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For Professor Claus' Animal Law seminar Fall 2019

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What we will cover

- Tools for picking a paper topic
- Conducting a thorough literature review
- Crash course in administrative law sources
- Note-taking tools and techniques
- Citation style

Finding a topic

News

- Google News, LexisNexis, Factiva

Blawgs, advocacy organizations websites or listservs

- Assessing your sources
 - Bias
 - Well-sourced, supported
 - Currency

Journals and Law Reviews

- Check to make sure your topic has not already been covered
- Look for ideas on how to frame your topic



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Making Connections at the 2017 Animal Rights National Conference (and Beyond!)

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Posted by on August 24, 2017





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- Companion Animals (Pets)
- Education
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- Hunting and Trapping
- Law Enforcement
- Transportation
- Veterinarians
- Wildlife

Listed below are the current Top 10 Trending Laws

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Name/Link	Bill/Cite	State	Category
CRIMINAL CODE: Offenses Against Public Order and Safety; Interfering with Police Animals and Handlers: Definitions	ALA. CODE § 13A-11-260 (2015)	AL	Animal Abuse/Cruelty, Companion Animals (Pets), Law Enforcement
CRIMINAL CODE: Offenses Against Public Peace, Order and Decency: Animal-fighting - penalty	Colo. Rev. Stat. § 18-9-204 (2015)	CO	Animal Abuse/Cruelty, Companion Animals (Pets), Entertainment
CRIMES: Animals: Cruelty; Sales: Animal Enterprise Protection; Animals found in distress: when agent may take charge: hearing: disposition: sale	Fla. Stat. § 828.073 (2016)	FL	Agriculture, Animal Abuse/Cruelty, Animal Control, Companion Animals (Pets), Law Enforcement

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Victory Against Puppy Mills in Chicago

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Course



Animal law in a nutshell / Pamela D. Frasch (assistant dean of the Animal Law Program, executive director, Center for Animal Law Studies, Lewis & Clark Law School), Katherine M. Hessler (clinical professor of law, director, Animal Law Clinic, director, Aquatic Animal Law Institute, Center for Animal Law Studies, Lewis & Clark Law School), Sonia S. Waisman (partner, McCloskey, Waring & Waisman LLP)

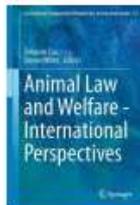
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Karp, Adam P., author

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Frasch, Pamela D., author
St. Paul, MN : West Academic Publishing, [2016]
xxix, 512 pages ;



3 **What can animal law learn from environmental law?**



Washington, D.C. : Environmental Law Institute, 2015
xxxi, 453 pages ;



4 **A worldview of animal law**



Wagman, Bruce A
Durham, N.C. : Carolina Academic Press, [2011], ©2011
xvii, 340 pages ;



5 **Animal law in a nutshell**



Frasch, Pamela D.
St. Paul, MN : Thomson/West, c2011.
xxxv, 405 p. ;



6 **Careers in animal law : welfare, protection, and advocacy**



Eisenstein, Yolanda
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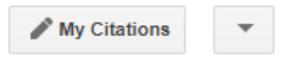


California mountain lion



Scholar

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Mountain lion and human activity in **California**: testing speculations
SG Torres, TM Mansfield, JE Foley... - Wildlife Society ..., 1996 - ucdavis.pure.elsevier.com
Abstract We compiled and analyzed 24 years (1972-1995) of verified incidents of **mountain** lions killing domestic animals (n= 2,663) to examine trend, distribution, and types of conflicts in **California**. To model the relationships between **mountain lion** depredation and various
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Trends in **California mountain lion** populations
KS Smallwood - The Southwestern Naturalist, 1994 - JSTOR
The status of the **California mountain lion** (*Felis concolor californica* May) population has been controversial and central to disputes regarding its management. Track survey methods and transects were developed during the 1980s to provide the only standard estimate of
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[CITATION] Effects of **mountain lion** predation on bighorn sheep in the Sierra Nevada and Granite Mountains of **California**
JD Wehausen - Wildlife Society Bulletin, 1996 - JSTOR
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Genetic structure of **mountain lion** (*Puma concolor*) populations in **California**
HB Ernest, WM Boyce, VC Bleich, B May, SJ Stiver... - Conservation ..., 2003 - Springer
Analysis of 12 microsatellite loci from 431 **mountain** lions (*Puma concolor*) revealed distinct genetic subdivision that was associated with geographic barriers and isolation by distance in **California**. Levels of genetic variation differed among geographic regions, and **mountain** lions
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J Paul-Murphy, T Work, D Hunter... - Journal of wildlife ..., 1994 - Wildlife Dis Assoc
Serum samples from 58 **mountain** lions (*Felis concolor*) in **California** (USA) were collected between April 1987 and February 1990. Nineteen serum samples were used for serum biochemistry determinations; the ranges were similar to reference values in domestic cats,
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Journal of Food Law and Policy, Vol. 6, 2010
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[Animal Studies: Law, Welfare and Rights](#)

