

Pro bono assistance in animal cruelty cases

Senate Bill 153 (Holmes, Didech) gives the trial court discretion in criminal prosecutions for cruelty to companion animals to appoint a volunteer lawyer or supervised law student to assist the court as a special advocate. The advocate's expertise in case evaluation and presentation of relevant evidence can aid in the interest of justice – be it with regard to assisting the court in the proper evaluation of the matter for all parties concerned, to availing resources to secure experts if needed, and/or to ensuring the health and safety of the subject cat or dog.

- Criminal matters concerning animals range from owner neglect under the Illinois Humane Care Act for Animals to matters such as bestiality as set forth in the Illinois Criminal Code. These cases can involve juvenile subjects – matters for which appropriate specialized intervention is crucial.
- It is paramount the appropriate veterinary, animal behavior, human psychology and social justice expertise be secured and brought to bear. The advocates can assist in the identification and vetting of expert witnesses. Various cases require a different emphasis in expertise.
- The advocate can assist the court in evaluating a matter. One set of circumstances may be best handled, once fully evaluated, by appropriate intervention thus avoiding prosecution. The advocate could secure the proper methods of intervention, for the humans and animals involved. Or, in many instances witnesses are community members who have bravely brought their concerns to law enforcement. In instances of cruelty and/or violence toward the animal, the full weight of the law needs to be considered in the interest of justice.
- This bill will allow trained practitioners, or law students under their supervision, via court appointment, to assist assistant state's attorneys new to the profession or this area of law to gain familiarity and secure applicable resources for the proper prosecution of the case, as well as the proper care of the animals as the matter pends.
- All too often State's Attorney's offices do not have the resources to adequately develop this specialty work. These cases are relegated to an unsuspecting, or very inexperienced, attorney handling misdemeanors – with no budget for experts. Not only are the advocates well versed in criminal animal law (and able to assist with any legal research needed for the particular matter), but advocates can avail resources to secure experts if needed.
- As pointed out in the Senate hearing by a Connecticut prosecutor experienced in working with advocates, with expertise in animal law and as attorneys (officers of the court) advocates have served as buffers in matters that often invoke strong emotions. The advocates have been critical to the interface with animal activists, explaining proceedings and the proper administration of justice.
- This bill will facilitate supervised law students obtaining badly needed opportunities to learn how to practice law.

- These special advocates can assist the courts in working toward consistency to reinforce the Illinois General Assembly's mandate that companion animals be properly protected. Illinois has been recognized for its sophistication in its statutory scheme for the protection of companion animals, and Senate Bill 153 continues this tradition.

- Connecticut and Maine have enacted similar statutes. Similar legislation has been introduced in New York and similar but more extensive bills have been introduced in New Jersey and Florida.