

EDITOR'S NOTE

FIFTEEN VOLUMES OF ANIMAL LAW

By
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Animal Law began ambitiously. In the early 1990s, when the concept of animal law was relatively unknown, a group of students embarked on an endeavor to bring the legal field to Lewis & Clark Law School. They formed the first chapter of the Student Animal Legal Defense Fund. They lobbied for the school's first animal law class. And they created the law review that you are reading today—the nation's first law review devoted exclusively to animal legal issues.

As *Animal Law* celebrates its fifteenth volume this year, there is no doubt that the law review and the field of animal law are prevailing.

Getting here has been a struggle at times. To publish the law review, the students had to agree to extraordinary measures—no support from the law school, either formally or financially.¹ The faculty balked at spending tuition dollars on the law review, and they were not persuaded that it would hold the long-term interest of the school's students.² To help overcome these concerns, students educated the faculty that there was indeed a growing field of animal law that would support articles for the law review.³ A partnership with the Animal Legal Defense Fund (ALDF) to provide the bulk of the operating budget quelled the faculty's concerns about funding.⁴

* © Laura Cadiz 2008. Ms. Cadiz is the editor-in-chief of *Animal Law* and expects to earn her J.D. from Lewis & Clark Law School in May 2009. She would like to thank the *Animal Law* staff for working so hard to put this issue together.

¹ Nancy V. Perry, *Ten Years of Animal Law at Lewis & Clark Law School*, 9 *Animal L.* i, ii, n. 3 (2003).

² Michael C. Blumm, *The Origins of Animal Law*, 10 *Animal L.* 5, 5 (2004).

³ *Id.*

⁴ *Id.*

In those first years, the student staff was purely comprised of volunteers⁵ who received no academic credit. The law review staff operated out of a cramped office on campus shared with two student groups. The early issues of the law review reflect the somewhat strained relationship with the school: The masthead indicated that the law review was published by the "Students of Lewis & Clark Law School," instead of the law school.⁶

Animal Law has since become an established law review at Lewis & Clark. In 2000, Lewis & Clark took a major step in recognizing *Animal Law* as an official law review when it started granting editors academic credit. The law review has moved into a larger office space (though the staff still laments its small size). In its twelfth year, the law review expanded to publish bi-annual issues. It now boasts the largest subscription base of all three law reviews at Lewis & Clark.⁷

Animal Law remains at the forefront of animal law. Three schools have followed Lewis & Clark in creating a law review devoted to animal law.⁸ Leading scholars including Steven Wise,⁹ Jane Goodall,¹⁰ Cass Sunstein,¹¹ Alan Dershowitz,¹² and Laurence Tribe¹³ contributed articles to *Animal Law*. Federal¹⁴

⁵ Perry, *supra* n. 1.

⁶ Blumm, *supra* n. 2, at 6.

⁷ *Animal Law's* subscription base is 921.

⁸ Michigan State University's *Journal of Animal Law*, University of Pennsylvania's *Journal of Animal Law and Ethics*, and Stanford University's online journal, the *Stanford Journal of Animal Law and Policy*.

⁹ Steven M. Wise, *Recovery of Common Law Damages for Emotional Distress, Loss of Society, and Loss of Companionship for the Wrongful Death of a Companion Animal*, 4 *Animal L.* 33 (1998); Jane Goodall & Steven M. Wise, *Are Chimpanzees Entitled to Fundamental Legal Rights?* 3 *Animal L.* 61 (1997).

¹⁰ Jane Goodall, *The Evolving Legal Status of Chimpanzees*, 9 *Animal L.* 1 (2003) (symposium); Goodall & Wise, *supra* n. 10.

¹¹ Cass R. Sunstein, *Enforcing Existing Rights*, 8 *Animal L.* i (2002); Cass R. Sunstein, *The Evolving Legal Status of Chimpanzees*, 9 *Animal L.* 1, 65-72 (2003) (symposium).

¹² Alan M. Dershowitz, *The Evolving Legal Status of Chimpanzees*, 9 *Animal L.* 1, 55-64 (2003) (symposium).