With titles from the Animal Legal Defense Fund and Animal Welfare Institute, this collection aims to establish the foundational laws pertaining to animals and follow the evolution of these rights throughout the years. It includes philosophical books dating back to the 1800s, videos, periodicals, brochures, and more.

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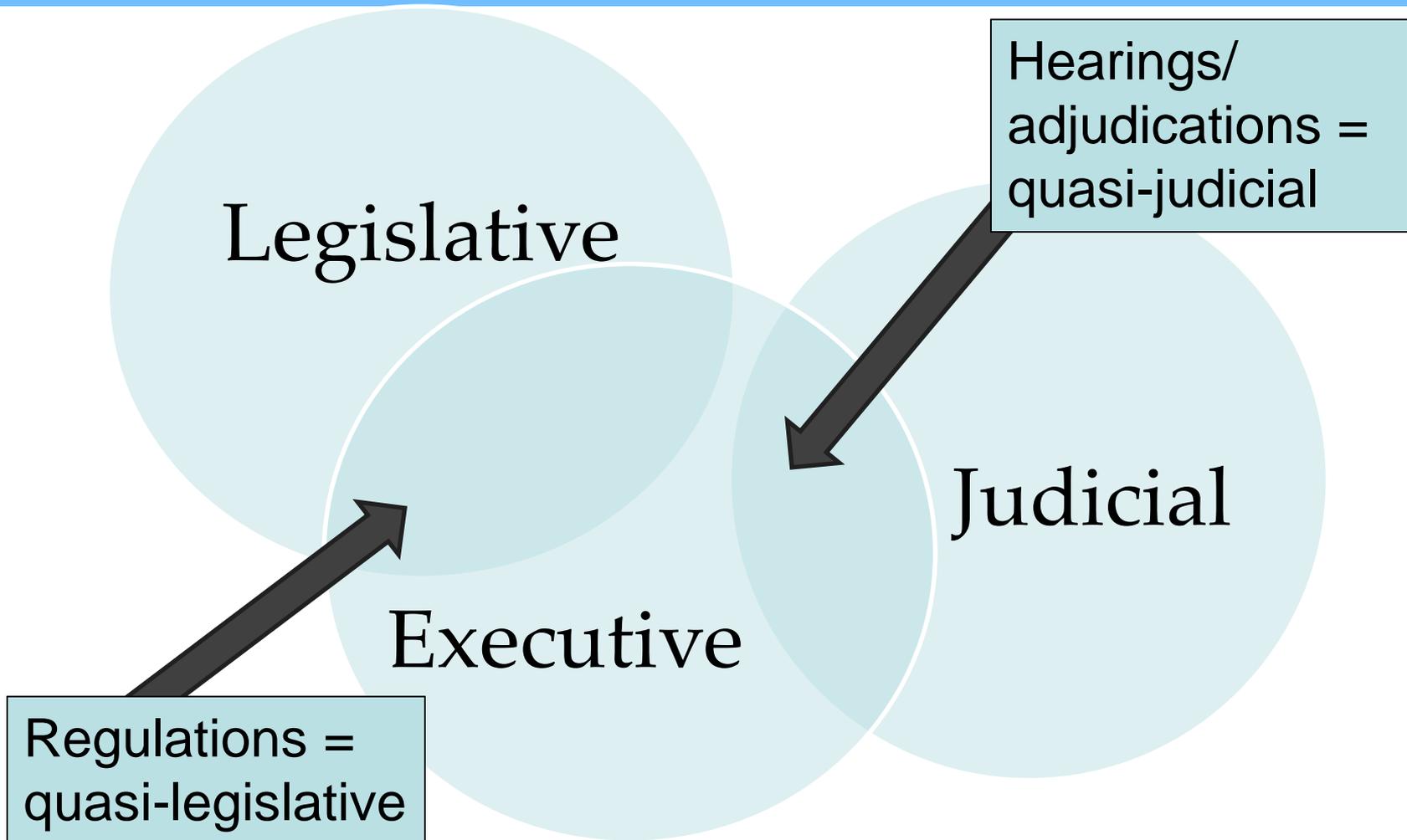
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Intro to admin law



