

The Role of the Animal Law Clinic

Kathy Hessler

What is an animal law clinic and why do we need one?¹ These are the questions I hear regularly from people interested in the field. Law professors who teach in other clinics wonder why I would spend time developing an animal law clinic when, as they say, there are so many more pressing legal needs. Some of those who teach or practice animal law wonder why I consider it important to spend my time and resources teaching a small number of students how to practice law rather than teaching more students in larger lecture courses or handling a larger number of cases myself.

Humans have decreed that animals are property. We may love them or abuse them. The significant dissonance in modern American society between the legal perspective toward animals, and that of the ordinary citizen, makes it clear that there is a problem to be addressed.² As anthropologist Ashley Montagu (1905-1999) noted, “The indifference, callousness and contempt that so many people exhibit toward animals is evil first because it results in greater suffering in animals, and second because it results in an incalculably great impoverishment of the human spirit.”³ Stating the problem well, Montagu also identifies the consequences resulting from this dissonance, and thus the difficulties to be addressed.

Kathy Hessler is a Clinical Professor and Director of the Animal Law Clinic at Lewis & Clark Law School.

1. Though it is a privilege to direct the only animal law clinic in the United States, I am hopeful this will not last much longer and that more clinics will be developed. Professor Gary Francione directed the first animal law clinic, the Rutgers Animal Rights Law Clinic/Center from 1990 to 2000 at Rutgers School of Law, Newark. Animal Rights: The Abolitionist Approach, Biography of Gary Francione, <http://www.abolitionistapproach.com/about/gary-1-francione/> (last visited Jul. 1, 2010).
2. Americans spend billions on their pets and treat them like members of the family. The BBC Research report on the pet industry in the United States published in January 2010 noted that \$43 billion dollars was spent in 2008 on pets, including supplies and services. The report anticipated that number to reach \$45 billion for 2009. The choices people make for their animals were once reserved for humans only: vacations, expensive medical treatment, spas, elaborate burial arrangements, and so forth. These numbers are echoed by the American Pet Products Association. Yet animals raised for food or used in research have little to no legal protection. American Pet Products Association, Industry Statistics & Trends, http://www.americanpetproducts.org/press_industrytrends.asp (last visited Jul. 1, 2010).
3. Peter Archer, *The Quotable Intellectual* 158 (Adams Media 2010) (quoting Ashley Montagu).

Historically, humans have granted themselves the legal entitlement to treat animals as they please, absent only some restrictions, primarily those who regulate acts of cruelty toward pets. Until now, the question of the proper treatment of animals has been primarily a social rather than a legal matter. Animals have been protected only to the extent of human compassion. Though important, compassion is insufficient to protect interests, as African Americans, women, and many others have learned. Social mores tell us what we should do; the law tells us what we must, or cannot, do.

Though the force of legal reasoning has not often been applied to the circumstances in which animals find themselves, there is significant social utility in doing so, as I will describe below. The context for this discussion is clinical legal education. I am a firm believer in the necessity of clinical legal education⁴ and the importance of animal law clinics. In this article I will address my thinking as it has developed thus far in response to the above questions, and invite reactions and dialogue from readers.

Why Animal Law?

Before talking about the importance of an animal law clinic, it is important to surface the underlying question: Why animal law?⁵ This is a common question that has many answers, the most straightforward of which is that animals are suffering needlessly and without legal protection. In our legal framework, we tend to restrict one's ability to cause needless suffering. Seen from this perspective, lawyers have the capacity to do something to alleviate or eliminate that suffering.

A corollary to that question is: Why work on animal issues when there is still so much human suffering? There are three important answers to this question. The first is that there are already many lawyers and others working to solve the legal problems that result in human suffering. Second, choosing to reduce animal suffering does not eliminate the opportunity to work on other issues. In fact, most of the individuals involved in the animal protection movement are also deeply engaged in other types of social justice or community improvement work. Third, and perhaps most importantly, at a foundational level the causes of both animal and human suffering are the same. They include greed,

4. See *An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) [known as the MacCrate Report] (noting the growth and importance of clinics in the law school curriculum); William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007); Roy Stuckey and Others, *Best Practices for Legal Education: A Vision and a Road Map* (1st ed., Clinical Legal Education Association 2007). See also Bryan L. Adamson, Calvin Pang, Bradford Colbert, Kathy Hessler, Kathrine Kruse, Robert Kuehn, Mary Helen McNeal & David Santacroce, *Report and Recommendations on the Status of Clinical Faculty in the Legal Academy* (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1628117 (last visited August 26, 2010).

5. Here I am using the term animal law to include legal efforts to determine, consider, and protect the interests of animals rather than any law that just happens to involve animals.

violence, oppression, and a narrow view of who and what deserves value and compassion. Addressing and eliminating these root causes of suffering helps animals and humans.

Many have long recognized the link between human and animal suffering. St. Francis of Assisi noted, "If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow men."⁶ Modern studies verify this notion, finding that many people guilty of domestic violence have also engaged in acts of animal abuse.⁷

That said, the next question is: What is the role for lawyers in this field? Lawyers have an ethical obligation to meet the legal needs of the underserved, the unpopular, and those who cannot afford legal representation.⁸ To determine where the legal need is the greatest, one must determine where the most injustice occurs, in degree or number, and then determine in which of those areas there is less representation. Using this analysis, animal suffering rises near the top of the list of unmet legal need. The number of animals killed each year for food, clothing, sport, research, and other purposes is in the untold billions in the United States alone.⁹ Though not necessary for human survival, most of this activity is completely legal and too few lawyers are addressing these issues.

