

**MEETING MINUTES**  
**ISB ANIMAL LAW SECTION MEETING**  
February 14, 2017 12:00 Noon MST

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**ORGANIZATIONAL MEETING**

In attendance: Shannon Dearing, Jared Hight, Eileen Johnson, Brian Ertz, Ashley Marelius, A. Semanko, Adam Karp, Sunrise Ayers

**I. Call to Order**

**II. CLE Presentation:** Brian Ertz, Ertz Law, PLLC, presentation on the Endangered Species Act and the McKittrick Policy. Mr. Ertz spoke about how the Endangered Species Act makes it a crime to kill an endangered species regardless of whether a person was aware that the animal killed was listed or not when he pulled the trigger. However, despite the clear language of the statute and all judicial construction upholding strict liability, the Justice Department issued a policy abstaining from prosecuting those crimes except where they could prove the killing was "knowingly." Now, perpetrators have been able to get away with killing endangered animals by simply saying they thought it was something else. Discussion of ESA and how it is one of the few federal statutes that private citizens can petition to compel enforcement. Discussion of McKittrick Policy imposing a standard requiring showing willfulness by defendant; has made convictions much more difficult. ESA remains very popular, but will be at risk in current administration.

**II. Review prior minutes** – We did have a quorum, voted and approved September and December, 2016 meeting minutes.

**III. Open meeting for comments** – Chicago Animal Law Summit is coming up on August 17<sup>th</sup> and 18<sup>th</sup>. Will we send a delegate? Washington could pay for Idaho delegate if Adam covers Idaho or another WA Section member. Does someone want to attend on behalf of Idaho? Need to let Chicago know by March 1<sup>st</sup>. Washington Section Treasurer is in Spokane, suggested a joint CLE in North Idaho. Need to appoint someone from our section to be the liaison. Ashley and Eileen will work on that.

**V. Adjourn**

**THE NEXT SCHEDULED SECTION MEETING WILL BE APRIL 11, 2017**