



# Introducing the Animal Law Section

by David Raatz and Savannah Sherman

- Are animals mere pieces of property? Or should the law recognize they are more than inanimate objects? Can they have legal rights—and even be considered members of the family?
- What can and should the legal profession do to support and train animal lawyers?
- Is animal law a viable practice area?

The Animal Law Section is discussing these and other issues affecting the lives of the nonhuman animals who share these islands and this world with us.

We are grateful to the Hawai'i State Bar Association's board of directors for approving the section's creation in February 2025. And we are honored to join Ariel

Ashe-Ramirez, Jennifer Meleana Hee, and James Honda as the section's founding officers.

The timing is right. The William S. Richardson School of Law held its first Animal Law course in 2024. And for years, the law school has had an active student chapter of the Animal Legal Defense Fund.

The practice area is growing. Founded in 2008, the Center for Animal Law Studies at Lewis & Clark Law School in Oregon has an apt motto: "Animals need lawyers, too." And the job board on the Animal Advocacy Careers' website has new listings every week for positions where a law degree is a minimum or desirable qualification.



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Interdisciplinary is an apt description of animal law, as commentators have noted:

- “Animal Law cuts across virtually every substantive area of the law, including tort, contract, property, family, taxation, trust and estates, insurance, criminal, administrative, international, and environmental.” Nancy Halpern, “Animal Law 101 the Consequences of Enhanced Animal Protective Laws,” *N.J. Law*, October 2023, at 17–18 (footnotes omitted).
- “Animal matters come up in areas including cruelty prohibitions, divorce law, estate planning, intellectual property concerns over the patenting of laboratory animals, and business concerns.” Mary J. Koshollek, “A Webliography on Animal Law Lawyers Are Encountering New and Diverse Legal Challenges in the Area of Animal Law, and It Is Now A Hot Topic Among Legal Scholars,” *Wis. Law*, November 2007, at 30.

*The field of animal law is vast and continuously expanding. It touches on global and local issues as well as community and individual interests.*

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”), for instance, connects the international community by setting a global standard for animal (and plant) protection in trade. Through CITES, member states agree to protect species by regulating trade and holding one another accountable.

On a local level, animal law affects the well-being of not just animals but also the natural environment and the human community. Intimate-partner violence, for example, is often correlated with animal cruelty. Michelle Newberry, “Pets in danger: Exploring the link between domestic violence and animal

abuse,” *Aggression and Human Behavior*, Vol. 34, 273-81, May 2017. And in a landmark action on April 4, 2024, the Hawai‘i State Senate recognized the shared interests of animals, the environment, and humans when it adopted Resolution 24-83, “Urging a Transition to a Plant-Based Lifestyle.” Minimizing the consumption of animals and their secretions fosters a “holistic approach to environmental stewardship, cultural preservation, and community well-being,” in the resolution’s words.

When Adam Karp presented Animal Law 101 and 102 webinars to HSBA members in 2023, he exhibited the field’s breadth. He covered a wide array of sub-topics, including humane slaughter, vegan discrimination, pet trusts, nuisance abatement, unfair business practice, product liability, and wildlife law. As managing partner of Animal Law Offices, PLLC in the State of Washington, Karp is one of the few Hawai‘i-licensed attorneys focused in this practice area. But we would like to believe more are on the way. And we intend to help make that happen.

## Animals’ legal status

The debate about whether animals have legal rights isn’t new, here or elsewhere. More than 45 years ago, the Hawai‘i Intermediate Court of Appeals accepted the common-law view that animals are property and not legal persons. *State v. LeVasseur*, 1 Haw.App. 19, 613 P.2d 1328 (1980). Thus, the unanimous three-judge panel held, defendants who freed dolphins from captivity did not have a viable “choice of evils” defense, ruling against attorney Jack Schweigert’s novel argument. *Id.*

*But over the years, the debate has been more rigorous, with the legal theories recognizing animals’ legal status no longer unorthodox.*

In 2022, in a case seeking the release

of Happy the elephant from the Bronx Zoo, New York State’s highest court reached the same conclusion that Hawai‘i judges did. *In re Nonhuman Rights Project, Inc., on Behalf of Happy v. Breheny*, 197 N.E.3d 921 (N.Y. Ct. App. 2022). But, reflecting advancements in legal and scientific scholarship, and perhaps morality, the seven-judge court was split 4-3.

Dissenters questioned the common law’s enduring wisdom on animal rights:

“When the majority answers, ‘No, animals cannot have rights,’ I worry for that animal, but I worry even more greatly about how that answer denies and denigrates the human capacity for understanding, empathy



and compassion.” 197 N.E.3d at 966 (Wilson, J., dissenting).

