



Animal Law Section **Annual Report – 2003-2004**

Beatrice M. Friedlander, Chair

“He who is cruel to animals becomes hard also in his dealings with men. We can judge the heart of a man by his treatment of animals.”
-Immanuel Kant

This was inscribed on the 2003 Brandi award presented to Calhoun County Prosecuting Attorney John A. Hallacy and Assistant Prosecutor Katherine K. Miller in July 2003. The award was established by the Section in 1997 to honor law professionals who make outstanding contributions to animal law. Hallacy and Miller were the first prosecutors to receive the award. They were recognized for their commitment to vigorous enforcement of animal cruelty laws. In three years, Hallacy’s office authorized 38 counts of abandonment or cruelty, eight counts of killing or torturing and one count of unlawful burial of animals.

Referrals: The “Animal Legal Lifeline” was formally launched this year under the direction of Wanda Nash. A toll-free number, (866) 211-6257, was established and requests for assistance are circulated via the Section listserv. The response has been positive, both in terms of the number and variety of requests received and the attorney response. Further refinement of the system is planned with a short questionnaire soon to be mailed and also posted on the Section website. Law student volunteers will be assigned to work with interested referral attorneys.

Pro Bono Project: The Section has been working to ensure that animal law cases are included in the State Bar’s pro bono program. It joined with the Pro Bono Involvement Committee which led the effort to expand the definition of “pro bono”. The Section Council submitted a comment, and the Chair spoke in favor of the expanded definition at a Representative Assembly meeting in November. The proposal passed and is awaiting approval by the Michigan Supreme Court. The Section next plans to raise awareness among legal service and other organizations who administer the State Bar program, so that legal issues involving animals are identified and referred to interested attorneys.

Legislation Committee: The focus over the past year was on state legislation, in particular opposition to HB 5029, which would allow Mourning Doves to be hunted. The Council decided to limit active involvement in federal legislative issues to those with special importance to Michigan. The Committee made the following recommendations: provide timely information to section members about pending legislation so that they can acquaint themselves with legislators and offer their expertise; identify section members

willing to appear at legislative hearings to represent the Section; identify and develop relationships with legislators and staff who have an interest in, and may be able to impact, animal legislation; identify and develop relationships with key policy staffers involved in drafting bills of interest to the Section. The Committee is chaired by Thomas Boven, with assistance by Kieran Marion. Plans are underway for a reception for legislative aides this summer while the Legislature is in recess.

Prosecutors Committee: Headed by Council member David Wallace and now in its second year, the Committee's mission is to educate those within the legal system about animal cruelty and the need for prosecution of these cases. The Committee has compiled a list of proposed amendments to animal cruelty statutes. It also has recommended that the Section develop a presentation for judges on animal cruelty and its linkage with violence to humans; that new prosecutors receive training on these issues; and that partnerships be established with existing child advocacy programs to incorporate these issues. The Committee has sent letters to prosecutors who have incidents of animal cruelty in their jurisdiction, to urge prosecution and to offer assistance. The Committee also has drafted letters to judges at the sentencing phase of animal cruelty prosecutions. The development of a prosecutors' handbook for animal cruelty cases is continuing.

Education: The 3rd annual Symposium was "Representing the Non Profit Animal Organization." Approximately a dozen Michigan animal rescue organizations and humane societies were represented. Speakers included Prof. MaryAnn Pierce and Ralph Rumsey on non profit law and taxes; Dale Ann Iverson on using ADR; Council member Cynthia Bostwick on issues facing these organizations and their legal advisors; and Section member Ginny Mikita who moderated a panel which included representatives of four animal organizations, an Animal Control Officer, and the Michigan Department of Agriculture, State Veterinarian for equine and companion animal programs. The Symposium was again hosted by MSU/DCL College of Law and The Animal Legal and Historical Center. Council members Sharon Atma and Donald Garlit assisted in planning the event.

Michigan Lawyers Weekly published a lengthy article on the Prosecutors Committee in its August 25, 2003 issue, Vol. 17, No. 42, page 1. Members contributed to an article in that publication analyzing *People v Fennel*, Court of Appeals # 241339, ___ Mich App ___ (2004), holding that the animal torture statute was a general intent crime.

Outreach: David Wallace gave a power-point presentation on animal cruelty prosecution to the Student Animal Legal Defense Fund at the University of Michigan Law School in February.

The Chair continues to sit on the Michigan Department of Agriculture's Companion Animal Advisory Committee. The Committee recommends legislation and currently is working on an extensive overhaul of the 1919 Dog Law.

The Chair met with representatives of the two Student Animal Legal Defense Fund Chapters in the state, University of Michigan, which formed in the past year, and MSU/DCL. The two groups intend to work on joint programs in the next year.

The Section drafted a press release in recognition of the 4th Annual Animal Cruelty/Human Violence Awareness Week in April. This year's theme, "Animal Cruelty IS Family Violence," focused on the connection between animal cruelty and domestic violence. The press release noted that pets in violent families may be injured by the abuser to intimidate and control other members of the household; and cited a national

survey of residents in battered women's shelters reporting pet abuse in 85% of their former households.

Coalition with Michigan Humane Society: The Section Council and the Board of MHS both recently authorized a cooperative effort between the two organizations to develop a strategy for legislation and litigation which would significantly improve the status of companion animals in Michigan.

Bar Activities: Suzanne Stephan attended the Bar Leadership Conference last summer; Jean Ligon represented the Section at a meeting to discuss specialty certifications for Michigan attorneys; Barbara Goldman, Section Public Policy Liaison, attended meetings and drafted comments in connection with Supreme Court Administrative Order 2003-15 as it applies to Section public policy statements.

Retreat: The Section's 5th annual retreat was at the Howell Nature Center in May. The weekend included a guided tour of the Center, which rehabilitates injured birds and mammals; horseback riding; and a tour of Horses Haven, a Livingston County sanctuary. Chair Elect Jean Ligon hosted the Council for dinner and a tour of her stable and 6 horses. The retreat is designed to give Section Council members direct contact with animals whose lives we seek to improve but whom we may not regularly encounter.

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