

Amicus Brief to the Superior Court of California

by Professor Kristen Stilt (Harvard Law School) in
case of animal rights activist Wayne Hsiung

presented by Jana Scheil

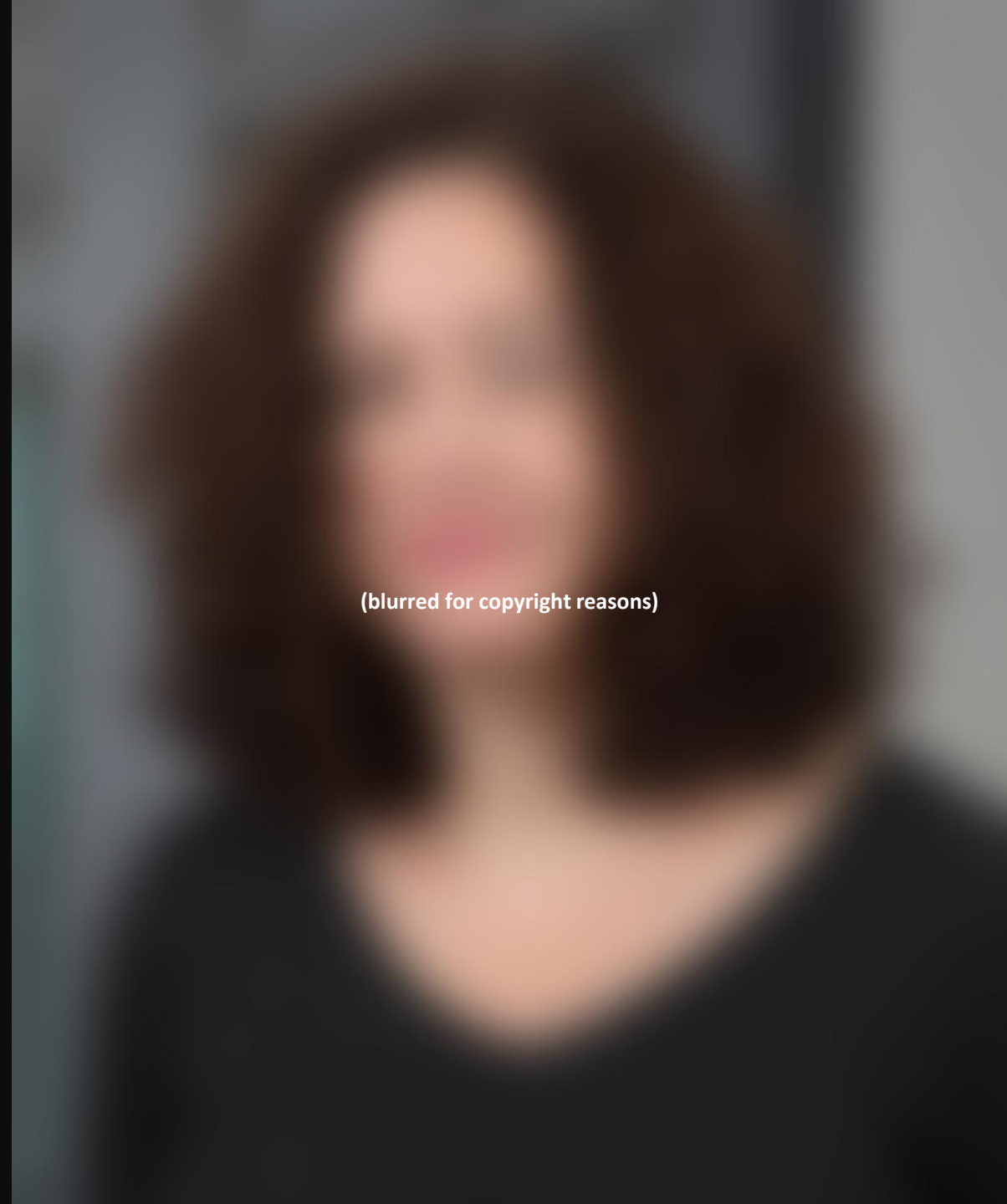
Agenda

- 01 Background
- 02 What is an Amicus Curiae Brief?
- 03 Facts of the Case
- 04 Necessity Defense
- 05 Stilt's Arguments
- 06 Critical Evaluation
- 07 Conclusion
- 08 Questions and Discussion

01 Background

Who is Kristen Stilt?

