Roadmap

- **What do Animal Law Clinics Do?**

- **What are Animal Law Clinics?**

- **Description of Clinics**
  - Buffalo
  - Lewis & Clark

- **Exercise – Recent interaction with animal**

- **Learning in Animal Law Clinics**
  - Substance
  - Professionalism
  - Humane Legal Education

- **Special Issues to Consider**

- **Ways to Engage with Clinics**

What Do Clinics Do?

History of Clinical Legal Education

- Late 1800's: handful of schools began voluntary "legal dispensaries"

- Early 1900's: scholarship explored organizing efforts into credit-earning coursework (prior to bar admission requiring law school)

- Mid 1900's: a few law schools allowed small experiments in applied legal education (legal clinics and other experiential approaches to teaching)

- 1950's: few dozen schools with clinics, mostly related to legal services for the poor.

- 1960's: increasing attention to social justice issues & slight expansion and/or refocus of clinics

What Do Clinics Do?

History of Clinical Legal Education (continued)

- In 1969, the Council on Legal Education for Professional Responsibility (CLEPR) was formed on the belief that "applied legal education effectively places the practitioners-to-be in the chaos of real life; sharpens their skills in this context; teaches them to triumph over emotional stress and tensions as professionals; heightens their appreciation of quality standards of practice; shows them what it is to be people-oriented; enables them to help the machinery of justice function better by their presence as lawyers in training; and, above all, exposes them to the complexities and demands of justice on the level at which it operates." It funded clinics nationwide.

- By 1975, 127 schools offered 346 clinical courses and offerings.

- Clinical scholarship emerged in force during the 1970's and early 1980's, and clinical/skills casebooks were developed.

- At this point, all law schools offer some sort of in-house clinic.

What Do Clinics Do?

How Law Clinics Operate

- In most cases, clinic student attorneys or advocates are in a course that provides hands-on legal experience (often with a court's permission) under the supervision of licensed attorneys

- Clinics do "pro bono" work for clients

- Clinics involve both a "classroom" component as well as service learning

- Usually, student attorneys or advocates get experience with skills like:
    - interviewing, counseling, and advising clients
    - representing clients in courts or other tribunals
    - conducting legal writing and research
    - drafting legislation and policy documents
    - investigating and analyzing facts
    - developing negotiation skills
    - Etc. Etc.

What are Animal Law Clinics?

- **Learning Laboratories**
    - Theory and Practice
    - *Pro Bono* (free) work for clients
    - Law firms inside law schools
    - Education
        - Not advocacy directed at students
        - Advocacy on behalf of clients

- **Design**
    - Learning by doing – student practice w/supervision
    - Reflective learning and practice
    - Test new theories and approaches
    - Strategic decision-making
    - Transition from student to lawyer
    - Development of professional identity
- **Respect, develop, and enhance student autonomy and agency**
    - Adult learners – androgogy and pedagogy

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Animal Law Clinic Goals and Methods

- **Goals:**
  - To train legal advocates, especially animal advocates
  - To effectively serve the interests of clients
  - To ensure the interests of animals are considered in the legal system
  - To prepare students for professional lives and facilitate the transition

- **Method:**
  - Education of future legal advocates

- **Hope:**
  - A new reality for all animals

The Role of the Animal Law Clinic, 60 JOURNAL OF LEGAL EDUCATION 263, (Number 2/November 2010).

Clinics and Experiential Learning

- Lewis & Clark
  - Animal Law Clinic (Kathy Hessler)
  - Animal Law Litigation Clinic (Delci Winders)
- University of Buffalo School of Law (Kim Connolly)
  - Animal Law Clinic
- South Texas College of Law Houston (Fran Ortiz & Elizabeth Dennis)
  - Animal Law Clinic
- Michigan State University College of Law (Carney Anne Nasser)
  - Animal Welfare Clinic
- University of Connecticut School of Law (Jessica Rubin)
  - Animal Law Clinic
- University of Georgia School of Law (Lisa Milot)
  - Practicum in Animal Welfare Skills
- University of California at Los Angeles School of Law (Taimie Bryant)
  - Dog Adjudication Clinic
- Harvard Law School (Kathy Meyer & Nicole Negowetti)
  - Animal Law and Policy Clinic

Development and Barriers

- **Early clinics**
  - All closed except for L&C
    - Rutgers
    - Duke
    - Intermediate ones
      - Kansas
  - More like law firms in law schools

