



Legal Information



HOW TO HANDLE A CITATION: A GUIDE TO GETTING LEGAL HELP

Even in today's world of mainstream Trap-Neuter-Return, community cat caregivers sometimes find themselves in a predicament related to citations or ordinances. ***Alley Cat Allies is a national advocacy organization; we do not give legal advice and we do not represent individuals in legal proceedings.*** However, if you are involved in a situation in which you have been told that you are breaking the law, or you are cited for breaking a law, we can give you the tools to find the help you need.

You should always arm yourself with knowledge about your local government structure and local ordinances, available at www.alleycat.org/Ordinances. A local attorney can also help you understand local laws and how they apply to your situation. These suggestions will help you figure out whether you need a lawyer, how to find and hire a lawyer, and how much it will cost you.



Do You Need a Lawyer?

If a public official has issued you a citation stating that you have violated an animal law or ordinance, your first question may be, “Do I need a lawyer?” The answer depends on whether you are asking: “Should I get a lawyer’s opinion about whether to fight this citation?” or “Should I represent myself in court or hire a lawyer to do so?”

TO FIGHT OR NOT TO FIGHT—THAT IS THE FIRST QUESTION

You will almost certainly benefit from consulting a lawyer to get an opinion on the legal merits of your situation. Getting a lawyer’s opinion on a legal situation provides peace of mind. The lawyer also brings an objective perspective to the matter. Keep in mind that you can limit the time, and therefore the legal fees, the lawyer spends developing his or her opinion on your case. Paying a lawyer for three to five hours of his or her time can be a worthwhile investment.

TO SELF-REPRESENT OR NOT

If you have decided to fight the citation, your next decision is whether to represent yourself in court or hire a lawyer to do so. Each situation is unique; only you can make this decision. ***However, you should make every effort to hire a lawyer if jail time is a possible punishment.*** To help you make a decision, here is a three-step process:

STEP 1

Begin by thoroughly familiarizing yourself with your situation. If you have consulted a lawyer, you will know this information already.

- Read the citation.
- Determine what municipal entity has issued the citation (town/city vs. county).
- Read the laws or ordinances referenced in the citation. (To learn more about how to find your local laws, go to www.alleycat.org/Ordinances.)
- Determine the possible penalties for each violation.
- Find out, if applicable, the costs of coming into compliance with the laws or ordinances.

STEP 2

Next, to assess whether self-representation is an option, ask yourself:

- Do the charges involve only minor offenses or infractions?
- Is it unlikely that you will be cited for these violations again?
- Can you afford the total possible fines and costs of compliance?
- Are you comfortable speaking in public?

If you answer “yes” to all of the above questions, self-representation may be appropriate. If you seek a lawyer’s opinion, ask that lawyer whether your situation is one that lends itself to self-representation.

STEP 3

Now consider the other side of the issue. Is self-representation not advisable? Ask yourself:

- Do you face any criminal penalties?
- If you were to be cited for and convicted of these violations a second time, are penalties for a second conviction significantly more severe?
- Are you likely to be cited for these violations again?
- Are you uncomfortable speaking in public?

If any of your answers to these questions are “yes,” legal representation is advisable.

These questions should help focus your decision making. Of course, other factors may be relevant, such as your financial situation or the involvement of other individuals. Do what is best for your unique situation.

How to Find the Right Kind of Lawyer

Now that you have decided to hire a lawyer, it's time to find the right one for your circumstances. No matter how unique your situation may seem, **there is always legal help available.**

WHERE DO YOU START?

Start by making a list of two to three lawyers who you want to talk to in more depth. Use the following resources to identify potential candidates:

- **Recommendations.** Ask family, friends, or coworkers. They may be able to recommend a lawyer they know of or have worked with. This is often your best bet—good lawyers don't always advertise because word of mouth is so important.
- **Bar Associations.** Contact your local bar association. You can find a list of local bar associations at www.hg.org/northam-bar.html. Or do a quick internet search by entering your state, country, or city followed by "bar association." As a public service, many bar associations offer free lawyer referral services to the public. Many lawyers who participate in these services offer a reduced rate for a consultation. Fees after the initial consultation will depend on the rate you negotiate. Lawyers occasionally waive their fees and offer their services pro bono (for free), but that is rare. If you move forward after the initial consultation, you should be prepared to negotiate fees. Learn more about lawyer costs in the "How Much Does a Lawyer Cost" section below.
- **Internet.** On the American Bar Association's website, www.findlegalhelp.org, you can get a lawyer referral or access commercial lawyer directories, which is searchable by state. Some commercial services (such as www.lawyers.com or www.attorneylocate.com) do not charge a fee to access and search their directories. Their other services, however, may not be free.
- **Telephone Book.** Check the yellow pages under "attorneys" or "lawyers."
- **Library.** The Martindale-Hubbell Law Directory is one commercial service. Almost all public libraries carry this multi-volume directory.

