

DELCIANNA J. WINDERS
Lewis & Clark Law School
10015 SW Terwilliger Boulevard
Portland, OR 97219
503-768-6858 • dwinders@lclark.edu

EDUCATION

New York University School of Law, New York, NY **J.D.**, 2006

Honors: *New York University Law Review*, Senior Notes Editor
Robert McKay Scholar (top 25% of class)
Vanderbilt Medal (for “outstanding contributions to the School of Law”)
Activities: Natural Resources Defense Council Environmental Law Clinic
Student Animal Legal Defense Fund President

University of California, Santa Cruz, Santa Cruz, CA **B.A.**, Legal Studies, 2001

Honors: Highest Honors in Major
Dean’s Award for Outstanding Achievement in Social Sciences
Regents Scholarship (for “outstanding academic achievement”)
Activities: Designed and instructed undergraduate course, *Factory Farming and Animal Advocacy*
Independent research on animal rights with Professor Donna Haraway
Elementary school literacy tutor
Studied abroad in Havana, Cuba

TEACHING AND OTHER SCHOLARLY EXPERIENCE

Lewis & Clark Law School, Portland, OR Summer 2019–Present

Assistant Clinical Professor & Animal Law Litigation Clinic Director

Direct nation’s only clinic focused exclusively on animal law litigation and on farmed animals.

Vermont Law School, South Royalton, VT

Adjunct Faculty Summer 2018–Present

Teach interdisciplinary summer course, *Animal Welfare and the Law*. Advise students regarding animal law careers, scholarship, and symposia.

Elisabeth Haub School of Law at Pace University, White Plains, NY Spring 2018

Haub Environmental Visiting Scholar

Taught seminar, *Animal Law*. Guest lecturer for related courses. Mentored students regarding animal law careers and scholarship. Gave media interviews and public presentations. Produced animal law scholarship.

Harvard Law School, Cambridge, MA Summer 2015–Summer 2017

Academic Fellow, Animal Law & Policy Program

Selected as program’s first-ever fellow. Participated in program planning and development. Produced animal law scholarship. Participated in faculty workshops. Guest lecturer, *Animal*

Law, Animals in History, and other courses. Mentored students regarding animal law careers and scholarship. Organized conference and academic workshop, *The Animal Welfare Act at Fifty*. Developed and drafted hypothetical problem and all materials for National Animal Law Appellate Moot Court Competition. Opined on animal law matters through media interviews and short-form publications. Served as expert witness in animal/consumer protection lawsuit.

Tulane University Law School, New Orleans, LA Spring 2010–Spring 2013
Adjunct Lecturer, Animal Law
Developed and taught animal law seminar. Mentored students regarding animal law careers and scholarship.

Loyola University New Orleans College of Law, New Orleans, LA Spring 2010–Spring 2013
Adjunct Lecturer, Animal Law
Developed and taught school's first-ever animal law seminar. Mentored students regarding animal law careers and scholarship.

New York University School of Law, New York, NY Spring 2006
Teaching Assistant to Professor Derrick Bell, Constitutional Law
Supervised student cohort. Developed and led unit on animal law. Oversaw preparation of moot court presentations.

New York University School of Law, New York, NY Spring 2005
Research Assistant to Professor Barry Friedman
Researched primary and secondary source materials and drafted memoranda for book on origins of judicial review.

PROFESSIONAL EXPERIENCE

PETA Foundation, Remote Spring 2010–Summer 2015; Summer 2017–Spring 2019
Vice President and Deputy General Counsel
Oversee division comprised of attorneys, veterinarians, scientists, and support staff. Conceptualize, plan, initiate, brief, and argue all phases of litigation. Conceptualize, plan, initiate, and lead regulatory efforts, including petitions for rulemaking, comments on proposed rules, and comments on permit applications. Advise stakeholders on all aspects of federal, state, and local legislative efforts, including drafting, messaging, and advocacy. Testify in support of legislative and regulatory efforts. Advise law enforcement officers and prosecutors on animal law matters. Develop coalitions. Mentor and supervise law clerks. Media spokesperson. Give frequent presentations for animal law courses, conferences, CLEs, and other events nationwide.