¹³ Laurence H. Tribe, *Ten Lessons Our Constitutional Experience Can Teach Us About the Puzzle of Animal Rights: The Work of Steven M. Wise*, 7 *Animal L.* 1 (2001).

¹⁴ See *U. S. v. Stevens*, 533 F.3d 218 (3d. Cir. 2008) (citing Pamela D. Frasch et al., *State Animal Anti-Cruelty Statutes: An Overview*, 5 *Animal L.* 69 (1999)); *Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry*, 476 F.3d 326 (5th Cir. 2007) (citing *2005-2006 Legislative Review*, 12 *Animal L.* 277 (2006)); *Defenders of Wildlife v. Norton*, 258 F.3d 1136, 1139 (9th Cir. 2001) (citing Jeffrey S. Kopf, *Slamming Shut the Ark Doors: Congress's Attack on the Listing Process of the Endangered Species Act*, 3 *Animal L.* 103, 126 (1997)).

and state courts¹⁵ have cited to *Animal Law*, as have other law journals.¹⁶

The law review's development mirrors the growth of animal law in general. Animals are overwhelmingly part of people's families and their homes. Sixty-three percent of U.S. households own a pet,¹⁷ with 38.4 million homes owning cats and 44.8 million homes owning dogs, according to the 2007-2008 National Pet Owners Survey.¹⁸ Americans will spend an estimated \$43.4 billion on their pets in 2008, including \$10.9 billion on veterinary care.¹⁹

Legislatures across the country have responded to the important role that animals play in people's lives: Animal cruelty is outlawed in all fifty states, with forty-three making certain acts of animal cruelty a felony.²⁰ Dog fighting is now a felony in all fifty states.²¹

Americans are also becoming more cognizant of the poor treatment of farm animals. There is a growing demand for cage-free eggs.²² *Skinny Bitch*, a book advocating a vegan lifestyle, is a best seller.²³ California voters just approved Proposition 2, which requires factory

¹⁵ See *People v. Sanders*, 182 Ill. 2d 524 (1998) (citing Katherine Hessler, *Where Do We Draw the Line Between Harassment and Free Speech?: An Analysis of Hunter Harassment Law*, 3 Animal L. 129 (1997)); *Gibson v. Donahue*, 148 Ohio App. 3d 139 (2002) (citing Dr. Sharlene A. McEvoy, *The Rise of Equine Activity Liability Acts*, 3 Animal L. 201 (1997)); *Morgan v. Kroupa*, 167 Vt. 99 (1997) (citing Nancy Goldberg Wilks, *The Pet Theft Act: Congressional Intent Plowed Under by the United States Department of Agriculture*, 1 Animal L. 103, (1995)); *Rabideau v. City of Racine*, 627 N.W.2d 795 (Wis. 2001) (citing Steven M Wise, *Recovery of Common Law Damages for Emotional Distress, Loss of Society, and Loss of Companionship for the Wrongful Death of a Companion Animal*, 4 Animal L. 33 (1998)).

¹⁶ See Philip M. Nichols, *Corruption as an Assurance Problem*, 19 Am. U. Intl. L. Rev. 1307 (2004) (citing Jane Goodall, *The Evolving Legal Status of Chimpanzees*, 9 Animal L. 1, 90 (2003)); F.C. Decoste, *Bill C-10 and the Place of Animals in Canadian Law: Animals and Political Community: Preliminary Reflections Prompted by Bill C-10*, 40 Alberta L. Rev. 1057 (April 2003) (citing R. Garner, *Political Ideology and the Legal Status of Animals*, 8 Animal L. 77 (2002)); Bruce Ledewitz, *The Constitutions of Sustainable Capitalism and Beyond*, 29 B.C. Env'tl. Aff. L. Rev. 229 (2002) (citing Gwendelyn Io Earnshaw, Comment, *Equity as a Paradigm for Sustainability: Evolving the Process Toward Interspecies Equity*, 5 Animal L. 113, 116-18 (1999)).

¹⁷ That equates to 71.1 million homes. American Pet Products Association Inc., *Industry Statistics and Trends*, http://www.americanpetproducts.org/press_industry_trends.asp (last accessed Nov. 9, 2008).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Humane Society of the United States, *Animal Cruelty Laws: Where Does Your State Stand*, http://www.hsus.org/legislation_laws/state_legislation/animal_cruelty_laws_where_does_your_state_stand.html (last accessed Nov. 9, 2008).

