

## **Animal Law Section**

### **Meeting Minutes**

**August 29, 2023**

#### I. Call to Order

II. In Attendance/Introductions: Sunrise Ayers, Margie Cleverdon, Kristi Running, Jane McElligott, Mandie Stuhan

#### III. Old Business

A. New slate of officers: Chair – Sunrise Ayers; Vice Chair – Ashley Marelius; Secretary/Treasurer – Eileen Johnson; At Large Members – Adam Karp, Tyler Lobdell, and Jane McElligott; Past Chairperson – Eileen Johnson

#### IV. New Business

A. Discussion of top two goals for this coming year:

1. Grow membership
2. Increase 30-minute CLE's offered at the meetings to 8 per year
3. Hold and record a 2-3 hour CLE – Would add one to our library of CLE's that could be purchased or checked out. What if we recorded our zoom CLE's and combined them into one CLE checkout at the end of the year; would just have some minimal production costs involved.
4. Choose and complete a community service project
5. Increase section revenues
6. Cultivate incoming leadership
7. Outreach and education to law students and new lawyers about animal law and the section – important to include new attorneys, not just students and young attorneys. The Bar is having a student Section Fair this fall (11/08 in Boise).
8. Other ideas or discussion: Love the CLE idea because that makes the meetings worth coming to. Kristi is meeting with the SALDF students next week so she can get more info on things they might want to coordinate on. By email, Tyler voted for the grow membership and outreach/education to law students and new lawyers goals. Via email Adam said he thinks we need to do a half or full day CLE to do a legislative/judicial/regulatory update. He likes the mini-CLE's but thinks 8 is ambitious. He thinks membership will grow if offer more value via CLE's or a listserv. He likes a community service project but it would be for locals so he'll defer on that.

V. CLE Presentation by Mandie Stuhan, the Executive Director at Horse & Halo – *A Discussion of the State of Idaho v. Jerry Commons Case*

A. Horse & Halo is established for horse owners who are at end of life. 27% of horses who are sent to slaughter were due to a family member being ill or passing away. They have expanded to also include advocacy. They are located in Nampa and have 17 acres and 22 acres. Even though their mission is to keep horses out of the slaughter pipeline, they see a correlation with neglect and abuse. “Advocate for equines by building awareness, providing assistance, and taking action.” Purpose: 1) keep horses out of the slaughter pipeline; 2) keep horses out of being at risk; 3) educate people and help owners to provide better care and offer resources.

B. “That’s just an old horse.” Birdie had been reported for 15 years. The State veterinarian came out after 5 years but then no one followed up. She was a 30+ year old mare. They had come out 12 times but just left her there. Horse & Halo went out (video of conditions). She had lived in 4 feet of manure; she had 20 inches of feet; she had been away from horses for 10 years. She went over to negotiate with the owner, she had \$1500 in cash but they declined. So she pulled up the statute and she called Robert from Idaho Horse Rescue. So she called the sheriff and told him he was going to be there in 20 minutes. She showed him the videos. The deputies who had been out there over the last 6 months had not seen Birdie. She talked to him about the statute and that he had authority to seize her. Within 7 minutes they did go and seize her. The sheriff called and said, “ we don’t have the resources to handle this, can you come get her.” With dog and cat seizures, they will take all of the animals; this owner had 14 other mares but they didn’t have the resources to take all of them even though they were being neglected as well. The owners was cited under the statute; it was his first offense. They started Birdie’s rehab process but were also watching the other 14 horses there; they were going 7 days without food. Perkins Coie (Chris Fout) represented Horse and Halo throughout the case. What they were able to accomplish was: he pled guilty; they negotiated an agreement that he could no longer have livestock on his property; the judge gave him 90 days in jail (waived) and awarded Horse & Halo \$500 in restitution and was fined the maximum amount (waived). Birdie passed away 48 hours after they got the judgment, with her favorite rooster, Henry.

C. She interviewed several people who had been charged with animal neglect. And she heard stories of people being threatened, camping out by their property; they had kids in junior high. She doesn’t like that they committed these crimes, but that type of harassment isn’t the solution.

D. Idaho is 2<sup>nd</sup> or 3<sup>rd</sup> from the bottom for animal abuse/neglect laws. Where we are falling short: mandated reporters, felony level penalties, resources for law enforcement, education on what neglect looks like. The direction we need to go is: 1) educate law enforcement (the State Veterinarian has that role right now, but he is only one person) and/or have them partner with case workers who can identify abuse and neglect. 2) she doesn’t want to overhaul the statute, but we can’t function within the current structure. Even if they see neglect, they just give them 30 days to put them in shelter and feed them. There are parts of the system that need to be expanded on or changed. Understanding the statute was her biggest asset. It’s not Horse & Halo’s place to bully owners; if an animal is suffering, her goal is not to fix the human but to

advocate for the animal; if they make the owner feel less than, they are no longer a resource that the owner will use. Every single horse at their sanctuary had been reported and nothing was done. Only one county sheriff in the state has a trailer. None of them, except Ada County, have a place to take them.

E. The statute does not need an overhaul; we need to define a few areas so its not so broad. For example, since March 6 horses have been tied to a horse trailer 23 hours a day. The statute doesn't cover that. That is an example of things in the statute that need to be more clear.

F. The training and resources need to go hand in hand. In Vale, they just added an animal welfare officer to the department. There should be a task force off the Dept of Ag, that would be in charge of working with the owner and with law enforcement and creating solutions and compiling resources.

G. The Dept of Ag had actually been out there several times; they would cut off her feet, but would just leave her there. If deputies don't reach out for help, the State Veterinarian won't get involved; he won't get involved unless invited to by law enforcement. Every county gives the owner 30 days to improve quality of life for the animal but that isn't anywhere in the statute.

VI. Meeting Dates Scheduled with the Bar already: 10/24; 12/26 (keep this date or move to 11/28, 12/19, or a Tuesday in January?)

VII. Adjourn