- **Barriers**
  - Cost
  - Faculty
  - Law School support issues
  - Politics

- **Ways to start**
  - External funding
  - Internal faculty choice

Why Animal Law Clinics Matter

- Students are prepared to do animal law work
- Students develop connections with animal law professionals
- Clinics provide free legal services to community
- Clinics have the ability to nurture strategic decision-making
  - Not bound by financial concerns
  - Focus on legal developments
  - Focus on service
- Clinics serve as testing grounds for legal theories
- Clinics develop life-long learners
- Clinics help students become part of the animal law community

Animal Law Clinic at Buffalo

- State school

- Created due to professor and student interest

- Generally, not a clinic where students do nothing but "animal law." Law about animals forms a part of the curriculum, but the real focus is the practice of law.

- Student attorneys represent organizations and individuals dealing with various legal issues, connected by the fact that the clients have some connection to animal welfare.

- Clinic clients come to UB for all sorts of reasons.
  - seeking model contracts for animal adopters,
  - seeking drafting and lobbying work to amend local laws to better protect animals,
  - seeking changes to state law that will better protect animals,
  - seeking help navigating the court system when the laws they are working with involve animals....

Animal Law Clinic at Buffalo

- Outcome measures: experience in direct advocacy in various fora, applied research, working with interdisciplinary professionals, client interviewing and counseling, fact investigation, drafting, teamwork, other profession-ready skills, experience reflecting deeply on the process and ethics of lawyering, and starting to develop professional identities as future members of the legal profession.

- Process:
  - Classroom component
  - Team meetings
  - Client engagement
  - Reflection
  - Connection to larger community
  - Individual learning contracts

Animal Law Clinic at Buffalo

- Docket includes*
  - All volunteer organizations (AVOs)
    - Support for direct work
    - Business formation
    - Contract work (including models)
    - Support for events
  - SPCA
    - Wildlife matters
    - Contracts and legal work
  - Coalition Work
    - Legal advice to groups coming together on particular issues
  - Individuals facing court charges
    - Litigation
    - Alternative Dispute Resolution

- *Some confidential clients excluded

Animal Law Clinic at Buffalo

Restorative Practices - According to Susan Sharpe in *Restorative Justice: A Vision for Healing and Change,* Restorative Justice programs aim to :
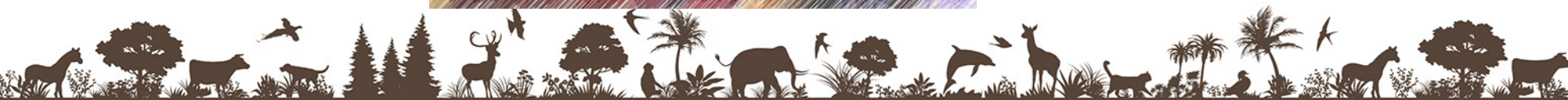
- Put key decisions into the hands of those most affected by the harms

- Make justice healing and transformative for all stakeholders

- Reduce the likelihood of future offenses

- Achieving these goals requires that:

- Victims are involved in the process and are satisfied as a result

- Offenders understand how their actions have affected lives and take responsibility for those actions

- Outcomes help to repair the harms done and address the reasons for the offense

Animal Law Clinic at Buffalo

UB ALC - First in the nation court-ordered restorative conference!

RESTORATIVE PRACTICES CONTINUUM

Informal ———————————————— Formal

affective statements | affective questions | small impromptu conference | group or circle | formal conference

Animal Law Clinic at Lewis & Clark

Components

- Types of work
  - Legislation
  - Litigation
  - Policy
  - Administrative Law

- Goals
  - Train Students
  - Serve Clients
  - Help Animals

- Examples
  - Developing templates for court animal advocates (ALDF)
  - Tilikum case (PETA)
  - Alaska legislation on animal "custody" in divorce matters
  - Justice Amicus (ALDF)
  - Animals in Laboratories (Johns Hopkins, NEAVS, PCRM)
  - Marine Protected Sanctuaries (Green Party Ireland)
  - Sanctuary Toolkit
  - Aquaculture White Papers

- AALI – will discuss in some detail
  - Example of what clinics can take on

Aquatic Animal Law Initiative
The Example of Aquatic Animals

Need for AALI

- Aquatic animals are generally left out of the legal frameworks of protection and regulation

- Too little understanding about the environmental, public health, consumer, and worker safety issues associated with production, transportation, slaughter, processing, breeding, testing, exhibition, and other activities

- No organization dedicated to legal analysis of these issues

- Without research and consideration of the scientific, economic, and legal contours of these matters, policy development is necessarily constrained and poorly informed

- Without explicit exploration of these issues, opportunities for multi-disciplinary collaboration and problem-solving are lost

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AALI Mission

The Aquatic Animal Law Initiative (AALI) works to protect and promote the interests of aquatic animals by:

- Advocating on their behalf through the legal system;

- Promoting their value to the public by providing education about their cognitive, emotional, and physiological capacities; and

- Harmonizing human, animal, and environmental interests.

