

WRS: Animal Law
Summer 2022
Professor Sarah Morath
(moraths@wfu.edu)
Distance Learning

Course Description: Animal Law is one of the fastest-growing fields of legal practice and may involve issues of constitutional law, administrative law, environmental law, family law, and estates and trusts. In this class, we will address a broad range of topics including the historical status of animals in the law; state legislative efforts and citizen initiatives to strengthen animal protection laws; the application of federal laws, including the Endangered Species Act and the Animal Welfare Act, to captive animals, wildlife, and farm animals; animal-related torts; constitutional standing to sue on behalf of animals; companion animals and the law; and the movement to obtain legal recognition of the rights of animals.

Online Aspects: This course is an asynchronous online course. That means I will prerecord short lectures related to the assigned reading. Video recordings will be posted by Sunday at 9:00 p.m. and can be viewed any time over the course of the following week. Some weeks there will be more than one video for you to watch. Each video will end with a prompt for you to answer to demonstrate that you've completed the reading and watched the video. (I recommend completing the reading before you watch the videos). The prompt(s) for the week will be reposted on the TWEN site. Failure to respond to the prompt(s) will result in a deduction from your class participation grade. All perspectives will be considered in online discussions and assignments.

Textbook: *Animal Law: Welfare, Interests, and Rights*, David Favre, Wolters Kluwer Press (3rd ed., 2020). Most of the chapters assigned are for background purposes. Please skim these assigned readings. The material will be supplemented with newspaper and journal articles, law review articles, and cases posted on TWEN. Please read these assigned readings.

Course Goals: Upon the completion of this course you should:

- Understand the major issues in animal law.
- Be aware of some Texas animal law cases and statutes.
- Be aware of the major federal animal law statutes.

Assessment: You will be assessed through a combination of written reflections, online discussions, and a final paper.

Final Paper

The purpose of the paper is to assess your ability to critically analyze a real-world situation based on the content and skills you learned in this course. Your paper can address any topic related to animal law including:

- Ethical treatment of animals by businesses (medical research facilities, circuses, farmers) and individual pet owners
- Keeping exotic animals as pets

- Regulating animal “ring” fighting
- Rights of those with emotional support or service animals
- Providing for pets after death or divorce
- Breeding or slaughter laws
- Protecting endangered or threatened species
- Cloning animals
- Ag-Gag laws
- Factory farms/CAFOs
- Zoos/circuses/animals as entertainment
- Animals in the military
- Bioengineering
- Sale and distribution of animal parts (ivory tusks, etc.)
- International animal law.

If you are having trouble finding a topic for your paper, consult the following resources:

- <http://www.abajournal.com/topic/animal+law/>
- <http://www.law.georgetown.edu/library/research/guides/AnimalLaw.cfm>
- <https://www.animallaw.info/browse-topics>
- http://libguides.law.uga.edu/animal_law
- <http://www.animallaw.com/Bibliographies.cfm>

Below is a tentative schedule for assignments. Assignments should be uploaded to TWEN by the assigned date and time.

A paragraph describing your paper topic: Monday, June 13 at 9:00 a.m. (5% of grade)

List of References: Monday, June 20 at 9:00 a.m. (5% of grade)

Thesis Statement & Outline: Monday, June 27 at 9:00 a.m. (5% of grade)

Draft: Monday, July 18 at 9:00 a.m. (20% of grade)¹

Final paper: Monday, August 8 at 9:00 a.m. (50% of grade)

In accordance with the Law Center handbook, WRS papers must be at least 10,000 words, including footnotes. More specifics on the paper and presentation will be made available later in the semester.

¹ I reserve the right to require you to submit a second draft if I feel that the first draft does not display sufficient work and effort on your part.

Class Participation

You are expected to watch all video lectures and participate in all online discussions. Each week, I will post a prompt on TWEN related to that week's readings and video. You will have a week to respond. If you complete the videos and actively participate in the online discussions, you will receive full credit for participation (10 % of grade).

