Enriching Animal Law with Restorative Justice Practices:
Initial Thoughts on Opportunities for Animal Justice

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Animal law is not a new field, but attention to it has expanded in recent decades, and immense progress has been made on a variety of levels as more and more people dedicate energy in the area. Yet at times, the tensions of introducing equity, inclusion, and respect for animals may be limited by the nature of most of the existing systems that work on animal matters. As scholar Kathy Hessler pondered in 2007, “[w]hat alternative exists to address and resolve this tension while the law continues to develop?”

This brief reflection offers some thoughts that build on the work of Professor Hessler and others in terms of thinking about Alternative Dispute Resolution in the context of animal advocacy. It is a thought-piece adding to efforts to reimagine the

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limited realities offered in our present system. In particular, it focuses on one successful court-ordered restorative conference in New York addressing an animal law issue that took place in 2019.

By way of background, restorative practices emerged as an active area of practice and scholarship in the 1970s—1980s. One of its preeminent scholars defines restorative practices as “a social science that studies how to build social capital and achieve social discipline through participatory learning and decision-making.”4

Restorative practices, with its expanding presence, has been identified by the United Nations as “a means to encourage the peaceful expression of conflict, to promote tolerance and inclusiveness, build respect for diversity and promote responsible community practices.”5 Likewise, concepts such as those in scholar Ted Wachtel’s remarks over a decade ago note the urgent need “…for better ways to manage our relationships and our decision making…” and offering restorative practices as a potential pathway that “may gradually become a primary modality for building relationships and social capital, for implementing decisions, and for responding to conflict and wrongdoing.”6 More recently, concepts of collaborative empowerment, ongoing discussion, and methods of measurement are considered by some experts to be crucial to moving forward in the restorative field.7 It is these broader themes of restoration that have the potential to meaningfully shift the true work of animal justice.

In Western New York, a dispute between neighbors involving free-roaming community cats. Rooted in earlier controversies, the dispute led to a series of formal complaints that resulted in criminal charges against a neighbor who provided support for the trapping, neutering/spaying and feeding for a small colony of local cats. Many other


6 Wachtel, supra n. 4 at 92-93.

7 Craig Adamson, Implementing restorative essential elements, IIRP World Conference 2013, available at https://www.youtube.com/watch?v=htmdbwRI16Y&index=8&t=0s&list=PL0GCAYYhvj2YCsEhnk-oFoixf6sYdv0ef (2013).
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cat lovers did similar things in the same municipality without complaint. But formal complaints can lead to investigations, and sometimes formal (even criminal) charges. In this situation, myriad court dates, further complaints and animal control inspections, motions regarding constitutionality, multi-party surveillance, and escalating tensions including attacks in the local media, as well as asking members of the community to take sides, ensued. These persisted, and escalated, for several years. While offering a fascinating learning opportunity for several semesters of student attorneys in the University at Buffalo School of Law’s Animal Law Clinic, this spat was not solving the problems of the involved humans, the court’s docket, or the community cats. A new approach was needed.

Based on a combined recommendation of the defendant’s attorney and the town prosecutor, the court ordered alternative dispute resolution – which has become an increasingly used option for animal law disputes by some in recent years. What was unprecedented, however, was that the order did not invite the parties to undertake the usual mediation or an arbitration, but rather directed a different approach. It ordered the parties to arrange for a restorative conference.

For those unfamiliar with the term, a restorative conference is a structured meeting between offenders and those who committed a perceived harm, as well as supporters and community members, in which highly trained facilitators help the various parties deal with the consequences of the wrongdoing, and together decide how best to repair the harm. “Neither a counseling nor a mediation process, conferencing is a victim-sensitive, straightforward problem-solving method that demonstrates how citizens can resolve their own problems when provided with a constructive forum to do so.” In the Western New York case, the parties spent hours together in a facilitated conference including members of the larger community and voluntarily signed an agreement bringing the ongoing dispute to a close. The court subsequently accepted that agreement and dismissed all matters.

Restorative practices may offer an opportunity to not just think anew, but do new things in new ways, by nurturing a wider, more inclusive vision of justice for animals, similar to the outcome of the New York dispute described above. To give readers a chance to start thinking through these ideas, I attach chapter 8 of the open access book Restorative Justice & Responsive Regulation by Dr. John Braithwaite entitled “Transforming the Legal System” to this short essay.


This paper is the beginning of my written exploration of restorative practices for animal law matters. Drawing on Albert Schweitzer’s declaration that “[u]ntil we extend our circle of compassion to all living things, humanity will not find peace,”10 I am seeking a new way to conceptualize not just disputes, but also ways of thinking about animals in community and integrated into resolution. Exploring wider use of restorative practices in animal law may not only benefit the parties involved in particular disputes, but could also nurture the emergence of a new policy framework for compassion and justice for animals.