- Legislature passes a law, giving the broad strokes and “enabling” a government agency to implement the law
- To implement the legislature’s intent, the agency typically will have to do 2 things:
 1. Promulgate regulations that provide more detailed rules & establish oversight processes;
 2. Enforce the law through those processes, including administrative hearings/adjudications
- These regulations & adjudications are generally referred to as “administrative law”

Administrative law



Promulgating regulations



- Agency drafts proposed regulations
- Publish proposed regulations in the Federal Register (Fed. Reg. or F.R.)
- Opportunity for public comment
- Agency drafts final regulations
- Publish notice of final regulations in Federal Register
- Codify the final regulations in the Code of Federal Regulations (C.F.R.)

Administrative law documents



Regulations	Advisory and guidance documents	Decisions and Adjudications
Code of Federal Regulations (C.F.R.)	Varies widely across agencies	Varies widely across agencies
Federal Register	Check agency website, Westlaw, Lexis, BloombergLaw, and HeinOnline	Check agency website, Westlaw, Lexis, BloombergLaw, and HeinOnline
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Agency websites



There are hundreds of federal agencies. Here's an alphabetical list of federal agencies or just Google the name: <https://www.usa.gov/federal-agencies>

Agency websites are a wealth of information, including links to recent bills, statutes, regulations, and decisions

Agency materials are also available on Westlaw, Lexis, BloombergLaw, and HeinOnline.



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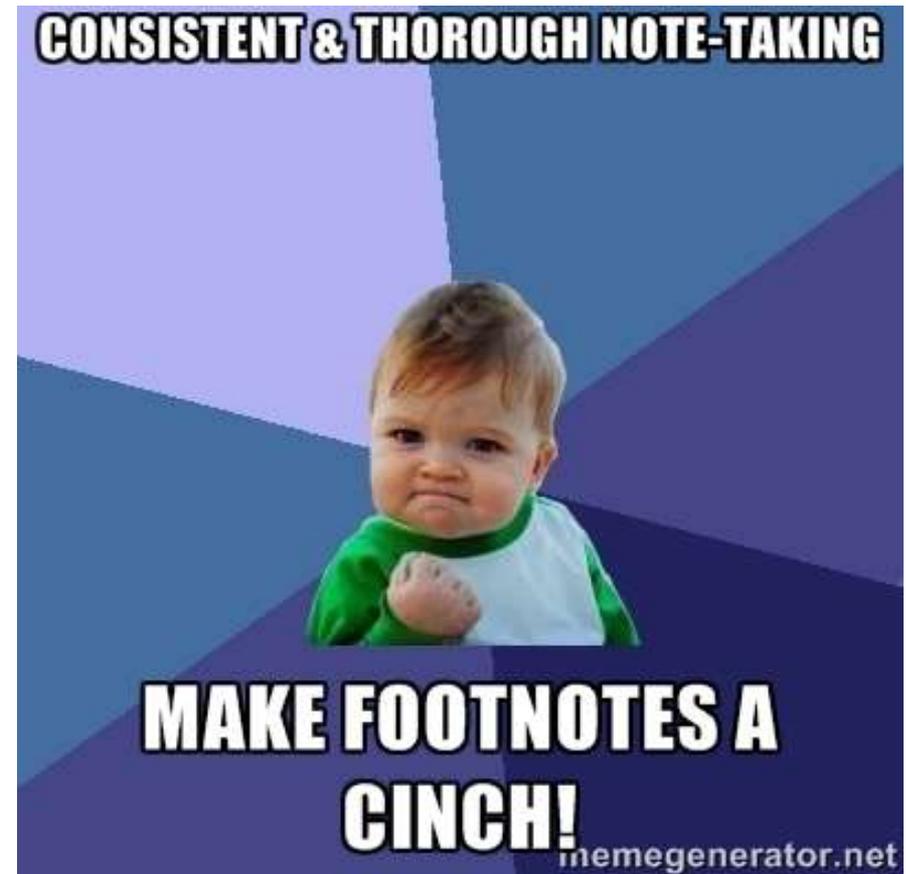
The California Commission on Aging serves as "the principal advocate in the state on behalf of older ...

