



2011-2012



American Bar Association

Tort Trial & Insurance Practice Section

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### ABA Adopts Policy Based on Tort Trial & Insurance Practice Section Resolution on Access to Service Animals for the Disabled

CHICAGO, February 13, 2012 - On Monday, February 7, 2012, the American Bar Association's 560-member policymaking House of Delegates met during the ABA's Midyear Meeting in New Orleans, LA to discuss policies relating to a broad range of issues which are advocated for by state and local bar associations, specialty legal groups within the ABA or affiliated with the association, and individual members.

As a result of the meeting, the ABA Tort Trial & Insurance Practice Section's (TIPS) Resolution 303, which urges all federal, state, territorial, and local legislative bodies to repeal or amend all laws or policies inconsistent with the regulations implementing the Americans with Disabilities Act, was adopted.

It also urges all federal, state, territorial, and local legislative bodies to implement policies to ensure that persons with disabilities utilizing service animals are provided access to services, programs and activities of public entities and public accommodations in compliance with the regulations implementing the Americans with Disabilities Act in a manner that permits the use of a service animal for individuals with physical, sensory, psychiatric, intellectual, or other mental impairments; provides an individualized determination of whether an animal meets the definition of service animal, recognizing that service animals do a wide range of work or tasks for individuals with disabilities; provides for a size, weight and breed-neutral policy, utilizing a case-by-case analysis to determine whether a particular animal can be excluded from a public entity or public accommodation based on the particular's animal's actual behavior; and encourages the enforcement by the United States Department of Justice and other governmental authorities with responsibility for implementing the Americans with Disabilities Act, in situations where individuals with disabilities utilizing service animals are denied access to services, programs and activities of public entities and public accommodations.

TIPS Fall Meeting • October 12-16, 2011 • Seattle, WA  
ABA Midyear Meeting • February 1-7, 2012 • New Orleans, LA  
TIPS Spring Meeting • May 16-20, 2012 • Charleston, SC  
ABA Annual Meeting • August 2-7, 2012 • Chicago, IL

According to Ledy VanKavage, Chair of the TIPS Animal Law Committee, "The ABA Resolution on service dogs should cause communities that have breed discriminatory ordinances to rewrite or repeal them. The disabled depend on their service dogs to function; the dog's size, weight or breed shouldn't matter."

The ABA Tort Trial & Insurance Practice Section's Animal Law Committee, Chaired by Ledy VanKavage, was extremely instrumental in the resolution and resulting policy. The Committee addresses all issues concerning the intersection of animals and the law including: estate planning for companion animals; liability standards and insurance coverage when an animal causes harm; appropriate compensation when an animal is killed or injured; standards of care and accountability for animals used in industry and agriculture; expanding notions of what constitutes "cruelty to animals," and the competing interests of wild animals and humans in dwindling resources.

The [ABA Tort Trial & Insurance Practice Section](#) unites plaintiff, defense, insurance, and corporate counsel to advance the civil justice system. TIPS is a national source of expertise in tort, trial and insurance practice and brings lawyers together to share information and speak out on issues of importance. The section has about 25,000 members and 32 general committees that focus on substantive and procedural matters in areas across the broad spectrum of civil law and practice. For more information about the Tort Trial & Insurance Practice Section visit the TIPS website, [www.americanbar.org/tips](http://www.americanbar.org/tips).

With nearly 400,000 members, the American Bar Association is the world's largest voluntary professional membership organization. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.