There is no longer any scientific debate about whether animals can feel physical pain in a manner similar to humans. They can and do.¹⁰ As Albert

6. Carol Gray & Sophie Pullen, *Ethics, Law and the Veterinary Nurse* 73 (Elsevier 2006) (quoting St. Francis of Assisi).
7. See Frank R. Ascione, Battered Women's Reports of Their Partners' and Their Children's Cruelty to Animals, 1 J. Emotional Abuse 119, 119-133 (1997); E. DeViney, J. Dickert, & R. Lockwood, The Care of Pets Within Child Abusing Families, 4 Int'l J. for the Stud. Animal Probs. 9 (1983); see also Linda Merz-Perez, Kathleen M. Heide & Ira J. Silverman, Childhood Cruelty to Animals and Subsequent Violence Against Humans, 45 Int'l J. Offender Therapy & Comp. Criminology 556 (2001); Frank R. Ascione, Animal Abuse and Youth Violence, OJJDP Juvenile Justice Bulletin (2001); Frank R. Ascione & Phil Arkow, Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention (Purdue Univ. Press 1999); Randall Lockwood & Frank Ascione, Cruelty to Animals and Interpersonal Violence: Readings in Research and Application (Purdue Univ. Press 1998).
8. Model Rules of Prof'l Conduct Preamble 6 (1983), available at <http://www.abanet.org/cpr/mrpc/preamble.html> (last visited August 26, 2010); *id.* at R. 6.1, available at http://www.abanet.org/cpr/mrpc/rule_6_1.html (last visited August 26, 2010).
9. Considering that over 4.2 billion chickens alone were killed at federally-inspected slaughter plants between June 2009 and July 2010, it is difficult to conceive of the total number of all species killed in the United States for human purposes. Nat'l Agric. Statistics Service, Poultry Slaughter, July 26, 2010, at 2, available at <http://usda.mannlib.cornell.edu/usda/nass/PoulSlau//2010s/2010/PoulSlau-05-25-2010.pdf> (last visited August 26, 2010).
10. Christopher Anderegg, Kathy Archibald, Jarrod Bailey, Murry J. Cohen, Stephen R. Kaufman & John J. Pippin, A Critical Look at Animal Experimentation, <http://www.mrmcmed.org/Critcv.html> (last visited August 26, 2010) (Medical Research Modernization Committee 2006); Temple Grandin & Mark Deesing, Distress in Animals: Is It Fear, Pain or

Schweitzer said, we must be “on the look-out for opportunities of bringing some sort of help to animals, to make up for the great misery which men inflict upon them.”¹¹ Scientists provide evidence that many animals are also capable of experiencing emotional pain and suffering.¹² Given the enormous number of animals suffering and being killed each year, and the small, though growing, number of animal lawyers, this is an area of significant unmet legal need.

Some might consider the deaths of so many animals a social, rather than legal, matter. However, in most of the situations in which animals find themselves, there are no laws to protect them at all, even where we assume there must be. Many people are surprised to learn, for example, that there is no federal law creating standards of care for animals being raised to become food. Federal inspections are not required in the factories and farms where animals spend their lives to determine whether their living conditions meet a minimum threshold of humane treatment. The only federal laws¹³ governing animals used for food relate to the methods of their transportation and slaughter. And those laws exempt all poultry, the greatest number of animals killed for food each year,¹⁴ from any legal protection whatsoever.

Similarly, consumers are stunned to learn about some of the treatment to which farmed animals are regularly subjected, and further shocked to learn that even some of the most egregious behaviors are perfectly legal. Still others wonder why even the minimal protections offered under the Animal Welfare Act do not apply at all to farmed animals or to the vast majority, some 95 to 98 percent, of animals used in research.¹⁵ With exemptions such as these, one must

Physical Stress?, <http://www.grandin.com/welfare/fear.pain.stress.html> (last visited August 26, 2010), Sept. 2003 (presented earlier at American Board of Veterinary Practitioners—Symposium 2002, Special Session—Pain, Stress, Distress and Fear: Emerging Concepts and Strategies in Veterinary Medicine); Jane A. Smith & Kenneth M. Boyd, *Lives in the Balance: The Ethics of Using Animals in Biomedical Research* (1st ed., Oxford Univ. Press 1991). *See also* Patrick Bateson, *Assessment of Pain in Animals*, 42 *Animal Behavior* 827-39 (1991); David DeGrazia & Andrew Rowan, *Pain, Suffering and Anxiety in Animals and Humans*, 12 *Theoretical Medicine* 193-211 (1991); Margaret Rose & David Adams, *Evidence for Pain and Suffering in Other Animals*, in *Animal Experimentation: The Consensus Changes* 42-71 (Gill Langley, ed., Chapman and Hall 1989). *See also* Animal Welfare Act, 7 U.S.C. § 2143(a)(3) (requiring the promulgation of guidelines for pain management by the Secretary of Agriculture); Public Health Service Act, 42 U.S.C. §§ 283e, 289d (requiring the same of the Director of the National Institutes of Health).

11. Albert Schweitzer, *The Philosophy of Civilization* (Prometheus Books 1949).
12. *See, e.g.*, Marc Bekoff, *The Emotional Lives of Animals* (New World Library 2008); Jeffrey Moussaieff Masson & Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (Delta 1996).
13. As opposed to voluntary federal regulations, such as the organic standards which one can choose to have apply.
14. *See supra* note 9.
15. A dated federal government report estimated that the number of animals used in research was 17 million to 22 million animals per year. U.S. Congress Office of Technology Assessment, *Alternatives to Animal Use in Research, Testing and Education* 64 (Government Printing Office 1986). In 2007, the USDA Animal and Plant Health Inspection Service reported that

wonder about the purpose and efficacy of such a law. As Charles Magel noted, “[A]sk the experimenters why they experiment on animals, and the answer is: ‘Because the animals are like us.’ Ask the experimenters why it is morally OK to experiment on animals, and the answer is: ‘Because the animals are not like us.’ Animal experimentation rests on a logical contradiction.”¹⁶ Legal questions in this field abound, whether the focus is solely on the protection of human health and well-being, or also on the welfare of the animals in question.

These are only two among the many areas of animal law, and yet they involve the deaths of billions of animals each year in the United States alone. The ubiquitous nature of animal law explains, in part, the need for legal attention and the dramatic growth of the field.

Why an Animal Law Clinic?

The creation of animal law clinics is an important element in the further development of the field of animal law, and of clinical pedagogy, for a number of reasons. First, it provides students with what any good clinical experience offers, an opportunity to learn how to do meaningful legal work under the supervision of an experienced attorney-faculty member. There are not yet many legal positions available to students interested in animal law, so there are few opportunities for them to receive this training outside of the law school. Those hiring in the field look for students who are the best prepared. Therefore, it is important that students receive as thorough an education as possible while in law school, and the clinic provides exactly this opportunity.