Aquatic Animals

Fish

Amphibians

Cetaceans

Echinoderms

Mollusks

Cephalopods

Crustaceans

Reptiles

Marine Mammals

Pinnipeds

Cnidaria – corals

Porifera – sponges

Water birds

Categories

- Companion/pets
- Food and fiber
  - For humans
  - For animals
- Wildlife
- Entertainment (aquariums, zoos, movies)
- Work (Navy dolphins)
- Pest
- Research
- Education

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Science

New *evidence* of their capacities:

- Can feel – sentient
- Some are *proven* to be self-aware
- Cooperate across species
- Use tools
- Protect young and each other
- Aware of time
- And much more…

Use Precautionary Principle

Excluded from Legal Protection

- Most state anti-cruelty laws
- Animal Welfare Act
    - Research
    - Breeding
    - Exhibition
- Slaughter laws
- Transportation laws
- Have some protections
    - Wild and endangered
    - Pets
    - Marine mammals

*Generally not mentioned – **exclusion assumed***

Betta Fish Case

❖ National consumer class action

❖ Small tank sizes lead to poor welfare and early death

❖ Synthesizing science and law
  ❖ Use science to prove adverse impacts
  ❖ Law to protect consumers who buy a defective product (not fit for purpose)

❖ Case ties animal welfare to consumer welfare
  ❖ Already settled with some parties
    ❖ Changed practices
  ❖ Haven't yet finished case against PetCo
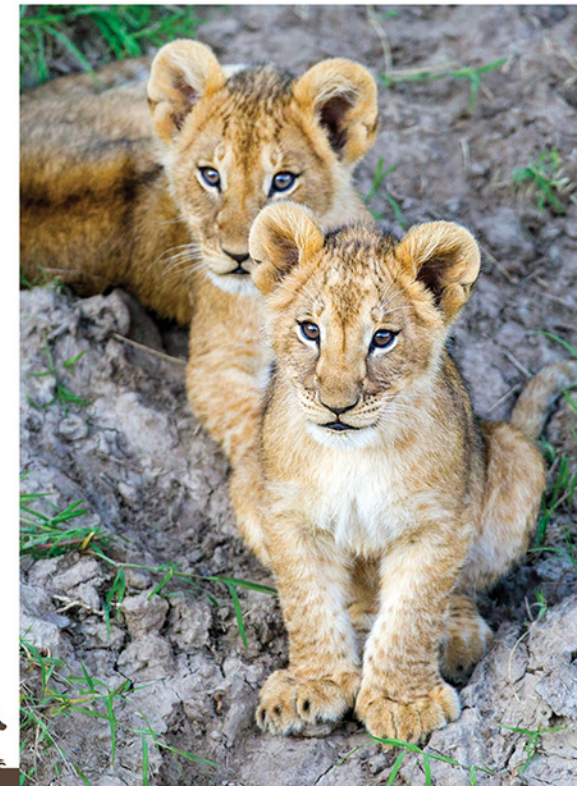
Exercise
Most Recent Interaction with Animal

