

# NYSBA 2015 ANNUAL MEETING

## Committee on Animals and the Law Presents Gagging a Movement? Understanding “Ag-Gag” Laws and How They Affect Free Speech, Privacy Rights, and the Protection of Animals

**Wednesday, January 28, 2015**  
New York Hilton – Clinton, 2nd floor  
1335 Avenue of the Americas, New York City  
**Registration: 1:00 – 1:30 p.m. | Program: 1:30 – 5:00 p.m.**

### IMPORTANT INFORMATION

4.0 credit hours in areas of professional practice. Under New York’s MCLE rule, this program has been approved for all attorneys, including newly admitted. Under the New York State Continuing Legal Education Board Regulations & Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment—no partial credit is allowed. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Discounts and Scholarships: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. Under that policy, any member of our Association or non-member who has a genuine basis of his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances. Request for discounts or scholarships must be received by January 15, 2014. For more details, please contact Linda McMahon at New York State Bar Association, One Elk Street, Albany, New York 12207 or [lmcmahon@nysba.org](mailto:lmcmahon@nysba.org).

### PROGRAM DESCRIPTION

Presented by experts in their fields, this program will provide a detailed analysis of the inception of “ag-gag” laws. Topics to be covered will include: the enactment and enforcement of “ag-gag” laws; constitutional concerns over potential infringement of First and Fourteenth Amendment rights; the criminalizing of historically utilized investigative techniques to expose animal cruelty and the effect on the protection of animals and the animal welfare movement, as well as, environmental pollution and public health; and the struggle between the need to inform consumers and protect animals and the rights of a multi-billion dollar agricultural industry.

**1:00- 1:30 p.m. REGISTRATION**

**1:30-5:00 p.m.**

**PANEL DISCUSSION** - This program is being presented as a panel discussion. There will be a ten minute break during the program.

### INTRODUCING AG-GAG: INVESTIGATIONS, LEGISLATION, AND LITIGATION

**Speaker: Matthew Liebman**, Senior Attorney, Animal Legal Defense Fund, Cotati, CA

Undercover investigations by animal protection organizations have consistently revealed immense and routine animal suffering in the animal agriculture industry. These investigations have spurred criminal prosecutions, civil lawsuits, facility closures, and, perhaps most importantly, an increased public discourse on the ethics of turning animals into consumable products, all of which has had significant negative effects on the industry. Several states have responded by passing kill-the-messenger “ag-gag” laws, which criminalize undercover investigations and whistleblowing at animal facilities. Animal protection attorneys have challenged these laws as unconstitutional. This presentation will introduce the ag-gag controversy by examining undercover investigations, ag-gag legislation, and litigation to challenge those laws.

### WORTH A THOUSAND WORDS: HOW UNDERCOVER VIDEOS ARE DRIVING THE PUSH TO MODERNIZE FARM ANIMAL WELFARE LAWS

**Speaker: Cody Carlson, Esq.**, Equal Justice Works Fellow, Washington, D.C.

Over the last decade, a series of undercover videos shot by animal protection advocates has raised important questions about how animals are treated on factory farms and other commercial settings. These investigations have often led to plant closures, criminal convictions, and other significant enforcement actions, but they have also revealed the profound limits of existing legal protections for animals, thereby driving a wave of recent corporate and legislative reforms. In this talk, a former investi-

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gator explains how undercover investigations typically work, what they tend to find, how they have been used to strengthen protections for animals, and why “ag-gag” laws represent a strident step in the wrong direction.

## **OPENING THE BARN DOORS OF INFORMATION: TEARING DOWN INDUSTRIAL AG’S WALLS OF SECRECY**

**Speaker: Will Potter**, Award-winning investigative journalist and author, Washington, D.C.

“Ag-gag” laws criminalize undercover investigators, whistleblowers, and journalists who expose abuses on factory farms and slaughterhouses. This new legislative trend is a direct response to a wave of damning investigations that have exposed systemic animal cruelty. Rather than correct these abuses, the agriculture industry is trying to keep them hidden.

## **UNDERSTANDING ANIMAL CARE REGULATIONS AND LEGAL ISSUES IN THE AGRICULTURAL INDUSTRY**

**Speaker: Leah H. Ziemba, Esq.**, Partner, Michael Best & Friedrich LLP, Madison. WI

This presentation will provide an overview of how animal care is currently regulated and the broader regulatory context within which the agricultural industry operates.

## **“AG-GAG” LAWS THROUGH THE LENS OF A LIVESTOCK PRODUCER**

**Speaker: Cari B. Rincker, Esq.**, Owner, Rincker Law, PLLC, New York City

This segment will provide an overview on what exactly “ag-gag” legislation is; compare analysis with states that have ag-gag statutory provisions; summarize pending legislation and discuss the policy arguments, from the livestock producer’s perspective, supporting these laws.

**5:00 p.m. ADJOURNMENT**

## **Animals and the Law Committee Chair**

**Natalie A. Carraway, Esq.**, Assistant Dean, Center for Social Sciences, Business & Information Sciences, Mohawk Valley Community College, Utica, NY

## **Program Chair**

**Amy Lynn Chaitoff, Esq.**, Chaitoff Law, Bayport, NY

## **Speakers**

**Cody Carlson, Esq.**, Equal Justice Works Fellow, Washington, D.C.

**Matthew Liebman, Esq.**, Senior Attorney, Animal Legal Defense Fund, Cotati, CA

**Will Potter**, Award-winning investigative journalist and author, Washington, D.C.

**Leah H. Ziemba, Esq.**, Partner, Michael Best & Friedrich LLP, Madison. WI

**Cari B. Rincker, Esq.**, Owner, Rincker Law, PLLC, New York City