Second, the animal law clinic provides an opportunity for legal representation in cases and matters which might not otherwise be addressed, an important goal of clinics.¹⁷ It not only fulfills the public interest mandates of the legal

72,037 dogs, 22,687 cats, 69,990 non-human primates, 207,257 guinea pigs, 172,498 hamsters, 236,511 rabbits, 109,961 farm animals, and 136,509 “other” species were used in research in the United States. These figures do not include purpose-bred animals, or animals raised by entities specifically for research and laboratory testing purposes. U.S. Dep’t Agric., *Animal Care Annual Report of Activities, Fiscal Year 2007*, at App. 5. *See also* Andrew A. Rowan, *The Animal Research Controversy: Protest, Process and Public Policy: An Analysis of Strategic Issues* (Center for Animals & Public Policy, Tufts Univ. School of Veterinary Medicine 1995).

16. John Wynne-Tyson, *The Extended Circle: A Dictionary of Humane Thought* 191 (Open Gate Press 1985) (quoting Charles R. Magel, Chairman of the Philosophy department at Moorhead State University).

17. Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. Rev. 1461, 1475, 1505 (1998) (arguing that “the need for clinical programs to help address pervasive unmet legal needs has scarcely been greater”); Robert R. Kuehn, *Denying Access to Legal Representation: The Attack on the Tulane Environmental Law Clinic*, 4 Wash. U. J.L. & Pol’y 33, 48 (2000) (“After unsuccessfully seeking the assistance of national environmental and civil rights organizations, the local residents came back to the Clinic pleading that, without the students help, they would go unrepresented.”); David Luban, *Taking Out the Adversary: The Assault on Progressive Public-Interest Lawyers*, 91 Cal. L. Rev. 209, 236 (2003) (estimating that law school “clinics provide millions of hours each year of free student

profession,¹⁸ but it also serves to increase the bar's capacity to address animal law matters. Because so few lawyers are working in the field, the role of the clinic is critically important, as it enlarges the opportunity for representation at a time when most animal law matters receive none at all.

Third, the clinic also creates the opportunity for students to do legal work without the political or economic constraints faced by private and nonprofit attorneys. This allows the clinic to choose its work based on pressing legal need, opportunities for student development, and the ability to further develop the field of law.

Fourth, it trains law students to be dedicated advocates, whether they work in animal law full or part-time, or not at all. It provides them with the legal skills needed to be creative and professional advocates as well as the ability to identify and address animal law issues in the myriad settings in which they arise.¹⁹ This is important as animal law issues surface in most areas of legal practice, though most practitioners do not have the training to recognize or address them as such.²⁰ It is not only in working for animal protection organizations that students and lawyers can engage in work to protect animals. Legal advocates are needed in government, corporate, and private law firm settings as well as in the nonprofit realm. Preparing for legal work in general, rather than nonprofit work in particular, prepares students for more options in

legal work for needy clients"). Supreme Court Justice Sandra Day O'Connor advocates mandatory clinical education for all law students as a way to address unmet legal needs. Dubin, *supra*, at 1475 (citing Justice O'Connor's 1991 speech at the ABA's annual meeting).

18. See *supra* note 8.

19. Numerous animal law conferences occurring in just the last year evidence the breadth of legal issues in the field. See generally Animal Legal Defense Fund, The Future of Animal Law Conference, <http://www.aldf.org/article.php?list=type&type=156> (last visited July 8, 2010); Center for Animal Law Studies, The Science, Ethics and Law of Animal Testing in the 21st Century, http://www.lclark.edu/law/centers/animal_law_studies/nas_symposium/ (last visited Apr. 1, 2010); Center for Animal Law Studies, The Animal Law Conference at Lewis & Clark, http://www.lclark.edu/law/centers/animal_law_studies/events/animal_law_conference/ (last visited Apr. 1, 2010); Maryland State Bar Section, The Impact On and Opportunities for Animals in the Current Political and Economic Climate, http://www.msba.org/sec_comm/sections/animallaw/index.htm (last visited Apr. 1, 2010); Minnesota State Bar Association, 5th Annual Animal Law Conference, <http://www2.mnbar.org/sections/animal-law/03-27-10%20WM.html> (last visited Apr. 1, 2010); No Kill Conference, A New Day Dawns, <http://www.nokillconference.org/> (last visited Apr. 1, 2010); University of Washington School of Law, Animal Law Conference: Crisis at the Crossroads: Animals, The Environment, and the Law, <http://www.law.washington.edu/saldf/> (last visited Apr. 1, 2010).

20. For instance, some domestic relations lawyers are not only unaware of the statutes recently passed which allow the inclusion of animals in protective orders, they may also be unaware of the research that shows a connection between domestic violence and animal abuse. Likewise, a real estate lawyer may be unaware of the new trust and probate provisions that allow a client to leave money in trust for the care of an animal, and most attorneys do not ask their clients whether they have animals who might need to be cared for upon the client's death.

a wider job market and creates more opportunities to consider creatively and broadly the interests of animals in an expanded variety of settings.

Fifth, the animal law clinic provides an opportunity to consider some of the basic tenets of clinical pedagogy from a different perspective. Client autonomy, client-centered lawyering, and the attorney's role take on new meaning and challenge when the clients are animals, or those who seek to protect them.

Finally, the animal law clinic has the potential, as yet unfulfilled, to train teachers as well as practitioners. As the number of animal law clinics expand and as they attain a measure of integration into the legal academy, they can take on the role of training future clinicians and law professors who think deeply, informed by the context of practice, about animal law. As animal law continues to grow in the legal academy, more well trained professors will be needed to teach courses, and in particular, to train students in clinical settings. The goal of clinical legal education is to facilitate the transition of law students to ethical and effective legal professionals, by serving those who cannot obtain legal services because of poverty or the unpopularity of their cause.²¹ Teaching an animal law clinic provides the opportunity to do all of these things.

The animal law clinic had been incubating in my mind for quite a long time. I was extremely fortunate to learn from, and later work with, Colman McCarthy, a writer for the *Washington Post* and Director of the Center for Teaching Peace. His unique and thoughtful approach to teaching and broad analysis of violence offered me my first academic opportunity to consider animal law within the broader spectrum of peace studies.²² I began my animal protection work at a time when social justice activists not involved in the field almost uniformly derided work on animal issues as a costly and unimportant diversion of limited resources. I struggled to articulate the connections between the suffering of animals and the suffering of people and the planet, and the need for protection of all. To me, social justice focused on the elimination of violence and oppression, regardless of the identity of its victims. As I worked through these issues, my primary response was as a lawyer and clinical law teacher. My animal law work was separate from my legal services and clinical work; I did not assume it could be any other way.

