

TRENDS IN ANIMAL LAW 2010



7 CLE CREDIT HOURS

FRIDAY, DECEMBER 10, 2010
SHERATON NEW ORLEANS HOTEL
500 CANAL STREET, NEW ORLEANS, LA
8:30 A.M. UNTIL 5:25 P.M.

ONLY \$125

A CLE presented by the Animal Law Section of the LSBA

7 CLE Credit Hours Approved

The objective and purpose of the Animal Law Section's CLE "Trends in Animal Law 2010" is to educate Louisiana attorneys about the growing legal area of Animal Law and the current legal issues and legislation involving animals with a focus on the valuation of animals in our legal system. A further objective is to demonstrate to attorneys the varied ways in which animal law intersects with other practice areas and the current opportunities that attorneys have to extend their practice areas by including animal law therein.

AGENDA:

8:30 to 9:00 am: Registration

9:00 - 10:00 am: Frederick Whitrock, Deputy General Counsel with the Louisiana Department of Wildlife and Fisheries – An Overview of the Federal Oil Spill Act (OPA) and liability under the Act in private and public claims; The Louisiana Oil Spill Prevention and Response Act (LOSPRA) and the definition of state trustees and exceptions to the Act (fish and wildlife valuation claims); and an explanation of the Natural Resource Damage Assessment, how it applies and injury assessment and compensatory restoration under the Act. (1 hour)

5 minute break

10:05 - 10:35 am: Charles Ballay, Plaquemines Parish District Attorney – Case Study: An overview of the civil lawsuit filed against British Petroleum by Plaquemines Parish and the legal issues arising out of the valuation of fish and wildlife therein. (30 minutes)

10:35 - 11:05 am: Frederick Whitrock, Deputy General Counsel with the Louisiana Department of Wildlife and Fisheries – An overview of the recently passed legislation which grants the Louisiana Department of Wildlife and Fisheries authority to regulate possession and importation of exotic cats, monkeys, and snakes. (30 minutes)

5 minute break

11:10 - 12:10 pm: John J. Pippin, M.D., F.A.C.C., *Senior Medical and Research Adviser for the Physicians Committee for Responsible Medicine (PCRM)* – An overview of the federal Animal Welfare Act as it relates to vivisection of animals in research and the limitations for the protection of animals under the Act. (1 hour)

Lunch 1 Hour - On your own

1:10 - 2:10 pm (Panel): Carney Anne Chester, *Legal Fellow, PETA Foundation* (based in Louisiana); **Delci Winders,** *Counsel, PETA Foundation* (based in Louisiana); **Julia Breaux Melancon,** *Louisiana State Director, The Humane Society of the United States* (based in Louisiana). State and Federal Animal Laws: Limitations, Novel Uses, and Recent Updates: The three panelists will discuss: Updates of Louisiana animal laws, including state cruelty and seizure statutes; an overview of federal animal protection laws including the exemptions and enforcement of same; and state and local laws in relation to the federal laws. (1 hour)

5 minute break

2:15 - 3:15 pm: Chris Green, *Attorney, American Bar Association Animal Law Committee, Chair ABA Veterinary Malpractice Subcommittee Chair* – Issues involving veterinarian malpractice and the compensation and valuation resulting from harm to companion animals; the arguments for and against compensating owners beyond the traditional "market value" damages for harm to living property. (1 hour)

5 minute break

3:20 - 4:20 pm: Mike Hodgkins, *Veron, Bice, Palermo & Wilson, LLC* (Lake Charles, Louisiana) – Case Study of the Third Circuit Court of Appeal opinion in *Smith v. University Animal Clinic, Inc.*, 09-745 (La.App. 3 Cir. 2/10/10), which addresses veterinary clinics and boarding houses as depositaries for purposes of LSA - C.C. art. 2926 et al.; the history of LSA - C.C. Articles 2315 and 1998 and the changes in the law that allows for compensation therein; valuation of lost or injured companion animals in Louisiana. (1 hour)

