

The veterinarian of 150 years ago would have been flabbergasted by Bond Animal Hospital. Dogs and cats hadn't moved indoors. They didn't even warrant the meager legal status of property. Instead, livestock ruled the day. The most important animals were the ones people ate and relied upon for economic survival. Horses pulled streetcars. Cows fed families. When they got sick or injured, it made sense to fix them. Treating a cat or dog would have made about as much sense as bandaging up a pet rock.

That's not to say livestock practitioners were respected for their work. American veterinarians in the mid-nineteenth century didn't need a degree. Most came into the practice via apprenticeships, farm animal breeding, or farriery—that is, shoeing horses. They were viewed as drunks, quacks, and imbeciles. The profession was held in such ill repute that when vet schools began to crop up in the late 1800s, they struggled to attract quality applicants. “Nobody was laughed at more than the horse doctor,” wrote a practitioner from the time.

By the turn of the century, livestock had become critical to urban living, and vets found themselves held in higher esteem. You couldn't walk down the streets of most major US cities without taking in the thick smell of manure and the din of clucking chickens. Cows inhabited backyards—one for every forty-three people in New Orleans. Pigs rummaged dusty streets and crammed stockyards at the edge of town; Chicago alone was home to more than 50,000. New York ran on 150,000 horses, and it ran them into the ground. Meanwhile, one in eleven US factory workers and tradespeople worked in an animal-related business, from wool milling to meatpacking. Entire neighborhoods were nicknamed after local industries: “Pigtown” in Baltimore, “Butchertown” in San Francisco. Society lived on livestock. And veterinarians were needed to keep that livestock healthy.

Vet schools began filling their classes. Now, only licensed practitioners could enter the profession; the era of the ignorant horse doctor was over. And yet, the veterinarians of the early twentieth century were still vastly different from the vets of today. Though they had earned respect, they were still seen as little more than mechanics, fixing a malfunctioning machine so that it could continue to produce milk or pull freight. Common veterinary procedures included administering strong laxatives, cauterizing open wounds with a red-hot iron, and roping bulls

down for castration without anesthesia. There was little time for sentimentality. Indeed, there was hostility to it. Though women had begun to make gains in the workforce, their “delicacy of feeling” had no place in veterinary medicine, stated an 1897 editorial in *American Veterinary Review*. “If the practice of veterinary surgery consisted in making a round of visits among lap-dogs,” it continued mockingly, “then and only then, the profession might be a suitable one for women.” Veterinary medicine, however, was about to confront a crisis that threatened to destroy it. And those lapdogs would save the day.

A couple of decades into the twentieth century, livestock had begun to disappear from cities. Concerns about sanitation and public health, not to mention the expansion of railroads and the advent of refrigeration, pushed farm animals farther and farther out of sight, until urban residents had little connection to—or conception of—the industries that put meat on their plates. The advent of the automobile, meanwhile, nearly drove the urban horse to extinction. City vets were rapidly running out of clients. Even those in rural areas found themselves out of work, as farmers and giant livestock operations began administering their own antibiotics and vaccines. Applications to vet schools plummeted. From 1914 to 1924, enrollment dropped 75 percent. In 1926, only 130 new veterinarians entered the field, roughly the number graduated by a single school three decades earlier. Vets began to panic. “I do not know,” fretted one practitioner in 1925, “whether [the profession] will live or die.”

On the brink of obsolescence, veterinarians found salvation in cats and dogs. Urban dwellers, living far from livestock for the first time, were embracing pets like never before. Dogs and cats—our last connection to nature in a society increasingly dominated by machines—filled a void. They became more than just animal companions, however. Flea products and litter boxes were bringing them indoors, and the ideals of the Victorian era had made it socially acceptable to love them like members of the family. Pets needed their own food, their own toys, and, yes, their own doctors. Vets were quick on the uptake. Schools began teaching companion animal medicine, and practitioners transformed their clinics into small-animal hospitals. Dank horse stables became comfy waiting rooms and bright surgical suites. Grungy aprons were shed for white coats and stethoscopes. And red-hot irons gave way to cutting-edge therapies.

