



Course Information:

Course Name: Animal Law
Course Number: Law 646
Professor Name: Matthew Liebman
Number of Units: 3 Units
Semester/Year: FALL 2022

Professor Contact:

Office Number: Kendrick 312
Phone:
Email: Mliebman2@usfca.edu
Office Hours: Mondays and Wednesdays 2:00-3:00, or by appointment

Course Schedule:

Day(s)/Time(s): Monday and Wednesday, 11:00 am - 12:20 pm
Room(s): 104

Course Description:

This course surveys the law's understanding and treatment of animals by looking at the development of federal and state policies toward wild, captive, farmed, and companion animals. Specific topics may include the history of animal law; the legal status of animals as property; the concepts of animal welfare and animal rights; regulation of the use of animals in exhibition, agriculture, and other commercial industries, with particular emphasis on the environmental effects of animal agriculture; First Amendment and other constitutional issues raised in cases involving animals; the protection of animals by anti-cruelty and other laws; and a review of selected other topics and federal statutes. The course will incorporate legal concepts from other fields, encourage critical thought and new approaches to the issues presented, and focus on real-world applications of law in this rapidly-developing field.

Hours of Work per Class

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class, meaning that we will spend three 50-minute blocks of time together each week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of **9 hours per week (3 in class and 6 preparing for class) on course-related work.**

What We Should Expect of Each Other

I respect each of you for the hard work and dedication you’ve committed to your law school career. Please let me know how I can support you in this class and beyond.

For this class, you should expect me to (1) come to class prepared to share my knowledge and experiences in animal law with you, (2) encourage and support a diverse range of viewpoints, opinions, and life-experiences, (3) treat each of you respectfully as the colleagues that you are, and (4) work with each of you individually to meet your unique needs and expectations. Please let me know if I fail to meet your expectations as a professor and colleague.

In return, I expect that you will (1) attend each class having done the reading, (2) come prepared to discuss your impressions, opinions, and questions about the topics we’re covering, (3) treat your classmates with respect and kindness, even when you disagree, and (4) participate in conversations and discussions to ensure the free exchange of diverse ideas.

Mindful Minutes

We will begin each class with a minute or two of mindfulness, which simply entails a moment of quietness focused on some object of concentration, typically the breath. John Kabat-Zinn describes mindfulness as “awareness that arises through paying attention, on purpose, in the present moment, non-judgmentally.” Although mindfulness and meditation can be spiritual, please rest assured this is not a religious or indoctrinating practice. The purpose of this exercise is fundamentally practical: to temporarily set aside the distractions that may be taking up our mental real estate so that we can bring our full attention to the class and connect with each other as colleagues. Mindfulness can also be effective at empowering people to receive and process traumatic information, which animal law sometimes entails. If this practice doesn’t work for you, that’s fine; please just sit quietly and enjoy the silence.

A Note on Graphic Videos

Some of the assignments in this syllabus include videos. This is in recognition of two facts: first, students learn best through a variety of different media; second, if a picture is worth a thousand words, a video is worth a million – some of the things we do to animals have to be seen to be believed. As we’ll discuss when we study Ag-Gag laws, documentary evidence of animal

treatment is a major catalyst for legal, policy, and social reform. I know many of these videos are graphic and very difficult to watch. I encourage you to try. That said, I don't want to traumatize you. I've tried to mostly choose videos that aren't too graphic. I ask you to do your best and work with your discomfort, but I don't expect you to endure any video that is truly too much for you to bear. Please feel free to speak with me if you find the course materials emotionally traumatic and I can recommend some resources.

Course Materials

The text for this class is BRUCE A. WAGMAN, SONIA S. WAISMAN, AND PAMELA D. FRASCH, ANIMAL LAW: CASES AND MATERIALS (6th ed. 2019).

Other course materials will be available online and through Canvas.

Learning Outcomes

USF School of Law Learning Outcomes:

1. Knowledge and understanding of legal doctrine and policy.
2. Legal analysis and reasoning.
3. Legal research.
4. Professional legal skills, including independent and critical thought, effective problem solving, and good work habits.
5. Communication, including written and oral.
6. Professional identity and ethical responsibility.
7. Capacity for, awareness of, and openness to working in a diverse environment, from a global perspective, and toward the advancement of social justice.

