The subject of the paper submitted must be on one of the following topics:

1. Plaintiffs, the Smith family, took in a stray dog they named “Buster” that had been hanging around their neighborhood for several days. Buster was friendly and made himself right at home. Buster, however, appeared thin and in need of additional veterinary care, so the Smiths took him to a local vet for an exam and treatment of an ear infection. Unfortunately, a few weeks later, Buster accidentally got out of the Smith’s house and ran away. A couple of weeks later, the Smiths found out from a neighbor that the dog was taken in by the Jones family who lived a few blocks over. The Jones family claimed that Buster was actually "Rex" and had been their indoor/outdoor dog since 2016. The Smith family filed a replevin action against Roberta Jones to recover legal possession of Buster, aka Rex. The court referenced the state’s “quasi-interests-based standard” for pets that considers subjective factors, but ultimately found, “that it is time to declare that a pet should no longer be considered ‘personal property’ like a table or car.” Instead, the court used a "best for all concerned" test and found that custody of the dog properly rested with the Joneses because “Buster/Rex” may have “voted with his feet” to return to his home of four years with the defendant and her children.

Not only have you already graduated law school, you’ve also just passed the bar and your excellent credentials have recently landed you a job as a clerk for a noted appellate court judge. The first case the judge has assigned you is an appeal of Smith v. Jones. Draft a brief that details your analysis of this case and recommend a holding. In your analysis, in addition to jurisdictional and constitutional precedent, discuss public policy impacts on the traditional legal treatment of animals as property and on the lower court’s ostensible recognition of “Buster/Rex’s” capacity to exercise legal rights as based on your recommendations to the judge. All viewpoints are welcome.

OR

2. Under some states’ animal cruelty statutes, a defendant found guilty of certain offenses may be required to forfeit animals that were subject to the offending behavior. Some legislative proposals seek to require that any animal maintained on the real property that the defendant occupied must be forfeited upon conviction, regardless of ownership. Discuss hallmarks of property law as it relates to animal ownership and the administration of criminal justice. Discuss whether it is constitutionally valid to require a person to forfeit an animal they do not have an ownership/proprietary interest in? Discuss any special variations states may have. All viewpoints are welcome.