



Animal Law News

An elephant's journey: How the laws and regulations affecting zoos have evolved leading to the modern zoo

If we look back 60 years, which is the average lifespan of an African Elephant, we can witness the significant changes which have occurred in the approach to animal welfare at zoos. There are numerous regulations with which zoos must comply; however, more importantly, rigorous industry accreditation standards have been birthed, driving many zoos in a “race to the top” for excellence in animal care.

Our country's first approach to regulating zoos focused on the control of disease. From the late 1800s to the early 1900s, the Animal Quarantine Laws¹ and the Lacey Act² empowered the president and the Department of the Interior, respectively, to regulate the importation of animals that would threaten domestic animals or humans from disease or other harmful effects.

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Continuing to see animals as pathogen hosts, Congress authorized the Centers for Disease Control and Prevention (CDC) to issue regulations pursuant to the Public Health Services Act of 1944,³ again, to control the importation of animals and animal products in the United States that were capable of causing human disease.

At this juncture in our history, around the 1940s, an elephant that was captured on safari in east Africa would have been permitted access to the United States as long as the elephant was disease-free and subjected to an extended quarantine. The captured elephant would have been housed alone behind bars (for safety) in an austere, easy-to-clean and limited-sized cement facility with processed biscuits for food. These conditions, and other areas of concern for animals, moved individuals to advocate for legislation to address the welfare of animals.

In 1966, Congress passed the Animal Welfare Act⁴ (AWA), which served as a revolutionary approach to address the care and needs of animals. Specifically, the AWA promulgated standards to “govern the humane handling, care, treatment, and transportation of animals” including “minimum requirements for handling, housing, feeding, watering, sanitation, shelter from extremes of weather and temperatures, adequate veterinary care,” and for a “physical environment adequate to protect the psychological well-being of primates.” The Animal and Plant Health Inspection Service (APHIS), a branch of the U.S. Department of Agriculture,

enforces the AWA, processes licenses and maintains required reports. However, the AWA does not cover all animals.

The AWA defines “Animal” as “a live or dead dog, cat, nonhuman primate mammal, guinea pig, hamster, rabbit, or such other warm-blooded animal as the Secretary may determine is being used, or is intended for use, for research, testing experimentation, or exhibition purposes or as a pet.”⁵ Reptiles, certain animals used for research (birds, rats and mice) or farm animals used for food, fiber or other agricultural purposes are not protected by the AWA.⁶ On the state level, legislative efforts also moved toward protection of animals through the passage of various measures prohibiting the cruel treatment of animals. For example, in Ohio, O.R.C. §959.13 is the pertinent cruelty statute for zoos.

Legislation was also passed to address the taking or movement of animals and to address eroding animal habitats. Specifically, the Marine Mammal Protection Act of 1972⁷ prohibits the taking of marine mammals, and enacts a halt on the import, export and sale of marine mammal parts and products. The Endangered Species Act of 1973⁸ provides a means to protect endangered and threatened species and to conserve the ecosystems upon which these species depend. The taking and movement of animals was also addressed on an international level.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) became effective

in 1975 and regulates the international import and export of species threatened by trade. CITES works to protect animal exploitation through international trade regulations and implements a licensing process based on the classification of animals and plants into three separate Appendices. CITES currently lists 5,310 animal species and 181 international parties as participants in CITES. Moreover, on an international level, the International Air Transport Association (IATA) created the Live Animal Regulations (LAR) that set the global standards for transporting animals by air.

More recently, many zoos have transformed operations, facilities and animal care management practices to not only meet these domestic and international requirements, but also raise zoo industry standards. The Association of Zoos and Aquariums (AZA) is the premier industry professional organization and is working to establish higher standards elevating animal welfare above what the zoo industry now refers to as the AWA’s “minimal requirements” through the accreditation process. Since all five Ohio zoos belong to the AZA and all were just recently awarded the Quarter Century Award for being continuously accredited for 25 years or more,⁹ a deeper understanding of the AZA’s requirements sheds light on what is happening at Ohio zoos and at AZA-accredited zoos around the country.

