

EDITOR'S NOTE

THE FIRST ANIMAL LAW JOURNAL, TWENTY VOLUMES LATER

By
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Twenty volumes is no small feat for an independently funded, entirely student-run journal. With a total staff of twenty students, including a small Board comprised of Editor in Chief, James Goldstein, Jr.; Managing Editor, William Fig; Articles Editor, Kelly Jeffries; and Form and Style Editor, Benjamin Allen, *Animal Law* published the inaugural volume of the world's first animal law journal in 1995.¹ This landmark event was the result of the hard work of Lewis & Clark students, with some key support. In this first volume, *Animal Law* gave "special thanks to Benjamin Allen for his hard work and dedication in founding [the] journal, to Matthew Howard and Nancy Perry for their inspiration, and to Richard Katz for his invaluable support throughout the process." *Animal Law* also gave "thanks to Michael Blumm for his advice and encouragement, and to the Board of [Animal Legal Defense Fund (ALDF)] for their support."²

* Melissa Young 2013. Melissa is a 2014 J.D. candidate at Lewis & Clark Law School, and Editor in Chief of *Animal Law Review*. She would like to thank the *Animal Law* Board and staff for their hard work and dedication to the journal.

¹ 1 *Animal L.* 1 (1995); see Nancy V. Perry, *Ten Years of Animal Law at Lewis & Clark Law School*, 9 *Animal L.* ix (2003) (noting that when founded, *Animal Law* was the only animal law journal in the world).

² 1 *Animal L.* inside front cover (1995). Nancy Perry, Matthew Howard, and Benjamin Allen were fellow Lewis & Clark students. Michael Blumm, a Lewis & Clark professor, served as *Animal Law*'s founding faculty advisor. Richard Katz was an Arizona attorney and then-ALDF Board member. ALDF, with Joyce Tischler as then-CEO, agreed to provide *Animal Law* with financial support to cover publications costs for the first few years. Joyce Tischler, *A Brief History of Animal Law, Part II (1985–2011)*, 5 *Stan. J. Animal L. & Policy* 27, 37 n. 53, 39–40 n. 74 (2012). This support has proven to be more long-term, and ALDF has continued to provide *Animal Law* with an annual grant to offset publication costs.

Volume one featured an introduction from Professor David Favre;³ as well as articles by late Senator Mark O. Hatfield;⁴ Steven Wise, now of the Nonhuman Rights Project;⁵ and attorneys Eric Glitzenstein and John Fritschie, of Meyer, Glitzenstein & Crystal, a public interest law firm in Washington, D.C.⁶

What began as a modest journal has grown considerably over the past twenty years through the publication of innovative, timely articles submitted to *Animal Law* by professors, practitioners, scholars, and students. *Animal Law* has published articles by Gary Francione,⁷ David Wolfson,⁸ Dr. Jane Goodall,⁹ Congressman Earl Blumenauer,¹⁰ Tom Regan,¹¹ Joyce Tischler,¹² as well as numerous articles by Steven Wise.¹³ Articles in *Animal Law* have addressed a wide range of topics, including property law,¹⁴ constitutional law,¹⁵ wildlife

³ David Favre, *Time for a Sharper Legal Focus*, 1 *Animal L.* 1 (1995).

⁴ Sen. Mark O. Hatfield, *From Microbe to Man*, 1 *Animal L.* 5 (1995).

⁵ Steven M. Wise, *How Nonhuman Animals Were Trapped in a Nonexistent Universe*, 1 *Animal L.* 15 (1995); Nonhuman Rights Project, *About Us*, <http://www.nonhumanrightsproject.org/about-us-2> [http://perma.cc/03kCvnx46VE] (accessed Nov. 16, 2013).

⁶ Eric Glitzenstein & John Fritschie, *The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests*, 1 *Animal L.* 45 (1995).

⁷ See e.g. Gary L. Francione, *Animal Rights Theory and Utilitarianism: Relative Normative Guidance*, 3 *Animal L.* 75 (1997) (Gary Francione has published two articles and one comment with *Animal Law*).

⁸ See e.g. David J. Wolfson, *Beyond the Law: Agribusiness and the Systematic Abuse of Animals Raised for Food or Food Production*, 2 *Animal L.* 123 (1996) (David Wolfson has published two articles, one conclusion, and one book review with *Animal Law*).

⁹ See e.g. Dr. Jane Goodall, *The Conflict between Species in an Ever More Crowded World*, 4 *Animal L.* i (1998) (Dr. Jane Goodall has published two articles and one comment with *Animal Law*).

¹⁰ Congressman Earl Blumenauer, *The Role of Animals in Livable Communities*, 7 *Animal L.* i (2001).

¹¹ Tom Regan, *The Day May Come: Legal Rights for Animals*, 10 *Animal L.* 11 (2004).

