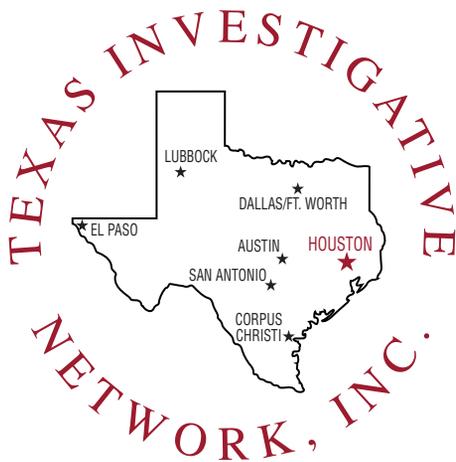
"This is a way for us to reach out, not only to students who already have an interest in animal law, but also to those students who know little about the area," says Randy Turner, chair of the State Bar Animal Law Section. "Since many animal lawyers practice animal law in addition to other areas of practice, we want students to understand the opportunities available to them. We want them to become involved."<sup>19</sup>

Despite its uncertain beginning, the interest in and need for an animal law course has placed the subject on much more solid ground. As student interest grows and the practice devel-

ops, students will likely find themselves with even greater options in the future.

### Notes

1. Joyce Tischler, *Building Our Future*, 15 Animal L. 7, 8 (2008).
2. *Id.*
3. Peter Sankoff, *Charting the Growth of Animal Law in Education*, 4 J. Animal L. 105, 108 (2008) (citing David Favre, *The Gathering Momentum*, 1 J. Animal L. 1, 3 (2005)).
4. Tischler, *supra* note 1, at 8; Favre, *supra* note 3, at 2.
5. Organized animal protection, of course, came long before that with the creation of local societies for the prevention of cruelty to animals, such as the ASPCA in New York in 1866. Bernard Unti, *Protecting All Animals: A Fifty-Year History of The Humane Society of the United States* 1 (2004).
6. The Humane Society of the United States (HSUS), for example, was founded in 1954 as a breakaway faction of the American Humane Association. *Id.* at 1-2. From its beginning, HSUS focused some of its efforts on campaigns for national legislation, including the Humane Slaughter Act in 1958 and the Animal Welfare Act and its precursors in the 1960s and 1970. *Id.* at 41-45, 63-74.
7. Favre, *supra* note 3, at 1. Professor Favre notes that the focus of the two books on animal rights "has caused considerable problems for those seeking change in the legal system and confusion in the minds of the broader public who are less willing to accept the brash new idea of animal rights, but are fairly accepting of the promotion of animal welfare." *Id.*
8. For a discussion of the Silver Spring Monkeys Case, see Kathy Snow Guillermo, *Monkey Business* (1993).
9. Favre, *supra* note 3, at 2.
10. Sonia S. Waisman, Bruce A. Wagman, Pamela D. Frasch, and Scott Beckstead, *Animal Law: Cases and Materials* (1999). The book is now in its fourth edition.
11. Favre, *supra* note 3, at 2-3. A second casebook was published in 2008. See David Favre, *Animal Law: Welfare, Interests, and Rights* (2008).
12. Favre, *supra* note 3, at 2; see also Sankoff, *supra* note 3, at 105.
13. Tischler, *supra* note 1, at 9.
14. Sankoff, *supra* note 3, at 123; Animal Legal Defense Fund, Animal Law Courses, [http://www.aldf.org/userdata\\_display.php?modin=51](http://www.aldf.org/userdata_display.php?modin=51) (last visited Sept. 29, 2011).
15. See, e.g., Animal Legal Defense Fund, Law Students & SALDF Chapters, <http://www.aldf.org/section.php?id=100> (last visited Sept. 29, 2011).
16. Fran Ortiz, *Animal Law: A New Breed of Practice*, 45-Jun Hous. Law. 30, 31 (2008).
17. Favre, *supra* note 3, at 2.
18. Email from Johanna Miller to Fran Ortiz (Sept. 30, 2011).
19. Email from Randy Turner to Fran Ortiz (Oct. 3, 2011).



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