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THE ANIMAL WORLD TAKES A SPECIAL PLACE IN SOCIETY AND OUR COURTROOMS



*By Adam P. Karp
Animal Law Offices*

Practicing Animal Law Has Not Yet Earned Formal Recognition in Idaho

Appealing to a universal respect for our pets, U. S. Senator George Graham Vest articulated their value 140 years ago in his "Eulogy on the Dog," delivered in the case *Burden v. Hornsby*, 50 Mo. 238 (Mo. 1872). Vest represented a client whose hunting dog was killed by a sheep farmer. The jury reportedly deliberated for less than two minutes before awarding \$500, although the plaintiff had asked for \$150. A classic of American courthouse oratory, the below passage from his closing argument captures the pathos motivating plaintiff's case and those of animal lovers generally. It also inspires any litigator's defense of animals themselves, one of many topics that populates the field more commonly known as "animal law."

Gentlemen of the jury: the best friend a man has in the world may turn against him and become his worst enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that man has, he may lose. It flies away from him, perhaps when he needs it the most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads.

The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him and the one that never proves ungrateful or treacherous ... is his dog.

Gentlemen of the Jury: a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground, where the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounters

with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies, and when the last scene of all comes, and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death.

Decades since this oratory have only buttressed society's bond to animals. According to the American Veterinary Medical Association, *2007 U.S. Pet Ownership & Demographics Sourcebook*, 37.2% and 32.4% of all American households care for at least one dog or cat, respectively.¹ The total number of dogs and cats in American households exceeds 153 million.² The American Pet Products Association's *2011-2012 National Pet Owners Survey* concluded that 62% of all American households have an animal companion. The APPA estimates that nearly \$53 billion will be spent on them in 2012 .

Looking farther than one's own favorite animal, you realize that the world is comprised not just of humans, but countless other species possessing sentience, a capacity to co-evolve with us, and a level of domestication all deserving of judicial respect.

A new trend

Over the past 13 years, I have handled hundreds of animal injury and death cases throughout Washington State, recovering intrinsic value for deceased animal companions (and even their remains) as well as general damages in the instance of intentional or malicious harm. I also had the privilege of prompting appellate courts to

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create and affirm trends that protect animals and those who love and rely on them.³ With increasing vigor, pet owners and animal lawyers are litigating such issues and changing the way courts address, compensate, and punish. Aside from hoary cases like *Pierson v. Post*, 3 Cai. R. 175 (N.Y. Sup. Ct. 1805), concerning the capture of *ferae naturae*, animal law really found itself in 1972.⁴

But let's not get ahead of ourselves. So much of animal law is premised on the assumption that pets are property. Therefore, let us begin there. Even the Idaho legislature thought it necessary to proclaim that dogs (but not cats?) were property in the fullest sense of the word.⁵ Whenever an animal suffers harm or perishes, one conceptualizes damages to the guardian as property damage (economic) and parasitic personal injury (non-economic).

Economic damages

A dog may, while sitting behind the bars of an animal control shelter or the glass at a pet store, receive attention from many human visitors, but only a long-term caretaker truly develops a connection with that specific, unique animal, in which strangers do not share. It is this relationship that the law is beginning to systematically recognize as a valid element of damages, as it should, for with what other piece of "property" do we so affiliate ourselves? While books and microwaves are inherently incapable of forming relationships, cats, dogs, birds, and other nonhuman animals have identities. Courts recognize this quality of the human-nonhuman diad and numerous jurisdictions have joined the trend to permit recovery of veterinary bills far in excess of acquisition price.⁶

In an important genetic and social sense, companion animals are not commercial products "manufactured" for marketing, though they constitute "goods" under the Uniform Commercial Code and "products" under product liability acts. We form relationships with companion animals, causing their value to appreciate with deepening of the bond, in contrast to other market goods. Awards obtained over the years show that Americans' valuation of animals in the five-figure range falls within normal, rational limits of human experience, typifies "usual" sentimentality, and reaffirms the propriety of the intrinsic measure.⁷

Consider the following judicial pronouncements reaffirming what we know, without question, to be true:

- Nearly 20 years ago, in a case involving a hunter shooting plaintiff's dogs who were chasing deer, Justice Andell wrote: "The law should reflect society's recognition that animals are sentient and emotive beings that are capable of pro-

