

Resources in Animal Law

By Barbara H. Goldman

Animal law is a relatively recent addition¹ to the fields of practice in American jurisprudence, but the last decade has seen an explosion of interest and resource materials. Because animals interact with people in so many aspects of society, practitioners may need to look to a variety of sources for information.

As animal law developed as an academic subspecialty, textbooks followed. Favre's *Animal Law: Welfare, Interests, and Rights*² remains a leading casebook, although others are available.³ A more practitioner-centered focus can be found in Schaffner and Fershtman's guide.⁴ In addition, the Animal Legal Defense Fund's website (<http://aldf.org/>) and the Animal Legal & Historical Center at Michigan State University (<http://animallaw.info>) serve as portals to a wealth of information—national and state-specific statutes and caselaw—accessible by topic, jurisdiction, or both.

There are a number of law reviews for the serious theoretician. *Animal Law Review*, published by Lewis & Clark Law School,⁵ was the first, but has been joined by a variety of other publications.⁶ The Social Science Research Network (<http://www.ssrn.com/>) offers a subscription-based Animal Law eJournal with links to animal-related articles in publications worldwide and is a timesaver if a search is necessary.

The majority of Michigan lawyers, however, are more likely to want to pursue matters closer to home. The SBM Animal Law Section regularly reviews topics of local interest in its newsletter⁷ and its 2010 review of Michigan dog-bite law may also be a useful resource.⁸

Because so much animal regulation occurs at the municipal level, an attorney who encounters an animal-related issue should

bookmark <http://www.municode.com>, the gateway to dozens of Michigan ordinances arranged by city, village, or township. Although the website does not provide the search power of a paid electronic database, it is free.

Another area within animal law that attorneys may come across is helping estate-planning clients who own pets or other animals. Until recently, there was no way to guarantee that a favored dog, cat, horse, or other companion would be cared for after the death of its owner because the beneficiary of a will or contract lacked the standing to sue. See, for example, the American Bar Association article titled "Estate Planning Issues Involving Pets."⁹ MCL 700.2722, however, now permits creating a trust "for the care of a designated domestic or pet animal," and some probate attorneys have developed a subspecialty in this field.

No one approves of animal cruelty. Prosecuting cases of dog fighting, animal neglect, and animal hoarding has become more sophisticated, and local authorities have more resources available. The American Prosecutors Research Institute has an online booklet¹⁰ and the Humane Society of the United States provides information on its website.¹¹ In addition to its other services, the Animal Legal Defense Fund sponsors a blog with contributions from prosecutors.

This summary only glances at some of the many areas of practice that are touched by animal law. Practitioners who work with family law, landlord-tenant issues, land use and zoning questions, civil rights and disability cases, veterinary medicine, and wildlife management, to name a few, may seek information on how the legal system interacts with animals and their human companions. As animal law expands and creates its own body of resources, help in locating

exactly what you need when an animal issue crosses into your area of practice is as close as your local law librarian. ■

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ENDNOTES

1. The State Bar of Michigan Animal Law Section, organized in 1995, was the first state bar animal law section.
2. Favre, *Animal Law: Welfare, Interests, and Rights (2d ed)* (New York: Aspen Publishers, 2011).
3. See, e.g., Frasch, Waisman & Wagman, eds, *Animal Law: Cases and Materials (4th ed)* (Durham: Carolina Academic Press, 2010); Bryant, Huss & Cassuto, *Animal Law and the Courts: A Reader* (Minneapolis: Thomson West, 2008). The subject has even evolved to the point of having its own "Nutshell" volume. Frasch, Hessler, Kutil & Weisman, *Animal Law in a Nutshell* (St Paul: West Publishing, 2011).
4. Schaffner & Fershtman, eds, *Litigating Animal Law Disputes: A Complete Guide for Lawyers* (Chicago: American Bar Association, 2009).
5. See Lewis & Clark Law School, *Animal Law Review* <http://law.lclark.edu/law_reviews/animal_law_review/>. All websites cited in this article were accessed November 13, 2013.
6. See, e.g., Stanford Journal of Animal Law and Policy <<http://sjalp.stanford.edu/about.html>>.
7. See SBM Animal Law Section Newsletter <<http://www.michbar.org/animal/newsletter.cfm>>.
8. See SBM Animal Law Section Newsletter, *Sinking Your Teeth Into Michigan Dog Bite Law*, available at <<http://www.michbar.org/animal/pdfs/summer10.pdf>>.
9. Hirschfeld, *Estate Planning Issues Involving Pets*, ABA GPSolo, July/August 2009, available at <http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/petestateplanning.html>.
10. See APRI, *Animal Cruelty Prosecution: Opportunities for Early Response to Crime and Interpersonal Violence*, July 2006, available at <http://www.ndaa.org/pdf/animal_cruelty_06.pdf>.
11. See The Humane Society of the United States <<http://www.humanesociety.org/>>.