- Professor of Harvard Law School
 - Founding Faculty Director of the Harvard Law & Policy Program
 - Frequently advises courts through amicus curiae briefs
 - Her legal arguments have been cited by high courts, including the Constitutional Court of Ecuador
-



(blurred for copyright reasons)

01 Background

Defendant – Who is Wayne Hansen Hsiung

- American animal rights activist and attorney
 - Co-founder of Direct Action Everywhere
 - Known for advocating open rescue of animals from factory farms and enters therefore farms without permission
 - Conducted investigations into alleged animals from factory farms
-



02 What is an Amicus Curiae Brief?

- “Amicus curiae” is Latin for “friend of the court”
- An amicus is not a party of the litigation, it provides independent legal expertise
- The arguments are persuasive, but not legally binding
- Amicus briefs often address issues of public importance and may introduce comparative law or academic research
- Courts can decide whether to accept an amicus brief

03 Facts of the case

- Wayne Hsiung investigates conditions on animal farms
 - In order to save animals from suffering, he removed sick animals from commercial farms
 - He claims his actions were motivated by necessity and therefore he does not owe a punishment
 - The case raises important questions about criminal law and focuses on the limits of the necessity defense
-

(blurred for copyright reasons)

04 Necessity Defense



Under California Law, the necessity defense prevents punishment when greater harm is avoided



It justifies conduct in exceptional emergencies



Elements of a necessity defense situation:

1. Immediate emergency
2. No reasonable legal alternative
3. Harm can be prevented from “**someone else**”
4. The harm prevented outweighs the harm caused

04

Necessity Defense

Central legal Question:

- Who qualifies as “someone else”?
- Does the Phrase also include animals or only human beings?
- Professor Stilt addresses this central legal question in her amicus brief

05 Prof. Stilt's Central Thesis

- California Law recognizes animals as sentient beings
- Animals are capable of suffering
- Several California statutes prioritize animal welfare
- Property rights may yield to emergency animal rescue and therefore, animals should fall within the necessity defense
- Existing law already supports this interpretation and no new defense is required
- The brief argues for interpretation – not judicial lawmaking

05 Argument I: Vehicle Confinement Law

- The law prohibits leaving animals in hot vehicles and protects them from heat-related suffering
 - It allows private citizens to rescue animals and limits liability for property damage
 - It demonstrates the legislative concern for animal welfare and shows that property laws are not absolute
 - The statute complements rather than replaces the necessity defense
-

(blurred for copyright reasons)

05 Argument II: Good Samaritan Laws

- Authorize emergency medical assistance
- Protect emergency responders and promote rapid emergency action
- It applies to pets and domesticated animals, that also includes farm animals
- Stilt interpretes that terms like “others” may include animals
- She takes it as a strong argument for applying the necessity defense in a similar way



05 Argument III: Impounded Animal Law

- This Law applies to domesticated animals and demonstrates that owners have a legal duty of care
- Third parties may enter private property in emergencies and even entry can be lawful
- It supports emergency intervention and protects vulnerable animals

06 Critical Evaluation - Strengths



Well-structured legal reasoning



Stilt uses strongly the legislative history to interpretate existing law in an innovative way



She shows consistency across different ideas of law and uses several independent statutes

06 Critical Evaluation – Possible Criticism

- Enforceability relies heavily on public policy and supporting case law (= limited)
- No binding precedent directly on point
- Criminal defenses are often interpreted restrictively
- Expansion of defenses may be viewed as legislative rather than judicial

07 Conclusion

- The court acknowledged the amicus brief and stated that it had considered her arguments
- California law increasingly recognizes animal welfare
- The court did not decide whether animals can qualify as “someone else”
- It held, that other elements of the necessity defense had not been sufficiently established, in particular the immediacy of the danger and the availability of legal alternatives
- The Court did not adopt her proposed interpretation of the necessity defense

08 Questions and Discussion

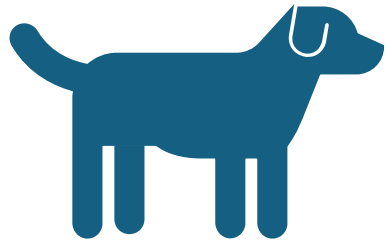


THANK YOU FOR YOUR
ATTENTION!

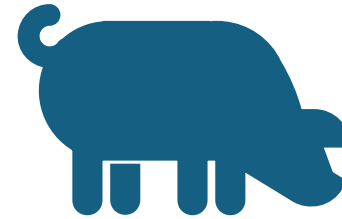


ARE THERE ANY
QUESTIONS REMAINING?

08 Questions and Discussion



Should the necessity defense
apply when the person being
rescued is an animal rather than a
human being?



Should the law distinguish
between pets and farm animals?