5 minute break

4:25- 5:25 pm: Marta Richards, *Private Practice & The Stanford Law Group, (Of Counsel)* – Contracts Creating Ownership of Animals: Rights and Responsibilities Created. Topics to be discussed: public policy and related issues involving ownership of domestic animals as pets; a discussion of the transfer of ownership of animals by municipalities, private owners (kennel owners, breeders, personal pet owners) and rescue groups or animal welfare organizations. A discussion of possessors of animals: adverse possession, caretakers and foster homes. Issues arising from contracts of ownership: AKC papers, contracts of sale, rescue organization adoption contracts, review of sample contracts and a review of Animal Control animal release documents and enforceability and limitations therein. (1 hour)

SPEAKER BIOGRAPHIES:

Frederick Whitrock is presently Deputy General Counsel with the Louisiana Department of Wildlife and Fisheries and has been employed by the Department for over ten years. His duties include legal advisor to the Department in its role as one of the trustee state agencies under LOSPRA. Prior to his present employment, he was an Assistant Attorney General with the Louisiana Department of Justice, representing the State Mineral Board, Office of Coastal Restoration and Management, State Land Office, and the Department of Wildlife and Fisheries. Mr. Whitrock holds a Juris Doctorate from the University of Miami, a Master of Science (Environmental Science) from LSU, and a Bachelor of Science (Oceanography) from the University of Wisconsin.

Charles J. Ballay is the current District Attorney of Plaquemines Parish and is currently serving his first term. He graduated from Louisiana State University with a B.A. in 1974 and received his Juris Doctorate from the Paul M. Hebert Law Center at Louisiana State University in 1976. In 1980, Charles became an Assistant District Attorney in Plaquemines Parish and served as First Assistant District Attorney from 1984 until 2006. He was elected District Attorney of Plaquemines Parish in 2008.

John J. Pippin, M.D., F.A.C.C., is Senior Medical and Research Adviser for the Physicians Committee for Responsible Medicine (PCRM), a nationwide charitable organization of physicians, scientists, educators, and laypersons that promotes preventive medicine (especially good nutrition), conducts clinical research, and addresses controversies in modern medicine, including ethical and scientific issues in education and research. After receiving his M.D. degree from the University of Massachusetts Medical School, Dr. Pippin completed his internal medicine residency, chief residency and clinical cardiovascular fellowship at New England Deaconess Hospital (now Beth Israel-Deaconess Hospital) in Boston. He was awarded a five-year Clinician Scientist Award from the American Heart Association, and carried out studies in nuclear cardiology at the University of Texas Southwestern Medical Center and the Medical College of Virginia that produced important advances in cardiac imaging. Dr. Pippin is board certified in internal medicine, cardiovascular diseases and nuclear cardiology. He has been on several medical school faculties, including Harvard Medical School and the Medical College of Virginia, where he was chosen Cardiology Professor of the Year three times. He has held many clinical, research and administrative leadership positions, and he was the founding director of the cardiovascular medicine and medical imaging departments at Cooper Clinic in Dallas before joining PCRM's professional staff in 2005. Dr. Pippin has co-authored four books and monographs, and is the author or co-author of more than seventy peer-reviewed publications. He has published in numerous leading medical journals, including *Circulation*, *Journal of the American College of Cardiology*, and *The American Journal of Cardiology*. He lives in Dallas, Texas.

Delcianna Winders is Counsel for the PETA Foundation and an Adjunct Lecturer in Animal Law at Tulane University Law School and Loyola University New Orleans School of Law. Prior to joining the PETA Foundation, Ms. Winders was the Director of Legal Campaigns for Farm Sanctuary. From 2007 to 2009, she worked as an associate at Meyer Glitzenstein & Crystal (which *Washingtonian Magazine* named the "most effective public-interest law firm in Washington, D.C."), and before that served as law clerk to the Honorable Martha Craig Daughtrey (U.S. Court of Appeals for the Sixth Circuit). Winders is a graduate of New York University School of Law, where she was senior notes editor of the *NYU Law Review* and recipient of the Vanderbilt Medal for outstanding contributions to the Law School. She has

written articles about animal law for several legal publications and presented specialty talks at conferences and law schools (including NYU, the University of Chicago, and Yale).