Farm Sanctuary, Remote Spring 2009–Spring 2010
Director of Legal Campaigns
Developed and led legal advocacy efforts for the nation's largest farm animal rescue and protection group, including working with coalition to produce amicus brief in U.S. Supreme Court pre-emption case, *National Meat Institute v. Harris*; involvement in ballot initiatives ending intensive confinement systems; and, in collaboration with Lewis & Clark Law School Animal Law Clinic, preparing a rulemaking petition on behalf of injured and sick animals at

slaughterhouses. Oversaw preparation of 71-page report, *The Truth Behind the Labels: Farm Animal Welfare Standards and Labeling Practices*, and gave presentations on farmed animal welfare labels. Provided legal guidance and advice regarding cruelty cases, investigations, and campaigns. Developed and managed pro bono network. Conferred and negotiated with prosecutors, government agencies, and other organizations. Hired, supervised, and mentored law clerks.

Meyer Glitzenstein & Crystal, Washington, DC
Associate

Summer 2005; Fall 2007–Spring 2009

Served as counsel for national and grassroots animal protection organizations. Developed and implemented novel litigation theories. Researched and drafted briefs, including for New Jersey Supreme Court case regarding humane standards for farmed animals and Freedom of Information Act case seeking animal research records. Took depositions, argued motions, and examined witnesses in court. Hired, supervised, and mentored law clerks.

Hon. Martha Craig Daughtrey, Nashville, TN

Summer 2006–Summer 2007

U.S. Court of Appeals for the Sixth Circuit
Law Clerk

Reviewed briefs and drafted bench memoranda. Edited and cite checked draft opinions. Attended hearings and consulted with judge. Reviewed petitions for rehearing.

SCHOLARLY PUBLICATIONS

Captive Wildlife Under the Endangered Species Act, in ENDANGERED SPECIES ACT (Donald C. Baur & Ya-Wei Li eds., 3d ed. forthcoming 2019) (with Jared Goodman and Heather Rally). This chapter tackles the challenges that arise in applying the Endangered Species Act to captive situations. It begins with a contextualizing discussion of the unique welfare concerns facing captive wildlife and the different ethical frameworks informed by those concerns. It then analyzes the law and its application, focusing on listing decisions, prohibitions, and permitting.

The Animal Welfare Act at Fifty Conference at Harvard Law School, 24 ANIMAL L. 155 (2019). This short piece introduces a volume of annotated transcripts from a symposium held at Harvard Law School organized by the author that convened three dozen experts to assess the first fifty years of the Animal Welfare Act, our nation's primary animal protection law, and consider recommendations for the future.

Animal Welfare Act Enforcement, 24 ANIMAL L. 249 (2019).

This annotated presentation from *Animal Welfare Act at Fifty* conference at Harvard Law School critiques the U.S. Department of Agriculture's enforcement of the Animal Welfare Act, with particular attention to the failure of warnings and discounted penalties to deter violations.

Animal Welfare Act Interaction with Other Laws, 24 ANIMAL L. 185 (2019).

This annotated presentation from *Animal Welfare Act at Fifty* conference at Harvard Law School examines the Animal Welfare Act's complementary interaction with other laws and dispels myths of preemption and primary jurisdiction.

Administrative License Renewal and Due Process—A Case Study, 45 FLA. ST. U. L. REV. 539 (2018).

Through a case study of Animal Welfare Act licenses, this Article interrogates the relationship between due process and license renewals, arguing that agencies have been confused about this relationship and, as a result, engage in practices that waste resources and undermine statutory mandates. Analyzing constitutional law and the Administrative Procedure Act, the Article refutes longstanding but misinformed beliefs about due process rights as they pertain to license renewal.