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NOTE-TAKING TOOLS & TECHNIQUES

Why good note-taking is important

- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations



USD School of Law's Honor Code



Plagiarism. Passing off of another's ideas, words, or work as one's own for the purpose of misleading the reader or viewer of the work; "plagiarism" may include using the writings, words, phrases, ideas, data, opinions, citations, arguments, or organization of another person and conveying such information in a way that makes it seem as if the information originated with the writer. Failure to provide proper attribution, including quotation marks when necessary, constitutes plagiarism. Plagiarism applies to any source, whether published or not.

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Understanding Plagiarism

Plagiarism is the presentation of another person's work as your own.

- summarizing, paraphrasing, copying, or translating
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- without proper attribution.

Plagiarism can be deliberate or accidental; partial or complete.

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How to Recognize Plagiarism: Tutorial and Tests by T.W. Frick et al.

Types of Plagiarism

Understanding what counts as plagiarism is an important step in learning to avoid accidental plagiarism.

Some acts of plagiarism:

- buying, stealing, or ghostwriting a paper
- copying and pasting from the Internet without attribution
- using other people's ideas without attribution
- paraphrasing an author too lightly

Consequences of Plagiarism

Plagiarism violates USD's Honor Code.

It can earn you a failing grade, suspension, expulsion, or the rescission of a degree, even after graduation.

It can be a barrier to admission to the bar.

It degrades a university's reputation and diminishes the value of its degrees.

Whether or not plagiarism is detected, those who commit it suffer the disadvantages of missed opportunities to learn, grow, and think for themselves.

Begin with Proper Note-Taking

The first step in avoiding plagiarism and giving proper documentation is to cultivate good note-taking habits. There's no one right way to do it. Pick a method that works for you and be consistent.

- There's an app for that. Actually there are MANY apps for that. Three popular options:



Proper Attribution

- Double-check your work against each source to make sure you have not accidentally plagiarized something.
- Save copies of source material (journal articles, books, online sources) until you have finished writing your paper or until you've received a final grade on the paper.

Paraphrasing

Paraphrasing is restating the meaning of a segment of text either by expanding and clarifying, or by summarizing the main points.

- However, it's not enough to simply change a few words around, or replace words with synonyms.
- Instead, you must rewrite the material using your *own* words.

Always indicate whose ideas you are paraphrasing by providing a footnote reference (including a page reference)

Finally, check your paraphrase against the source for accuracy, and modify phrases that match the original too closely.

Bad Paraphrasing



Original Source:

“America today has veered too far in the direction of formal testing without adequate consideration of the costs and limitations of an exclusive emphasis on that approach.”

HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE 179
(1993).

Paraphrase Version 1:

America has now gone too far toward formal testing, without realizing the costs and limitations of exclusively emphasizing that approach.¹

¹HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE
179 (1993).

Comments



Although the source is cited, the paraphrasing retains too much of the original wording and sentence structure.

Good Paraphrasing



Original Source:

“America today has veered too far in the direction of formal testing without adequate consideration of the costs and limitations of an exclusive emphasis on that approach.”

HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE
179 (1993).

Paraphrase Version 1: In the United States, the education system places too much emphasis on formal testing, overlooking the limitations and expenses imposed when that assessment strategy is employed exclusively.¹

¹HOWARD GARDNER,
MULTIPLE INTELLIGENCES: THE
THEORY IN PRACTICE 179
(1993).

