

COURSE NAME; NUMBER; SEMESTER; MEETING DAYS, TIMES, AND PLACE.

Animals and the Law
11:067:460 Spring 2019
Mondays 6:30 to 9:30 PM
Foran 138B

CONTACT INFORMATION:

Instructor(s): Nancy Halpern, DVM, Esq.
Office Location: Located off campus
Email: NHalpern@foxrothschild.com

COURSE WEBSITE, RESOURCES AND MATERIALS:

SAKAI Site: <https://sakai.rutgers.edu/portal>

REQUIRED TEXTS:

1. "The Dog Merchants: Inside the Big Business of Breeders, Pet Stores, and Rescuers," by Kim Kavin, 2015.
2. "The Bluebook: A Uniform System of Citation." You can purchase the 11th or 12th edition.

COURSE DESCRIPTION:

Animal law has existed since the dawn of legal theory and practice but was not identified as a separate practice area until the 1970s. In this course, you will learn about the evolution of laws governing and affecting animals and the use of animals by humans, and the laws currently exist. You will gain an understanding of how animal rights organizations utilize strategies to influence the public, animal-related corporations, public officials, and federal, state and local agencies to fundamentally change the use of animals for human purposes, including food, fiber, companionship, entertainment, and biomedical research.

LEARNING GOALS:

Students will:

1. Gain knowledge of current laws governing and affecting animals and the use of animals by humans (PLG 6, 7)
Assessment: Exam
2. Understand how activists use the law to advance their agenda and how that agenda will change the face of our economy, scientific and medical research, agricultural and food sectors, and much more.
Assessment: Paper and presentation (PLG 6,7)

GRADING WILL BE BASED ON THE FOLLOWING:

Description	Percentage of Final Grade
Attendance	11
Presentation & Participation	15
Paper	45
Final Exam	25
Extra Credit	4

COURSE SCHEDULE:

Week	Topic	Dates
1.	PREPARATION FOR CLASSES – BUY TEXT BOOKS, READ “THE DOG MERCHANTS”	Jan 22-25
2.	INTRODUCTION TO ANIMAL LAW	Jan 28-Feb 1
3.	LEGAL AUTHORITY AND CONTROLS	Feb 4-8
4.	ACTIVIST STRATEGY AND STATUS AS BIG BUSINESS	Feb 11-15
5.	ANIMAL WELFARE ACT AND OTHER LAWS GOVERNING - PET MARKET	Feb 18-22
6.	ANIMAL WELFARE ACT AND OTHER LAWS GOVERNING - BIOMEDICAL RESEARCH	Feb 25-Mar 1
7.	ANIMAL WELFARE ACT AND OTHER LAWS GOVERNING - EXOTICS, EXHIBITIONS, WILDLIFE	Mar 4-8
8.	STATE ANIMAL CRUELTY STATUTES & ENFORCEMENT	Mar 11-15
9.	SPRING BREAK	March 18-22
10.	LAWS GOVERNING THE PRACTICE OF VETERINARY MEDICINE	March 25-29
10.	LAWS GOVERNING GUARDIANSHIP, NONECONOMIC DAMAGES, SERVICE ANIMALS, EMOTIONAL SUPPORT	April 1-5
11.	LAWS GOVERNING PET TRUSTS, ANIMAL RIGHTS	April 8-12
12.	PAPER DUE ON APRIL 21, NO CLASS ON APRIL 15	April 15-19
13.	STATE AND FEDERAL LAWS GOVERNING ANIMALS IN AGRICULTURE	April 22-26
14.	HORSE PROTECTION ACT, EQUINE SLAUGHTER, RACING COMMISSIONS OTHER LAWS GOVERNING HORSES	April 29-May 3
	FINAL EXAM	As assigned

ASSIGNMENTS/RESPONSIBILITIES:

PRESENTATION

Each student will be assigned a topic and position to research for a presentation that will be made to the class. See Rules for Presentations for more specific requirements.

Each PowerPoint presentation will be due to the professor through Sakai on the Friday by 5:00 pm before the Monday during which the student will present to the class. A copy of each reference cited must be submitted with the PowerPoint, except for each reference included on the Resources page for the class. A proper citation to those references is necessary.

Each student must analyze and participate in a discussion of each presentation. You should analyze and discuss both the content and organization of material presented, whether it was based on credible references (or not), whether any conclusions were opinions or fact-based conclusions.

All written submissions should be checked for spelling and grammar before submission.