21. I have benefited from learning about clinical pedagogy and its goals from clinicians in many settings, including the Center for Applied Legal Studies at the Georgetown University Law Center, Capital University Law School, University of Dayton School of Law, Cornell Law School, Case Western Reserve University Law School, and now Lewis & Clark Law School. I thank my colleagues and mentors.

22. My experience with McCarthy came shortly after my transition to a vegan lifestyle in the late 1980s, in the midst of my social justice work with many different movements. Expanding my social justice concern to include animals seemed natural to me. A lesson learned early and often was that this particular logical progression does not always resonate with others. This is a lesson students in animal law courses across the country consider each year.

My transition to becoming an animal law clinician was supported by this earlier work. As I started teaching my first animal law course,²³ I began to see how significant and useful it is for students to study this area of law, even beyond the benefits of educating them about animal law itself. Animal law is a capstone course of sorts. It allows students to synthesize material from their entire law school experience, and to call into sharper focus the essence of the legal theories they have been studying. It gives them the opportunity to recognize and explore fundamental questions, including:

- What is the essence of property?
- How can an animal be property and her owner be subject to the protections of anti-cruelty statutes?
- How can an animal not be a life in being for purposes of a will?
- How can the ownership of animals be determined upon the dissolution of a marriage, consistent with other property distribution theories, and what can be done about obligations for future care?
- How can a corporation be a juridical person when an animal with the ability to use sign language is not?
- What is the philosophical or legal basis for conferring rights and is it applied consistently?
- What does science tell us about the distinctions, and lack thereof, between human and non-human animals?

The opportunity to work in the animal law field full-time, teaching a course and developing a clinic, has been a welcome challenge and a true privilege which brings with it significant responsibility. The clinic is an important, emerging, and necessary part of the development of the Animal Law Program at Lewis & Clark, at the Center for Animal Law Studies.²⁴

Animal Law Clinic Design

In developing the clinic, I had the benefit of a wide community of clinical colleagues all across the country and of varied clinical experiences over the course of sixteen years. However, there was no model for developing an

23. My first opportunity to teach an animal law course came at the Case Western Reserve University Law School with the support of Dean Gerald Korngold and my colleagues in the clinic. I appreciate their support.

24. The Center for Animal Law Studies at Lewis & Clark Law School, in collaboration with the Animal Legal Defense Fund, is an academic and scholarly animal law program dedicated to: 1) Training future leaders for careers in animal law and public policy; 2) Conducting high-quality, independent legal research that advances the field of animal law; 3) Developing innovative recommendations and legal strategies relating to animal law within administrative, legislative, litigation, and other settings; 4) Creating a scholarly environment where students, regardless of their particular point of view, feel included and respected; and 5) Ensuring that the interests of animals are always considered as the field develops.

animal law clinic.²⁵ I needed to develop a clinic that was not reliant solely on traditional notions of litigation-based work to serve people who could not afford legal assistance. The work of environmental and international human rights clinics is similar in some respects to that of an animal law clinic, though certainly not all. Transactional elements and alternative dispute resolution techniques were necessary but insufficient components. The most recent clinic models designed to address policy questions and promote law reform offered helpful but incomplete templates. I could not adopt as a central part of my pedagogy the well accepted client-centered approach for helping students learn how to form the lawyer-client relationship. Though I learned from all of these models, none could provide the central pedagogical foundation for an animal law clinic.

This was because I had a fundamental question to answer that clinical legal education had not yet squarely addressed. How do we teach students to practice law to promote their clients' interests, when the clients cannot speak for themselves and have no appointed legal guardians? Or, put another way: How can a clinic seeking to represent the interests of animals, mediated by their human guardians, owners, and abusers, develop appropriate professional relationships and strategies?

In an animal law clinic, the first and most important question remains: Who is the client? Animals do not have a voice, literally or figuratively, in our legal system. To say they lack standing is an enormous understatement. "The unpardonable forgetfulness in which the lower animals have hitherto been left by the moralists of Europe is well known. It is pretended that the beasts have no rights. They persuade themselves that our conduct in regard to them has nothing to do with morals or (to speak the language of their morality), that we have no duties towards animals; a doctrine revolting, gross, and barbarous."²⁶ Does this mean that the clinic must rely solely on humans to frame and articulate the interests of animals? Or does an animal law clinic choose legal work that allows it to directly represent the interests of animals and to challenge their lack of access to, and protection from, the legal system? If so, how would the clinic determine what the interests of the animals actually are? And how does an animal law clinic proceed with these tasks while working to develop the fundamental legal and professional skills of law students? These are some of the central questions I will continue to grapple with for the foreseeable future.

By amalgamating much of the richness of the literature of clinical pedagogy and learning theory, I developed a syllabus and structure for the clinic. This starting point is an ongoing project in development and refinement, often with the participation of the students. I worked with students to create a

25. The only animal law clinic that existed before Lewis & Clark's was the one at Rutgers School of Law, Newark. That clinic was an in-house externship model and was long closed when I began my work.

26. Arthur Schopenhauer from the Souvenir book of the International Vegetarian Union Congress in India (1957), <http://www.ivu.org/history/europe19b/schopenhauer.html> (last visited July 8, 2010).

mission statement for the clinic. This was a wonderful opportunity for them to participate in the development of the clinic design, and for the first time, to participate in the design of their own education. It allowed me a wonderful opportunity to test my own notions of the possibilities of the clinic with its student consumers. Our results follow.

Lewis & Clark Animal Law Clinic Mission Statement

The Clinic promotes the academic and professional growth of its students by working to:

- Foster the transition from law student to lawyer;
- Create life-long learners who are excellent and effective advocates;
- Create respectful dialogue on difficult conversations; and
- Invite and engage different perspectives.

The Clinic works to develop the field of animal law by working to:

- Harmonize human and animal interests;
- Advance legal protection, representation, and access to justice for nonhuman animals;
- Achieve justice for animals and humans by making clear the link between human and animal violence; and
- Creatively use the laws we have, as well as develop new laws and tools, to better address questions of animal law.