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viding companionship to the humans with whom they live. In doing so, courts should not hesitate to acknowledge that a great number of people in this country today treat their pets as family members. Indeed, for many people, pets are the only family members they have. ... Even an heirloom of great sentimental value, if lost, does not constitute a loss comparable to that of a living being. This distinction applies even though the deceased living being is a nonhuman."⁸

- Over four decades ago, in a wrongful burial case where plaintiff opened the casket to find a deceased feline instead of her dog, a New York jurist penned: "A pet is not an inanimate thing that just receives affection; it also returns it. ... To say [a pet] is a piece of personal property and no more is a repudiation of our humaneness."⁹

- And seven years ago, in a highly publicized case involving the shooting of Hells Angels' guard dogs during warrant execution, the Ninth Circuit acknowledged: "The emotional attachment to a family's dog is not comparable to a possessory interest in furniture."¹⁰

Idaho presently allows only fair market value for the wrongful death of an animal.¹¹ In light of the above, a good faith basis to seek reversal of existing law on that subject, now nearly 30 years old, assuredly exists. *Gill*, however, offers a ray of hope in permitting recovery of mental anguish damages in the case of intentional infliction of emotional distress (or outrage).¹² Furthermore, *Gill* implies the cognizability of negligent infliction of emotional distress provided that objective physical manifestations accompany the emotional disturbance.¹³

Noneconomic damages

Whether styled as part of "intrinsic value" economic damages or an independent legal basis for noneconomic recovery, courts are increasingly honoring the poignancy and duration of the human-nonhuman bond and valuing it accordingly. How does chopping down my Japanese Cherry Blossom or spilling sewage on my Coeur



d'Alene lakefront property differ, as a matter of law, from recklessly killing or maiming my six-year-old Basset Hound, Sherlock?¹⁴ The old ways of thinking about animals may have served Americans well, but the changing demographics of society, in which animals become part of the family and pet product manufacturers, veterinarians, veterinary health insurers, and other animal service providers profit from human-animal bond, warrants a new approach. Then again, as recited in the preface of this article with Senator Vest's "mans' best friend" closing in the case of Old Drum, maybe times have not changed all that much.

Loss of companionship/utility

The decision to disallow loss of use and companionship damages from the death or injury to a nonhuman animal would undermine precedent supporting recovery of loss of use damages for destroyed non-economically productive personality. Idaho allows for the recovery of loss of use of property while it is being repaired, so long as it is "reasonably susceptible" to repair and for a "reasonable period" of repair, although it caps loss of use at pre-damage market value.¹⁵ While certainly distinguishable from an inanimate hunk of steel, an analogy could be made to renting a dog for a day.¹⁶ The "economic value" of playing with a dog for pleasure (like renting a limousine for a refined evening out on the town with 10 of your closest friends) may be calculated though it has nothing to do with emotional distress or sentimental value, but is pure *joie de vivre*.¹⁷ So long as companion animals share the legal category

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of personality with their inanimate counterparts, there is no justification to prevent companion animal owners from recovering loss of utility damages as they would be entitled were their catamaran or Corvette totaled.

Pain and suffering for the animal

If the courts were to more accurately reflect today's social values, animals should be able to sue for heinous cruelties committed upon them. Idaho civil and criminal law already acknowledge the unacceptability of animal suffering and



injury and exact stiff penalties upon people who inflict such harm, most recently by Gov. Butch Otter signing Idaho's first felony cruelty law (even though it leaves much to be desired by requiring a third conviction to trigger the enhanced penalty).¹⁸

Of course, if animals are property, what sense does it make for property to have standing to sue for injury to itself? By that logic, some might argue, a car owner could sue for property damage to his car, and the car itself could sue for cosmetic disfigurement. Then again, certain federal laws with citizen-suit provisions provide an injunctive relief avenue to give voice to those illegally "taken," hunted, maimed, or killed.¹⁹ And while nothing stops Congress from giving animals standing in this regard,²⁰ at this time, no state grants a deceased or injured animal standing to sue in its own name for even the most monstrous torment. One reason? They lack legal personhood and therefore suffer juridical disenfranchisement.