Written Reflection

Over the course of the summer, you will be asked to respond to a prompt in a more detailed and organized manner than the online discussions. Your reflection should demonstrate thoughtful consideration of the prompt. The reflection should be approximately 500 words. The due date is in the syllabus. (5 % of grade)

Curve and Deduction

In accordance with the Law Center handbook, this course will be graded on a 3.0 to 3.4 curve. You must turn in all assignments on time. If you are ill or otherwise unable to turn in a graded assignment on time, please notify me via e-mail prior to the time the assignment is due to seek an accommodation. If your assignment is late, and you have not received a prior extension from me, I reserve the right to reduce your grade on the assignment by one grade level for the first hour (or part of an hour) the assignment is late. After the first hour, I will impose one additional grade reduction for each hour the assignment is late.

TWEN

I will maintain a course website on The West Education Network (TWEN). Please register for the course and provide an email address that you check frequently because I will send all class-related e-mails to the e-mail address you register with TWEN. I will post all video lectures on this site.

Student Services

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Animal Law Organizations

The Houston Bar Association has an animal law chapter as does the Texas Bar Association. Membership is free for students.

- Houston Bar Association <https://www.hba.org/sections/animal-law/>
- Texas Bar Association <http://www.animallawsection.org/>

Class Period	Class Topic	Reading Assignment
Week 1 June 6	Intro to Animal Law/ Finding Paper Topics (Topic vs. Thesis)	Skim Chapter 1; Read <i>Consistently Inconsistent</i> and <i>Animals and the Law</i> (on TWEN) Paper Related: Read Finding Your Topic and Developing Your Thesis and Sample Articles on TWEN
Week 2 June 13	Animal Ownership/Property Status	Skim Chapters 2 (pg. 29-50) (skip <i>Robert v. Melendez</i>) & Ch. 3 (pg. 79-98) Read <i>An Elephant's Personhood on Trial</i> and <i>Should Animals be Considered People</i> on TWEN
Paper Topic Due Monday, June 13 at 9:00 a.m.		
Week 3 June 20	Criminal Law: Animal Cruelty, Domestic violence, Puppy Mills, Hoarding, Animal Fighting; Possession Bans	Skim Chapters 6 (pg. 191-216, 227-242) (skip <i>State v. Avery</i> , <i>State v. Wrobel</i> , <i>T.J. v. State of Indiana</i> , <i>People of State of Michigan v. Norfleet</i>) & 7 (skip <i>Martinez v. State</i> and <i>State v. Mauer</i>) Read <i>The Growing Trend of Animal Abuse Registries</i> and article on federal animal cruelty ban and puppy mills on TWEN
List of References Due Monday, June 21 at 9:00 a.m.		
Week 4 June 27	Family Law, Pet Trusts, Wills & Estates	Skim Chapter 2 (pg. 51-71) Read <i>Pet Animals: What Happens When Their Humans Die</i> and <i>New California Divorce Law</i> on TWEN.
Thesis Statement and Outline Due Monday, June 28 at 9:00 a.m.		
Week 5 July 4	Torts and insurance, emotional distress damages, breed-specific legislation; vet malpractice Texas-specific laws	Skim Chapter 4 (skip pg. 126-131; 147-151) & skim 5 (skip pg. 177-189) Read: <i>Strickland v. Medlen</i> , 397 S.W.3d 184 (Tex. 2013), <i>McGee v. Smith</i> on TWEN Read <i>Irrationality Unleashed</i> and <i>Going to the Dogs</i> on TWEN. Read the article on Delta banning bit-bulls on TWEN
Week 6 July 11	Agriculture Animals and Constitutional issues I: Ag-gag and crush videos	Skim Chapter 8 (skip the case <i>New Jersey for the Prevention of Cruelty to Animals</i>) & Chapter 6 (pg. 220-227)

		Read <i>Ten Lessons</i> and <i>Big-Ag Exceptionalism</i> on TWEN Review Writing Mechanics PowerPoint
Reflection Due Sunday, July 11 at 9:00 p.m. What legal status should we give to animals and why?		
Week 7 July 18	Constitutional issues II: Standing & AWA	Skim Chapter 9 & Chapter 10 (pg. 394-430) Read: <i>The Legal Rights of All Living Things</i> on TWEN
Draft Due Monday, July 18 at 9:00 a.m.		
Week 8 July 26	Required conferences with Professor Morath via zoom.	
Week 9 August 2	Optional conferences with Professor Morath via Zoom.	
Week 10 August 9	Final Paper Due Monday, August 8 at 9:00 a.m. on TWEN	

Syllabus 6.1.22