This course is designed to ensure that students achieve competence in all of the following:

1. Be able to think critically about how the law protects, or fails to protect, animals;
2. Understand the competing policy arguments surrounding the use of animals for food, research, entertainment, and companionship;
3. Be able to effectively analyze legal issues concerning animals;
4. Understand the philosophical underpinnings of animal *rights* and how it differs from animal *welfare*;
5. Be familiar with federal animal protection statutes, including the Animal Welfare Act, the Humane Methods of Slaughter Act, and the Endangered Species Act;
6. Understand state criminal animal cruelty laws;
7. Understand how the common law conceives of animals;
8. Be familiar with what animal lawyers do, across a variety of practice areas;
9. Gain experience in practical lawyering skills, such as oral arguments, complaint drafting, or policy advocacy.

Grading

1. Grading Option:
Grading will be based on a COMBINATION system.
2. Contributing Factors:
Quizzes: 10%
Class participation: 10%
Presentations: 20%
Final exam: 60%

Quizzes: Every few weeks, you'll take a timed quiz to test your understanding of the topics we've covered in the course up to that point. The quizzes will be taken outside of class on Canvas. We'll commit class time to reviewing the quizzes and honing our mastery of the concepts.

Class Participation: This is a small class and Animal Law is a policy-laden field of law, so we will all benefit from robust conversation and discussion. **My expectation is that every student will speak at least once during every class.** The weekly journals will be a good source of ideas to bring to our classroom discussions. Voluntary participation is expected, but **please note that I will also be cold-calling on students throughout the class.** My intent is not to grill you or embarrass you, but rather to elicit your contribution to the learning process. I don't expect you to have all the answers, but I do expect you to be prepared and to be ready to work through the difficult questions this class raises. **If for any reason you are unable to do the reading before a given class, please let me know privately in advance and I will not call on you.** Please know that I strongly welcome the expression of positions that are contrary to my own (and the expression of positions that are contrary to *your* own, for that matter).

In-Class Presentations: At the end of the semester, each student will give a 15-minute presentation with visual aids (e.g., PowerPoint) comparing some aspect of U.S. animal law to the legal regime of another country. You will choose both the topic and the foreign country. For example, you could compare U.S. animal research regulations to those of Canada, or U.S. factory farming laws to those of the European Union, or wildlife protections in the U.S. to those of China. Please come to office hours early in the semester to discuss your presentation and the topic you've chosen. I will place a review copy of my book, *A Worldview of Animal Law*, on Canvas for you to use for research. You should also do some independent research. You will be graded on how well you understand U.S. law, how well you understand the other jurisdiction's law, how well you compare and contrast the two, and the quality of your presentation.

Exam: This will be an anonymous, take-home, open-book final exam.

Class meeting schedule and assignments:

The course topics and reading assignments may be changed a bit throughout the semester.

Unit 1: Theoretical Frameworks for Thinking About Animals and the Law

Monday, August 22: Introducing Animals, Ethics, and the Law

Assignment:

- Watch:
 - TEDx Talks, *What Animals Are Thinking and Feeling, and Why It Should Matter* – Carl Safina, YouTube (Jul. 13, 2016), https://www.youtube.com/watch?v=-wkdH_wluhw (16 mins.).
 - TEDx Talks, *Are There Non-Human Persons? Are There Non-Person Humans?* – Glenn Cohen, YouTube (Oct. 24, 2017), <https://www.youtube.com/watch?v=8Z8MMS0Su4o> (15 mins.).
- Read:
 - LORI GRUEN, ETHICS AND ANIMALS: AN INTRODUCTION, pp. 1-4, 33-43 (2011) (14 pages) (available on Canvas).
 - *Samolyk v. Berthe*, No. 085946 (N.J. June 13, 2022).

Wednesday, August 24: Linked Oppressions//Linked Resistance

Assignment:

- Watch:
 - Just Wondering, *Animal & Disability Liberation with Sunaura Taylor*, YouTube (Jun. 3, 2020), <https://www.youtube.com/watch?v=1RokWAuChVw>. (14 mins.).
- Read:
 - Danielle Wiener-Bronner, *Mangers at Tyson Meat Plant Had Betting Pool on How Many Workers Would Get COVID, Lawsuit Alleges*, CNN (Nov. 19, 2020), <https://www.cnn.com/2020/11/19/business/tyson-coronavirus-lawsuit/index.html>.
 - Angela P. Harris, *Should People of Color Support Animal Rights?*, 5 J. ANIMAL L. 15 (2009). (18 pages) (available on Canvas).
 - Faunalytics, *Animal & Social Justice Fundamentals*, <https://faunalytics.org/fundamentals-animal-and-social-justice/>.

