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## Whose Pain Is It, Anyway?

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# CLINIC OFFERS A NEW LEVEL OF HELP

**L**ike a playful puppy that grows into a 60-pound Labrador, a Law School project serving animal-related clients has expanded into a full-fledged clinic.

The new Animal Law Pro Bono Clinic, a one-semester course being taught this fall by Professor **Kim Diana Connolly**, grew out of earlier pro bono work in which students addressed issues such as how municipalities should deal with free-roaming “community cats” and how to prevent the abuses of dog breeding mills. “The level of commitments that we took on because of student interest in community engagement made it bigger than something I could do as a side project,” says Connolly, who is also vice dean for legal skills and director of clinical legal education. “There’s a lot of interest in this, a lot of great work to be done.”

As in all clinics, students will hone their practical legal skills both in the classroom and while serving not-for-profit clients from the local community. Importantly, Connolly says, “Students are not taking the clinic to learn cat law or horse law. They’re taking the clinic to learn how to work with clients, how to make appearances on behalf of clients in court, how to draft a model contract

for a client, how to draft amendments to state law and introduce them in the Assembly. This is about learning skills and applying them to clients who work for animal welfare.”

In a carryover from students’ previous work, clinic students will continue to

*“Students realize the skills they are gaining will be applicable to any area of legal practice.”*



– Professor  
**Kim Diana  
Connolly**

work with local governments that are seeking to pass local laws dealing with “community cats” – felines that roam freely, posing some problems but also keeping rodent populations down. Those discussions spring from consideration of a model ordinance, developed by SUNY Buffalo Law students, on how such cases should be managed.

A new project will be to

develop a model contract, on behalf of a local organization that finds new placements for retired thoroughbred racehorses, to ensure good outcomes from those adoptions. “Just about everyone who adopts a horse has his heart in the right place,” Connolly says.

“There are some very bad apples, though. We’ve been asked to draft an enforceable model contract to make sure people don’t say they are going to adopt the horse for good reasons and then go off and do nefarious things.”

A further project is to help with investigations of those who have been accused of

breaking animal welfare laws.

The clinic will comprise six second- and third-year students. “I was amazed at the students who were interested,” Connolly says. “In part it’s because they love animals, but in part it’s because they realize these skills they are gaining will be applicable to any area of legal practice.”



## Whose pain is it, anyway?

**W**hy is it a crime to stomp on a goldfish? Professor **Luis E. Chiesa**, who serves as the Law School’s vice dean for academic affairs and directs the Buffalo Criminal Law Center, asked that question in a provocative – and frequently cited – scholarly article published in the *Mississippi Law Journal*.

Chiesa’s paper sprang from a case in which a defendant was convicted of felony animal cruelty for killing the pet goldfish of a 9-year-old boy. The stomper had argued that because the goldfish died instantly, his offense didn’t rise to the level of “aggravated cruelty” defined in the statute as a felony.



Professor Luis  
E. Chiesa

The court, Chiesa said, reasoned that anti-cruelty statutes aim to deter people from hurting animals not to protect the animals, but so that people won’t suffer emotional pain. His article argued against this view.

“The best way to account for the most salient features of anti-cruelty statutes is by acknowledging that the victims to be protected by the enactment of such laws are animals, not human beings,” he wrote.

“By misapprehending the nature and purpose of anti-cruelty statutes, the court gave short shrift to the only being whose interests were sought to be protected by such legislation – the animal harmed – in this case, Junior the goldfish.”