Specifically, as part of the AZA’s mandatory accreditation process, AZA member organizations meet increasingly rigorous professional standards for animal welfare, veterinary care, wildlife



Photo credits: www.clevelandmetroparks.com

conservation, scientific research, education, expert staffing and safety. In addition to increasing animal welfare standards through the accreditation process, AZA member organizations create Animal Care Manuals (ACMs), which provide the most recent animal care and management knowledge derived from the work of recognized species experts, biologists, veterinarians, nutritionists, reproduction physiologists, behaviorists and researchers. These ACMs are considered a continual work in progress, since practices continue to evolve through advances in scientific knowledge.

Twenty years ago, the AZA established the Species Survival Plan Program™ (SSP), which is a long-term plan involving conservation breeding, habitat preservation, public education, field conservation and supportive research to ensure survival for many of the planet’s threatened and endangered species. AZA member organizations currently are involved in 319 SSPs working on behalf of 590 species. Moreover, since 1976, the AZA has operated according to a Code

of Professional Ethics which serves as the basis for all disciplinary actions of the AZA and explicitly recognizes that the zoological profession is based on the “*respect for the dignity of the animals*” in their care, the people they serve and for each other.¹⁰ Therein lies the core value for the cultural change which is transforming zoos.

During the lifespan of an African Elephant, AZA-accredited zoos have gone through transformations which are readily visible. Today, the emphasis of elephant management has moved toward large naturalistic habitats that replicate natural social groupings. In the African Elephant Crossing at Cleveland Metroparks Zoo, Willey, Shenga, Moshi and Martika live and roam together in the new habitat which is modeled after African savannahs. Outside the exhibit, graphics tell the story of the Cleveland Metroparks Zoo’s conservation programs and education programs focus on providing science education for local schools and casual visitors. While the numerous domestic and international regulations began the important focus

on animal welfare, the modern zoo has taken this focus to a higher level by advancing industry standards in animal welfare, veterinary care, wildlife conservation, scientific research, education, expert staffing and safety.

Check it out for yourself at your nearest Ohio AZA-accredited zoo. You will be amazed by what you learn and see!

*By Rosalina M. Fimi, JD
Chief Legal & Ethics Officer, Cleveland Metroparks. Cleveland Metroparks Zoo is operated by Cleveland Metroparks.*

Endnotes

- ¹ 21 U.S.C. §101 [1890]
- ² 16 U.S.C. §§3371 – 3378 [1900, 1981 amendments]
- ³ 42 U.S.C. Chapter 6A
- ⁴ 7 U.S.C. §§2131 – 2159 [1944]
- ⁵ 7 U.S.C. §2132(g)
- ⁶ Id.
- ⁷ 16 U.S.C. §§1361 – 1421h [1972]
- ⁸ 16 U.S.C. §1531 [1973]
- ⁹ Association of Zoos and Aquariums (AZA) Annual Conference, September 2015, Salt Lake City, Utah.
- ¹⁰ AZA website (available at www.aza.org)



Student Animal Legal Defense Fund at The Ohio State University Moritz College of Law

The Student Animal Legal Defense Fund at The Ohio State University Moritz College of Law is back on its feet this year after several years of inactivity. Last semester, SALDF at OSU hosted animal law attorney Sandra Horvath. This semester we hosted animal law attorney John Bell on February 18 for a discussion on our current humane law enforcement system, and Jeffery Holland, who presented an animal cruelty investigation workshop on March 24.

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MESSAGE FROM THE CHAIR

Welcome to the first issue of the Animal Law Committee Newsletter

Thank you to everyone who continues to support the efforts of this committee by sharing ideas, attending meetings and providing valuable insight into the many areas of the law in which you work and are affected by animal welfare legal issues. I am very excited to introduce you to the first edition of the ALC newsletter. Although we are involved with animal law to varying degrees in our respective practices, we all share a passion for making the world a better place for animals and their human companions.

This committee was established in 2010 with an emphasis on the connection of animal welfare issues on virtually every legal discipline, and we will continue to bring attention to the interdisciplinary nature of animal law through our efforts,

including this publication. Animals are involved in some way in virtually all other areas of the law, from estate planning (care of cherished pets after the guardian dies), to family law (custody of pets, protecting pets from domestic violence offenders), contract law (contractual agreements for the purchase and/or sale of pets), and criminal law (animal abuse and the link between animal abuse and human violence). It is our sincere hope to bring valuable information to you regardless of your primary practice area.