Carney Anne Chester is a Legal Fellow for the PETA Foundation. Prior to joining the PETA Foundation in September 2010, Ms. Chester worked at Tulane Law School where, among other responsibilities, she worked closely with Tulane's Student Animal Legal Defense Fund. Prior to that, she served as an assistant city attorney for the City of Dallas and previously worked as an associate in law firms in Texas and Massachusetts. She is a graduate of the University of California, San Diego and Tulane Law School; and holds an additional graduate degree in community advocacy with a focus on animal rights from the George Washington University. She has served as co-chair of the Dallas Association of Young Lawyers Animal Law Committee, on the Board of Directors of the Humane Society of Louisiana, and has done a variety of animal rights-related pro bono. Ms. Chester's previous presentations include discussions about the New Orleans carriage industry for the 2010 Louisiana Animal Law Night and for a closed group at the 2010 Taking Action for Animals Conference in Washington, DC.

Julia Breaux Melancon is the Louisiana State director for The Humane Society of the United States. She works to help animals through legislation, corporate campaigns, citizen advocacy, coalition building and other projects with both local and national scope. A native of Lafayette, Louisiana, she graduated from Louisiana State University in 1999. After graduation, she went to work for the Lieutenant Governor's office during the Blanco administration. In 2001, she moved to New Orleans where she currently resides.

Chris Green is a graduate of Harvard Law School and the University of Illinois, where he created the school's Environmental Science degree program. He is a founding Vice-Chair of the American Bar Association Animal Law Committee, Chair of the ABA Veterinary Malpractice Subcommittee, and served on the Board of Advisors for the National Center for Animal Law. He is also a member of the American Veterinary Medical Law Association, the Committee on Legal Issues Pertaining to Animals-Association of the Bar of the City of New York, and the Illinois Farm Bureau. In 2004, Green wrote *The Future of Veterinary Malpractice Liability in the Care of Companion Animals*, which was published in the 10th Anniversary Issue of *Animal Law*. That same year he won First Prize at Harvard's inaugural National Animal Advocacy Competition, an event he now regularly judges. Chris has consulted on animal legal issues for CBS News, Dateline NBC, Smart Money Magazine, the Chicago Tribune, Washington Post & ABA Journal. He contributed to the book *Vet Confidential: An Insider's Guide to Protecting Your Pet's Health*, and frequently lectures on civil damages/animal valuation matters at law schools and veterinary colleges around the country. He was a member of the California Veterinary Medical Association's Non-Economic Recovery Task Force--helping the organization explore legislative options to address the profession's increasing liability exposure--and later acted as an advisor to members of the American Veterinary Medical Association's Task Force on the Legal Status of Animals, addressing those same issues at a national level.

Chris currently divides his time between New York City and Illinois, where he manages a farm that has been in his family for 173 years. Green additionally has appeared in and produced several award-winning films, worked extensively in the music business, and hosted a weekly music video program for PBS television.

Michael Hodgkins is an attorney with Veron, Bice, Palermo & Wilson, LLC in Lake Charles, Louisiana. He graduated with a B.S. in History from Louisiana State University in 1988 and obtained his J.D. from George Washington University, The National Law Center, in

Washington, D.C. in 1991. He returned to Lake Charles and practiced for six years with Woodley, Williams law firm before striking out on his own in 1997. He remained a solo practitioner until 2007 when he joined Veron, Bice, Palermo & Wilson, LLC, where he remains today. Mr. Hodgkins practices mainly in the areas of personal injury and medical malpractice. He is licensed to practice in the state courts of Louisiana and all Federal Districts in Louisiana. He is a member of the Louisiana Bar Association and the Louisiana Association for Justice.

Marta Richards has practiced law in Louisiana for almost 35 years and maintains a private practice in Baton Rouge, Louisiana. Marta is also of counsel at the Stanford Law Firm. Her practice areas include representation of individuals in psychiatric settings, personal injury litigation and contracts and business transactions. She has served as general counsel to Animal Protective and Welfare Society (APAWS), a pet rescue organization in Baton Rouge and has consulted with APAWS, Friends of Acadiana Animals and other entities and persons around the state in areas concerning animal ownership, adoption, foster care, and animal abuse.