RESEARCH AND PAPER ASSIGNMENT

The following requirements shall apply to the assignments related to the paper you will submit **on or before April 19, 2019.**

1. **Topic and Question to Be Answered:** Do the following state laws violate the Commerce Clause and/or Supremacy Clause of the U.S. Constitution? If a single state can govern how food is produced, discuss the impact on the production of oil, coal, medicine, pets or other products? Discuss how the framers of the Constitution attempted to protect against such governance?
 - a. California's statute and regulations governing the standards of care for space required for egg-laying hens, breeding pigs and calves raised for veal for any farmer or rancher selling such animals or products from such animals in California, regardless of the location of the farm or ranch, and
 - b. Massachusetts' the Prevention of Farm Animal Cruelty Act which will, in effect, bar the sale in Massachusetts of products from regulated animals that were not housed according to Massachusetts specifications, no matter where that housing occurred or where the products were produced.

Required elements of the paper:

Must include headings and subheadings.

Must include facts. The author's opinion is only permitted in the Conclusion. Each fact included must be properly cited.

Must include a presentation of the relevant constitutional and statutory language.

Must include testimony from the legislative history and federalist papers.

Must include presentation of both sides of the argument.

Must include at least two cases from Resources and two additional cases, properly cited.

May include quotations from non-governmental organizations and/or trade associations, properly cited.

Must include scientific articles from juried publications or citations to governmental agencies.

Paper submission must include a copy of the references not provided in Resources and citation to those in Resources.

Must include a Conclusion based on the facts presented, where the author's opinion can be included.

2. **Paper Requirements.** The paper must exhibit substantial research and analysis. It should be ten pages in length, Times New Roman 12-point font, double-spaced, with 1 inch margins. Headings, footnotes and references should be single-spaced. List of references at end is not included in ten-page length. Each fact presented should include a citation to a reference of in a footnote. Footnotes and references must comply with the Blue Book or http://www.chicagomanualofstyle.org/tools_citationguide.html and the student must indicate which guidelines are used. The paper should rely on multiple sources.
3. **Credit in Two Classes.** A paper written for one class may also be used for credit in a second class being taken simultaneously, if both faculty members agree in advance. Such paper must evidence extraordinary work meriting the award of the total number of credits to be earned.
4. **Limits on credit.** No paper or any significant part thereof may be used (i) for credit in multiple classes not being taken simultaneously; (ii) for credit in a class and for journal participation; (iii) for credit in a class and credit for any internship or clinic work; (iv) for credit in a class and for independent research; or (v) for credit in a moot court competition and in a class or independent research.
5. **Late submissions** are not permitted without medical documentation or documentation of death in the immediate family.

ACCOMODATIONS FOR STUDENTS WITH DISABILITIES

Please follow the procedures outlined at <https://ods.rutgers.edu/students/registration-form>. Full policies and procedures are at <https://ods.rutgers.edu/>

ABSENCE POLICY

Unless you have a physician's note with a medical excuse or a death in your family, attendance is required.

FINAL EXAM/PAPER DATE AND TIME

Online Final exam Schedule: <http://finalexams.rutgers.edu/>

Students will have 24 hours to complete an open book final exam.

ACADEMIC INTEGRITY:

The university's policy on Academic Integrity is available at <http://academicintegrity.rutgers.edu/academic-integrity-policy>. The principles of academic integrity require that a student:

- properly acknowledge and cite all use of the ideas, results, or words of others.
- properly acknowledge all contributors to a given piece of work.
- make sure that all work submitted as his or her own in a course or other academic activity is produced without the aid of impermissible materials or impermissible collaboration.
- obtain all data or results by ethical means and report them accurately without suppressing any results inconsistent with his or her interpretation or conclusions.
- treat all other students in an ethical manner, respecting their integrity and right to pursue their educational goals without interference. This requires that a student neither facilitate academic dishonesty by others nor obstruct their academic progress.
- uphold the canons of the ethical or professional code of the profession for which he or she is preparing.

Adherence to these principles is necessary in order to ensure that

- everyone is given proper credit for his or her ideas, words, results, and other scholarly accomplishments.
- all student work is fairly evaluated and no student has an inappropriate advantage over others.
- the academic and ethical development of all students is fostered.
- the reputation of the University for integrity in its teaching, research, and scholarship is maintained and enhanced.

Failure to uphold these principles of academic integrity threatens both the reputation of the University and the value of the degrees awarded to its students. Every member of the University community therefore bears a responsibility for ensuring that the highest standards of academic integrity are upheld.

STUDENT WELLNESS SERVICES

Just In Case Web App <http://codu.co/cee05e>

Access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD.

Counseling, ADAP & Psychiatric Services (CAPS)

(848) 932-7884 / 17 Senior Street, New Brunswick, NJ 08901/ www.rhscaps.rutgers.edu/

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professional within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners.

Violence Prevention & Victim Assistance (VPVA)

(848) 932-1181 / 3 Bartlett Street, New Brunswick, NJ 08901 / www.vpva.rutgers.edu/

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call 848-932-1181.

Disability Services

(848) 445-6800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation: <https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

Scarlet Listeners

(732) 247-5555 / <http://www.scarletlisteners.com/>

Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.