Please remember that this is your newsletter and we welcome ideas, suggestions and articles from your given practice or passion area. I hope you enjoy this issue and look forward to your input.

By Sandra Horvath, Chair Animal Law Committee
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Ohio legislative update

It is proving to be a busy and exciting year in the Ohio legislature for animal protection. There were 15 animal-related bills introduced, and two were passed into law. The OSBA has taken the position to support H.B 195 and offered testimony on its behalf. With almost nine months left in this General Assembly, we expect to see some movement on several of these bills as well as possible consolidation. Things do move quickly at the State House; please check the Ohio Legislature website for more information and updates. www.ohiolegislature.gov/legislation

By Sandra Horvath, Esq. Chair of the Animal Law Committee, and Vicki Deisner, Esq. Midwest Legislative Director ASPCA

Bill No.	Long Title/Purpose	Date Introduced, Sponsors	Status
H.B. 45	“To amend sections 109.73, 317.08, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code to require an individual to file proof of successful completion of training with the county recorder prior to being appointed as a humane society agent and to require the revocation or suspension of an appointment under certain circumstances.”	Rep. Ronald V. Gerberry – Primary Sponsor Rep. Jack Cera, Rep. Sean O’Brien, Rep. Michael Stinziano, Rep. Cheryl L. Grossman, Rep. Debbie Phillips, Rep. Michele Lepore-Hagan – Co-Sponsors	Referred to Local Government Committee on 02/11/15, was wrapped into amended H.B. 278.
H.B. 60	“To amend sections 959.131, 959.132, 959.99, and 2931.18 and to enact section 4741.05 of the Revised Code to revise provisions and penalties regarding treatment of companion animals, to revise the definition of “companion animal” in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse.”	Representatives Bill Patmon and David Hall – Primary Sponsors Rep. Nickie J. Antonio, Rep. Tim W. Brown, Rep. John Patterson, Rep. Ronald V. Gerberry, Rep. Marilyn Slaby, Rep. Sarah LaTourette, Rep. Cheryl L. Grossman, Rep. Janine R. Boyd, Rep. Jack Cera, Rep. John Barnes, Jr., Rep. David Leland, Rep. Michele Lepore-Hagan, Rep. Debbie Phillips, Rep. Michael Sheehy, Rep. Mark J. Romanchuk, Rep. Louis W. Blessing III, Rep. Margaret Ann Ruhl, Rep. Marlene Anielski, Rep. Mike Ashford, Rep. Nan A. Baker, Rep. Nicholas J. Celebrezze, Rep. Mike Dovilla, Rep. Denise Driehaus, Rep. Teresa Fedor, Rep. Bob D. Hackett, Rep. Stephen D. Hambley, Rep. Michael Henne, Rep. Stephanie D. Howse, Rep. Greta Johnson, Rep. Terry Johnson, Rep. Michael J. O’Brien, Rep. Sean O’Brien, Rep. Dorothy Pelanda, Rep. Dan Ramos, Rep. John M. Rogers, Rep. Kirk Schuring, Rep. Barbara R. Sears, Rep. Stephen Slesnick, Rep. Kent Smith, Rep. Martin J. Sweeney - Co-Sponsors	Passed by the House by a vote of 93 to 2 on 06/25/15 and referred to the Senate Agriculture Committee, has had sponsor hearing only.

