



BY ANGELA MORRIS

PUBLISHED: NOV 2, 2016

## 'Mother of Animal Law' Parlayed Her Passion Into a Profession



Joyce Tischler.

One of Joyce Tischler's earliest memories as a child was bringing home an injured bird to nurse back to health. That passion to help animals propelled her to a career with the Animal Legal Defense Fund, which she has led for more than three decades.

"It wasn't a career path when I started down it—there was no animal law," said Tischler, 63. "We invented it."

People who know Tischler use words like "pioneer" and "visionary" to describe her. Tischler said she can't remember who first called her "the Mother of Animal Law," but the title stuck. Tischler's peers say it's an apt moniker for the lawyer who may have penned the first legal article about animal rights, "Rights for Nonhuman Animals: A Guardianship Model for Dogs and Cats," while still in law school.

She co-founded the first lawyer group focused on animal law, which became Cotati, California-based ALDF, now the country's biggest nonprofit animal law group.

"I'm so lucky to have been able to make this my career," said Tischler, who was ALDF's executive director for 25 years and has served as general counsel for the past 10 years.

Tischler and ALDF's cases have covered a broad range of legal issues like pet custody, standing to sue, challenges to hunting and trapping, will provisions about animals and damages for injury or death of companion animals, said Meena Alagappan, the 2009 chairwoman of an American Bar Association committee that honored Tischler for advancing animal law.

"She has been largely responsible for the development of the animal law movement in this country," said Alagappan, executive director of Humane Education Advocates Reaching Teachers in Mamaroneck, New York.

In Tischler's nearly 40-year legal career, she said her favorite case, *ALDF v. Woodley*, saved hundreds of dogs from an animal hoarder in North Carolina. Most states criminalize animal cruelty, but in North Carolina, a unique law gives broad standing for a plaintiff to sue and win a civil remedy to ensure the protection and humane treatment of animals.

ALDF used the law in 2004 to sue Robert and Barbara Woodley, who kept 500 dogs in horrible condition. They were locked in crates stacked on top of each other, breathing poor-quality air because they were closed in with their waste and were in need of medical attention for blindness, rotten teeth and other diseases.

After the couple was found guilty of animal cruelty, the ALDF, in the civil case, ended up with possession of the 300 dogs that had survived—and no funding to care for them.

One volunteer opened his large, vacant warehouse to house the dogs. A pet store donated caging, fencing and food. Veterinarians donated thousands of hours of work, and other volunteers took 14-hour shifts cleaning crates, feeding dogs and helping socialize them for adoption.

"It was magical in a way, because you had these California radical animal rights weirdos working with these good old boys and good old girls from Sanford, North Carolina. Politically and in many ways we might not jive. We all came together over these dogs," recalled Tischler.

Meanwhile, the defendants appealed the case and lost, and the North Carolina Supreme Court refused to review the decision. That meant ALDF laid the framework for future plaintiffs to enjoy broad standing to use the civil animal protection law, explained Tischler.

"We set this amazing precedent," she said.

ALDF also runs a criminal justice program to offer behind-the-scenes assistance to prosecutors in animal cruelty cases. For example, ALDF lawyers conduct legal research and awards grants for expert witnesses or DNA evidence analysis.



*Luke, a pit bull puppy.*

Tischler recalled one case in Pennsylvania in which a man allegedly threw his dog, Luke, against a wall, shattering its shoulder, and then neglected to give the animal any medical care. After a key witness, who had reported the incident to law enforcement, changed her testimony at trial, the man was acquitted, Tischler said, and he demanded the return of the dog.

ALDF worked with the prosecutor to formulate a novel legal strategy, calling Luke "derivative contraband." Tischler explained that testimony at trial did show the man neglected Luke by failing to get it medical care for the injury. The neglect was a separate crime, and Luke was involved in that unlawful act. A judge agreed with the argument and ruled that the state did not have to return Luke to the owner, said Tischler.

## Forming a Movement

Tischler recalled that early in her career, it was easy to recognize her passion for animals, but hard to figure out how to get paid for it. She worked for a San Francisco Bay Area real estate firm, but wasn't happy. She volunteered for an animal group, where she met a San

Francisco attorney, Larry Kessenick, who was also interested in protecting animals with the law. Together in 1979 they founded Attorneys for Animal Rights.

A 1981 case they handled involving wild donkeys had a big influence on Tischler. She said that the U.S. Navy had a problem at a weapons testing facility in the Mojave Desert: Feral burros were sleeping on landing strips—a hazard for airplanes. Navy sharpshooters had already killed 600 burros and planned to shoot 5,000 burros total.

Tischler stayed up all night drafting a pleading for her clients, the Animal Protection Institute and the Fund for Animals, and flew to Fresno, California, the next morning. She won a temporary restraining order from a federal judge to stop the burro shootings. Eventually the case settled without any more burro deaths.

The case attracted a lot of media attention and Tischler convinced another animal protection group to give her a \$6,000 grant for Attorneys for Animal Rights.

“That’s all I needed. I was single. I had a dog and two cats,” Tischler said. “I could live on \$1,000 a month. That’s what the burro case did for me: It saved 5,000 burros; it saved me from a life and career I hated; it got me doing this work full time.”

In 1984, Attorneys for Animal Rights changed its name to the Animal Legal Defense Fund.

Although she brought some of the first lawsuits, Tischler was not a longtime litigator for ALDF, noted Steven Wise, former ALDF president. Instead, she excelled as an inspirational manager and organizer, he explained.

“Her organization ability and her determination to grow the organization and her sense of humor and her ability to manage well and to listen very closely—I think those were all things that helped her succeed,” said Wise, founder and president of the Nonhuman Rights Project in Coral Springs, Florida. “She is a good lawyer who is good at moving other lawyers towards doing what they need to do.”

ALDF now employs 16 staff attorneys who handle their own cases, oversee volunteer attorneys’ work and more. The group has relied heavily on pro bono lawyers over the years. The team consists of 1,700 lawyers from 450 law firms—including some of the biggest in the nation, such as Morrison & Foerster, Dentons, Proskauer Rose, Polsinelli and Locke Lord. At any one time, the group is handling 50 active cases, Tischler said.

“In 2015 we estimated it was over \$3 million worth of in-kind legal services donated from the attorneys,” she said. “They love doing this work. It’s meaningful to them. They find it fun—it’s intellectually stimulating.”

ALDF also reaches out to law students to form student chapters—there are 180 across the nation—and it encourages law schools to start animal law courses. In 2000, only eight or nine adjunct professors were teaching animal law courses, but now, law schools across the nation offer at least 160 animal law courses, Tischler said.

“It’s been very significant. I think our society is changing and there are people now going to law school who want to practice animal law,” Tischler said.

*Follow Angela Morris on Twitter: @AMorrisReports*