With this mission in mind, the clinic is designed to address its implications. I have identified mission-related educational goals and both the indicators of successful achievement as well as barriers to that achievement.²⁷ I posed this question to myself: If I have been successful, what do I want all of my students to be able to do, despite their different abilities, interests, and styles, and whatever their chosen legal focus may be?²⁸ To determine whether the curriculum leads to that result, I need to know what these traits or abilities look like so that I know not only what I would see if I am successful, but perhaps more importantly, what it would look like if I am not. I need to determine what assessments will best reveal the presence or absence of these traits and what instructional and assessment approaches unwittingly hinder the development of this ability. This is part of any clinical design and is not specific to an animal law clinic.

27. I had the good fortune to attend the Georgetown University Law Center's Summer Institute for Advanced Clinical Teaching where I could spend considerable time refining the clinic's design.

28. Grant Wiggins & Jay McTighe, *Understanding by Design* (1st ed., Merrill Prentice Hall 2001).

Clinics have general learning goals: the acquisition of knowledge and skill; the ability to make meaning; and the ability to transfer those lessons to new settings. Additional clinical goals include:

- Developing life-long learners who are self-reflective and excellent advocates;
- Considering broadly the role of lawyers in society with particular regard to duties to develop the law and social justice;
- Developing professional values and attention to personal ones, including work-life balance;
- Handling matters the private bar cannot or will not;
- Developing the law and understanding how it actually works, including consideration of interdisciplinary approaches to legal problems and determining when legal solutions are appropriate;
- Improving access to justice and commitment to pro bono work;
- Exploring questions of power and its effects on clients;
- Exposing students to realities to which they might not otherwise be exposed;
- Highlighting the importance of facts to balance students' doctrinal focus.

These goals are also appropriate for an animal law clinic, and, as with other specialty focused clinics, additional goals must also be developed.

In framing conversations for the students, the clinic poses several essential questions, some related specifically to the practice of animal law and others related to the practice of law generally. These questions include:

- What is the role of animals in society and in law?
 - > Is there a difference in these realms, and if so, why?
 - > Why is understanding the role of animals in the law important?
 - > Why should the law develop to include the interests of animals?
 - > Who is the client in animal law—the animal or the human guardian-owner?
- What is the role of the lawyer when the client cannot participate in decision-making and other conversations?
- What is in the client's interest and how can we tell?
- What is justice, how do we know what it is, why is it important, and how do we achieve it?
- What is excellent advocacy, how do we define and develop it?
 - > How do we deal with adverse legal impacts?
 - > What is a good outcome and how do we know how best to serve this client?
 - > What do we do when the law does not have a good solution?

- > What alternate theories are possible and how do we create them?
 - > What do we do when we do not know what to do?
- How do lawyers work in the world, in different roles and settings, with, and in opposition to, others?
- What elements are essential in the communication of ideas?
 - > How do we develop those skills and how do we foster good communication with others?
 - > How do we handle situations in which others communicate poorly?
 - > How should we best gather, manage, and disseminate information?
- How do we understand the structure of the law as it applies to our clients and work?
- How do we address the inter-relationship of law with social, economic, political, geographic, and other realities or understandings?
- What is the difference between what is true and what can be proven or what is convincing to others?

Students want to learn how to become good lawyers and register for a clinic to pursue that endeavor. It is important to know what the questions are before we can learn how to answer them. Clinical professors can help students answer questions with which they are faced, but more importantly, professors can help students learn to ask good questions and to find their own approach to answering them, a skill students can take with them into practice. Good questions to frame the students' experience include: How will you know you successfully represented your client? How will you know you are a good lawyer and what will that look like? Asking these questions of the students at the beginning and end of their clinical experience provides a measure of their development that is transferrable to other settings.

The first-hand experience of clinical work is ideally suited to help students understand some of the nuances of the legal system and their role in it. Crafted appropriately, the lessons of an animal law clinic include:

- Access to justice is important.
 - > Justice is relative and not available to all.
 - > Truth and justice are subjective.
 - > Pervasive justice reduces violence and suffering for animals and people.
 - > The law needs to evolve in order to achieve justice.
- There is a link between human and animal violence.
- It is hard to separate personal goals from our clients' goals—it takes work to be able to determine those goals objectively.
 - > “Winning” may not meet the client's goals.
 - > How we comport ourselves and treat clients can at times be more important than our knowledge or the outcome of the matter.

- Becoming and remaining an effective lawyer is a life-long process.
 - > Our clients and work deserve our best efforts.
- Respectful dialogue is essential to understanding problems and solving them.
 - > Lawyers need to model and foster respectful dialogue on difficult conversations.
- Change is important, inevitable, and difficult.
- The law is a tool, imperfect and incomplete, and does not provide a remedy for every problem.

The task of the clinic designer is to engineer the students' experience so they reach these conclusions themselves, insights that most practicing lawyers attain only after significant and sometimes painful experience. Animal law offers ample opportunities for students to learn both the limits and promise of legal advocacy. If one goal is to teach students that the law is an incomplete and imperfect tool so that they can develop creative approaches to achieve their clients' goals, we could discuss that topic in a lecture format. Or, in traditional clinical methodology, we can create a situation that allows students to experience that failure first-hand. For instance, students can consider the plight of a client who wants to be granted the custody of his dog in a divorce. Because there is no legislative authority for a judge to include animals in a custody, visitation, or support decree, students are pushed to consider the need for changes in the law, and how to proceed until these changes occur. These opportunities give students not only the chance to talk about these issues, but more importantly, the chance to engage themselves in the work they identify as necessary. And in these ways, an animal law clinic offers the same challenges and opportunities as other clinics.

Likewise, the animal law clinic raises significant and useful questions regarding ethical advocacy and the role of lawyers when clients' interests may not be clear, or may not be consistent within a class. For instance, a property classification for animals affords protections to companion animals, while at the same time, it is the basis for the lack of protection for laboratory mice. Thus, the decision about whether to work to amend or abolish the property classification of animals will not impact all of them equally. This presents a strategic challenge to the legal advocate, and an administrative challenge to the clinic in deciding which legal matters to handle. The selection of legal matters will privilege certain categories of animals over others. Additionally, the clinic has a more common question to address, whether to take the smaller, more traditional litigation-based cases, the larger law reform matters, or a mix of the two. Case selection in the animal law clinic is a particularly complicated process.