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<p>H.B. 64</p>	<p>Ohio House Bill 64 - Main Operating Budget FY2016-FY2017</p> <p>HC 2468 (HB 1985) – Training on police encounters with companion animals by the Ohio Peace Officer Training Academy</p> <p>Sec. 109.747 - The attorney general shall adopt, in accordance with Chapter 119. of the Revised Code or pursuant to section 109.74 of the Revised Code, rules governing the training of peace officers on companion animal encounters and companion animal behavior.</p>		<p>The Budget Bill passed by a 63-36 vote.</p>
<p>H.B. 94</p>	<p>“To amend section 959.99 and to enact section 959.133 of the Revised Code to prohibit a person from negligently allowing an animal to be tethered outdoors under specified circumstances.”</p>	<p>Representative John Barnes, Jr.</p> <p>Rep. Mike Duffey, Rep. Michele Lepore-Hagan, Rep. Margaret Ann Ruhl – Co-Sponsors</p>	<p>Refer to Agriculture and Rural Development Committee 03/04/15</p>
<p>H.B. 121</p>	<p>“To enact section 5.2298 of the Revised Code to designate the last week of July as “Service Dog Awareness Week.”</p>	<p>Representative Michael Stinziano, Representative Margaret Ann Ruhl</p> <p>Rep. Ron Amstutz, Rep. Nicholas J. Celebrezze, Rep. Michele Lepore-Hagan, Rep. Debbie Phillips, Rep. Jeffery S. Rezabek, Rep. Ronald V. Gerberry, Rep. Cheryl L. Grossman, Rep. Bob D. Hackett, Rep. Stephen Slesnick, Rep. Martin J. Sweeney, Rep. Sarah LaTourette, Rep. Nickie J. Antonio, Rep. Nan A. Baker, Rep. Andrew Brenner, Rep. Thomas E. Brinkman, Jr., Rep. Tim W. Brown, Rep. Jim Buchy, Rep. Hearcel F. Craig, Rep. Robert R. Cupp, Rep. Timothy Derickson, Rep. Denise Driehaus, Rep. Teresa Fedor, Rep. Timothy E. Ginter, Rep. Christina Hagan, Rep. David Hall, Rep. Stephen D. Hambley, Rep. Brian Hill, Rep. Greta Johnson, Rep. Terry Johnson, Rep. Christie Bryant Kuhns, Rep. Stephanie Kunze, Rep. Al Landis, Rep. David Leland, Rep. Michael J. O’Brien, Rep. Sean O’Brien, Rep. Rick Perales, Rep. Dan Ramos, Rep. John M. Rogers, Rep. Mark J. Romanchuk, Rep. Tim Schaffer, Rep. Barbara R. Sears, Rep. Michael Sheehy, Rep. Marilyn Slaby, Rep. Kent Smith, Rep. Robert Sprague, Rep. Emilia Strong Sykes, Rep. Ron Young, Sen. Bill Beagle, Sen. Charleta B. Tavares, Sen. Edna Brown</p>	<p>Passed by the House on 05/13/2015 by a vote of 93 – 0. Passed the Senate on 1/20/2016 by a vote of 33 – 0. Signed into law on 01/25/2016.</p>

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S.B. 151	<p>“To amend sections 109.73, 955.11, 955.12, 955.22, 955.222, 955.44, 955.54, and 955.99 and to enact sections 955.13, 955.223, 955.224, 955.225, 955.226, and 955.60 of the Revised Code to revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.”</p>	<p>Senator Bill Beagle – Sponsor Senator Peggy Lehner – Co-Sponsor</p>	<p>Referred to Senate Agriculture Committee 04/29/15, has had sponsor testimony only.</p>
H.B. 187	<p>“To amend sections 4741.20 and 4765.01 and to enact section 4765.52 of the Revised Code to authorize specified emergency personnel to provide certain emergency medical services to an injured dog or cat.”</p>	<p>“To amend sections 4741.20 and 4765.01 and to enact section 4765.52 of the Revised Code to authorize specified emergency personnel to provide certain emergency medical services to an injured dog or cat.” Representative Timothy Ginter – Sponsor</p> <p>Rep. Sarah LaTourette, Rep. Louis W. Blessing III, Rep. Tim Schaffer, Rep. A. Nino Vitale, Rep. Michele Lepore-Hagan, Rep. Margaret Ann Ruhl, Rep. John Becker, Rep. Stephen D. Hambley, Rep. Stephen A. Huffman, Rep. John Barnes, Jr., Rep. Heather Bishoff, Rep. Tim W. Brown, Rep. Marlene Anielski, Rep. Kevin Boyce, Rep. Andrew Brenner, Rep. Jack Cera, Rep. Hearcel F. Craig, Rep. Cheryl L. Grossman, Rep. Bob D. Hackett, Rep. Terry Johnson, Rep. David Leland, Rep. Jeffery S. Rezabek, Rep. John M. Rogers, Rep. Mark J. Romanchuk, Rep. Michael Sheehy, Rep. Michael Stinziano, Rep. Andy Thompson – Co-Sponsors</p>	<p>Passed the House on 12/9/15, introduced in the Senate on 12/10/15, referred to Agriculture Committee on 01/20/16.</p>
S.B. 195	<p>“To amend section 959.99 and to enact section 959.21 of the Revised Code to prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling.”</p>	<p>Senators Jim Hughes and Jay Hottinger – Sponsors</p> <p>Sen. Kenny Yuko, Sen. Frank LaRose, Sen. Sandra R. Williams – Co-Sponsors</p>	<p>Introduced 7/16/15, referred to Senate Criminal Justice Committee 09/17/15, has had 4 hearings, waiting for a vote.</p>
H.B. 198	<p>To repeal section 2931.18 of the Revised Code to abolish the humane society’s authority to employ an attorney to prosecute certain violations of law dealing with animal cruelty or acts involving mistreatment or nonsupport of children.”</p>	<p>Representative Stephen D. Hambley, Representative Greta Johnson - Sponsors</p> <p>Rep. Heather Bishoff, Rep. Terry Boose, Rep. Bob D. Hackett, Rep. Brian Hill, Rep. Doug Green, Rep. Michael J. O’Brien – Co-Sponsors</p>	<p>Referred to House Judiciary Committee 05/19/2015, was wrapped into Amended H.B 278.</p>