Some countries other than the United States, however, are years, if not decades, ahead of our legal system in conferring upon all creatures the dignity of personhood. For instance, in 1992, Switzerland, by constitutional amendment, was the first nation-state to acknowledge that animals were "beings," and not things.²¹ Eight years later in 2000, in *Nair v. Union of India*, the High Court of Kerala in India handed down an opinion that stated, "[I]t is not only our fundamental duty to show compassion to our animal friends but also to recognize and protect their rights. If humans are entitled to fundamental rights, why not animals?"²² Following their lead, Germany

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— High Court of Kerala in India

amended Article 20a of the German Basic Law to read: "The State, in a spirit of responsibility for future generations, also protects the natural living conditions and the animals within the framework of the constitutional rules through the legislation and as provided by the laws through the executive power and the administration of justice," adding "and animals" in June 2002.²³ Recently, in 2011, Israel criminalized non-therapeutic declawing, joining a list of over 20 countries to act similarly. And just this year, the State of Rhode Island permitted Court Appointed Special Advocates for abused and neglected *animals*,²⁴ not just children, returning the Berghian favor, as it were.²⁵

Idaho Deserves an Animal Law Section to Take on Cutting Edge Issues

Aside from the humane attraction to this sub-discipline and the moral issues that arise, fascinating legal and equitable questions emerge upon consideration of the many interactions and conflicts between humans and nonhumans. Lacking consistent standards and clear theoretical contours, the development of animal law remains a critical endeavor.²⁶

In April 2002, the Washington State Bar Association Board of Governors voted to form the third such practice Section in the nation, following Michigan and Texas. Today, the number is 22.²⁷ I invite you to become a founding member of the 23rd state's Section by indicating your commitment to join an ISBA Animal Law Practice Section, one dedicated to serving the jurisprudential needs of Idahoans who love and rely upon animals as well as individual members of the millions of nonhuman species who inhabit the State of Idaho. Animal law encompasses every dispute or legal transaction where the nature of the animal – genetic, phenotypic/morphological, behavioral, evolutionary, social significance or totemistic/religious value, ecosystemic role or impact – dictates or guides the procedural, evidentiary, ethical, and substantive outcome or handling of the matter. Admittedly, animal law has its paws, flippers, wings, and legs in as many areas as exist in substantive legal disciplines including some less anticipated, such as intellectual property (patenting life forms and chimerae)²⁸, bankruptcy (nondischargeability of debts related to dogfighting under 11 U.S.C. § 523(a)(6)²⁹) and cats

who vomit on carpet by command), tax law (service animal status for deductibility of care costs; deductibility of volunteer's unreimbursed animal rescue expenses,³⁰ and the debate in the criminal bar over allowing courthouse facility dogs to provide emotional support to child victims.³¹

Idaho does not deviate meaningfully from its sister states when it comes to animals. For instance, one of the nation's pet insurers operates out of Boise (i.e., Pets Best Insurance). The two states with which Idaho offers reciprocity – Oregon and Washington – both have Animal Law Practice Sections. The American Bar Association also touts a national animal law committee. Though less populous than other states (est. 1.6 million (2011)), its citizens do not love or rely upon animals less. Their selection of the mountain bluebird, cutthroat trout, appaloosa, monarch butterfly, and peregrine falcon as the state animal emblems show a discernment worthy of representation among its legal institutions. And while Idaho's higher courts have started to develop animal law, the jurisprudential landscape remains rather sparse.³² I encourage you to disseminate this article to any lawyers, judges, professors, paralegals, and law students whom you believe share such an interest. With 25 signatories, the Board of Commissioners will have the opportunity to create such a practice section. If you would like to become a charter member of an animal law practice section, please contact me at adam@animal-lawyer.com.

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Conclusion: Why animal law matters

One cannot seriously deny that nonhuman animals are “public stakeholders” given what society takes from them for its ongoing operation — their skins, organs, muscles, bones, and labor, their whimsical and yielding temperament to provide us entertainment, their bodies as platforms for human medical discoveries, their mere existence for our aesthetic enjoyment, their physical prowess for protection and gambling spoils, their heightened sensory abilities to provide us advanced warning, and their unconditionally loving natures for familial companionship. Statute and common law should pay forward these offerings, by facilitating meaningful access to the courts.

As ambassadors of an equitable legal system that affects all animals, human and nonhuman, one of our inherent roles includes giving a voice to its most disenfranchised and legally disabled members. That is, after all, why our system provides advocates.

About the Author

Adam P. Karp practices animal law throughout the states of Washington and Idaho, founded the WSBA Animal Law Section, graduated from the University of Washington School of Law in 1998, and teaches animal law at the University of Washington and Seattle University. This summer, he will receive the ABA's Excellence in the Advancement of Animal Law award. For more information, go to www.animal-lawyer.com.