And just a few years later, a New York state trial court went a step further, finding that animals can be recognized under the law as immediate family members. “New York Court Recognizes Dogs As Family Members,” Nonhuman Rights Project website (June 17, 2025), <https://tinyurl.com/DogsAsFamily>.

In recent years, some foreign countries have been more expansive of the concept of animals’ legal status.

Pakistan’s Islamabad High Court, in another case on elephant liberation, recognized the right of animals “to live in an environment that meets [their] behavioral, social and physiological needs.” Julian F. Gorelli, “Courts Beginning to Recognize Needs of Highly Intelligent

Species,” N.J. Law., October 2023, at 52, 54 (quoting *Islamabad Wildlife Management Board v. Metropolitan Corporation Islamabad*, Islamabad High Court, W.P. No. 1155/2019 (2020), at 60).

In December 2024, Mexico became the 10th country to recognize animals’ constitutional rights. Nicole Pallotta, “Mexico Adds Animal Protection to its Constitution,” Animal Legal Defense Fund website (April 16, 2025), <https://tinyurl.com/ALDFmexico>.

In a dramatic ruling, Colombia’s Constitutional Court provided a sweeping endorsement of animal rights on September 4, 2025. “Colombia’s Constitutional Court upholds bullfighting ban and adds cockfighting prohibition,” Associated Press (Sept. 4, 2025), <https://tinyurl.com/ColombiaCourt>. The court rejected cultural tradition as justification for mistreatment while upholding a 2024 law to phase out bullfighting by 2027 and ruling cockfighting must end by 2028. *Id.*

## Animal-law practitioners and academics

Matthew D. Strugar, a California-based solo practitioner focused on animal law, is dedicated to cetaceans’ freedom. Amanda Robert, “Pen Pals; the Animal Rights Attorney and the Mysterious SeaWorld Postcards,” ABA J., April/May 2022, at 54. He filed suit on behalf of captive whales at SeaWorld in San Diego, arguing that their treatment was torturous. *Id.*

“One of the orca experts we talked to said this would be like putting a person in a room where everything is a mirror for decades and decades,” Strugar said. “It’s just not a natural habitat.” *Id.*

Although the case was not successful, it brought attention to the whales’ plight and appreciation from colleagues. Some fellow attorneys sent Strugar postcards, “signed” by the whales, expressing gratitude for his advocacy. *Id.* He told the story in a viral Twitter thread, bringing more awareness to the legal theories

that could help liberate whales and other captive animals. *Id.*

Strugar spoke about his career at the 2024 Animal Law Conference, an annual event supported by the Animal Legal Defense Fund and the Center for Animal Law Studies. He told attendees that animal law is a viable field for solo and small-firm practitioners who make strategic choices in their cases and clients. “Striking Out on Your Own – The Challenges and Benefits of Solo Animal Law Practice,” Animal Law Conference YouTube page (Oct. 20, 2024), <https://tinyurl.com/AnimalLawConf>.

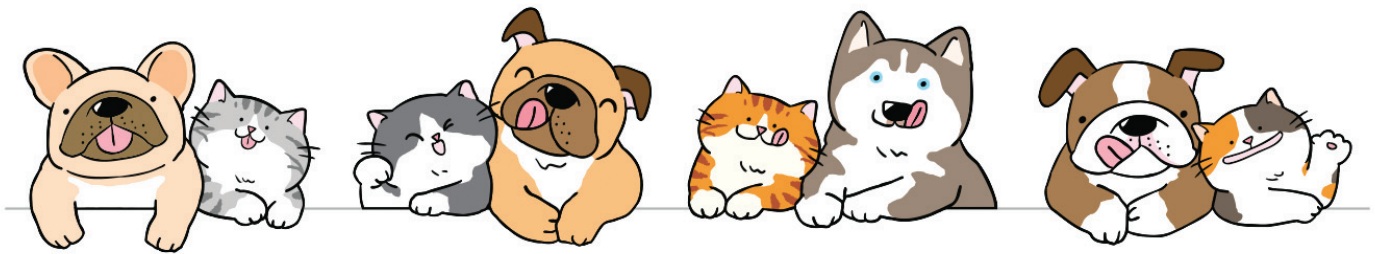
Another California attorney, Bryan Pease, has long advocated for cetaceans’ liberation, saying 15 years ago that “you

can’t meet the behavioral needs of these large marine mammals in a marine park.” Hillary T. Wise, “All Is Whale That Ends Whale? The Deficiencies in National Protection for Orca Whales in Captivity,” 49 Akron L. Rev. 925, 950 n. 226 (2016).