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H.B. 215	<p>“To amend sections 959.15 and 959.99 of the Revised Code to prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another.”</p>	<p>Representative Barbara R. Sears, Representative Heather Bishoff - Sponsors</p> <p>Rep. Cheryl L. Grossman, Rep. Brian Hill, Rep. Steven W. Kraus, Rep. Sarah LaTourette, Rep. David Leland, Rep. Robert McColley, Rep. Debbie Phillips, Rep. Michael Sheehy, Rep. Michael Stinziano – Co-Sponsors</p>	<p>Proponent hearing House Judiciary Committee 06.25.15, amended, passed House Judiciary, 3rd reading in House.</p>
S.B. 215	<p>“To enact section 959.133 of the Revised Code to grant a person immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm.”</p>	<p>Senator Jim Hughes, Senator Frank LaRose – Sponsors</p> <p>Sen. Joe Uecker, Sen. Kevin Bacon – Co-Sponsors</p>	<p>Referred to Senate Justice Committee 09/15/2015, passed Senate on 2/10/2016 32-0.</p>
S.B. 271	<p>“To amend sections 9.62 and 721.15 of the Revised Code to authorize a law enforcement officer to purchase a police dog or horse for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency.”</p>	<p>Senator Lou Gentile – Sponsor</p> <p>Sen. Kenny Yuko, Sen. Shannon Jones, Sen. Joe Schiavoni, Sen. Capri S. Cafaro, Sen. Michael J. Skindell, Sen. Charleta B. Tavares, Sen. Cecil Thomas, Sen. Frank LaRose – co-Sponsors</p>	<p>Introduced on 2/4/16.</p>
H.B. 278	<p>“To amend sections 1717.04, 1717.05, 1717.06, and 1717.07 of the Revised Code to require approval by the board of county commissioners, instead of the probate judge, of appointments of agents by county humane societies outside a municipal corporation, to specify that a county humane society is a political subdivision, to make its directors, agents, officers, and employees subject to the Ethics Law, and to increase the salaries paid to the agents.”</p>	<p>Representative Stephen D. Hambly – Sponsor</p> <p>There are no Co-sponsors on this Bill</p>	<p>Introduced to House on 6/15, referred to Government Accountability and Oversight Committee 9/15, amended and re-introduced in January 2016.</p>
H.B. 447	<p>“To amend section 2921.321 of the Revised Code to prohibit a person from intentionally killing a police dog in the line of duty.”</p>	<p>Representatives Kirk Schuring and Stephen Slesnick, Sponsors</p>	<p>Introduced 2/9/16, referred to State Government Committee 2/10/16.</p>
H.B. 450	<p>“To amend sections 9.62 and 721.15 of the Revised Code to authorize a law enforcement officer to purchase a police dog or horse for one dollar when the officer retires in good standing from a law enforcement agency and certain conditions are met.”</p>	<p>Representative Andy Thompson and David Hall, Sponsors</p>	<p>Introduced 2/9/16, referred to State Government Committee 2/10/16.</p>