Unit 2: Criminal Animal Cruelty

Monday, August 29: Anti-Cruelty Laws I

Assignment:

- Watch:
 - Valley Beit Midrash, *Human Prisons & Animal Cages: Professor Justin Marceau Interviewed by Rabbi Dr. Shmuly Yanklowitz*, YouTube (Jan. 3, 2020), <https://www.youtube.com/watch?v=RQZ4pAGoEy0> (15 mins.).
- Read:

- California Anti-Cruelty Law, Cal. Penal Code §§ 596-600.5 (read sections 597, 599b, and 599c closely, skim the rest)
- Preventing Animal Cruelty and Torture Act, Pub. L. 116-721 (Nov. 25, 2019), <https://www.congress.gov/116/plaws/publ72/PLAW-116publ72.pdf>.
- ANIMAL LAW, pp. 92-99 (Ch. 3, Sec. 2, State Anti-Cruelty Statutes), 115-129 (Ch. 3, Sec. 4, Affirmative Acts of Cruelty) (23 pages).

Wednesday, August 31: Anti-Cruelty Laws II

Assignment:

- Sometime before class starts, please email me a link to a recent news article about an animal cruelty issue or case (ideally pre-conviction), as well as a link to the anticruelty statute for the state in which the story takes place. In class, we'll work through whether the conduct described in the article constitutes criminal animal cruelty.
- Read:
 - ANIMAL LAW, 100-106 (Ch. 3, Sec. 3, Animals as "Victims" of Crimes), pp. 134-153 (Ch. 3, Sec. 5, Failure to Act), 154, 169-173 (Ch. 3, Sec. 6, Hoarding) (30 pages).

Unit 3: Standing and Animal Law

Monday, September 5: NO CLASS, LABOR DAY

Wednesday, September 7: Standing I

Assignment:

- Quiz #1 Due
- Read:
 - ANIMAL LAW, pp. 363-364 (Ch. 5, Sec. 1, Standing Overview), 368-381 (*Sierra Club* and notes), 398-405 (*Cetacean Community* and notes), 381-387 (*Lujan* and notes) (31 pages).

Monday, September 12: Standing II

Assignment:

- Read:
 - ANIMAL LAW, pp. 387-392 (*Humane Society* and note), 405-428 (*Glickman* and notes) (30 pages).

Unit 4: Animal Rights Litigation I

Wednesday, September 14: Are Chimps and Elephants Entitled to the Writ of Habeas Corpus?

Assignment:

- Watch:
 - TED, *Chimps Have Feelings and Thoughts. They Should Also Have Rights* – Steven Wise, YouTube (May 20, 2015), <https://www.youtube.com/watch?v=VLe84OkwKOA> (14 mins.).

- Read:
 - *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 192 Conn. App. 36, 216 A.3d 839 (2019).
 - *People ex rel. Nonhuman Rights Project, Inc. v. Lavery*, 124 A.D.3d 148, 998 N.Y.S.2d 248 (2014).
 - *Nonhuman Rights Project, Inc., on Behalf of Tommy v. Lavery*, 31 N.Y.3d 1054, 1055, 100 N.E.3d 846 (2018) (Fahey, J., concurring in denial of leave to appeal)
 - *Nonhuman Rts. Project, Inc. v. Breheny*, No. 52, 2022 WL 2122141 (N.Y. June 14, 2022) (read majority opinion, skim dissents)

Week 5

Monday, September 19: Can Animals Sue?