¹² See e.g. Joyce Tischler, *Building Our Future*, 15 *Animal L.* 7 (2008) (Joyce Tischler has published two articles with *Animal Law*).

¹³ See e.g. Wise, *supra* n. 5 (Steven Wise has published seven articles, two book reviews, and two comments with *Animal Law*).

¹⁴ See e.g. Geoffrey C. Evans, Student Author, *To What Extent Does Wealth Maximization Benefit Farmed Animals? A Law and Economics Approach to a Ban on Gestation Crates in Pig Production*, 13 *Animal L.* 167 (2006) (applying a "law and economics approach in the current animals-as-property realm").

¹⁵ See e.g. Laurence H. Tribe, *Ten Lessons Our Constitutional Experience Can Teach Us about the Puzzle of Animal Rights: The Work of Steven M. Wise*, 7 *Animal L.* 1 (2001) (sharing "reflections on what our constitutional experience has to say about the processes through which we can protect others across the species boundaries of the animal kingdom who often act and think in hauntingly human ways").

law,¹⁶ farm animals,¹⁷ anti-cruelty legislation,¹⁸ and international law.¹⁹

The success and growth of the journal over the past twenty years is due in large part to the continuing guidance and financial support of ALDF, as well as the ongoing guidance of *Animal Law's* faculty and national advisors, many of whom have been with *Animal Law* from the very beginning. Nancy Perry, one of the founding students, joined as a national advisor during volume four. Professor Michael Blumm is the founding faculty advisor, as noted above, and Richard Katz, who also assisted in founding the journal, joined officially as a national advisor during volume two. Professor Daniel Rohlf joined as a faculty advisor during volume two, and Professor Katherine Hessler, who started out as a national advisor during volume three, is now a faculty advisor. These are only a few of the wonderful advisors *Animal Law* currently has the honor of working with.²⁰

The growth of the animal law field has been astounding.²¹ The creation of additional animal law journals,²² the founding of the Center for Animal Law Studies at Lewis & Clark in 2008, and the first-ever LL.M. program in animal law in 2012, all illustrate the in-

¹⁶ See e.g. Adam M. Roberts & Nancy V. Perry, *Throwing Caution to the Wind: The Global Bear Parts Trade*, 6 *Animal L.* 129 (2000) (discussing the necessity for national legislation prohibiting commercialization of bear parts).

¹⁷ See e.g. David N. Cassuto & Sarah Saville, Student Author, *Hot, Crowded, and Legal: A Look at Industrial Agriculture in the United States and Brazil*, 18 *Animal L.* 185 (2012) (discussing the impact of industrial animal agriculture in the U.S. and Brazil and examining agricultural laws in both countries).

¹⁸ See e.g. Pamela D. Frasch et al., *State Animal Anti-Cruelty Statutes: An Overview*, 5 *Animal L.* 69 (1999) (providing an "introduction to the current status of state animal anti-cruelty laws throughout the United States").

¹⁹ See e.g. Elaine L. Hughes & Christiane Meyer, *Animal Welfare Law in Canada and Europe*, 6 *Animal L.* 23 (2000) (drawing comparisons between animal welfare legislation in Canada and Europe).

²⁰ *Animal Law's* faculty advisors are Professors Michael C. Blumm, Pamela D. Frasch, Katherine M. Hessler, Daniel J. Rohlf, Janice Weis, and Chris Wold. *Animal Law's* national advisory board is composed of Scott A. Heiser, Rebecca J. Huss, Richard J. Katz, Jonathan Lovvorn, Nancy V. Perry, William A. Reppy, Jr., Steven M. Wise, David Wolfson, Tara C. Zuardo. Professor Peter S. Nycum serves as *Animal Law's* Emeritus Advisor.

²¹ Professor David Favre's introduction in this issue of *Animal Law* provides a more in-depth overview of this field covering the past twenty years.

²² ALDF, *Animal Law Books and Periodicals*, <http://aldf.org/resources/law-professional-law-student-resources/law-students-saldf-chapters/animal-law-books-periodicals> [<http://perma.cc/0aaWG6Bi74X>] (accessed Nov. 16, 2013) (listing animal-law-related journals: The *Global Journal of Animal Law* is an online publication of Abo Akademi University Department of Law in Finland. The *Journal of Animal and Natural Resource Law* is a publication by the students of Michigan State University College of Law. The *Journal of Animal and Environmental Law* is an online journal at the University of Louisville, Brandeis School of Law. The *Journal of Animal Law and Ethics* is a publication by the students of the University of Pennsylvania Law School. The *Journal of Animal Law and Policy* is an online publication of Stanford Law School.).

creasing growth in this field.²³ The Oregon State Bar now has an Animal Law Section,²⁴ and the American Bar Association, Tort, Trial, & Insurance Practice Section now has an Animal Law Committee.²⁵ The field of animal law shows no signs of slowing down.