Current as of February 10, 2016. This information was taken from the following source, please check the following link for update and changes.
<https://www.legislature.ohio.gov/legislation>

Recent news: Animals and the law

While there is still more work to do, we are seeing great progress getting strong animal protection laws on the books throughout the county as well as keeping some negative laws that would harm animals off the books. It is becoming increasingly recognized that not only are animals impacted, but also most often humans are as well; these laws benefit everyone. We are also beginning to see significant sentences handed down for those who abuse animals and strong efforts being made federally to track animal abusers' crimes. Below are some recent cases in the news.

Idaho "Ag-Gag" law declared unconstitutional—August 2015

On Aug. 3, 2015, the U.S. District Court for the District of Idaho ruled that Idaho Code sec. 18-7042 "Ag-Gag" law violated the First and Fourteenth Amendment to the U.S. Constitution. Ag-Gag laws are essentially anti-whistleblower statutes, which seek to criminalize photographing or videotaping farming and other operations. Undercover investigations have revealed numerous shocking practices, which are considered industry standard, and numerous cases of horrific animal abuse at large factory farm facilities. The public does not support these laws and the majority that are introduced fail. Today, seven states have Ag-Gag laws on the books and more are seeking to enact similar "right to farm" legislation.

Source: acluidaho.org/idaho-ag-gag-law-ruled-unconstitutional-in-federal-court/

Additional information can be found at www.aldf.org/aggag

Kent State University agrees to \$145,000 settlement of federal lawsuit over assistance animals—January 2016

In September 2014, the U.S. Department of Justice filed a lawsuit against Kent State University alleging its board of trustees and university officials violated

the Fair Housing Act by discriminating against students with disabilities after a student living in university-owned housing was denied an accommodation for an emotional support dog. On Jan. 4, an agreement was reached whereby the university would pay this couple \$100,000, \$30,000 to the Fair Housing Advocates Association in Akron, and \$15,000 to the federal government. This is a significant win for everyone with disabilities that are not readily apparent and require the use of a service animal for support.

Source: www.cleveland.com/metro/index.ssf/2016/01/kent_state_university_agrees_t.html

FBI now tracking animal abuse—2016

In a major step forward, the FBI announced in 2014 that in 2016 it would begin tracking animal abuse cases much as it tracks homicides. This is not only a significant win for animals, but also for humans, as the FBI has long recognized animal cruelty as a predictor of human violence. The FBI defines cruelty to animals as "intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment." There will be four categories of crimes: simple or gross neglect, intentional abuse and torture, organized abuse (such as dog fighting and cock fighting), and animal sexual abuse.

Sources: www.washingtonpost.com/news/inspired-life/wp/2016/01/06/a-big-win-for-animals-the-fbi-now-tracks-animal-abuse-like-it-tracks-homicides/

nationallinkcoalition.org/faqs/what-is-the-link

Nevada man gets up to 28 years in prison for animal abuse—October 2015

In October 2015, 25-year-old Jason Brown of Reno, Nevada, was found guilty of animal abuse for systematically torturing and killing seven dogs, many

of which he obtained from Craig's List (Case # CR14-1696, 2nd Judicial District Washoe County, Nevada). Brown was a former President Scholar, psychology major and adopted son of a wealthy Reno couple. The sentence handed down in this case is more than one could have received for manslaughter under Nevada law and certainly speaks to the increased seriousness given to these horrific crimes. For decades, the FBI has recognized that virtually all, if not all, serial killers start with animals as their first victims. Not only can significant sentences for animal cruelty stop an animal abuser, but also they can stop a future serial killer in his tracks.

Source: www.ksl.com/?nid=157&sid=36767167&title=nevada-man-who-tortured-killed-dogs-gets-up-to-28-years

\$262,500 - Largest settlement ever for the shooting of a family dog

Most laws only allow for fair market value or a nominal amount when damages are awarded for the death of an animal, but that may be changing. In 2012, officers were called to a dog running loose in a neighborhood. After police captured the pit bull-mix and had it on a catch pole, neighbors recorded Officer Robert Price shooting the dog five times, killing it. Commerce City police said Price was "within policy" when he killed the dog, but the video sparked outrage among many pet owners. While the officer was acquitted of any wrongdoing, the Animal Law Center became involved, citing recent federal court cases. In those court cases, plaintiffs cited violations of the Fourth Amendment for loss of property. To avoid an upcoming federal civil court trial, the city paid Chloe's family \$262,500.