Just this year,
the State of
Rhode Island
permitted Court
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Endnotes

¹ American Veterinary Medical Association, *Market Research Statistics: U.S. Pet Ownership – 2007*, <http://www.avma.org/reference/marketstats/ownership.asp>.

² *Id.*

³ See, e.g., *Sherman v. Kissinger*, 146 Wash.App. 855 (Wash. Ct. App. 2008) (medical malpractice statute does not apply to veterinarians; affirming trial court's decision not to restrict plaintiff to fair market value; permitting emotional damages for conversion of animal); *Womack v. von Rardon*, 133 Wash. App. 254 (Wash. Ct. App. 2006) (creating cause of action for malicious injury to an animal); *Mansour v. King County*, 131 Wash.App. 255 (Wash. Ct. App. 2006) (procedural due process in dangerous dog setting by presuming innocent till proven guilty, requiring subpoena powers, and clear notice in charging document); *Downey v. Pierce County*, 165 Wash.App. 152 (Wash. Ct. App. 2011) (pay-to-play regime requiring payment to secure evidentiary hearing on dangerous dog declaration violates procedural due process); *Clarke v. Tri-Cities Animal Care & Control Shelter*, 144 Wash.App. 185 (Wash. Ct. App. 2008) (government privatizing animal control services does not permit evasion of public disclosure responsibilities under state law, finding private corporation "functional equivalent" of government with respect to euthanasia records).

⁴ See Joyce Tischler, *The History of Animal Law, Part 1 (1972-1987)*, 1 STAN. J. ANIMAL L. & POL'Y 3-12 (2008), available at <http://sjalp.stanford.edu/pdfs/Tischler.pdf>.

⁵ I.C. § 25-2807.

⁶ See *Burgess v. Shampooch Pet Indus., Inc.*, 35 Kan.App.2d 458 (Kan. Ct. App. 2006), *Kaiser v. U.S.*, 761 F.Supp. 150 (Dist. D.C. 1991), *Hyland v. Borrás*, 316 N.J.Super. 22 (N.J. Super. Ct. App. Div. 1998), *Leith v. Frost*, 387 Ill.App.3d 430 (Ill. App. Ct. 2008), *Kimes v. Grosser*, 126 Cal.Rptr.3d 581 (Cal. Ct. App. 2011).

⁷ *Evers v. Palmer, D.V.M.*, Orange County. Sup. Ct. No. 773909 (Jan. 4, 2000, plaintiff's attorney Michael Rosten) (California judge awarding \$7699.31 in special damages and \$20,000 general damage related to nonlethal injury to dog); *Ingwerson v. Whitman*, Curry County Cir. Ct. No. 01CV0230

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(Sept. 12, 2002, plaintiff's attorney Scott Beckstead) (Oregon jury awarding \$135,000 in noneconomic damages for poisoning death of two dogs and \$600 in economic damages); *Bluestone v. Bergstrom*, Orange County Sup. Ct. No. 00CC00796 (Jul. 14, 2004, plaintiff's attorney Theresa Macellaro) (California jury awarding \$30,000 special value of dog and \$9000 for veterinary care); *Impala v. Pet's Choice, Inc.*, Pierce County Sup. Ct. No. 04-2-04710-8 (Oct. 19, 2004, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$900 for intrinsic value of lost cremated remains of dog); *Westerhold v. Costa*, King County Dist. Ct. No. 45-6392 (Feb. 7, 2005, plaintiff's attorney Adam P. Karp) (Washington court awarding default judgment for intrinsic value depreciation, loss of companionship, and emotional distress resulting from