And as animal law has grown, so too has *Animal Law Review*, keeping pace with an ever-expanding field. However, as then Editor in Chief, Laura Cadiz, noted in her 2008 introduction reflecting on fifteen volumes of *Animal Law*, the journal has seen its fair share of struggles.²⁶ *Animal Law* continues to be independently funded, receiving the bulk of its funding from an annual ALDF grant, with the remainder of the budget covered by donations and subscriptions. Unlike the other Lewis & Clark journals, *Animal Law* is unique in that it does not receive official administrative support from the school.²⁷ Instead, the administrative gap has been filled by efforts of the Board, with support from the Lewis & Clark office of Business Services.²⁸

Animal Law is now composed of nine Board members, with approximately twice the number of total staff as when it began.²⁹ The journal publishes twice yearly, in the fall and spring. The latest issue, volume 19.2, was one of the largest issues *Animal Law* has published, coming in at a total of 333 pages. This issue featured articles based on topics discussed at *Animal Law*'s second annual symposium, addressing animals and constitutional law.³⁰ Speakers at the symposium included Professor James Oleske, Jr., Professor William Funk, Jeffrey Kerr of People for the Ethical Treatment of Animals, and Mariann Sullivan of Our Henhouse.

The annual symposium, which encourages dialogue from diverse perspectives and novel scholarship in the field of animal law, continues to inspire interest in the journal and the field. *Animal Law* is grateful for the countless hours and tireless effort Jaclyn Leeds put into re-

²³ Center for Animal Law Studies, *Animal Law LL.M.*, http://law.lclark.edu/centers/animal_law_studies/curriculum/LLM [<http://perma.cc/0eZy5t4784x>] (accessed Nov. 16, 2013).

²⁴ Oregon State Bar, *Home of the Animal Law Section of the Oregon State Bar*, <http://www.oregonanimallaw.com> [<http://perma.cc/B3C9-K9K2>] (accessed Nov. 16, 2013).

²⁵ American Bar Association, *Tort Trial & Insurance Practice Section: Animal Law*, <http://apps.americanbar.org/dch/committee.cfm?com=IL201050> [<http://perma.cc/09PmENqD6eC>] (accessed Nov. 16, 2013).

²⁶ Laura Cadiz, *Fifteen Volumes of Animal Law*, 15 *Animal L.* 1, 1 (2008).

²⁷ A special thanks to Sue Page for the invaluable administrative assistance she provided to *Animal Law* on a volunteer basis during volume 18.

²⁸ *Animal Law*'s Business Editor currently handles most administrative duties, including maintaining the subscription list, processing new subscriptions, and invoicing subscribers.

²⁹ The Board is comprised of an Editor in Chief, two Managing Editors, a Business Editor, two Form & Style Editors, two Submissions Editors, and a Legislative Review Editor. Total staff size this spring semester will be approximately thirty students.

³⁰ 19 *Animal L.* 213 (2013).

establishing this event in 2011,³¹ and is also grateful for the growing support Lewis & Clark is showing for this event.³² This year's third annual symposium, *The Endangered Species Act at 40: What It Means for the Animals as America's Strongest Wildlife Law Goes over the TVA v. Hill*, was an engaging event with a record number of attendees, featuring:

Introduction

Dan Rohlf, Lewis & Clark Law School

The Fight over Science in the ESA

Brie Sherwin, Texas Tech University School of Law

Addressing Climate Change in ESA Listing

Michael Blumm, Lewis & Clark Law School

The 2011 "Warranted but Precluded" ESA Listing Settlement

Jay Tuchton, Defenders of Wildlife

ESA Case Law Update: Red Wolves Rebound

Tara Zuardo, Animal Welfare Institute

Rethinking Standing and Irreparable Harm under the ESA

Danny Lutz, Animal Legal Defense Fund

Lessons Learned since TVA v. Hill

Zygmunt J. Plater, Boston College School of Law,
lead attorney for citizen plaintiffs in *TVA v. Hill*³³

The volume 20.2 symposium issue will commemorate *Animal Law's* twenty years as the nation's foremost animal law journal by celebrating the historic anniversary of the nation's strongest wildlife law, and will include articles by the symposium panelists.³⁴

³¹ Ms. Leeds served as *Animal Law's* Symposium Editor for 2011 and 2012. *Animal Law* hosted a symposium in 1995 and 2006, and did not host another symposium until Ms. Leeds re-established the event in 2011.

³² Lewis & Clark Law School Dean Robert Klonoff secured funding from the school for the 2011, 2012, and 2013 *Animal Law* symposiums.

³³ Animal Law Review, *The 2013 Animal Law Review Symposium*, http://law.lclark.edu/law_reviews/animal_law_review/symposium [<http://perma.cc/0fbtuL1pQTc>] (accessed Nov. 16, 2013).

³⁴ The symposium issue, volume 20.2, is due out the summer of 2014.