WHAT KIND OF LAWYER DO YOU NEED?

Focus on finding a local lawyer. Laws concerning animals differ from county to county or city to city, and court procedures differ in each jurisdiction. You can expect a local lawyer to know your local laws best. The more familiar your lawyer is with local laws, the court system, and even the tendencies of the individual judges and government attorneys, the more effective he or she will be in representing you.

When you read the yellow pages or lawyer directories, you will see that lawyers tend to specialize. A lawyer who specializes in animal law **is not required** in a situation where you have been cited for violating an animal law or ordinance. The lawyers who may best assist you are those who describe themselves as "defense lawyers." In particular, look for ones who list themselves as "criminal defense" lawyers handling cases like "misdemeanors," "traffic," or "DUI." You are, after all, the defendant in your case even if you have not been charged with a crime. "General practice" lawyers are another option, especially those who regularly appear in court.

However, there are lawyers who specialize in animal law. Some lists can be accessed online, including www.lawyers.com/Animal-Law/browse-by-location. Some nonprofit organizations concentrate on animal law, like the Animal Law Coalition (www.animallawcoalition.com), the Animal Legal Defense Fund (www.aldf.org), and Lawyers in Defense of Animals (www.njlida.org/index.asp). They may not provide legal services, but have resources and information available that can help.

How to Hire a Lawyer

Now that you are armed with the names of several lawyers who may be able to help you, it's time to make an appointment to talk with each one. Plan ahead and make sure you have all relevant information ready beforehand.

PREPARE FOR THE MEETING

Prepare for the first meeting so it is as productive as possible. Here are five steps to help you prepare:

STEP 1

Gather these materials to bring with you to the meeting:

- The citation (includes information on your court date)
- Any photographs you have of the cats and/or the area they live in
- Veterinary and/or colony tracking records you have for the cats

STEP 2

Although the lawyer will obviously have access to the laws, you can save time by finding the specific laws and ordinances referenced in your citation, reading them carefully, and bringing a copy to the first meeting.

To learn more about how to find your local laws, go to www.alleycat.org/Ordinances.

STEP 3

The first question the lawyer will ask you is: "What happened?" Keep in mind that too many details can be as confusing to lawyers as they are to the rest of us. What the lawyer needs initially is a simple chronological explanation of the events leading up to the citation that includes all of the facts. To prepare a concise and helpful explanation, consider the answers to these questions:

- Whose property are the cats on?
- If not your property, did you have written or oral permission to be there?
- How many cats were there when you began caring for community cats?
- How many cats have you trapped?
- How many cats have you had spayed or neutered and vaccinated?
- How many cats and kittens have you found homes for?
- How many cats are there now?
- What is the local animal control's approach to outdoor cats?
- How often do you feed the cats?
- Do you follow best practices such as these: www.alleycat.org/BestPractices?

STEP 4

Now summarize the situation from your point of view. Focus on events, not the law. Few situations can be seen only one way. The citation reflects the government's view: you caused the problem. But is that how you see it? You may see yourself as an asset to your community, improving and protecting the lives of cats, and helping cats be better neighbors to the people who live near them. If so, make sure you explain this to the lawyer.

STEP 5

Rehearse what you plan to tell the lawyer.

AT THE MEETING:

Begin by introducing yourself and thanking the lawyer for meeting with you. Make a point to mention that you have prepared for this meeting so it is as productive and efficient as possible. The conversation will almost immediately turn to the question you anticipated: “What happened?”

The information you gathered in steps 1-4 above will help you provide an overview of the situation and answer the question to the best of your ability.