“If you were an ailing dog,” stated a 1951 article in *Science News Letter*, “you’d probably be treated with essentially the same techniques that medical doctors use on human patients.” By mid-century, the number of vets in the United States had quintupled, and pets had become their most reliable source of income. The profession had literally gone to the dogs.

A more fundamental change had taken place, however. Veterinary medicine was no longer focused on the economic value of animals; instead, it relied on the sentimental bond between owner and pet. For the first time, writes Susan Jones in *Valuing Animals*, her engaging history of veterinary medicine, clients were spending more than their animal was worth, sometimes in a single visit. Far more than toys or specialty food, the vet clinic provided an outlet for owners to express their true devotion to their pets; they were no longer just spoiling them—they could now save their lives. Meanwhile, by providing humanlike medicine, vets signaled to society that pets were worthy of such care, elevating their status above that of any other animal. The behavior of owners, combined with the services offered by veterinarians, helped turn pets into true family members. Owners became parents. And vets, far from their days as the mechanics of livestock, became the pediatricians of fur babies.

By 2000, veterinary medicine had become one of the most respected professions in the country, ranking just behind doctoring and nursing. Spending on veterinary services had tripled from the previous decade, topping \$18 billion annually. Yet all of this success came at a price: vets viewed like human doctors soon found themselves sued like them.

Veterinarians make some of the same mistakes physicians do. They leave sponges in bodies during surgery. They operate on the wrong appendage. But with euthanasia on the table, the chance of committing a deadly error is even greater. When I worked at a vet clinic in high school, one of the doctors told me the infamous story of three black cats named Smith: One had come in for grooming, one for boarding, and one to be put down. There was a mix-up, and the outcome wasn’t pretty. Despite this sort of negligence, it has traditionally made little sense to sue for malpractice. Bringing such litigation can cost tens of thousands of dollars, and because cats and dogs are property, the award has usually been limited to the market value of the animal (plus, perhaps, a refund of payment for services rendered). Even wealthy individuals had

a hard time finding lawyers who would take such cases. But as pets have become more like people in the courts and legislatures, judges have increasingly allowed awards far beyond the market value of the animal—so-called noneconomic damages that include claims like emotional distress and loss of companionship, which are typically limited to suits involving the death of a spouse or child. And with a proliferation of animal lawyers, thanks in part to the efforts of the Animal Legal Defense Fund, owners now have little trouble finding a willing attorney.

Today, veterinary medicine is, in many ways, a victim of its own success. In an age of kidney transplants and stem cell therapy for pets, owners are less likely than ever to euthanize a dog or cat whose health starts failing. Clients will shell out hundreds or even thousands of dollars to extend the lives of their furry children by just a few months. No price is too great to save them—and no amount is too much to sue for when things go wrong. The Bluestone verdict was just the tip of the iceberg. In 1997, a Kentucky jury awarded \$15,000 to the owner of a German shepherd that bled to death after surgery. In 2000, a California woman successfully sued her vet for \$28,000 for a botched dental procedure on her Rottweiler. And since Bluestone, owners have sued—though not won—for damages in excess of \$600,000. From 2000 to 2005, veterinary malpractice claims tripled, with settlements regularly reaching more than \$10,000. Such cases, critics say, could put thousands of vets out of business. Cats and dogs may have saved veterinary medicine, but some fear they are now on the brink of destroying it.

Douglas Aspros takes veterinary malpractice seriously—perhaps because he himself has been on the receiving end of a couple of suits. As we chat in his office at Bond Animal Hospital, he tells me about both cases. In one, a client thought Aspros made an improper diagnosis and sued for \$600 in small-claims court. The other involved a nearby emergency clinic that Aspros helps manage. A family's dog died at the hospital, and the children saw the body before the staff could make it presentable. The parents claimed their kids suffered emotional distress and sued for \$1 million. The clinic's insurance company settled for \$15,000.