Administrative Law Enforcement, Warnings, and Transparency, 79 OHIO ST. L. J. 451 (2018).

This Article scrutinizes the use of warnings as an enforcement tool, first presenting a theoretical defense of their use and then conducting a case study of their efficacy in enforcing the Animal Welfare Act. Finding that warnings issued under the Act often fail to incentivize compliance, the Article then investigates the reasons for this failure. It concludes with policy recommendations and a discussion of the implications for other administrative agencies that rely on warnings.

Fulfilling the Promise of EFOIA’s Proactive Disclosure Mandate, 95 DENVER L. REV. 909 (2018).

In the wake of the removal of thousands of animal-welfare related records from the U.S. Department of Agriculture’s website, this Article tackles procedural hurdles that have plagued attempts to enforce the Freedom of Information Act’s proactive disclosure mandate. It argues that judicial decisions regarding the relief available for violations of this mandate have overlooked critical issues, rendering the mandate largely unenforceable. It concludes with a call for a new approach to analyzing legal challenges to violations of the mandate.

Captive Wildlife at a Crossroads—Sanctuaries, Accreditation, and Humane-Washing, 6 ANIMAL STUD. J. 161 (2017).

This Article argues that two seemingly contradictory contemporary impulses regarding captive wildlife—increased public attention to their wellbeing and a prevalent desire to interact with these animals—results in “humane washing,” including increased deployment of unregulated terms like “sanctuary” and the creation of misleading accreditation programs. It concludes with a discussion of the legal and other mechanisms that should be brought to bear on these deceptive practices.

Confronting Barriers to the Courtroom for Animal Advocates, 13 ANIMAL L. REV. 1 (2006).

This piece evaluates the historical development of animal law in the United States and analyzes some of the core issues in the field, including constitutional standing and transparency. It concludes with a call for a pragmatic yet forward-looking strategy.

Note, *Combining Reflexive Law and False Advertising Law to Standardize “Cruelty-Free” Labeling of Cosmetics*, 81 N.Y.U. L. REV. 454 (2006).

This Note argues that the proliferation of misleading “cruelty-free” claims can most meaningfully be combatted by combining traditional false advertising law with a voluntary third-party certification program.

SELECT PRESENTATIONS

Animal Welfare Act Enforcement, Animal Law class, Columbia Law School, New York, NY (Feb. 2019)

Challenging Assaults on Transparency, International Animal Law Summit, Atlanta, GA (Oct. 2018)

Animal Testing and the Animal Welfare Act, Animal Law Review Symposium, Lewis and Clark Law School, Portland, OR (Mar. 2018)

Animal Welfare Act Enforcement and Standing, Animal Law class, Columbia Law School, New York, NY (Feb. 2018)

Issues of Animal Protection and Legal Ethics, Denver Law Review Symposium, University of Denver, Denver, CO (Feb. 2018)

Animal Welfare Act, Animal Law class, New York University School of Law, New York, NY (Feb. 2018)

The Future of Laboratory Animal Law, Future Directions for Laboratory Animal Law, The National Academies' Institute for Laboratory Animal Research, Harvard Law School, Cambridge, MA (Jan. 2018)

Corporate Transparency, Accountability, and Animal Welfare, American Association of Law Schools Annual Meeting, San Francisco, CA (Jan. 2018)

Keynote: Animal Welfare and Government Transparency, Animal Law Symposium, San Diego Bar Association, San Diego, CA (Sept. 2017)

Animal Welfare Act Enforcement and Transparency, State Bar of Michigan, Ann Arbor, MI (May 2017)

Standing and Animal Law, Animal Law class, Harvard Law School, Cambridge, MA (Apr. 2017)

Recent Changes to USDA Animal Welfare Act Compliance Information, Public Responsibility in Medicine and Research, Institutional Animal Care and Use Committee Conference (Mar. 2017)