Assignment:

- Watch:
 - Your Morning, *Horse Named Justice Suing [His] Former Owner Could Set Important Precedent*, <https://www.youtube.com/watch?v=NX4I32uK9uQ> (4 mins.).
- Read:
 - *Justice v. Vercher* materials (on Canvas):
 - Complaint
 - Trial court decision
 - Appellant’s Opening Brief
 - Respondent’s Answering Brief
 - Appellant’s Reply Brief (skim)
 - Amicus Briefs (optional)
 - Matthew Liebman, *Seeking Justice for Justice*, REGISTER-GUARD (Jul. 16, 2019), <https://www.registerguard.com/opinion/20190716/seeking-justice-for-justice>.
 - Karin Brulliard, *Seeking justice for Justice the horse: Can a neglected animal sue?*, WASHINGTON POST (Aug. 13, 2018), <https://www.washingtonpost.com/news/national/wp/2018/08/13/feature/a-horse-was-neglected-by-its-owner-now-the-horse-is-suing/>.

Wednesday, September 21: Appellate Argument

Assignment:

- You’ll be assigned to be either the appellant or respondent in the Justice the Horse case, and each of you will give a short oral argument in class, while being questioned by a panel of classmate “judges.” Your homework consists of preparing for the argument and watching the oral argument linked below.
- Watch:
 - Oral arguments in *Justice v. Vercher*:
 - Go to <https://www.courts.oregon.gov/courts/appellate/media/Pages/webcasting.aspx>. Click “Watch Oral Arguments Now.” Click on “Oregon Court of Appeals” on the left. Click on “Sort By.” Enter September 2, 2020 in both “air date” fields. Click “apply.” Click on “September 2, 2020.” The Justice argument is the first one to show up.

Unit 5: Companion Animals

Monday, September 26: Torts

Assignment:

- Read:
 - ANIMAL LAW, pp. 233-241 (Ch. 4, intro and Sec. 1.A: Theories of Liability, Intentional Torts), 302-323 (Ch. 4, Sec. 3, Damages and Valuation, *Strickland* and notes, *Monyak* and note 1) (31 pages).

Wednesday, September 28: Custody

Assignment:

- Quiz #2 Due
- Watch:
 - PBS NewsHour, *How Did Hurricane Katrina Change the Way We Evacuate Pets From Devastation?*, YouTube (Aug. 29, 2015), <https://www.youtube.com/watch?v=z4qSSV5TtFQ> (6 mins.).
- Read:
 - ANIMAL LAW, pp. 726-750 (Ch. 7, Sec. 3, Dissolution of Marriage and Other Relationships: Custody Disputes) (25 pages).
 - California Family Code § 2605.
 - *Dog Doesn't Consider Itself Part of the Family*, THE ONION, Mar. 14, 2014, <https://www.theonion.com/dog-doesn-t-consider-itself-part-of-family-1819576259>.

Monday, October 3: Puppy Mills

Assignment:

- Watch:
 - Companion Animal Protection Society, *Undercover with CAPS: An Investigation of J.A.K.'s Puppies*, YouTube (Jun. 26, 2020), <https://www.youtube.com/watch?v=KaM72GW8488> (6 mins.).
- Read:
 - Animal Welfare Act, 7 U.S.C. §§ 2131-2160 (pay special attention to breeder provisions)
 - ANIMAL LAW, pp. 205 n. 7 (puppy mills), 654-680 (Ch. 6, Sec. 2.D, Breeders, Dealers, and Puppy Mills) (28 pages)
 - California Health & Safety Code § 122354.5.

Wednesday, October 5: Housing and Service Animals

Guest Speaker, Michael Muehe, Research Librarian Fellow, Zief Law Library

Assignment:

- Watch:
 - The Guardian, *Emotional Support Animals: Has America's 'Epidemic' Gone Too Far?*, YouTube (Jun. 26, 2019), <https://www.youtube.com/watch?v=NGJLRkZzKbM> (15 mins.).
- Read:

- ANIMAL LAW, pp. 699-711 (Ch. 7, Sec. 1, Housing Issues), 711-726 (Ch. 7, Sec. 2, “Service” and “Support” Animals in Contexts Other Than Housing) (28 pages).