The Animal Law Clinic at Lewis & Clark

For my clinic, I have chosen to focus heavily on law reform work, and I have included projects that students can complete individually within the academic term. It remains to be seen whether this is a good balance or simply an example of trying to do too much. I make the initial case and client selection decisions, which frame the clinic experience, and I discuss additional opportunities with the students to gauge their interest and availability to work on new matters as those opportunities develop.

As for the personal difficulties this work raises for my students, I address these matters openly and directly and let students know that personal decisions are just that. I emphasize our focus on policy and legal decisions rather than personal ones. But, of course, these combine and make the animal law clinic a wonderfully powerful and transformational opportunity for students because they can affect the evolution of the law as it is developing and see immediate connections to their own personal lives and to society as a whole.

The choices I have made for our clinic are shaped, in part, by the fact that this is the only animal law clinic in the country. If there were many other clinics working on many issues, it would not seem as important to work on matters affecting the greatest number of animals. As it is, the clinic focuses on issues of national and international importance, while also maintaining connections and working in the local community. Students in the Animal Law Clinic conduct research, represent clients, and work on clinic projects with outside attorneys to develop the field of animal law and encourage consideration of the interests of animals in legal decision-making. Their work includes transactional work, litigation development, and strategic planning. When possible, students also work with lawyer partners around the country, observe legal proceedings, and conduct field work to better understand the problems facing animals.

Currently, the Animal Law Clinic at Lewis & Clark is working to identify and reduce regulatory barriers to implementing alternatives to animal testing; determining how best to address the problems resulting from factory farming; consulting with a humane society on updating and distributing its anti-cruelty law handbook; assessing and making recommendations regarding procedural rules for dangerous dog hearings; designing a pilot mediation project for dangerous dog cases; filing petitions for rule-making with federal agencies on various issues relating to farmed animals; and working with law enforcement officers and veterinarians to develop a better understanding of the problems facing animals and potential solutions. Another goal of the Animal Law Clinic is to partner broadly with clinics working in other areas of the law, nonprofits, the private bar, law enforcement, scientists, medical professionals, and others to better inform and guide the work of the clinic and to increase its effectiveness.

Though the scope of the work in the Animal Law Clinic is vast, it still models the gradual release of responsibility from teacher to student that is a fundamental goal of clinical education. The clinic's design gives students models to work from when they are available, and asks them to create their

own when none exist. When possible, multiple models are offered for breadth and to show students that there is more than one way to resolve legal problems, so they know they have choices to make on their own path to excellence.

The focus for the clients is on excellent legal work, and for the students it is on the development and refinement of transferable professional skills. If successful, the clinic helps students to notice and use repeating information and experiences, to understand patterns in a meaningful way, both in the analysis of legal problems and solutions and in the choices practitioners make in their analysis and engagement with these matters.

Good solutions to legal problems require accurate assessment. One way to approach legal problems is to consider where misunderstandings take place. Thus, clinic students focus not only on what information is transmitted, but also on what is received and how it is understood. For instance, rather than assume that society will always fail to protect farmed animals, students develop paradigm-shifting questions, such as: If we understood that farm animals feel pain in the same way as companion animals, would we want protections for them, as well? They consider the legal and practical implications of such an outcome, and regardless of their assessments, they realize that these types of questions are important for advocates to consider.

It is important for any advocate wishing to facilitate great change to consider how to create paradigm shifts. This is no less true in the field of animal law. But before students can think about changing paradigms, they need to be more conversant with those currently in operation. Therefore, clinic students determine society's and the law's conventions about animals. Narrative theory teaches us the importance of a society's "stock stories." Students examine, question, and revisit these throughout their time in the clinic. To the degree these accepted notions comport with modern science or the ways in which we relate to some animals, students consider potential strategic options for moving toward greater protection of the interests of animals. To the degree society's stock stories about animals no longer resonate with our social and scientific understandings, we revisit the changes our human clients may seek.

This work is particularly difficult in animal law because there is very little positive law focused on the protection of animals, as compared with the protection of humans' interests in animals. Further, the law is quickly and constantly evolving. This makes legal analysis an ongoing effort even in the most mundane settings. For students who are struggling to master the skill of legal analysis, this evolution presents a constant challenge.

In animal law, strategy and policy also are implicated in every legal matter. Questions exist among the few animal law practitioners and professors about ideal approaches to each issue. There is no significant archive of learned wisdom from practice and no settled approach to any single question. The risk of confusion for students is great and the clinic addresses those risks while seeking to maximize consideration of multiple options.

The reward of creative thinking and approaches is also very real and energizes students. Animal law offers a rare opportunity for students to be learning the law while trying to change it. It is an even rarer setting in which thoughtful students are as likely to develop successful approaches as seasoned practitioners. This is true in the field of animal law because there are so many questions that have not even been addressed yet, much less resolved.

The benefits of an animal law clinic far outweigh the properly managed risks. Students report that their experience in the Animal Law Clinic ranks among the best in their legal education. Though this is not unusual for students in any legal clinic, students in the Animal Law Clinic tend to acquire two benefits not always available to those working other clinics. First, regardless of the outcomes of their work, they realize that they are meaningfully participating in the development of a field of law. Second, they have a unique opportunity to consider the role of law in society, to question and develop structures for decision-making, and to address the role of law in their personal and professional lives. Students' experiences in the Animal Law Clinic deeply affect the personal and professional choices they make long after their coursework ends.

Unique Aspects of an Animal Law Clinic

Animal law is still so new that it is a difficult area for students to study. Students have difficulty knowing how to proceed because there is so little firm ground and so little that makes up the body of the positive law of animal protection. Students are presented with a daunting task: to learn, critique, and use the law all at the same time. Add to that the emotional difficulty of the facts related to this area of law and a clinical experience in animal law becomes quite a challenge for both the students and teacher.

For students in an animal law clinic, the experience is uniquely personal. In other clinics, students may be able to identify with their clients, and may have even experienced similar legal problems, such as eviction, fraud, breach of contract, domestic violence, divorce, or criminal behavior. Some students may even have perpetrated a fraud, breached a contract, evicted a tenant, or engaged in criminal activity, and may understand the legal question from that perspective. For the animal law clinic students, however, the experience is even more present and conflict-causing.²⁹ Students may confront the conflict that results from both working on behalf of farmed animals and eating them, a dilemma made even more poignant to the extent we consider those animals our clients. This is a concern for all participants in the clinic. All of us, even those who are vegan, are engaged with institutions and practices that exploit animals. It is impossible to completely avoid engagement with such practices in this country. If we take medicine, drive cars, use hospitals, parks, and schools,

29. This is especially true because the clinic is open to all students who have taken the prerequisite courses and register for the clinic. There is no political litmus test for taking the course.

we are complicit with animal suffering. Because animals are so thoroughly a part of commerce in the modern world, we cannot completely free ourselves from taking part in, or benefiting from, their oppression.