➢ **Walk through briefly**

➢ **Type of Learning**
    ➢ **Active**
    ➢ **Engaged**

➢ **Bridge Substance and practical reality**

➢ **Opens space for more conversation and learning**
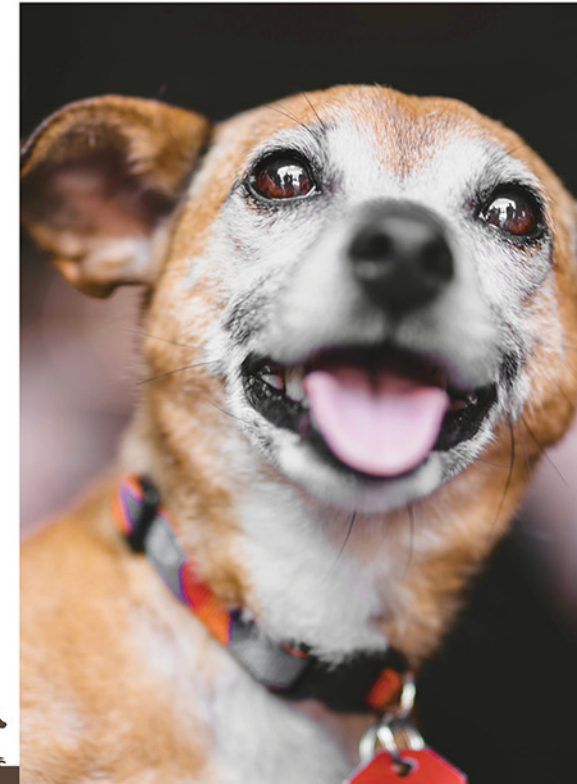
Learning in Animal Law Clinics

o **Substance**
- o Different types of practice
- o Addressing different types of animal use

o **Professionalism**
- o Resilience
- o Intersectionality
- o Working across other disciplines
- o Training effective advocates
- o Helping students transition into professionals

Law Reflects Values

- Connection between human and non-human animal violence & oppression

- Creates need for education

- Complicity in suffering needs to be addressed

- Must *see* animals and their suffering in order to help

  Consider lessons we are teaching

  Behavior law mandates or punishes must take into account the needs of animals

  Biocentric rather than anthropocentric approach

Legal Framework (U.S.):
o **What we must do, or**
o **What we must not do**
o **Not what we *should* do**

Law struggles to address emotion
o **Focus on rationality & logic**
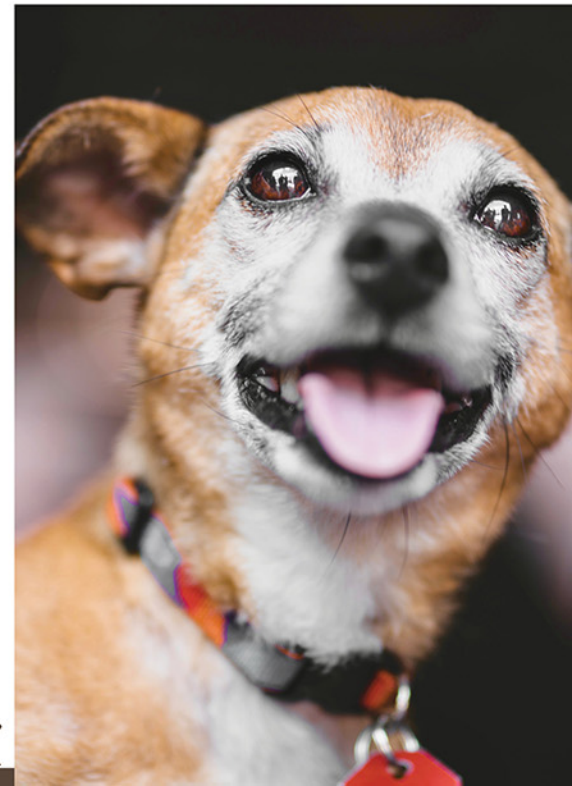o **Different than philosophy**

Individual Students Make a Difference

Example: Dianna Gentry

Yale Journal of Law and Feminism, 2001
"Including Companion Animals in   Protective Order: Curtailing the Reach of Domestic Violence"

Now, more than 30 states have protective order laws that include animals.

Secondary and Vicarious Trauma

- Students are open to, and immersed in, learning about animal suffering

- Students suffer because:
    - They are confronted by their lack of knowledge
    - They take on the suffering of the animals
    - They are overwhelmed by the amount and types of suffering
    - The law doesn't provide quick or easy remedies
    - Their own actions are complicit in harming their "clients"

- With new knowledge comes a new level of responsibility

- We need to address and offer ways to remediate

Some Special Attributes of Animal Law Clinics

o Getting started

o Case Selection

o Who are our clients

o Conflicts

o Who are our students

Animals as "Clients"

Clinical pedagogy developed "client centered" approach
- Goal - supporting client autonomy and agency
- Built on respect

Animals have their interests mediated by people & organizations
- Problematic paradigm
- Can't speak directly to animals as "clients"
- Considering interests of human clients, **on behalf of animals**

