MASSACHUSETTS SCHOOL OF LAW at ANDOVER

 **ON-LINE EXCLUSIVELY**

**PRELIMINARY SYLLABUS for Animal Law – Spring 2021**

 **Professor Diane Sullivan**

**Instructor:** Professor Diane Sullivan
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Zoom Office Hours**:** Wednesdays at 12pm and Thursdays at 6pm.

Link: <https://zoom.us/j/99755754168?pwd=MzErNDlKamgyT3IwL1RVWlVqWkZDdz09>

**Text**: Animal Law Cases and Materials (sixth edition) - Wagman/Waisman/Frasch

 ISBN: 978-1-5310-1099-7

**Class Times:** SuggestedTuesdays and Thursdays. Class is entirely on-line.

**Purpose** Animal law is a broad and rapidly expanding field and is an integral part of

**& Course** social policy and the law. The course provides diverse examples of cases and

**Description:** circumstances in which the unique aspects of animals and law converge and should stimulate thought about recurrent animal law themes.

**Grading:** Responses are due weekly via email. Assignments representing 65% of course grade are noted. Failure to submit will result in a reduction to your grade.

**Lectures:** Check my TWEN page for lectures I will do from time to time.

**ASSIGNMENTS DUE FOR EACH CLASS**

 **Topics** **Page Numbers**

**Class 1** What is an Animal? Defining “Animal” Classification03-45

01/26

 Send an email addressing property classification of

 animals and the legal status of different animals:

 i.e., chimps versus pigs versus golden retrievers.

 i.e., should all animals have the same status?

 What might that be?

 Animals used for food versus those we keep in our homes?

**Class 2** Property and Beyond: The Evolution of Rights 47-82

01/28

 Briefly research the Non-Human Rights Project by

 the NHRP (suit brought on behalf of chimps/elephants)

 as *habeas corpus* suits. What is the likelihood of success

 ultimately?

 **Due:** **February 4th** (worth 10 points)

**Class 3** Criminal Law: Historical Perspective; Overview 83-134

02/02 of State Anti-Cruelty Statutes; Affirmative Acts

 of Cruelty

 Read and critique the Massachusetts Cruelty to Animals Statute.

**Class 4** Criminal Law (cont'd): Failure to Act 135-153

02/04

Discuss:

 A) Forfeiture

 B) Neglect versus Intent.

**Class 5** Criminal Law (cont'd): Hoarding; Animals in Sport & 154-187

02/09 Entertainment

* Discuss hoarding.

 Should animals be banned from sports and entertainment?

 Why or why not?

**Class 6** Criminal Law (cont’d): Rodeos; Animal Racing; 187-205

02/11 Breeding, Veterinary & Shelter Issues

 Discuss No-kill shelters.

 Limits on prosecuting an animal abuse case.

 Question: How does this compare with cooking shows –

 boiling live lobster on television – Julia Childs.

 Discuss ethical hunting - - is there such a thing?

**Class 7** Television; film; Zoos; Dog Fighting, Torts: Link 205-232

02/16 Between Animal Abuse & Human Violence

* What are the laws on dog fighting –
* Participant
* Spectator
* Was Vick properly punished - - i.e., should he have

 received a lifetime ban from pro football?

* Domestic Violence Restraining Orders. Status of

the law and discussion of need to include animals.

**Class 8** Torts: Intentional Torts 233-256

02/18

**Class 9** Torts (cont’d): Fourth Amendment Claims; 256-278

02/23 Veterinary Malpractice

**Class 10** Torts(cont'd): Damages & Valuation 278-332

02/25

 **NOTE:** **Please see attached tort assignment**

 **on page 6 of this syllabus.**

 **Due: March 11th** (worth 10 points)

**Class 11** Torts (cont'd): Competing Interests: Companion 333-362

03/02 Dogs and Farm Animals, and Injuries Caused by

 Animals.

 Address dog bite and horse bite liability.

**Class 12** Constitutional Law: Legal Standing, Justiciability & 363-405

03/04 Other Limiting Doctrines

 Discuss how these doctrines limit protection for animals.

**Class 13** Constitutional Law (cont.) 405-428

03/09

 Consider the value of a doctrine that determines

 standing based on physical presence at a location,

 rather than demonstrated interest.

**Class 14** Constitutional Law (cont.): Due Process – Challenges 428-442

03/11 and Claims

 Should there be a broadening of standing rules for a

 living, sentient being?

**Class 15** Constitutional Law (cont.): First Amendment 442-483

03/16

 Do first amendment concerns trump anti-cruelty?

**Class 16** Commercial Uses of Animals: Animals Raised and 485-534

03/18 Slaughtered for Food

 Since government agencies are charged with overseeing

 and enforcing agriculture, regs are mostly former industry

 leaders and lobbyists. What can animal advocates due to

 effectuate change?