Comments



This paraphrase is different enough from the original source that it would not be considered plagiarism, as long as Gardner is credited.

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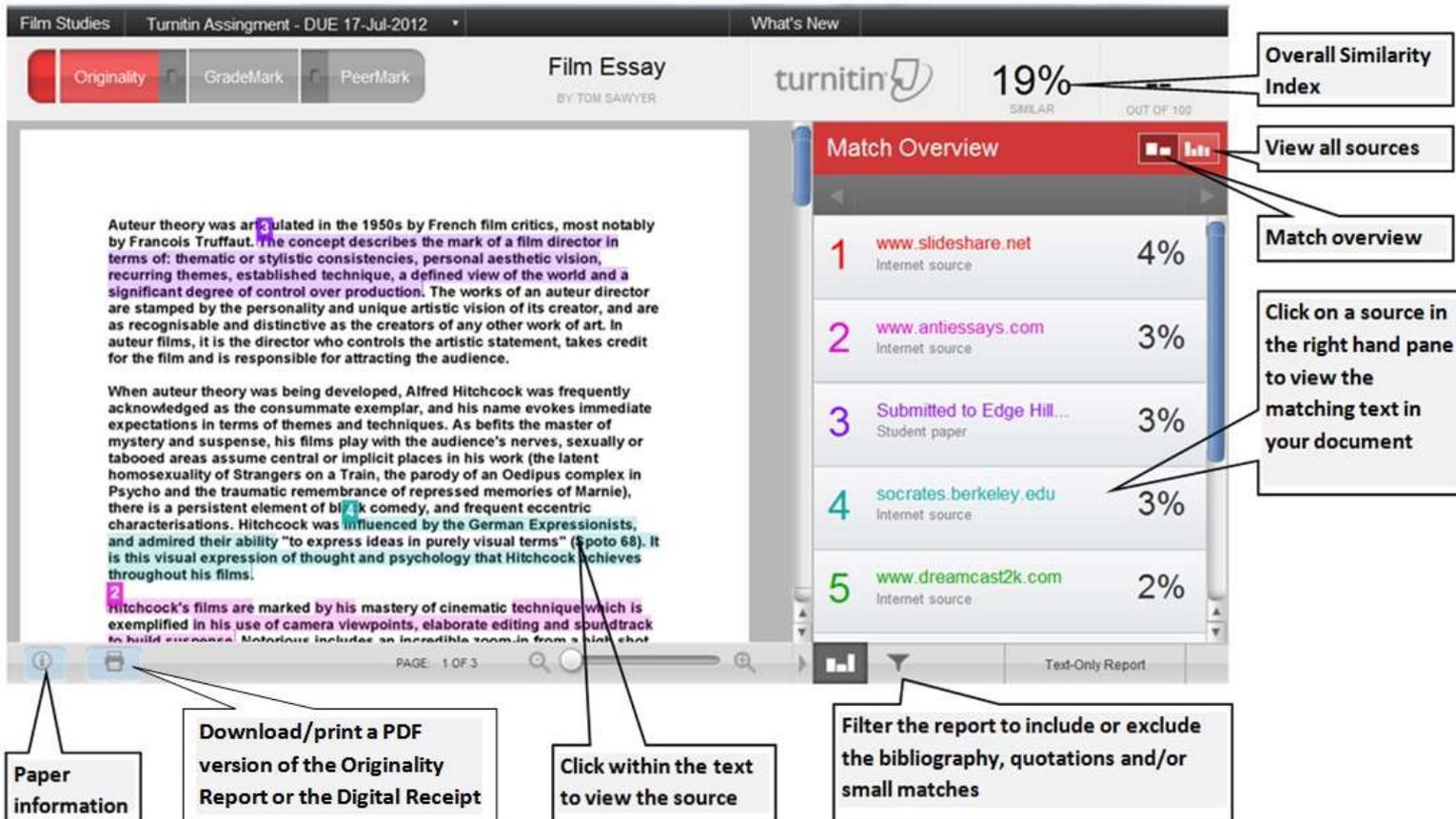
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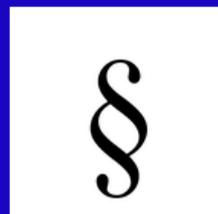