Source: kfor.com/2016/01/27/largest-settlement-in-u-s-history-city-to-pay-262000-after-officer-shoots-dog/



Law, rock, and motorcycles

My main law office has three primary themes: law practice stuff, rock & roll music, and motorcycle models and pictures. It is an odd concoction for some, but not really, if you think of it. The commonality is passion.

I practice law with heartfelt passion for our clients. Let's be clear: I could not afford to do this for free and I do have a fondness for being able to eat and otherwise feed and clothe my family. But at The Mark J. Bamberger, Co., we have a history of taking on cases that might not be the easiest or safest money makers. It can be stressful, but personally, I have always liked underdogs. I am a franchise-long Tampa Bay Buccaneers fan, for goodness sake! As fair as the American common law legal system can be, it is not really as equal as the scales of justice might infer. Money buys power and influence; no doubt about that. Yet, don't you agree that there is something honorable about the single guy or gal going up against the multi-national corporation, and sometimes winning? We battle for our clients and empathize with them as much as we can. This means I will likely never be rich, but boy, do I sleep peacefully at night.

Growing up and coming to age in the 1970s,

my soundtrack is steeped in classic rock. I respect jazz, classical, even some hip hop, but I consistently come back home again. It was on when I studied in high school, then college, then graduate school, then law school. It is on these days when I write briefs and prepare for trials and do accounting and paperwork around my offices. You get the point. Having always fought ADHD (we called it "hyperactivity" back in the day), the music always shot down all the distracting thoughts constantly cruising through my brain and thus allowed me to focus on the task at bar. When my daughters became able to distinguish between AC/DC and The Beatles, and The Rolling Stones and Def Leppard, I knew my job as a parent was done.

I came to motorcycling relatively late in life. Before the age of 40, I had no interest. Then like a light switch, something turned on in my brain and my heart. I saw one of my vendors coming to meetings on a shiny green 2001 Kawasaki Ninja and, boom, my life changed. This is not hyperbole, and that, by the way, became my first motorcycle.

Other than my family, motorcycling is one of the strongest passions of my life. In just over 13 years, I have logged more than

75,000 miles. Two-thirds of those have come in the past three years on my beloved 2000 Honda Goldwing; she's named "The Blue Mistress." Bikers know Goldwings; big, incredibly well-designed and comfy rides that eat up miles like aardvarks gobble up ants. I could write books on the joy of a 3,000-mile motorcycle trip; the freedom, the meditation, the "carpe diem." Let's just say that some think about breathing; I think about riding tomorrow, then the day after that.

The commonality is passion. The music ushers me through the pressures of my work life as it does through mile after mile on my bike. The dangers of riding equalize the pressures of a stressful second career: my law practice. In law school I once asked a professor why so many lawyers have drug and/or alcohol problems. Given her academic bent, she could not answer. After starting to practice law as what I thought of as a thoughtful and engaged attorney, it became quite clear. Client problems become my problems. It can be corrosive and engulfing. Away from the practice, some lawyers drink or take too many pills or have affairs. I listen to classic rock and ride my motorcycle.

By Mark J. Bamberger, Ph.D., J.D.

Resources for animal laws and issues

The Animal Legal Defense Fund for model laws and cases throughout the US – www.aldf.org

The Animal Legal and Historical Center, Michigan State University for case law and statutes throughout the US
www.animallaw.info/site/animal-legal-and-historical-center-web-site

The Ohio Department of Agriculture for information on the High Volume Breeder Act (Puppy Mill Bill) and the Dangerous Wild Animal Act
www.agriohio.gov

The ASPCA, federal and state law information and updates
www.asPCA.org/animal-protection

The National Link Coalition, laws and information related to the link between human violence and animal abuse
nationallinkcoalition.org

The Ohio Wildlife Center, laws and tips for Ohio wildlife
www.ohiowildlifecenter.org