You can also ask the lawyer questions of your own. The basic questions to cover are:

- Have you handled cases like mine before?
- Do you regularly appear in the court that my case is assigned to?
- How long do I have to decide on representation before your schedule is full?
- What is the best case scenario?
- If I lose, is there a way to appeal? If so, what happens in the meantime?
- What are the possible outcomes of my case?
- What is the worst case scenario for me in terms of verdict? What are possible sentences or fines?
- What is the best case scenario?
- If I lose, is there a way to appeal? If so, what happens in the meantime?
- What do you recommend I do and why?
- How long do you estimate it will take to resolve this case?
- What steps will be involved?
- Approximately how much will it cost me to fight this?
- When would you bill me? Do I have to pay you anything in advance?
- (If applicable) What does the up front retainer fee cover?
- (If applicable) Could we work out a payment plan?

After your discussion, thank the lawyer for his or her time. Tell the lawyer that you will be in touch after you have made a decision.

AFTER MEETING EACH LAWYER

To help you decide which lawyer to hire, ask yourself these questions:

- Did I feel comfortable talking to this lawyer?
- How much will the lawyer charge? (See next section, “How Much Does a Lawyer Cost?”)
- Did the lawyer listen to me?
- Did the lawyer explain things in a way that I understand?
- Did the lawyer understand and accept that one of my objectives here is to keep the cats alive?
- Did the lawyer seem truly interested in my case and/or demonstrate any concern for the cats?

Once you have decided which lawyer to hire, get in touch. He or she will probably have you sign an agreement detailing the parameters of your representation.

How Much Does a Lawyer Cost?

Legal fees are usually a factor in choosing and hiring a lawyer. It is helpful to also ask yourself “How much will it cost me if I *don't* hire a lawyer?” - not only in terms of court cost and legal fees, but in terms of consequences you or that cats might face if you lose.

HOW DO LAWYERS CHARGE CLIENTS?

Lawyers typically bill clients in one of two ways: hourly or by the case.

HOURLY BILLING

A lawyer who bills hourly charges the client an hourly rate for the time the lawyer actually spends on the case. Hourly billing rates vary widely across geographic areas, practice specialties, years of experience, etc. Your local bar association may have information on rates in your area. Keep in mind that a lawyer who charges a higher hourly rate may be more experienced than a lawyer charging a lower rate. Typically, the more experienced lawyer will have to spend less time on your case than an inexperienced lawyer. As a result, the more experienced lawyer's total fees may be less than the lawyer charging the lower rate.

CASE BILLING

Case billing means that the lawyer charges a flat fee to handle certain cases. For example, a lawyer may charge \$1,500 to handle a drunk driving case regardless of the hours the lawyer works on the case.

NOTE: No matter which method a lawyer uses to charge clients, the lawyer you hire may ask you to pay a retainer fee before he or she begins working on your case. The amount of the fee is subject to negotiation.

ARE THERE LAWYERS WHO WILL REPRESENT YOU FOR FREE?

Maybe. But don't count on it. Although various types of lawyers do represent clients for free, you may not qualify for their services.

PRO BONO LAWYERS

Lawyers in private practice sometimes take cases on a pro bono, or free of charge, basis. They are selective in the cases they take and may have financial guidelines that determine eligibility for service. To identify lawyers in your area who may be willing to take your case pro bono, contact your local bar association.

PUBLIC DEFENDERS/COURT-APPOINTED ATTORNEYS

Generally, to qualify for the services of a public defender or a court appointed attorney, the individual must be unable to afford a lawyer and must face an actual risk of imprisonment. Risk of imprisonment is rarely an issue for community cat caregivers who have been cited for violating animal laws or ordinances.

ABOUT ALLEY CAT ALLIES

Alley Cat Allies is the only national nonprofit dedicated exclusively to the protection and humane treatment of all cats.

For over 25 years, Alley Cat Allies has led the movement to save cats' lives. With advocacy, education, and grassroots organizing, we champion innovative programs and policies that serve communities and save cats. Since our founding in 1990, we have popularized Trap-Neuter-Return (TNR) as the only humane and effective approach to community cats. Before Alley Cat Allies, TNR was virtually unknown in America, and no local governments supported it. Today, more than 600 municipalities have officially embraced TNR.

Alley Cat Allies has changed how all cats are treated—pet, stray, feral, and each cat in between. We advocate for a variety of progressive policies to protect cats, including the transformation of the American animal shelter system, which still routinely kills 70 percent of all cats who enter.

Thanks to our more than half a million supporters and countless advocates, Alley Cat Allies works in hundreds of communities each year. To learn more about how we save cats' lives, visit www.alleycat.org.