Syllabus for Course in Animal Law
University of Washington School of Law

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I. GOALS OF THE COURSE

In this course, we consider a series of topics that come under the general headings “animal law,” “animal welfare,” and “animal rights.” One of the fastest growing fields of legal practice, animal law may involve issues of constitutional law, administrative law, environmental law, family law, estates and trusts, consumer protection law, etc. The unifying factor within this field of practice is that, whatever the type of law involved, the underlying substance of the matter addresses the interests of animals themselves.

As we examine substantive law and procedure, we will consider the extent to which legal systems, specific cases, legislation, and cultural mores force (or prevent) an evolution in the level of jurisprudential and legislative attention to these issues and new ways of seeing and speaking about non-human animals. The course will emphasize a practical approach to the field of animal law primarily through statutory and case law analysis and application, but where appropriate it will address animal law from critical legal theory perspectives. ALL perspectives, including opposition to legal rights for animals, will be considered in class discussion and extra credit assignments.
Animal law changes rapidly. Because this is a dynamic field with new developments occurring on a regular basis, we will incorporate into our discussion references to various developments and new legal issues that may arise during the course.

The **primary goals of this course**, then, are:

1. Learn the substance and principles of existing law as it addresses nonhuman animals and those who bond and work with, appreciate, and rely on them.

2. Comprehend the impact of the different traditions that contribute to legal and other understandings of nonhuman animals with emphasis on how they affect conceptualization of protections, rights, and interests for nonhuman animals in our court system.

3. Assess the future possibilities of using various legal concepts and tools, such as "rights," "legal personhood," "standing," and conventional property-based theories to manage the conflicts inherent in various human-nonhuman interactions.

**II. COURSE REQUIREMENTS**

1. Regular attendance, reading of the assigned text, and thoughtful, respectful participation in class meetings. For class success, bring the following: curiosity, interest, skepticism, integrity, analytical skills, and the desire to work together to thoroughly explore the principles and practice areas of this fast-evolving of law.

2. Throughout the course we may assign hypothetical quizzes, mock legislative drafting, mini-memoranda at law projects, and/or a mock client interviews. Though staged, you will note a distinct blend of clinic and lecture styles. For instance, it may be common to review readings before class and then apply or modify the rules and approaches taken in those cases in relation to fact patterns presented at the beginning of class. We do this to foster a better understanding of the material and the ability to adapt it to situations that do not precisely fit the scenarios adjudicated in the readings.

3. Each student will be required to complete a paper concerning a cutting-edge question of animal law selected from one of several topics we will offer. There is no exam. The requirements of the paper are detailed further below in Section V.

**III. SOME NOTES ON PEDAGOGY**

While classes in this course are a combination of lecture and group discussion, the goal is collaborative learning. Some of the sessions will involve class-wide or smaller group discussions. Such discussions can at times involve strongly held opinions. That we may fully explore all issues, we encourage each student to articulate his or her view with respectful regard for the opinions and questions of classmates.
Unlike other classes, there is no textbook. Rather, you will be asked to read actual cases and other material that will be provided or is otherwise available through Westlaw. The cases and authorities referenced will undergird and drive class conversation, and we may ask students to relate them to an ongoing discussion or lecture materials.

**IV. BIBLIOGRAPHIC INFORMATION**

(1) Law review and other articles; (2) statutes and legislative materials, (3) supplemental materials, and (4) cases downloadable via The West Education Network (“TWEN”). Specific materials and assignments will be provided to students during class sessions. Questions about the assignments or reading materials may be addressed during class or by contacting Mr. Karp or Mr. Penzer directly.

**V. PAPER AND GRADING**

Due to the collaborative nature of this course, attendance, reading, and participation are essential. Grades will be based primarily on the final paper, but presence in class and participation will be considered.

1) Paper requirements:
   a. 15-20 pages (not counting footnotes), double spaced, one-inch margins, 12-pt Times font.
   b. Style should be scholarly analysis and commentary (law review type).
   c. Grading will be based on clarity of writing, quality of research and interpretation, and law and policy analysis. We’d encourage students to form conclusions and include advocating for positions or outcomes, which will be judged on quality of thought and presentation but NOT on ideological beliefs.
   d. Topics may be selected from the list that will be issued by the professors or students may propose their own topics. All topics must be approved before papers will be accepted.

2) Attendance: In accordance with school policy, unexcused absences may not exceed 20% of total class sessions. Students must be present for at least two-thirds of a class session to be counted present for that class.

3) Curve: Final grades will be issued in accordance with the published law school grading system.

4) Participation: Student participation is encouraged and may be considered as a basis for added grading credit, where warranted.
VI. COURSE OUTLINE

Class 1. September 27 (Karp and Penzer)

Issues: Intro to Animal Law; Course Policies and Objectives; Influences and Advocacy Issues Shaping Animal Law

Class 2. October 4 - Penzer

Issues: Personhood, Legal Rights and Standing for Animals Cruelty laws: prohibitions, exceptions, defenses, penalties

Class 3. October 11 - Karp

Issues: Injury to Animals by Animals Injury to Animals by Humans Injury to Humans by Animals & Justifiable Canicide

Class 4. October 18 - Penzer

Issues: Farm Animals (Humane slaughter, “accepted” practices exceptions, initiatives) Animal Welfare Act

Class 5. October 25 - Karp

Issues: Veterinary Malpractice and Discipline Quasi-Contractual Claims: Res Ipsa Loquitur and Bailments Liens, lost-and-found, forfeitures, foreclosures, restitution.

Class 6. November 1 - Penzer


Class 7. November 8 - Karp

Issues: Liens, Lost/Found, Forfeitures, Foreclosures Domestic Relations Disputes, Adoption/Breeder Contract Enforcement Police Liability for Shooting Dogs and other Section 1983 Claims Breed Specific Legislation and Litigation
Class 8. November 15–Penzer

Issues: Marine Animal Laws; Horse Protection Laws
Emerging issues and considerations in the practice of animal law.

Class 9. November 29 - Karp

Issues: Dangerous Dog Cases
Business and Ethics of Animal Law
Cutting-Edge Evidentiary Issues in Animal Law

Final Day of Exam Period–Papers Due