Aspros worries about the impact such lawsuits could have on the profession as a whole. Human doctors have seen malpractice cases rise

precipitously in the last two decades, with a spike in average awards; today, some verdicts are in the millions or tens of millions of dollars. As veterinarians are increasingly seen as human doctors, Aspros worries the same could happen to them. Vets have malpractice insurance, but the rates are low, and they don't make the same salaries physicians do. Any awards, he contends, should be limited to the market value of the animal and the cost of services rendered. Adding noneconomic damages could be disastrous. "From a small-business perspective, it puts us in a lot of jeopardy," he says. "It doesn't take much to ruin a career."

It's not just the financial impact. Aspros says a rise in malpractice suits could irrevocably damage the vet-client relationship. Today's vet is more than a doctor; he's a translator, a counselor, and a priest. He doesn't just deal with the pet; he deals with every member of the family. And he often sees them at some of the most vulnerable, emotional moments of their lives. In an ironic historical twist, the veterinarian has become the holistic practitioner, while the physician has become the mechanic. This special relationship could disappear, says Aspros, if malpractice cases continue to rise. Suddenly, the vet is no longer a healer; he's a mistake waiting to happen. And the owner is no longer a client; she's a potential litigant. "Malpractice changes the entire landscape of healing," says Aspros. Even if the dollar amounts aren't large, "it's a tremendous psychological burden. It casts a pall over your life and practice."

Critics say the AVMA is being hypocritical. Veterinarians, they note, have spent decades treating cats and dogs like people. They send sympathy cards after euthanasia. They refer to pets as patients and members of the family (recall Bond's business cards). And they owe their entire livelihoods to the fact that they're able to bill for amounts far in excess of what companion animals are worth. "You can't charge your client thousands of dollars to fix a cat, and then turn around and say that cat is only worth fifty bucks," Chris Green, director of legislative affairs at the Animal Legal Defense Fund, told me. "You can either have the professional benefits of pediatricians or the legal liability of garage mechanics. You can't have both."

Aspros says it's not that simple. He pulls out his iPhone and shows me pictures of his Norfolk terrier and a "wonderful cat" named Oz. He may have grown up without pets, but he now has two fur babies of his own.

“I know cats and dogs aren’t toasters,” he says. “But this life is the world we’ve allowed lawyers to make for us.” The law, he says, is black-and-white. If pets aren’t property, they’re people. And if owners really want their pets treated like people, they better be ready for the consequences.

The headaches begin in the courtroom. If cats and dogs aren’t property, they don’t have owners. So who gets to sue if something happens to them? “If the dog is owned by the family, do the mother and father and the kids get to sue, requesting different amounts of money based on how much they loved the dog?” says Aspros. “Does the grandmother who used to babysit the dog get to sue? How about the dog walker?” And what’s to stop the pet from suing on its own behalf? Kno the pit bull had a lawyer. So did Alex the dog. Neither animal was suing anybody, but now that pets can have attorneys, it may only be a matter of time before a cat drags its owner to court for the emotional distress of being locked up in the house all day. Perhaps pets could sue each other, taking cat-and-dog fights to the next level. And pets that sue can also be sued: think about that next time your dog poops on someone’s lawn. “Now that you have real money on the line and plenty of lawyers to take these cases,” says Aspros, “it wouldn’t be hard to flood the courts.”

Outside the courtroom, things get even more complicated. Animals without owners will get to make their own decisions. But since they can’t talk, who will make choices for them? “If you have a seventeen-year-old cat peeing on the floor, who’s to decide whether he gets euthanized or gets \$5,000 worth of chemotherapy?” says Aspros. “What if you decide to let the cat die at home? Is that criminal negligence?” Could your neighbor or your local humane society petition for guardianship, forcing you to go through with the chemo even if you can’t afford it? As an owner, you control what you do with your property. As a parent, society also has a say. And it’s not just in life-and-death decisions. Children need exercise. They need to go to school. Should you be fined for not playing with your cat? Should you go to jail for not taking your dog to obedience classes? “Do you want pet social services coming by to see if Fluffy is housebroken?” says Aspros.