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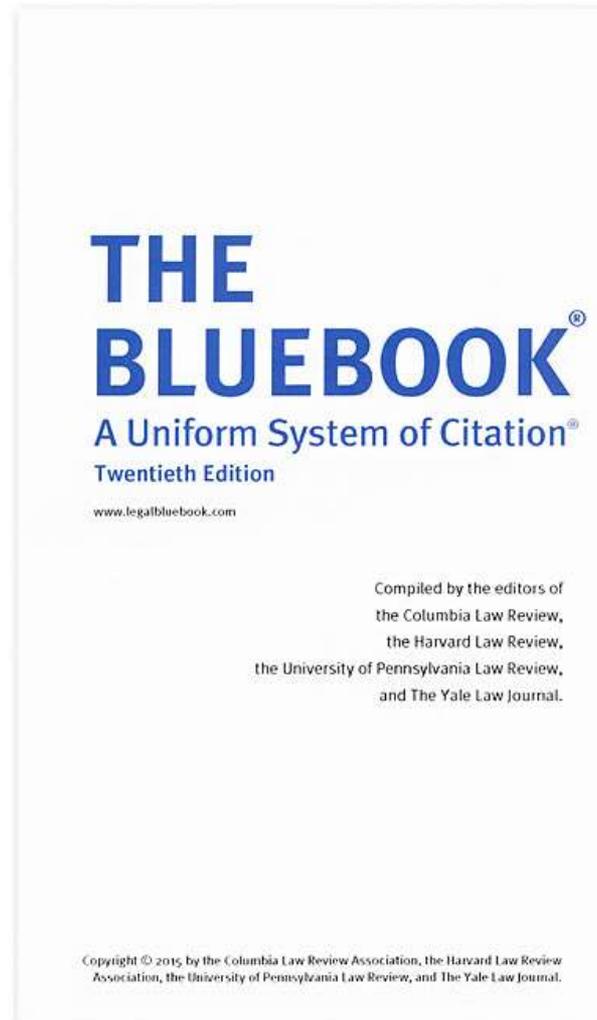
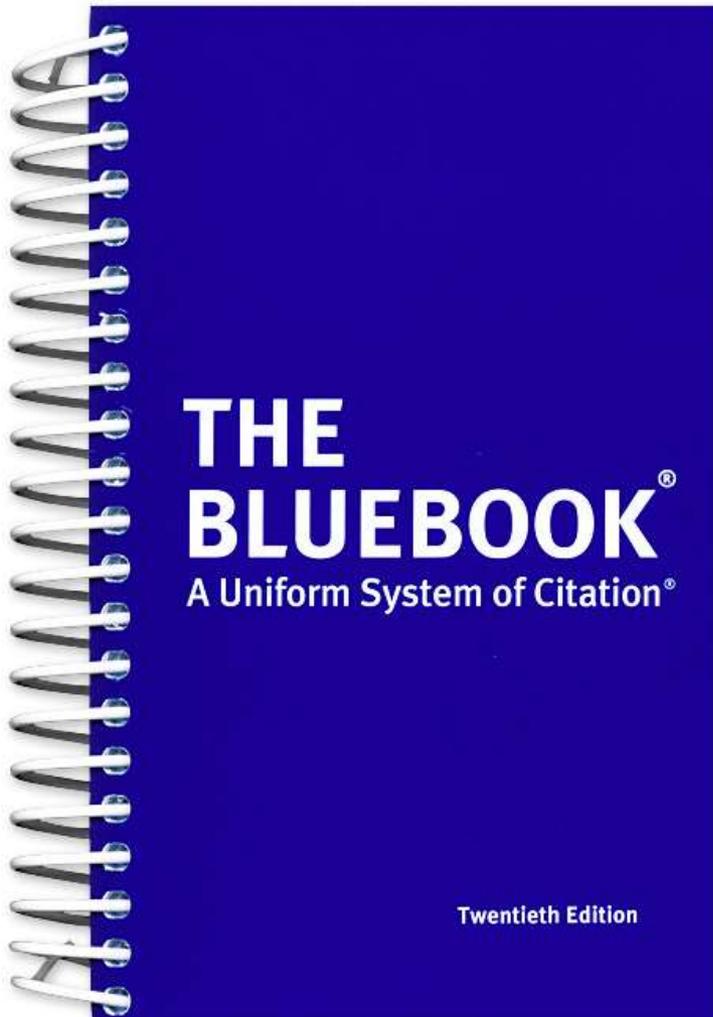
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Citation



Laura Mehalko, Note, *This is Gun Country: The International Implications of U.S. Gun Control Policy*, 35 B.C. INT'L & COMP. L. REV. 297, 302 (2012).