**Class 17** Commercial Uses of Animals (cont.) 535-578

03/23

Watch MSL’s ‘Alex and Me’ Educational Forum Show (#151).

 Send comments. Include any update on further research.

 Why is this work significant?

**Class 18** Commercial Uses (cont'd): Slaughter Laws 578-639

03/25

 Address achieving change through legislative efforts.

 Address Ag-gag Laws.

**Class 19** Commercial Uses (cont'd): Animals in Research & 639-654

03/30 the Animal Welfare Act

 Watch MSL’s ‘Animal Rights’ Educational Forum Show (#67).

 Follow-up on Beagle Protection Bill.

 Address the scientific and public debate. Send me your

 Comments.

 **Due: April 13th** (worth 10 points)

**Class 20** Commercial Uses (cont'd): Breeders, Dealers & Puppy 654-698

04/01Mills, Animal Exhibition Under the AWA

 Address the problems of backyard breeders. Who regulates

 pet sales? What about animal exhibition under the AWA?

**Class 21** Contracts 699-726

04/06

Address the legality of pet restrictions in apartments, condos

and private homes.

**Class 22** Custody Disputes 726-758

04/08

 Who gets the family pet in a divorce in Massachusetts?

 What is the law in other states?

**Class 23** Wills and Trusts 759-804

04/13

 How does one leave money for a beloved companion

 Animal in Massachusetts?

**Class 24** Selected Wildlife Statutes 805-840

04/15

**Class 25** What is the Endangered Species Act? 840-862

04/20 What is the Environmental Policy Act?

 Watch MSL’s ‘The Return of the Wolf’

 Educational Forum Show (#111). Send comments about

 what are the most important things you learnt from this video?

 What about the ESA?

**Class 26** What is the Marine Mammal Protection Act? 862-900

04/22

**Class 27** Martha ParkhurstVideo –

04/27

 Summarize state’s argument.

**Class 28** Christian Colwell Video -

04/29

 Summarize defendant’s argument.

 Assignment: If you were the judge, how would you rule?

 **Due:** **May 6th** (worth 10 points)

**Class 29** Video **-** *Please, Can We Keep the Donkey?* MSL’s Educational

05/04 Forum show (#136)

 **NOTE:** **Please see attached book questions on**

 **page 7 of this syllabus.**

 (attached questions worth 5 points).

**Class 30** Video **-** ThePlight of Tigers in the US

05/06

 Address the problems associated with keeping wild animals.

 How would you advocate for change?

 What is the Massachusetts law on this? Maine? Texas?

 (worth 5 points)

**Additional:** Due by Final Examination Date.

 View “Following Atticus” and tell me what important message you took away. (worth 5 points)

 Read “Will’s Red Coat” by the same author, Tom Ryan. What is significant about this book?

 (worth 10 points)

**Final to be worth 35 points.**

**TORT ASSIGNMENT**

**Class 10** Torts(cont'd): Damages & Valuation 278-332

02/18

P’s two cats were being treated for hypertension by defendant Vet. The prescribed treatment for the cat’s hypertension was the administration of one 1.25 milligram tablet of amlodipine from the vet. clinic in December 2019. The clinic dispensed the amlodipine from a stock bottle of drug manufacturer by defendant, a Texas Corporation whose primary business is selling compound veterinary drugs.

The day after Plaintiffs began administering the refill amlodipine to their cats, they noticed the cats seemed ill the next day. Plaintiffs brought one of the cats to the vet. clinic, where one of the defendant’s veterinarians diagnosed it with a respiratory illness and treated it with an antibiotic. On the following day, Plaintiffs informed another defendant vet. that the cat’s condition worsened and both cats were resisting taking the amlodipine. On the fourth day after the refill, plaintiff’s rushed one cat to the clinic, where it died hours later. That same evening, after realizing the seriousness of the first cat’s condition, Plaintiff brought their other cat to the clinic. One of the veterinarian’s treated the second cat with fluids and another drug for two days, but the second cat also died.

P’s allege that the deaths of their pets were due in part to the fact the refill contained 20 times the labeled dose, causing toxicity. Plaintiff’s further allege that the defendant’s veterinarians were negligent and improperly treated the cats. Plaintiffs seek compensation for lost companionship and society of these animals, and emotional distress.

What result? Fully explore your answer.

***Please, Can We Keep the Donkey?***

**Class 29** Video **-** *Please, Can We Keep the Donkey?*

05/04

1. What does this book say about MSL?

2. Which was your favorite story and why?

3. What are the benefits of rescuing or adopting an animal as opposed to buying one from a breeder? Are there any disadvantages?

4. In light of the fact about 6 million dogs and cats are euthanized in shelters each year, should legislation be enacted to require sterilization?

5. Did this book change or support your impression of the Massachusetts School of Law?

6. What did you learn from reading these stories? Did anything surprise you?

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