USDA Online Animal Welfare Information Update, Animal Law Committee, American Bar Association, via Skype (Mar. 2017)

Discounted Penalties and Warnings in Animal Welfare Act Enforcement, The Animal Welfare Act at Fifty Workshop, Harvard Law School, Cambridge, MA (Dec. 2016)

Animal Welfare Act in Practice, Louisiana State Bar Association, New Orleans, LA (Dec. 2016)

Administrative Law Enforcement, Warnings, and Transparency, Canadian Law and Economics Association's Annual Conference, University of Toronto, Toronto, Canada (Sept. 2016)

Administrative Agency Licensing Renewal and Due Process Under the Animal Welfare Act—A Case Study, Searle Center Roundtable on Animal Law and Regulation, Northwestern Pritzker School of Law, Chicago, IL (July 2016)

Administrative Warnings and Compliance Behavior Under the Animal Welfare Act – A Case Study, Third Conference for Junior Researchers, Stanford Program in Law and Society, Stanford Law School, Stanford, CA (May 2016)

Animal Law Litigation Challenges, Animal Law class, Harvard Law School, Cambridge, MA (Apr. 2016)

Animal Welfare Act Implementation Issues, Animal Law Institute, Texas State Bar Association, Austin, TX (Apr. 2016)

Careers in Animal Law, Harvard Law School, Cambridge, MA (Nov. 2015)

Careers in Animal Law, Suffolk University Law School, Boston, MA (Nov. 2015)

SELECT OPINION PIECES

It's Official—The Feds Are Protecting Animal Exploiters, DAILY CALLER (Apr. 26, 2019).

Costly USDA Proposal Would Spend More Tax Dollars and Help Animal Abusers, DAILY CALLER (Mar. 29, 2019).

Why Is It So Hard for President Trump to Flatly Forbid Trophy Hunting Imports?, N.Y. DAILY NEWS (Mar. 9, 2018).

Self-Policing Animal Research: Another Bad Idea from USDA, LAW360 (May 25, 2018).

Year After Blackout, Public Still in the Dark about Animal Welfare Enforcement, THE HILL (Feb. 9, 2018).

Animal Welfare Act Could Protect Animals and Taxpayers — If It's Enforced, U.S.A. TODAY (Dec. 26, 2017).

The Fish and Wildlife Service Must Atone for Tiger's Death, NAT'L GEOGRAPHIC (Sept. 11, 2017).

Why Is the State of Wisconsin Propping Up a Cruel and Dying Industry?, ALTERNET (Aug. 29, 2017).

USDA Blackout: Scrutinizing the Deletion of Thousands of Animal Welfare Act-Related Records, AM. BAR ASS'N ANIMAL L. COMM. NEWSLETTER (Summer 2017).

Wild Animal Acts Are Becoming a Thing of the Past, but Some Circuses Insist on Continuing Their Cruel Ways, ALTERNET (June 26, 2017).

Ringling's Big Cats Need New Homes—and They Could Be Headed for a Circus Overseas, SALON (June 11, 2017).

Ringling Is Dead, but Other Abusive Circuses Live, N.Y. DAILY NEWS (May 25, 2017).

Freedom of Information in Peril: What Transparency Looks Like in Trump's Government, SALON (May 14, 2017).

Why I Sued the USDA, THE HILL (Feb. 16, 2017).

United States: Restore Public Files on Animal Welfare, NATURE (Feb. 15, 2017).

Removal of Animal-Welfare Records Is Serious Blow to Accountability, THE CHRONICLE OF HIGHER EDUC. (Feb. 7, 2017).

Will Ringling's Closure Clear the Way for Federal Circus Legislation?, THE HILL (Jan. 30, 2017).

BAR ADMISSIONS

States: California, District of Columbia, Oregon application pending

U.S. Courts of Appeals: Sixth Circuit, Ninth Circuit, D.C. Circuit

U.S. District Courts: Central District of California, District of Columbia