Pease’s animal-law work has also included representation of organizations seeking to protect cats. Katie Anastas, “Judge rules Humane Society should not send domesticated cats back outside,” KPBS (Jan. 3, 2025), <https://tinyurl.com/SDcats>. Pease obtained an injunction in 2024 requiring the San Diego Humane Society to cease its practice of releasing domesticated cats to the streets without caretakers. *Id.*

Delicianna Winders received the ABA’s Excellence in the Advancement of Animal Law Award in 2025. Julianne Hill, “Delicianna Winders has woven a web of animal law clinics and programs,” ABA J., (Sept. 2, 2025), <https://tinyurl.com/AnimalLawExcellence>.

Winders is associate professor of law and director of the Animal Law and Policy Institute at Vermont Law and Graduate School. Among her many notable animal cases, she led the legal effort to rescue Nosey, an elephant who was suffering as a mistreated member of a travel circus. After almost three decades of forced labor, Nosey was freed in 2017 and is now living in peace and comfort at the Elephant Sanctuary in



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Tennessee. *Id.*

In addition to the Center for Animal Law Studies and the Animal Law and Policy Institute, J.D. and L.L.M. programs for prospective animal lawyers are offered at Harvard, Yale, and the University of Denver. And most accredited law schools in the United States now have an animal-law course.

A LinkedIn search shows a variety of U.S. nonprofit organizations that hire animal lawyers. Many of them offer remote work, making Hawai'i-based practice possible. Among these organizations are Animal Legal Defense Fund, Animal Partisan, Farm Sanctuary, Legal Impact for Chickens, Mercy for Animals, and Nonhuman Rights Project. Some of them seek *pro bono* attorneys for specific cases in addition to staff attorneys. Lawyers are sought not just for litigation roles but also for research, lobbying, and organizational leadership.

## Animal law's potential in Hawai'i

Animal advocacy improves the lives of not just animals, but humans too. Advocating for the humane treatment and conservation of animals may also improve the health of the environment, foster safety in domestic relationships, and promote community involvement. Protecting critical habitat, for instance, not only protects the animals that inhabit it but also preserves the ecosystem and the human connection to the land. Increasing enforcement of anti-cruelty laws also protects humans from domestic violence. Newberry, 273-81.

In Hawai'i, advocating for animals helps to preserve our fragile ecosystem. Hawai'i has the most endangered species out of any state. Hawai'i's State Wildlife Action Plan, Department of Natural Resources, <https://dlnr.hawaii.gov/wildlife/hswap/fact-sheets/>. Animal advocacy provides a critical role in education about endangered species and enforcement of laws for their protection.

Animal law also affects humans in the housing crisis. Only 39% of Hawai'i rentals accept pets, which is the lowest in the nation. Pet-Inclusive Housing



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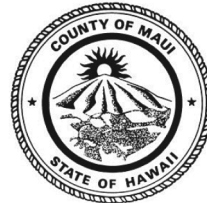
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The Department is also recruiting law clerks who intend to take the next bar exam or are awaiting bar exam results. Law clerks would be in excellent position to be hired as deputy prosecuting attorneys upon passage of the bar exam. Salary is \$75,000. Position comes with full benefits.

\*Reciprocity for attorneys licensed in other jurisdictions is now available under the Limited License Method for Public Employees (Criminal Law) section of Rule 1 of the Rules of the Supreme Court of Hawaii.

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Initiative, Pet & Housing Data 2025 Edition, 5.

Strengthening cruelty laws would also improve community safety. For example, Hawai'i is one of just eight states where cockfighting is not a felony. "Cockfighting," ASPCA website, <https://www.asPCA.org/improving-laws-animals/public-policy/cockfighting>. Not only does cockfighting lead to the cruel treatment of animals, but it is also often accompanied by illegal weapons, gambling, and violence. Increasing the severity of a cockfighting charge may help deter the other illegal activity that often occurs with it.

Advocating for animals in Hawai'i promotes the protection of the environment, humans, and community alike.



## E komo mai

Beyond our efforts on professional development and education, the Animal Law Section is organizing volunteer and social events. We welcome ideas for other activities. And we are eager to welcome new section members. Mahalo.

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*David Raatz is the Animal Law Section's treasurer and earned an Animal Law L.L.M. at Lewis & Clark Law School in 2024.*

*Savannah Sherman is the Animal Law Section's chair and is an Animal Law L.L.M. student at Lewis & Clark Law School. The views expressed here are the authors' alone and do not necessarily reflect the views of their clients, their employers, the Animal Law Section, or the HSBA.*