Animal Law Clinics as Humane Education

- The work we do
  - Helps animals
  - Helps people and organizations working to protect animals
  - Creates awareness

- Our teaching methods
  - Helps students
  - "Humanizes"
    - Legal Education
    - Practice of law

Frameworks

We *See* Animals:
As individuals
As members of a species
As part of the environment
In relation to humans
In relation to each other

Pedagogical Questions
What should we teach and why?
How should we teach, and in what context?
What goals do we work to accomplish?
How do we measure learning outcomes & success?
Interplay between teaching and lawyering goals

Adult Learners

- First class question – last interaction with an animal
  - Helps erase invisibility
  - See that they are widely used
  - We can't fix what we don't see

- Property status considered

- Seeing animals as:
  - Individuals with capacities and needs
  - Members of species
  - Part of ecosystem

- See humans the same way
  - Darwinian (rather than Cartesian) approach

Journey of Discovery

o Development of Animal Law
  o Translate philosophy into practical ethics
  o Add perspective - not dogma
  o Work with other disciplines - informs the law
  o Working with colleagues - exposing them to animal law

o Civic Engagement of Students
  o Students' activities inform their education and vice versa
  o Prepare future leaders for difficult, respectful dialogue
  o Understand the secondary/vicarious trauma of others
  o Address complicity in oppressions
  o Help students find way forward
  o Develop empathy for the journeys of others

o Development of Legal (and Humane) Education
  o Focus on learning, structures, and outcomes
  o Developing life-long learners and teachers

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Engagement with Animal Law Clinics

- **Students**
- **Non-Profits**
- **Donors**
- **Other Academics**
- **Courts**
- **Legislatures**
- **Agencies**

Animal Law Clinical Education

Good for animals

Learn not to think of them as instrumentalities

Consider their needs, what is natural

Good for nature and the environment
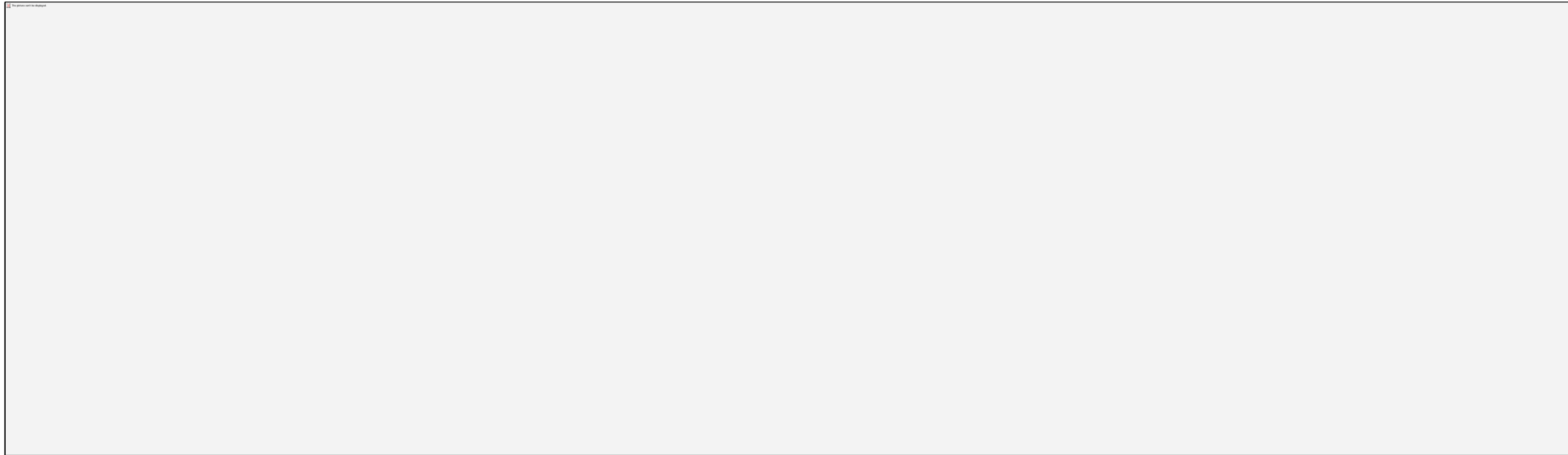
Work to better understand the whole system

Consider individuals within, and apart from, the whole

Good for people

More deeply consider what it is to be human, and to be a part of nature rather than in control of, or isolated from, it

Every Step in the Right Direction is a Good Step

Thank You!

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