To be engaged with the very practices we endeavor to eliminate or improve raises unique conflict questions in the animal law clinic. Students in an immigration clinic can choose not to purchase items made in *maquiladoras* after learning about the victimization of the workers in those facilities. Consumer clinic students can choose to cease their commercial dealings with entities that exploit their clients and communities. But students in the animal law clinic cannot completely disentangle their own lives from the violence visited upon animals, who, if not their clients, are still the subjects of their advocacy efforts. For many students, basic questions about what to eat or wear become fraught personally because they have become relevant professionally.

And in this way, the experiences of animal law clinic students are more personal and more difficult than those of students in other clinics. Most students have lived with, or are living with, animals in their homes. The immediate impact of the legal consequences relating to animals has a profound, powerful, and direct impact on students that must be managed carefully. On the one hand, in few other areas of law is it possible for students to see so clearly the impact of the law, and to make personal decisions about their own lifestyles that will have an immediately beneficial impact on the subjects of their study and advocacy. On the other hand, this creates conflicts and an implicit sense of responsibility in students that law school does not prepare them to address.

Conversations in law school about creating social and legal change typically tend to be tempered with the knowledge that these changes come slowly and after much struggle. In few other areas of law can students and practitioners make lifestyle choices so immediately consonant with their work. While this holds the promise of impressive work-life balance, that personal familiarity with the impact of personal choice creates a significant emotional toll on many students if not addressed explicitly. The ability to make these choices carries with it a seemingly implicit duty. Because law students are not adequately prepared to address this dilemma, the clinical setting provides a wonderful opportunity, and responsibility, to provide this preparation.

Tending to these conversations requires significant time and attention.³⁰ We explicitly discuss the degree to which the animals are, or can be, our clients, or whether, for the time being, we can only represent humans and their interests in protecting animals. We discuss the struggle to discern lines between, and harmony among, the personal and the professional realms. We have both highly theoretical explorations about duty to clients and deeply personal conversations about the difficult decisions the students now face in their own lives. These lead to some of the most engaging conversations about the types of lawyers the students want to be and the evolving nature of the people behind those professional roles.

30. This conversation echoes one addressed by Professor Taimie Bryant. See Taimie Bryant, Trauma, Law and Advocacy for Animals, 1 J. Animal L. & Ethics 63-138 (2006).

Animal Law Clinic as Process, not Conclusion

But most of all, and what is so wonderful about the clinical opportunity, is that we discuss not just possible answers to these questions, we also focus on the ways in which these questions are answered and the processes for resolving them. We focus on decision-making processes that can be used in both the personal and professional realms. We develop rubrics for analysis and evaluation. We look deeply into the bases upon which legal decision-making and analysis rest. And, usually in the realm of animal law, we find these systems archaic and lacking in scientific, philosophical, economic, and moral integrity. The search for legal consistency, for principles applied evenly and equitably, highlights their absence.

We are reminded that legal decision-making is predicated on other fields of study: moral philosophy, science, religion, economics, logic, and others. The authority of legal decisions, both judicial and legislative, rests not upon the proclamations themselves, but rather is grounded in their connection to and reliance upon other accepted wisdom and principles.³¹ A mere fifty years ago, it was impossible in many jurisdictions to bring assault charges against a man for beating his wife. As society evolved away from the notion that women were the property of fathers and husbands, assault charges became possible. Though the behavior was the same, the legal outcome had changed. This is because the law is a reflection of norms and values in society. These norms and values evolve from a complex combination of knowledge bases in society, both learned and experienced. Legal analysis cannot be divorced from these other bases of knowledge. To the contrary, legal analysis is improved with deeper understanding about a broader base of information.

After reflecting upon the plight of animals in the United States, one conclusion is that the legal analysis of the value of animals in society is flawed, lagging behind that of other significant parts of society, and should be updated. Another conclusion is that the value placed by the majority of Americans on companion animals is unwarranted and other measures could be considered to address that concern. Yet another conclusion is that we need more study to consider these matters. In that vein, Ashley Montagu said that “[A]ll education should be directed toward the refinement of the individual’s sensibilities in relation not only to one’s fellow humans everywhere, but to all things whatsoever.”³² Regardless of how the question is resolved, it is important that it be asked, and explicitly and rigorously considered.

The study of animal law makes evident the need for further investigation about the appropriate bases for legal decision-making, including more consideration of many other relevant disciplines. Animal law raises new questions. These questions cause us to consider not only possible answers, but

31. Referring to the question of slavery, President Lincoln said, “it must be settled on some philosophical basis. No policy that does not rest upon some philosophical public opinion can be permanently maintained.” Allen C. Guelzo, *Abraham Lincoln: Redeemer President* 19 (Wm. B. Eerdmans Pub. Co. 2003).

32. Ashley Montagu, *Growing Young* 114 (2d ed., Bergin & Garvey 1989).

the appropriate methodologies of arriving at answers as well. If the answers are to have integrity and to provide meaningful guidance over time, then we must pay much more attention than we have to the bases of our legal analysis. The process for decision-making is as important as the outcome.

Currently, outcomes in similar animal law cases continue to differ wildly not only in different jurisdictions, but even more strikingly, within single jurisdictions, especially when similar animals find themselves in different contexts. It is difficult to find a coherent legal basis for granting a dog significant protection in the home and little in the research laboratory. This disparity would exist even for the exact same dog who changed in context rather than substance. A rabbit may be granted extensive protection if she is endangered, significant protection as a pet, minimal protection in a research laboratory, and none at all if she is deemed a rodent or food. The rabbit has not changed, only the context in which she finds herself.

Likewise, it is difficult to understand why the law allows us to protect a mouse as a pet, and at the same time allows the same people living in the same house the right to trap and destroy a mouse deemed a rodent. In this situation, the context and the actors have not changed, yet the legal outcome is different depending solely on how the people perceive the mouse. The search for legally consistent decision-making surfaces one of the central contradictions in animal law. The degree of protection an animal may receive has nothing to do with any inherent characteristics or behavior of the animal.

