Pet Law Update for Owners, Service Providers, and Lawyers

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San Diego Law Library

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Nolan Animal Law
Is pet law a thing?

Pet law - or animal law - is any matter, dispute or transaction where companion animals are central.

Pet law is a rewarding innovative practice - myriad opportunities for an existing practice or new attorney.
Case Types for Pet Law
(completely unscientific, purely anecdotal)

62%
Professional liability
wrongful death

3%
rescue

25%
Custody and ownership disputes

5%
Service dog or emotional
support dog requests

5%
injured or killed by another dog
How To Get Into Pet Law

**Law School**
- Clerkships, Student Chapter, Animal Legal Defense Fund
  - ALDF resources and guides to connect with chapters, start up a SALDF Chapter and teach animal law course

**Bar Association Committees**
- SDCBA, ABA, State Bar
  - Join and become active in animal law committees, attend substantive law conferences and CLEs

**Add to case acceptance priorities**
- LIMITED SCOPE
  - i.e., consultation, document review, second opinion, court appearance

**Specialty practice**
- Boutique firm exclusive focus
  - Key is to focus on discrete areas or matters, pet law is wide reaching.

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You can’t hide from destiny
Before we get to the nuts and bolts

What would a “lawyerly” presentation be without a disclaimer?

Believe it or not - companion animal “pet” law can be complex, and it changes. That’s why you shouldn’t make any decisions based on this presentation. Instead, you should privately consult a lawyer familiar with the current law that could apply to your situation.

Courtesy of Steven Matcha, Esq.
Regulations and Locality Matter

Vaccinations

Licensing - animal control, kennel

Land use planning, commercial use, business and building

Microchipping

Proper control - leashes, fencing

Breed restrictions - housing, homeowner’s insurance

Veterinary and other professional licensing

Pet HIPAA - access

Code enforcement and abatement (nuisance)
Criminal Abuse and Neglect

Care of Pets
Anti-tethering, lack of water and food
hot car law - Good Samaritan defense

Crime Victims
“The Link” to domestic violence and violent crime
Protective Orders to include pets
(some shelters allow pets)

Canine Victims Access to Justice for - guardian
ad litem

CT “Desmond’s Law” - outcomes study
NJ Senate 2868 (Assemblywoman Quijano)
CA “Riley’s Law” AB 2645 (Assemblymember Nazarian)

Facility Dogs (courtroom canines)
Fraudulent Service Dogs

- Negative Impact on the Differently-Abled Community
- Impact on Public Image
- Specialized Time-Intensive Training with regular refresher training
- Compare to Service Animal Standards
- HUD FEHO Notice January 2020 FAQs
- Cal Penal Code 365.7 PC (and other states)
Rescues

Incorporation
Tax exemption
Governance
Leadership
Management and Volunteers
Resource Development
Large private donors
City grants
Pull Agreements
Foster, Adoption Agreements
Liability and Risk
Management
Loss Prevention
Custody, Ownership
What makes family court look like child’s play

Domestic breakups
Breeders and exhibitors
Rescues
Lost/Found

And....

Straight up theft
FedEx Drivers
Nextdoor neighbors
Cats with multiple owners
Care Custody and Control – civil liability, consumer protecting and licensing complaints

Veterinarian/Registered Vet Techs

Groomer
- kenneling, Respiratory, bites, control

Sitters and Walkers
- Over exposure, losing pets

Trainer
- e-collars, overworking, poor handling

Cremation Services

Venus has a beautiful name, but it's terribly hot
VALUATION OF ANIMALS

Criteria some courts use:
• Market value
• Intrinsic value
• Peculiar value
• Actual value (to the owner)

DAMAGES

• Compensatory
• Loss of companionship where intent established (or reckless or gross negligence)
• Emotional distress
• Punitive damages
It’s All About Your Experts

Veterinary - diplomates, specialists
Training, breeding, grooming behavioral
Animal law Consultants
Private Investigators
Social Media - Culture
Media Relations

Litigation Nuts and Bolts
RESOURCES

- San Diego County Bar Association Animal Law Section
  https://www.facebook.com/SDCBAAnimalLaw/about

- Animal Law Committee, American Bar Association Tort Trial & Insurance Program


- Animal Legal Defense Fund https://aldf.org/

- David Favre, Professor of Law, Michigan State Animal Legal Historical Center https://www.animallaw.info/

- Social Compassion in Legislation https://socialcompassioninlegislation.org/

Substantive Law Publications

- Gislason, Barbara, Pet Law and Custody: Establishing a Worthy and Equitable Jurisprudence for the Evolving Family

- Favre, David, Animal Law: Welfare Interests and Rights

- Karp, Adam, Understanding Animal Law (2016)


2021 Trends

Active Search and Google Alerts

• "animal law"
• "feline law"
• "dog law"
• "cargo pet air travel"
• "damages "animal law"
• "veterinary prosecution"
• "import of rescue dog"
• "military dog rescue"
• "Military service dog"
• "lemon puppy"
• "Craigslist puppy scam"

1. Puppy scams - sold online via Craigslist, Instagram, Facebook
2. Backyard hobby breeders selling parvo puppies
3. Custody/ownership disputes
4. Veterinary burnout
5. Negligence complaints
6. Dogs/cats that talk
THANK YOU

Nolan Animal Law
https://www.nolananimallaw.com

Credits: Slidesgo template, Flaticon icons, Freepik infographics and Pexels images.