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**ABA Adopts Policy Based on Tort Trial & Insurance Practice Section Resolution on Humane Treatment of Seized Animals**

CHICAGO, March 3, 2011 - On Monday, February 14, 2011, the American Bar Association's 560-member policymaking House of Delegates met during the ABA's Midyear Meeting in Atlanta, GA to discuss policies relating to a broad range of issues which are advocated for by state and local bar associations, specialty legal groups within the ABA or affiliated with the association, and individual members.

As a result of the meeting, the ABA Tort Trial & Insurance Practice Section's (TIPS) Resolution 108 (B), which calls for federal, state, territorial, and local legislative bodies and governmental agencies to adopt laws and implement policies to ensure the humane treatment and efficient disposition of seized animals from a scene of seizure was adopted.

The policy is intended to address problems that arise when animals are seized as a result of civil actions or criminal prosecutions. Many jurisdictions do not have procedures and protocols in place in advance of the seizure of the animals which can lead to inefficiencies in the prosecution of these cases and harm to the animals. The animals seized in these cases may be in the temporary custody of the governmental authority for a lengthy period of time prior to the final determination of their legal status.

Recent seizures of animals have illustrated the challenges faced by authorities dealing with these cases. From high profile cases such as the allegations in the Michael Vick/Bad Newz Kennels case in 2007 and the July 2009 multi-state seizure by federal authorities of hundreds of dogs in the Midwest relating to dog fighting to hoarding and cruelty cases prosecuted by state and local authorities, the seizure of animals occurs on a daily basis. Potential defendants and the animals are benefited when there is an efficient process in place that provides for the humane treatment and disposition of seized animals.

The policy establishes effective evidence collection and identification of each animal at the scene of the seizure; provides prompt and continuing veterinary attention for each animal as warranted by each animal's medical condition; establishes a protocol for humane and appropriate

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confinement for the animals; provides that the person who has ownership or control of the animals at the time of the seizure must post a reasonable bond or security or, in the alternative, promptly surrender the animals to the custody of the lawful authorities; utilizes a timely process to determine the disposition of the animals and provides for prompt transfer to an appropriate rescue organization or adoptive home with humane euthanization occurring only if an animal's medical or behavioral condition warrants such action or it is determined, after reasonable time and effort have been expended, that no appropriate placement for an animal exists; and provides that the localities and/or organizations caring for the animals be granted restitution for the costs incurred for the care of the animals not covered by a reasonable bond or security by any person who does not promptly surrender such animals.

According to Mariann Sullivan, Chair of the TIPS Animal Law Committee, "The passage of this resolution is such an important step in encouraging the development of the law in a way that recognizes the need for humane treatment and individual evaluation of animal victims of cruelty. Frequently, animals who are seized in cruelty and fighting cases are simply euthanized, which is unfair to those who are capable of rehabilitation and rehoming, and also leads to the loss of important evidence. We believe that this strong statement from the Association will lead to a recognition in jurisdictions across the country that they can do better by these victims."

The ABA Tort Trial & Insurance Practice Section's Animal Law Committee, Chaired by Mariann Sullivan, was extremely proactive and instrumental in the resolution and resulting policy. The Committee addresses all issues concerning the intersection of animals and the law including: estate planning for companion animals; liability standards and insurance coverage when an animal causes harm; appropriate compensation when an animal is killed or injured; standards of care and accountability for animals used in industry and agriculture; expanding notions of what constitutes "cruelty to animals," and the competing interests of wild animals and humans in dwindling resources.

The [ABA Tort Trial & Insurance Practice Section](#) unites plaintiff, defense, insurance, and corporate counsel to advance the civil justice system. TIPS is a national source of expertise in tort, trial and insurance practice and brings lawyers together to share information and speak out on issues of importance. The section has about 30,000 members and 32 general committees that focus on substantive and procedural matters in areas across the broad spectrum of civil law and practice. For more information about the Tort Trial & Insurance Practice Section visit the TIPS website, [www.abanet.org/tips](http://www.abanet.org/tips).

With nearly 400,000 members, the [American Bar Association](#) is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.