nonlethal attack on dog by dogs in sum of \$15,179.88); *Romer v. Gray*, King County Dist. Ct. No. 45-9514 (May 2, 2005, plaintiff's attorney Adam P. Karp) (Washington court awarding default judgment for intrinsic value and emotional distress for lethal killing of cat by dog in sum of \$45,480.12); *Van de Ven v. Hardt*, Whatcom County Sup. Ct. No. 05-2-02686-0 (Jul. 25, 2006, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$6700 for intrinsic value of cat killed by neighbor dogs); *Hane v. James*, King County Sup. Ct. No. 05-2-31243-2KNT (Aug. 21, 2006, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$10,000 for intrinsic value of dog killed by neighbor dogs); *Zauper v. Lababit*, Kitsap County Sup. Ct. No. 06-2-01591-8 (Nov. 20, 2006, plaintiff's attorney Adam P. Karp) (Washington court awarding default judgment of \$75,501.09 for intrinsic value and emotional distress related to cat killed by neighbor dog); *Giurbino v. Rashchuk*, King County Sup. Ct. No. 07-2-33438-6KNT (Sept. 25, 2008, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$15,000 for intrinsic value of Chihuahua and \$15,000 emotional distress upon lethal shooting of dog by intoxicated young adult); *DeGidio v. Moore*, Pierce County Sup. Ct. No. 07-2-11863-8 (Feb. 26, 2009, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$16,675 for intrinsic value, training, and purchase price for adolescent German Shorthaired Pointer killed by neighbor's discharge of air rifle); *Sherman v. Kissinger*, King County Sup. Ct. No. 06-2-29605-2SEA (May 4, 2009, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$22,300 related to intrinsic value and emotional distress for veterinary-related death of toy poodle); *Smith v. LeFevers*, Broward County Cir. Ct. No. 0605642-03 (Apr. 27, 2009, plaintiff's attorney Marcy LaHart) (Florida jury awarding \$20,000 for value of dog and \$10,000 in veterinary care/cremation expenses); *Vorhies v. Chlarson*, Thurston County Sup. Ct. No. 11-2-01832-3 (Mar. 16, 2012, plaintiff's attorney Adam P. Karp) (Washington arbitrator awarding \$15,000 for intrinsic value and \$10,000 for emotional distress related to intentional and malicious harm to ten-year-old feline, resulting in her death).

⁸ *Bueckner v. Hamel*, 886 S.W.2d 368, 376-78 (Tex. App. 1994) (Andell, J., concurring).

⁹ *Corso v. Crawford Dog and Cat Hospital, Inc.*, 415 N.Y.S.2d 182 (N.Y.C. Civ. Ct. Queens County 1979).

¹⁰ *San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose*, 402 F.3d 962 (9th Cir. 2005).

¹¹ *Gill v. Brown*, 107 Idaho 1137, 695 P.2d 1276 (Ct.App. 1985).

¹² *Id.*, at 1138-39.

¹³ See also *Carrillo v. Boise Tire Co., Inc.*, 152 Idaho 741 (2012).

¹⁴ In a 1970's Florida case, the guardians to a dog who suffered severe burns after being placed on a heating pad at an animal hospital and left there for a day and a half received a \$1000 award for their mental suffering upon learning of the dog's injury. This was awarded independent of veterinary bills. *Knowles Animal Hospital, Inc. v. Wills*, 360 So.2d 37 (Fla. Dist. Ct. App. 3d Dist. 1978), cert. den'd, 368 So.2d 1369 (Fla. 1979). A 1960's Texas case awarded the dog guardian \$200 for mental pain and suffering resulting from the unlawful police shooting of his pedigreed, registered, three-year-old male Boxer. *City of Garland v. White*, 368 S.W.2d 12 (Tex. Civ. App. Eastland 1963), writ refused n.r.e. (Oct. 2, 1963). Police slayings have dramatically increased in trial value since *White*. For instance, consider *Fuller v. Vines*, N.D.Cal. C-92-2412 (see 36 F.3d 65)] 12/28/98 (jury verdict of \$143,000 in compensatory and \$10,000 in punitive damages for the shooting and killing of plaintiffs' dog); *Russell v. City of Chicago*, N.D.Ill. No. 10-CV-00525 (undifferentiated jury verdict of \$175,000 compensatory damages to one broth-

er, \$85,000 to other brother, \$70,000 to parents, \$2,000 punitive damages for killing family's 9-year-old black Lab named Lady, false arrest, and other issues arising from 2009 raid to search for drugs in home with warrant); *Jenkins v. Brooks*, Frederick County, Md. No. 10-C-10-003778 (Apr. 2, 2012) (jury verdict of \$20,000 economic damages and \$200,000 general damages for nonlethal shooting of family's Chocolate lab, as well as \$400,000 in general damages related to illegal home entry).

¹⁵ See *Thompson v. First Sec. Bank of Idaho, National Ass'n*, 82 Idaho 259, 352 P.2d 243 (1960).

¹⁶ Such dog rental operations as FlexPetz do exist, although for many good reasons, the practice should be banned. Tony Barboza, *Dog Rental Company Facing Resistance in Boston*, L.A. TIMES, Jun. 30, 2008.