Women in Combat

THE REVOLUTIONARY WAR EXPERIENCE

LINDA GRANT DE PAUW
George Washington University

ARMED FORCES AND SOCIETY, Vol. 7 No. 2, Winter 1981 209-226
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Consecutively paginated journal:

Linda Grant De Pauw, *Women In Combat: The Revolutionary War Experience*, 7 *ARMED FORCES & SOC'Y* 209 (1981).

Nonconsecutively paginated journal:

Jeffrey Goldberg, *The Case For More Guns (And More Gun Control)*, *ATLANTIC MONTHLY*, Dec. 2012, at 68.

The New York Times

National Edition

Southern California: Mostly cloudy. Scattered showers. Snow showers northeast. Highs near 30 northeast to 70s south. Scattered showers tonight. Weather map, Page A19.

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THURSDAY, JANUARY 24, 2013

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CHRISTOPHER GREGORY/THE NEW YORK TIMES

ate Panel Over Benghazi

questions over the attack on an American mission. Page A9.

esteps an Ultimatum on Debt

EQUALITY AT THE FRONT LINE: PENTAGON IS SET TO LIFT BAN ON WOMEN IN COMBAT ROLES

By ELISABETH BUMILLER
and THOM SHANKER

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

The groundbreaking decision overturns a 1994 Pentagon rule that restricts women from artillery, armor, infantry and other such combat roles, even though in reality women have frequently found themselves in combat in Iraq and Afghanistan, where more than 20,000 have served. As of last year, more than 800 women had been wounded in the two wars and more than 130 had died.

Defense officials offered few details about Mr. Panetta's decision but described it as the beginning of a process to allow the branches of the military to put the change into effect. Defense officials said Mr. Panetta had made the decision on the recommendation of the Joint Chiefs of Staff.



LYNSEY ADDARIO FOR THE NEW YORK TIMES

Cpl. Christina Oliver of the Marines on patrol in 2010.

Joint Chiefs Urged End to 1994 Rule

the broad and ambitious liberal agenda, especially around matters of equal opportunity, that President Obama laid out this week in his Inaugural Address. But while it had to have been approved by him, and does not require action by Congress, it ap-

the chairman of the Joint Chiefs of Staff, who stated in strong terms that the armed service chiefs all agreed that "the time has come to rescind the direct combat exclusion rule for women and to eliminate all unnecessary gender-based barriers to service."

A military official said the change would be implemented "as quickly as possible," although the Pentagon is allowing three years, until January 2016, for final decisions from the services.

Each branch of the military will have to come up with an implementation plan in the next several months, the official said. If a branch of the military decides that a specific job should not be opened to a woman, representatives of that branch will have to ask the defense secretary for an exception.

"To implement these initiatives successfully and without sacrificing our war-fighting capability or the trust of the American people, we will need time to get it right," General Dempsey wrote.

Indeed, it will be carried out during what the administration

Pentagon Is Set to Lift Combat Ban for Women



Lynsey Addario for The New York Times

Cpl. Christina Oliver of the Marines on patrol in 2010.

By ELISABETH BUMILLER and THOM SHANKER
Published: January 23, 2013 | 1057 Comments

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

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Elisabeth Bumiller & Thom Shanker, *Equality at the Front Line: Pentagon is Set to Lift Ban on Women in Combat Roles*, N.Y. TIMES, Jan. 24, 2013, at A1.

Electronic:

Elisabeth Bumiller & Thom Shanker, *Pentagon is Set to Lift Combat Ban for Women*, N.Y. TIMES (Jan. 23, 2013), http://www.nytimes.com/2013/01/24/us/pentagon-says-it-is-lifting-ban-on-women-in-combat.html?pagewanted=all&_r=0.

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