Unit 6: Farmed Animals

Monday, October 10: On the Farm

Assignment:

- Quiz #3 Due
- Watch:
 - NowThis News, *These Farm Animals Got a Chance at Life*, YouTube (Nov. 16, 2019), <https://www.youtube.com/watch?v=d3pibu-cCsE> (12 mins.).
 - NowThisNews, *How the Meat Industry Uses ‘Humane Washing’ Terms*, YouTube (Apr. 6, 2021), <https://www.youtube.com/watch?v=dATr8nwTIMo>.
 - Mercy For Animals, *Farm to Fridge – The Truth Behind Meat Production*, YouTube (Feb. 3, 2011), <https://www.youtube.com/watch?v=THIODWTqx5E> (12 mins.). *CAUTION: GRAPHIC VIDEO*
 -
- Read:
 - Proposition 12, California Health & Safety Code §§ 25990-25991
 - *National Pork Producers Council v. Ross* [skim [full SCOTUS docket](#)]
 - Read [Ninth Circuit opinion](#)
 - Read [Brief for Petitioners](#)
 - Read [Brief for Respondents](#)

Wednesday, October 12: In the Slaughterhouse

Assignment:

- Watch:
 - USPOULTRY, *An Inside Look at U.S. Poultry Processing*, YouTube (Apr. 27, 2015), <https://www.youtube.com/watch?v=ZnRYi2ukzOs> (8 mins.).
 - Mercy for Animals, *Hidden-Camera Exposes Criminal Animal Abuse at Chicken Slaughterhouse*, YouTube (Mar. 28, 2015), <https://www.youtube.com/watch?v=V-RwqjtQmm8> (3 mins.).
- Read:
 - Humane Methods of Livestock Slaughter Act, 7 U.S.C. §§ 1901-1907
 - ANIMAL LAW, pp. 578-581 (Ch. 6, Sec. 1.B, Slaughter Laws and Related Issues, intro) 595-619 (*Cavel* and notes, *Harris* and notes) (29 pages)

Monday, October 17: Ag-Gag Laws

Assignment:

- Watch:
 - ThingsICantFindOtherwise, *Meat and You: Partners in Freedom (The Simpsons)*, YouTube (Oct. 13, 2015), https://www.youtube.com/watch?v=zR_4h5A5z_A (3 mins.)

- Mercy for Animals, *Burger King Cruelty – Video Exposes Horrific Animal Abuse at a Burger King Dairy Supplier*, YouTube (Oct. 9, 2012), https://www.youtube.com/watch?v=IN_YcWOuVqk (3 mins).
- The Intercept, *In Iowa, Politicians Protect Ag Industry by Making Activists Criminals*, YouTube (Oct. 12, 2019), <https://www.youtube.com/watch?v=6bRr0YH74Uw> (9 mins.).
- Read:
 - ANIMAL LAW, pp. 619-639 (Ch. 6, Sec. 1.C, “Ag-Gag” Laws) (21 pages)

Wednesday, October 19: Environmental Law and Factory Farms

Guest Speaker [Cristina Stella](#), Managing Attorney, Animal Legal Defense Fund (tentative)

Assignment:

- Watch:
 - Democracy Now!, *North Carolina Hog Farms Spray Manure Around Black Communities; Residents Fight Back*, YouTube (May 3, 2017), <https://www.youtube.com/watch?v=eyAFNV4Afgw> (17 mins.).
- Read
 - Jamie Berger, *How Black North Carolinians Pay the Price for the World’s Cheap Bacon*, VOX (Apr. 1, 2022), <https://www.vox.com/future-perfect/23003487/north-carolina-hog-pork-bacon-farms-environmental-racism-black-residents-pollution-meat-industry>.
- Listen
 - Mariann Sullivan and Tyler Lobdell, *The Case of the Filth in the Water*, ANIMAL LAW PODCAST (Dec. 29, 2021), <https://www.ourhenhouse.org/alp79/>.

Unit 7: Wildlife Law

Monday, October 24: The Endangered Species Act

Assignment:

- Quiz #4 Due
- Watch:
 - U.S. Fish & Wildlife Service, *Endangered Species Act 101*, YouTube (Dec. 28, 2012), <https://www.youtube.com/watch?v=Y6wJpGO8j4Q> (9 mins.).
- Read:
 - ANIMAL LAW, pp. 806-831 (Ch. 9, Sec. 1, Endangered Species Act) (26 pages)
 - Endangered Species Act, 15 U.S.C. § § 1531-1544

Wednesday, October 26: Roadside Zoos I

Assignment:

- Watch:
 - PETA, *Bears Pacing in Endless Circles at Cherokee Bear Zoo*, YouTube (Aug. 21, 2017), <https://www.youtube.com/watch?v=d9xh6teYhHA> (1 min.).
- Read:
 - Animal Welfare Act, 7 U.S.C. §§ 2131-2160 (pay special attention to exhibitor provisions)
 - *Hill v. Coggins*, 867 F.3d 499, 502 (4th Cir. 2017).