¹⁷ Though not "economically-productive," utility derives from cable TV (recreational), a fine piece of artwork enjoyed over the mantelpiece (aesthetic), tickets to a movie (aesthetic), or a massage (therapeutic). Each service or product has value which, when withheld, results in lost utility.

¹⁸ See I.C. 25-3504(2).

¹⁹ See Endangered Species Act, 16 U.S.C. § 1540(g).

²⁰ See *Cetacean Comm. v. Bush*, 386 F.3d 1169 (9th Cir. 2004) ("But we see no reason why Article III prevents Congress from authorizing a suit in the name of an animal, any more than it prevents suits brought in the name of artificial persons such as corporations, partnerships or trusts, and even ships, or of judicially incompetent persons such as infants, juveniles, and mental incompetents.").

²¹ See Erin Evans, *Constitutional Inclusion of Animal Rights in Germany and Switzerland: How Did Animal Protection Become an Issue of National Importance?*, 18 Society and Animals 231-250 (2010).

²² *Nair v. Union of India*, No. 155/1999, at 38 (Kerala H.C. Jun. 6, 2000), aff'd on o.g., *Nair v. Union of India*, No. 328/2001 (India May 1, 2001).

²³ Grundgesetz für die Bundesrepublik (Basic Law), amended July 26, 2002, § 2, art. 20(a).

²⁴ Gen. Laws of R. I. § 4-1-31(c-e) (2012).

²⁵ Henry Bergh, founder of the ASPCA, relied upon animal abuse laws to save nine-year-old Mary Ellen, victimized by whippings and shear-slashings, by arguing she was a member of the animal kingdom and deserved protection akin to her fellow nonhumans. <http://www.americanhumane.org/about-us/who-we-are/history/mary-ellen-wilson.html>.

²⁶ To learn more, subscribe to the *Animal Law Journal* of Lewis & Clark Law School and join the Animal Legal Defense Fund.

²⁷ www.aldf.org/article.php?id=277.

²⁸ See *Commissioner of Patents v. President and Fellows of Harvard College*, 4 S.C.R. 45, 2002 SCC 76 (Canada).

²⁹ See *In re Zauper*, WW-09-1020-MoPaR, WW-09-1030-MoPaR, 2009 WL 7751426 (B.A.P. 9th Cir. 2009).

³⁰ See *Van Dusen v. Commissioner of Internal Revenue*, 136 T.C. 515 (2011).

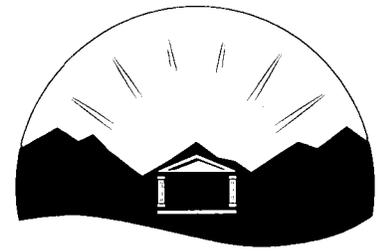
³¹ See www.courthouse dogs.com.

³² See, e.g., *Gill v. Brown*, 107 Idaho 1137 (Ct. App. 1985) (IIED allowed for shooting of donkey); *Boots ex rel. Boots v. Winters*, 145 Idaho 389 (Ct. App. 2008) (landlord owes no duty to third party victims bitten by tenant's dog under various theories of first impression); *Smith v. Costello*, 77 Idaho 205 (Idaho 1955) (statute declaring dog running at large in territory inhabited by deer a public nuisance unconstitutional and provided no protection to conservation officer who shot dogs) superseded by statute as recognized in *American Oil Co. v. Neill*, 90 Idaho 333, 414 P.2d 206 (1966); *U.S. v. Park*, 658 F.Supp.2d 1236 (D. Idaho 2009) (dogs could be considered livestock).

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CONCORDIA UNIVERSITY
SCHOOL OF LAW

-BOISE, IDAHO-

Get to Know Concordia Law Visionaries Apply Here



The vision for a comprehensive law school in Boise first developed in discussions between Concordia University and civic leaders from Idaho in 2007. With the enrollment of our inaugural class in August 2012, Concordia Law will prepare students to make a difference in the legal field and to be leaders in the community.

A LAW SCHOOL BEGINS

2008 - December

Cathy R. Silak, former Idaho State Supreme Court Justice, joins law school as Dean.

2009 - April

Dean's Advisory Council of local attorneys, educators, and business leaders form to guide the development of the law school.

2010 - June

Groundbreaking ceremony for law school building at 501 West Front Street in downtown Boise, Idaho.

2011 - January

Philanthropist and businessman, George R. White invests in the law school with a one million dollar gift.