²¹ Press Release, Humane Society of the United States, *Animal Advocates Celebrate Historic Milestone: Dogfighting Now a Felony in All 50 States*, http://www.hsus.org/acfi/news/pressrel/dogfighting_felony_in_50_states_030508.html (Mar. 5, 2008) (last accessed Nov. 9, 2008).

²² Kim Severson, *Suddenly the Hunt is on for Cage-Free Eggs*, N.Y. Times (Aug. 12, 2007) (available at <http://www.nytimes.com/2007/08/12/us/12eggs.html>) (last accessed Nov. 9, 2008).

²³ Kim Barnouin & Rory Freedman, *Skinny Bitch* (Running Press 2005).

farms to house breeding pigs, egg-laying hens, and veal calves in enclosures that allow them to “stand up, turn around and extend their limbs.”²⁴

The animal law field still faces some obstacles,²⁵ as does the law review. *Animal Law* remains financially independent from Lewis & Clark: ALDF is still the major financial supporter of the law review—donations and subscription fees cover the remainder of the budget. *Animal Law* also depends on the student-filled position of the business editor²⁶ to keep track of our budget and subscriptions, which as far as we can tell is a rarity among law reviews nationwide—a paid staff person usually fills this role. This year, with the unwavering support of Professors Pamela Frasch and Kathy Hessler, *Animal Law* is attempting to become part of Lewis & Clark’s operating budget and hire an administrative assistant.

Frasch and Hessler are key examples of what has been instrumental to the law review’s success—its national advisory board²⁷ and its faculty advisory board,²⁸ which help guide the staff and solicit articles. Professor Peter Nycum not only financially contributes to the law review by providing a scholarship to the editor-in-chief, but he also created an annual student award in honor of his late dog, Noodles. Professor Michael Blumm stepped forward and volunteered to be a faculty advisor from the very beginning, when other faculty questioned the need for the law review. Nancy Perry, who was among the visionary students who helped found the law review, is now at the Humane Society of the United States and helps advise the law review staff through her position on the national board.

As it was in the beginning, *Animal Law* is only as successful as the students who are behind it. The twenty-nine person staff that presents this anniversary issue illustrates that *Animal Law* has undeniably captured the interests of Lewis & Clark students since its inception. Our diverse staff covers a range of backgrounds: One editorial board member came to Lewis & Clark with little interest in animal law but now is the student director of the school’s Animal Law Clinic; another board member would willingly move to middle-of-nowhere Kanab, Utah, to fill any job at Best Friends Animal Sanctuary; and one associate editor wants to be an English teacher and proudly boasts of

²⁴ The Humane Society of the United States, *Californians Make History by Banning Veal Crates, Battery Cages, and Gestation Crates*, http://www.hsus.org/farm/news/ournews/prop2_california_110408.html (Nov. 4, 2008) (last accessed Nov. 9, 2008).

²⁵ See Joyce Tischler, *Building Our Future*, *infra.* 7–12 (detailing a history of animal law).

²⁶ Ryan Tharp is the current business editor and deserves special accolades in taking on this role.

²⁷ The 2008-09 national advisory board members are: Scott A. Heiser, Richard J. Katz, James B. Mason, Nancy V. Perry, William A. Reppy, Jr., Steven M. Wise, and David J. Wolfson.

²⁸ The 2008-09 faculty advisory board members, along with Frasch and Hessler, are: Profs. Michael C. Blumm, Joseph S. Miller, Peter S. Nycum, Daniel J. Rohlf, Janice Weis, and Chris Wold.

her son's vegan cooking skills. The staff also includes very dedicated volunteer members who receive no credit in the hopes of being invited onto the law review as editors for the following year.

Animal Law would not have been possible without that ambitious group of students fifteen volumes ago and the staffs who followed. We commemorate this milestone with a redesigned cover and a dedication to continue publishing ground-breaking and innovative articles pertaining to the legal issues facing animals, building on what will hopefully be a long legacy of *Animal Law*.