- *Salzer v. King Kong Zoo*, 242 N.C. App. 120, 121, 773 S.E.2d 548, 549 (2015).

Monday, October 31: Roadside Zoos II

Guest Speaker [Jessica Blome](#), Senior Associate, Greenfire Law

Assignment:

- Watch:
 - Animal Legal Defense Fund, *Monkeys Rescued From Cricket Hollow Zoo*, YouTube (Mar. 24, 2020), <https://www.youtube.com/watch?v=l6puelN3wXk> (3 mins.).
- Read:
 - *Kuehl v. Sellner* (nuisance) materials (on Canvas)
 - Complaint
 - Trial court decision

Wednesday, November 2: Cruelty, the Wildlife Trade, and COVID

Assignment:

- Watch:
 - Vox, *How Wildlife Trade is Linked to Coronavirus*, YouTube (Mar. 6, 2020) <https://www.youtube.com/watch?v=TPpoJGYIW54> (9 mins.).
- Read:
 - ANIMAL LAW, pp. 176-187 (Ch. 3, Sec. 8.A, Hunting) (12 pages)
 - *Ivory Educ. Inst. v. Dep't of Fish & Wildlife*, 28 Cal. App. 5th 975 (2018), *as modified* (Nov. 5, 2018).

Unit 8: Animals in Research

Monday, November 7: Animal Research Laws

Assignment:

- Watch:
 - The New York Times, *Chimpanzees Retired From Research*, YouTube (Jul. 9, 2013), <https://www.youtube.com/watch?v=MG3YRzeThys> (4 mins.).
 - Foundation for Biomedical Research, *Why Animals Are Needed in Research*, YouTube, (Jun. 1, 2015), https://www.youtube.com/watch?v=iA_FfVuTfoM (4 mins.).
- Read:
 - Animal Welfare Act, 7 U.S.C. §§ 2131-2160 (pay special attention to research provisions)
 - ANIMAL LAW, pp. 639-654 (Ch. 6, Sec. 2.A-C, Animals in Research and the Animal Welfare Act), 680-684 (Ch. 6, Sec. 2.E, Animal Cruelty), 692-695 (Note 2) (24 pages)

Unit 9: Comparative Animal Law I

Wednesday, November 9: Comparative Animal Law

Assignment:

- Read:

- BRUCE A. WAGMAN & MATTHEW LIEBMAN, *A WORLDVIEW OF ANIMAL LAW* 3-29 (2011) (27 pages) (on Canvas).
- Sarah Wilkinson, *8 Top Tips to Give the Perfect Presentation*, THE LAWYER PORTAL, Mar. 16, 2018, <https://www.thelawyerportal.com/blog/top-tips-perfect-presentation/>.
- In class: You should come to class having already made *substantial* progress on your presentation and ready to work in pairs on further developing it.

Unit 10: In-House and Transactional Animal Law

Monday, November 14: Shelter Management // Wills and Trusts

Guest Speaker [Lindsay Tang](#), General Counsel, SFSPCA

- Quiz #5 Due
- Watch:
 - CBS Evening News, *Saving Sido: The Court Fight for a Dog's Life*, YouTube (June 17, 1980), <https://www.youtube.com/watch?v=qc5I5Mfllbw> (2 mins.)
- Read:
 - ANIMAL LAW, pp. 759-791 (32 pages)

Unit 11: Comparative International Animal Law II

Wednesday, November 16: Comparative Law Presentations 1

- Presentations 1

Monday, November 21: Comparative Law Presentations 2

- Presentations 2

Unit 12: Animal Rights Litigation II

Wednesday, November 23: Can a Monkey Own a Copyright?

Assignment:

- Watch:
 - Good Morning America, *Battle Over Monkey's Selfies Goes to Court*, YouTube (Jul. 13, 2017), <https://www.youtube.com/watch?v=1HO0oqzY3Y0> (3 mins.)
- Read:
 - *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018)

Monday, November 28: Final Review

Wednesday, November 30: NO CLASS

The School of Law is committed to providing the best educational and community experience for our students. At present, all of our courses are being hosted in person.