2011 - September

Construction of the law school and renovation of the George R. White Law Library complete.

2011 - November

Applications accepted for Fall 2012.

2012 - May

Full-time faculty hired.

2012 - August

Inaugural class enrolls. Classes begin August 27.

2012 - October

Dedication of Concordia University School of Law on Thursday, October 25.

Concordia Law will provide a positive, supportive experience for our students. Our faculty prioritizes teaching, our building is modern and inviting, and our curriculum meets the rigorous standards set by the ABA.

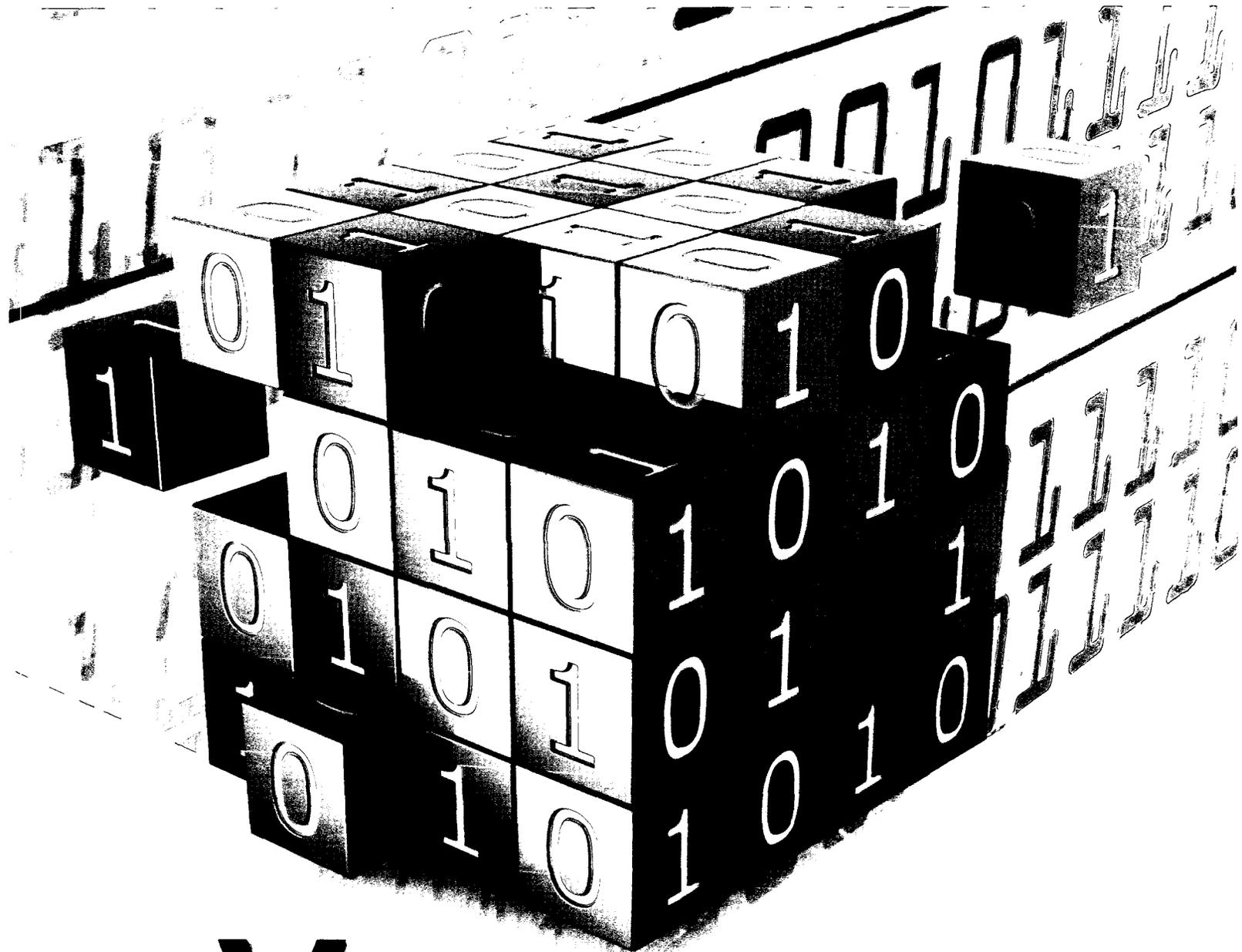
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Dean
Concordia University
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