
The West Virginia State Bar
Animal Law Committee Seminar

Friday, April 22, 2016

Capitol Conference Center

Capitol Street

Charleston, WV

Approved for 6.6 CLE hours

\$50 per attendee

April 22 Animal Law Seminar

8 a.m. to 9 a.m. - Registration

9 a.m. to 10 a.m. - Session: Animal Law in West Virginia: A View from the Bench

Justice Brent Benjamin has heard various animal law matters during his time on the bench with the West Virginia Supreme Court of Appeals. This discussion will focus on the various animal-related cases that have come before the West Virginia Supreme Court of Appeals and how the Court's decisions have further interpreted and defined animal law in West Virginia.

Presenter: Justice Brent Benjamin, West Virginia Supreme Court of Appeals

10 a.m. – 11 a.m. - Session: Pet Trusts and the Alternatives

Join us in a discussion of the evolution of pet trusts in the United States and, more particularly, West Virginia. We will explore the pros and cons of establishing a Pet Trust and the alternatives available. As case law has further defined the parameters needed to pass a challenge by the heirs, we will also explore specific language and limits that should be considered when advising our pet loving clients.

Presenter: Heather Dern Myers of the The Law Office of Heather Dern Myers, PLLC, is a native of the Eastern Panhandle and attended Shepherd University before obtaining her law degree from Washington and Lee University in Lexington, Virginia. She immediately obtained law licenses in the State of West Virginia and the Commonwealth of Virginia. After over 25 years managing bank trust departments, she decided to merge the experience she had in administering wills and trusts with her experience in law to begin practicing law focusing on the areas of Estate Planning and Elder Law. As a lifelong pet owner, she has also owned Heather's Helpers Pet Sitters for the past 11 years.

11:15 a.m. – 12:15 a.m. - Session: A New Breed in Custody Battles: The Family Dog

This session addresses the question as to how West Virginia courts will handle a dispute over custody of the family dog, cat or bird. Today, pets are part of the family. The term “Pet Parent” is used instead of owner, and indeed most people consider their pets “fur children.” However, most of our courts still see pets as mere personal property – a coffee table with a heartbeat, if you will. Courts are changing and exceptions are more the norm than ever. This session covers the basics of pet custody: how to present your case to the Court, the important role mediation plays in pet custody, and, most importantly, how to prepare BEFORE the split to enhance your client’s chances of keeping the family pet.

Presenter: Patricia Lawson, Patti Lawson, Esq., an award winning author, lawyer, newspaper columnist and public speaker who lives in West Virginia, with her dogs Sadie and Rusty. Patti’s first book, The Dog Diet, a Memoir, What my Dog Taught Me About Shedding Pounds, Licking Stress and Getting a New Leash on Life (HCI, Publishing, Inc., 2006) won the Dog Writer’s Association of America Maxwell Award for Dog Humor Book. The Dog Diet was honored by being listed on the McNaughton Library List. She is a frequent contributor to *The Huffington Post* and *AOL Paw Nation*. In 2012 Patti was awarded the AKC Responsible Pet Ownership Public Service Award. Her love of the law and dogs came together in her new book, What Happens to Rover when the Marriage is Over, and Other Doggone Legal Dilemmas! (Skyhorse Publishing, September, 2016).

12:15 – 1:30 – Lunch on your own

1:30 p.m. – 2:45 p.m. – Session: Assistance Animals: What You Need to Know for Your Clients

Attendees will be presented with an overview of West Virginia and federal fair housing laws, and how they apply to “assistance animals.” Mr. Kramer will also explore which animals may qualify as an assistance animal, and explain the distinction between “service animals” and “emotional support animals.” Additionally, Mr. Kramer will explore landlords’ rights to require monthly “pet fees,” documentation of the tenant’s disability, medical opinions related thereto, and proof that an assistance animal is certified. Mr. Kramer will also address precedential West Virginia and federal assistance animal case law and explore how it has evolved. Attendees will be presented with common defenses to the duty to make reasonable accommodations, and the presentation will explore how Mr. Kramer has approached these common defenses in litigation.

Presenter: Ronald Kramer is a graduate of the West Virginia University College of Law where he earned his law degree. Mr. Kramer is also a graduate of the University of Pittsburgh where he earned a Bachelor of Arts degree. Mr. Kramer is a member of the West Virginia State Bar and has been admitted to practice in the U.S. District Court for the Northern and Southern Districts of West Virginia. Mr. Kramer has a general civil trial practice with a focus on employment torts and West Virginia Human Rights Act violations. Mr. Kramer has prosecuted numerous civil rights claims in state and federal court, and has also represented claimants in Equal

Employment Opportunity Commission (EEOC) proceedings. As a United States Marine Corps veteran, Mr. Kramer enjoys prosecuting disabled veterans' claims involving violations of fair housing laws as they pertain to assistance animals. Mr. Kramer has also advised several large student housing communities on how to amend their policies to comply with the West Virginia Fair Housing Act.

3 p.m. – 4:15 p.m. - Session: Prosecuting animal crimes

This presentation will include information on the formation of statewide taskforces and statewide animal law units. The Virginia Attorney General's Office has created one of the first Animal Law Units in the country and the presentation will explore how the Unit evolved and why it was needed in the Commonwealth. The prosecution of animal abuse cases will be explained with an emphasis regarding the unique nature of these cases. The presentation will also include information on how to prosecute animal cruelty and animal fighting cases. Case examples will also be explored.

Presenter: Michelle Welch is a Senior Assistant Attorney General in the Virginia Attorney General's office. She is the Director of the newly created Animal Law Unit at the Attorney General's office. She is charged with taking all animal law questions in Virginia. She is called on by agencies all over the Commonwealth to act as a special prosecutor in animal cruelty and animal fighting cases. She has been appointed a special Assistant U.S. Attorney for the Western District of Virginia to aid in animal fighting prosecutions. She frequently gives advice to local law enforcement authorities and prosecutors all over Virginia and across the nation. She also trains prosecutors, animal control and law enforcement officers on the state of Virginia animal law. She is a frequent speaker at many conferences, including the Virginia Animal Control Association. She is the President of the Virginia Animal Fighting Taskforce. She is a senior faculty member for the Association of Prosecuting Attorneys (APA) and is the Chair of the Animal Law Curriculum Advisory Committee for the APA. She is adjunct faculty for Animal Law at the University of Richmond Law School and William & Mary Law School. She has testified before a Congressional Caucus examining the enforcement of animal laws and the cooperation between state and federal partners. In 2014, she was named Prosecutor of the Year by the Association of Prosecuting Attorneys. In 2013, she was named one of the Top 10 Animal Defenders in the Nation by the Animal Legal Defense Fund. She was presented with the Albert Schweitzer Medal for her work on behalf of animals in 2012 by the Animal Welfare Institute.

The Animal Law Committee would like to thank our wonderful sponsors for their assistance in this first WV Animal Law seminar!



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