As we continue to respond to the COVID virus, we may be required by the University and the Department of Public Health to make changes in safety protocols which would alter the instructional modality of this course. Any changes will be communicated with as much notice as possible.

Students who are unable to come to class physically due to illness or quarantining will be provided a Zoom link to observe the course.

The ABA requires that students must attend at least 80% of all class sessions. Attendance for ABA purposes will be managed in three categories this semester:

- **Present in class:** will count as present for attendance purposes.
- **Excused absence and present on Zoom:** will count as present for attendance purposes for the first four absences per class as long as the absences are approved by the Registrar's Office. After four absences, a student who cannot return to in-person classes must contact Stephanie Carlos, Assistant Dean of Students, at shcarlos@usfca.edu. In order to be excused and able to be present on Zoom, a student **must email both their professor and the Registrar's Office (lawregistrar@usfca.edu) at least an hour before the start of that class.**
- **Unexcused absence:** If a student is going to miss class for a non-illness-related reason they should notify their professor.

If you are feeling unwell or you are showing any symptoms of COVID-19, it is critical that **you do not come to school**. Send an email to your professor and the Registrar's Office (lawregistrar@usfca.edu) **at least one hour before class begins** explaining that you are unwell. Join the class via the Zoom link on your class Canvas page. While you will be able to view the professor and slides and listen to classroom lectures and discussions, generally, the professor will not be interacting with students on Zoom while they are teaching in person.

Communication:

All official School of Law and University communications are sent exclusively to students' USF email addresses.

Attendance:

Policy:

The School of Law requires students to attend classes regularly, complete assignments in a timely manner, and be prepared for and participate in class. The law school attendance policy follows the ABA standard that students must attend at least 80% of the scheduled class sessions for any given course in order to receive credit. If a student has exceeded the allowable class absences, they may be administratively withdrawn and/or receive a failing

grade for the course. For full detail, please see the *Academic Policies for the JD & Graduate Tax Programs*: <https://myusf.usfca.edu/law/student-services>

Tracking:

Taking attendance is required at the School of Law. USF policy requires that I notify the Registrar if a student is in danger of exceeding the permissible number of absences. The specific methods of attendance tracking may differ depending on course modality. You are responsible for reporting attendance *yourself* when you are present and failure to attend may have consequences in grading and receipt of class credit. Compliance with attendance rules is regulated by the Honor Code.

Students with Disabilities:

The University of San Francisco is committed to providing equal access to students with disabilities. If you are a student with a disability, or if you think you may have a disability, please contact Student Disability Services (SDS) at sds@usfca.edu or 415 422-2613, to speak with a disability specialist (please note that SDS follows privacy and confidentiality protocols). If you are eligible for accommodations, please request that your accommodation letter be sent as soon as possible (students are encouraged to contact SDS at the beginning of the semester), as accommodations are not retroactive. Once I (and/or the Law Registrar's Office, as appropriate) have been notified by SDS of your accommodations, we can discuss your accommodations and ensure your access to this class. For more information, please visit the SDS website: <https://www.usfca.edu/student-disability-services>.

DRALSA Info:

The Disability Rights & Advocacy Law Student Association (DRALSA) is available as an additional resource for students with disabilities who have questions or need assistance with any disability-related issues including obtaining documentation, communicating with SDS and professors, applying for accommodations, and requesting support in the classroom. Students are encouraged to reach out to DRALSA at dralsa.usfca@gmail.com if they are in need of support.

Academic Dishonesty

The law school defines academic dishonesty as engaging in any dishonest conduct in connection with any examination, written work, or other academic activity. The University of San Francisco takes academic dishonesty very seriously. You are responsible for knowing and adhering to the explicit details of our policy as listed here in the *School of Law Honor Code*: <https://myusf.usfca.edu/law/student-services>

Academic and Bar Exam Success Program (ABES)

ABES gives all students the necessary skills and mindsets to be successful in their classes, on the bar, and in their first jobs as attorneys. ABES teaches students study skills and techniques, legal analysis and writing, and exam-taking strategies through integrated instruction, workshops, courses, and one-on-one meetings. Please contact ABES@usfca.edu if you have questions or need extra support.