ANIMALS AND THE LAW - ENV 5307

Fall 2021
Professor Delcianna Winders
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SYLLABUS AND COURSE INFORMATION
(updated Aug. 30, 2021)

Course Description
This survey course provides an overview of the evolution of animal law and the breadth of issues encompassed by this rapidly developing field. At the same time, the course affords the opportunity for in depth deliberation of a number of the salient issues in current animal law practice and scholarship. Because animal law necessarily implicates virtually every field of law, including administrative law, constitutional law, property law, criminal law, and torts, students will be required to develop and apply their knowledge of these other fields in class discussions.

Course Objectives and Learning Outcomes
- Students will comprehend and be able to effectively communicate fundamental animal law concepts.
- Students will understand the underlying policies and values that influence the development of animal law.
- Students will demonstrate the ability to apply these policies, values, and concepts to analyze emerging animal law issues.

Course Materials
- Supplemental Materials Provided Electronically.

Class Meeting Information
Tuesdays and Thursdays, 9:55-11:10 AM, Oakes Hall, 110
**Attendance Policy**
Class attendance is required. VLS Academic Regulations require students to attend all classes except where religious observance, serious illness, personal emergency, or a reason that is adequate in the judgment of the professor prevents attendance. If you are unable to attend a given session due to medical, religious, or other circumstances truly beyond your control, you must email me as soon as practicable. Unexcused absences will impact your participation grade. In addition, pursuant to VLS Academic Regulations, if you are absent from twenty percent of the regularly scheduled classes without adequate excuse, you will be automatically withdrawn from the course with a grade of F-Wd.

**Grading**
- Class participation: 25%: Regular attendance, demonstrated engagement with all assigned materials through thoughtful participation in class discussions. Absences or low class participation will impact your grade.
- Research paper: 75%:
  - Précis and outline, due September 30 (10%)
  - Substantially complete first draft, due November 2 (30%)
  - Final draft, due December 9 (35%)

**Accommodations**
If you need an accommodation for an illness or disability, please contact the Vice Dean for Students Joe Brennan, jbrennan@vermontlaw.edu.

**Office Hours**
By appointment

**Course Outline and Assignments**

**Tuesday, August 31: What Is Animal Law?**
- ANIMAL LAW xxxi-xxxvi.

**Thursday, September 2: What Is an “Animal”?**
- ANIMAL LAW 3·18, 901·02.
- VT. STAT. ANN. TIT. 13, § 351(1) (Vermont cruelty code definition of “animal”).
- 7 U.S.C. § 2131(g) (federal Animal Welfare Act definition of “animal”).
Tuesday, September 7: Classifications of Animals
- Animal Law 18-45.

Thursday, September 9: Being Property
- Animal Law 47-82.

Tuesday, September 14: Navigating Fraught Analogies

Thursday, September 16: Introduction to Animals and Criminal Law

Tuesday, September 21: Criminal Cruelty: Affirmative Acts Failure to Act, Restitution, and Costs of Care

Thursday, September 23: Linking Animal Abuse and Human Violence
- Animal Law 222-32.

Tuesday, September 28: Problematizing Criminal Animal Law
Thursday, September 30: Restorative Justice and Animal Law
*PAPER PRÉCIS AND OUTLINE DUE*

Tuesday, October 5: Introduction to Animals and Tort Law
- ANIMAL LAW 233-78.
- Stefano Bloch & Daniel E. Martínez, *Cops Are Also Shooting Pets in Black and Brown Communities at Much Higher Rates*, SLATE (July 6, 2020).

Thursday, October 7: Animal and Tort Law: Damages and Valuation
- ANIMAL LAW 278-32.

– NO CLASS TUESDAY, OCTOBER 12 – FALL RECESS –

Thursday, October 14: Animal Law and Standing: Standing for Humans
ANIMAL LAW 363-98.

Tuesday, October 19: Animal Law and Standing: Standing for Animals?
ANIMAL LAW 398-428.

Thursday, October 21: Animal Law and Standing: The Latest
- Naruto v. Slater, 888 F.3d 418 (9th Cir. 2018).

Tuesday, October 26: Breed-Specific Legislation
- ANIMAL LAW 428-42.
- PETA, PETA’s Position on Pit Bulls (last updated Nov. 18, 2019).

Thursday, October 28: Animal Law and the First Amendment
- ANIMAL LAW 442-83.
Tuesday, November 2: Introduction to Farmed Animals and the Law
*FIRST DRAFT OF PAPER DUE*
- Animal Law 485-520 (through end of note 2).

Tuesday, November 4: Farmed Animals and the Law, Continued
- Animal Law 520-578.

Tuesday, November 9: Slaughter Laws and Related Issues
- Animal Law 578-619.

Thursday, November 11: Ag-Gag Laws and the Future of Farmed Animal Law

Tuesday, November 16: Animals in Research and the Animal Welfare Act
- Animal Law 639-54.

Thursday, November 18: Companion Animals and the Animal Welfare Act
- Animal Law 654-80.

Tuesday, November 23: The Animal Welfare Act’s Interaction with Other Laws
- Animal Law 680-98.
– NO CLASS THURSDAY, NOVEMBER 25 – THANKSGIVING –

Tuesday, November 30: Animals and Contract Law
- Animal Law 699-758.

Thursday, December 2: Wills and Trusts Governing Animals
- Animal Law 759-804

Tuesday, December 7: Animals in the Constitutional State; Animals and Rights of Nature

Thursday, December 9: Global Animal Law
*FINAL PAPER DUE*