The clinic examines the resulting legal confusion. For example, the fact that animals can suffer and feel pain is part of the basis for making animal cruelty and abuse illegal. Another reason for making this behavior illegal is the desire to discourage activity we feel is bad for individuals and society. This protection, however, is generally only offered to animals who are pets or companions. The scientific understanding that animals can feel pain, though still true, is irrelevant in many other contexts. We may kill and even torture with impunity animals deemed rodents because they are called rodents. Most states explicitly exempt animals being raised for food from the protections of anti-cruelty statutes. This inconsistency surfaces the importance of analyzing methods of decision-making as well as their outcomes.

Another example is the Animal Welfare Act, a federal law that purports to protect animals. It regulates the treatment of animals used in research, among other things. It imposes some requirements upon researchers whose work will cause animals pain. However, if a researcher determines that analgesic treatment for pain will interfere with the research, the animal receives no protection.

These legal differences in protections for animals are not linked to their ability to feel pain, or to any other inherent characteristic, trait, or behavior. Rather, the only sense we can make of these distinctions is that we continue to make decisions based on the value we place on the context in which animals find themselves. We privilege those animals in homes because most people

cannot imagine treating those animals cruelly. Yet if a beloved pet becomes lost and finds her way into a research facility, the legal ability previously afforded her owner to protect her may be lost.

Either the protection of companion animals to be free from unnecessary pain and suffering (because they can suffer) makes no sense, or the lack of protection for animals who can suffer in other contexts is problematic. When we consider the perspective of the animal (the being capable of being protected) rather than that of the human (the being choosing whether to protect) we see the need for more rigorous legal analysis to result in more consistent outcomes. And we recognize the need to look to other fields to guide the development of our legal reasoning as these new questions are explored.

This work of de-constructing legal reasoning is both exhilarating for students and quite challenging. Once it becomes clear how many of our legal outcomes are un-tethered from a decision-making process that has integrity, because it lacks grounding in science, logic, or morality, students feel confused and directionless. Therefore, we spend time reconstructing legal processes as well. We look for sound legal theories that resonate over time and across disciplines. And we work to develop new frameworks for decision-making that take into account elements we deem to be missing.

Animal Law Clinics and Social Justice

Most U.S. law schools include some component of social justice in their mission statements.³³ Animal law, like the law relating to civil and other human rights, is a part of a larger social justice movement. Though there may be disagreement about the importance of, or need for, this type of social justice work, the evidence is clear that the subjugation of animals in our society is substantial and results in significantly negative consequences for animals, and to some extent for people as well.

Our subjugation and abuse of animals has been limitless. There are no horrors reserved only for humans. Animals are hunted into extinction; we make war with them and on their homes; we tear the young from their families; we force them to work for us against their wills; we torture and kill them; we use entertainment, religion, art, science, nutrition, sport, and simple personal autonomy as justifications for our use and abuse of them. As Mark Twain said, “[I]t is just like man’s vanity and impertinence to call an animal dumb because it is dumb to his dull perceptions.”³⁴

We are the main cause of animal suffering. We are also able to silence their voices and to ignore their painful cries, literally and figuratively. And to a large extent, we also silence those who would speak on their behalf. In this way, we see the “rape of the wild” as both the conclusion of our violence and oppression and its foundation. Some suggest that violence against the most vulnerable

33. Margaret M. Barry, Martin Geer, Catherine F. Klein & Ved Kumari, *Justice Education and the Evaluation Process: Crossing Borders*, 28 Wash. U. J. L. & Pol’y 195, 202-03 (2008).

34. Mark Twain, *What is Man? and Other Essays* 84 (Harper & Bros. 1917).

and innocent members of society is the highest crime. Others emphasize the connection between types of violence, noting that those who abuse animals often also abuse humans.³⁵

To undo these harms, to prevent future harm, and to create harmony, we need to understand both our conscious and unconscious complicity in this scheme of violence and oppression. We need to make explicit our participation in and support of this structure. Only then can we evaluate objectively those behaviors and determine which ones should be regulated or banned.

This requires education. Education has, thus far, played a smaller role than it should in the movement for animal protection or rights. This is why an animal law clinic is important. Having a place in the academy to learn from history, law, science, and other disciplines is important in order to better explore and understand the role and structure of violence and oppression, as well as to consider ways to change those present realities.

Animal clinical legal education is critical because it provides a forum in which to test that learning in the safety of a supervised, but real, setting and the opportunity to operationalize that knowledge for the benefit of others. How far should we decide to extend our circle of compassion? Perhaps it should extend to any being or place where it could have a benefit. Perhaps if something or someone could benefit from compassion, that entity should be entitled to consideration for compassion. Perhaps that goes too far. We will not be able to answer questions we do not ask. The role of education is to ask questions, and to learn from the present and past in order to guide decisions for the future. In this way, an animal law clinic is ideally suited to ask questions, test present perceptions and assumptions, and develop strategies for change.

Robert Hockett suggests in his theory of social change that the “institution is the material embodiment of what the movement articulates by way of a blueprint for a better world.”³⁶ What better way to build a better world than to conceive of one that is safe not only for people, but also for animals and their habitats? If it becomes inappropriate to abuse animals, it will not be possible to subjugate people by comparison to animals and use that as an excuse for mistreatment of humans. We would no longer hear phrases such as, “I kicked her like a dog,” or “That fat cow deserved what she got,” or “The hospital treated my father like a guinea pig,” and so on. If we reach the stage where it is no longer morally or legally acceptable for people to cause unnecessary suffering to animals, it also must necessarily be true that those same protections would be in place for all people.

35. *See supra* note 7.

36. Robert C. Hockett, *Institutional Fixes Versus Fixed Institutions* 6 (working paper), <http://ssrn.com/abstract=1309700> (last visited Aug. 14, 2010).

Final Thoughts

Animal law does not seek the improvement in the lives of animals over or instead of improving the lives of humans. Rather, it seeks to harmonize these goals so that both humans and animals may be free from violence and oppression. It is not likely that one can be achieved without the other. As long as violence and oppression exist, it will seek out victims. We have learned from bitter experience that the choice of victim often matters little and changes quickly. It is better to work to reduce and eliminate violence and oppression rather than to distinguish among its victims. Animal law clinics teach students how to do that.