



A 'Dog's Life' Upheld

Recently I traveled more than 30 miles to attend the sentencing of a young man convicted of animal cruelty for tying a domesticated dog to a tree and “punishing” it in ways too inhumane to describe. The dog somehow survived and now lives with a foster family—a true measure of animals’ resiliency.

At the courthouse, crowds cheered when word spread that this creep received as much jail time as the court could legally impose.

What renders such strong sentiments? Probably it is our pets’ undivided loyalty, affection and complete lack of guile that makes us so emotional about them.

This is also why the pet population has increased even faster than ours, with nearly one pet for every two Americans. One survey revealed that more than half of pet owners would prefer a pet to a human if stranded on a desert island. Count me in.

Unfortunately, despite the obvious fact that household pets are a very important part of American life, our law has seriously lagged in addressing animals’ rights.

Most states still view animals as personal property without special value. If someone steals, injures or kills Fido, the courts say you get next to nothing. One state appellate court refused to enforce an agreement between divorcing spouses for sharing their family dog. While recognizing that pets enjoy a special status, the court ruled that the sharing agreement was “analogous in law, to a visitation schedule for a table or a lamp.”

The “table or lamp” view has produced serious issues in light of Hurricane Katrina. Pets were unwelcome on public transportation, in evacuation vehicles, and even in rescue boats and helicopters. Many pet owners refused to evacuate and leave their pets behind. And a small portion of the population returned their pets to their homes—or tied them outside—providing them food and water before evacuating.

Thousands of pets left behind roamed the city, threatened by toxic water and starvation. National animal shelter organizations’ efforts resulted in a sprawling animal intake center. Rescue groups combed the city, picking up and feeding thousands of stray pets, and sending them to shelters nationwide.

Petfinder.com became the “official” site for Katrina dog owners and Katrina dogs, with many happy reunions. In many instances, however, pets reached shelters in faraway states and eventually were adopted by new families who were assured that the pets were theirs to keep.

In the recent effort for pet reunions, lawsuits—and threats of them—have sprouted between “original” owners and adoptive families. Like most states, Louisiana

treats pets as personal property that, if lost, may be recovered from a “possessor” within three years. Original owners, who may have abandoned their pets or done little to protect them, are taking advantage of these antiquated, inapposite laws. As a result, bitter situations have arisen. Whether courts will strictly interpret Louisiana’s property law and order a reuniting of original owner and pet, or consider equitable factors that favor the adoptive owners (as was done in one prior case), remains to be seen.

To date, only one case has been litigated. A New Jersey court ordered

a dog’s adoptive family to return it to the original owner in Louisiana.

The emotional upheaval of original owners and adoptive owners is palpable and is bound to generate more cases. At the core of this debate is the 19th century law that beloved pets are “lamps and tables.” It cannot be that simple. Pets are precious and often considered a part of the family. Our laws should treat them that way.

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