Such scenarios are not outside the realm of possibility. In 2012, New Jersey considered a law that would have mandated that pets wear seat belts in cars. And just a couple of weeks after the Bluestone verdict was

handed down, the American Society for the Prevention of Cruelty to Animals participated in the prosecution of a man for failing to treat his dog's tumor. The ASPCA argued that the definition of cruelty has evolved since Henry Bergh's time and now includes an obligation to provide a basic level of veterinary care. Several states, including Michigan and Oregon, already mandate such care in their anticruelty laws. What might the statutes of tomorrow require?

"We have to be very careful about upwardly defining the status of cats and dogs," says Aspros. "If we get to the point where we have to treat them like children, not a lot of people are going to have pets." That's why, he says, the AVMA has fought so hard to stop personhood.

The first battles played out in state legislatures. As the Guardian Campaign picked up steam in the early 2000s, the AVMA lobbied the Council of State Governments—an advisory group to various state legislatures and executive branches—to oppose any further "guardian" language at the state level. Rhode Island had been the only state to adopt such language, and none have endorsed it since (though many cities have). Meanwhile, the AVMA has fought tooth and claw against a number of bills that would have permitted the recovery of noneconomic damages when a cat or dog was killed. Tennessee's landmark T-Bo Act, the first in the country to allow such damages, almost didn't pass due to veterinary opposition; the senator who sponsored it said he only got it through by exempting veterinarians. Since then, related bills in other states have died without even coming to a vote.

The veterinary community has been so successful at the legislative level that it has now turned its attention to the courts. Here it's come face-to-face with the animal law movement. In a series of high-profile cases, the two groups have fired salvos of amicus briefs at each other, hoping to sway the opinions of judges. The battle has taken its toll on animal lawyers; the movement to grant more rights to cats and dogs has begun to suffer serious setbacks. In a 2009 Vermont case, in which the owners of two cats said that a vet clinic had negligently prescribed lethal doses of hypertension medication, a judge shot down their claims for emotional distress and loss of companionship, stating that such awards would place pets above humans. And in 2013, the AVMA and the Animal Legal Defense Fund squared off in a Texas Supreme Court case

involving the accidental euthanasia of a dog at an animal control facility. Here the owners weren't asking for anything close to personhood; they just wanted to recover damages for the sentimental value of their dog, the same as if someone had destroyed a wedding dress or photo album. But even that was a bridge too far for the AVMA, whose amicus heavily influenced the judges to deny the claim. As the law now stands in Texas, you can recover more money if someone destroys a picture of your dog than if they destroy the dog itself.

Going forward, the AVMA is working to stop anything with even a whiff of personhood for pets. That could include legislation that would make it easier for divorcing couples to fight over the custody of their cats and dogs. Anytime a judge or politician considers granting more rights to companion animals, the veterinary community will be there to oppose it. Yet this war is being fought on many fronts. Veterinary medicine isn't the only profession with something to lose.

In November 2010, 26,000 scientists descended on the San Diego Convention Center to attend the annual meeting of the Society for Neuroscience. They weren't alone. On the first day of the conference, thirty protestors gathered outside to denounce the use of animals in research laboratories. Some were spattered with fake blood; others held pictures of kittens and monkeys with their brains exposed. The meeting's organizers had already prepared a counterattack. Two days after the demonstration, the conference held a symposium—not-so-subtly titled "Conferring Legal Rights to Animals: Research in the Crosshairs"—on the threat of the personhood movement. The session's panelists—two scientists, a professor of veterinary medicine, and a law professor—warned attendees about the growing field of animal law and urged them to do a better job fighting back. The rise of cats and dogs, they said, could doom biomedical research.

The scientific community has always had an uneasy relationship with dogs and cats. Ever since René Descartes first sliced into the heart of a living dog in the mid-1600s, animal researchers and animal welfare advocates have sparred over the ethical use of pets. The Brown Dog Riots of 1907 only added fuel to the fire. For the better part of the twentieth century, a rapidly expanding research enterprise relied heavily on