

IN THE COURT OF APPEALS  
STATE OF GEORGIA

KATHI MILLS, )  
 )  
 Appellant, )  
 )  
 VS. ) Case No. A03A2481  
 )  
 ATLANTA HUMANE SOCIETY and )  
 Society for Prevention of )  
 Cruelty to Animals, Inc., and )  
 BILL GARRETT, )  
 )  
 Appellees. )

**AMICUS CURIAE BRIEF**

**Introduction**

THIS AMICUS CURIAE BRIEF is filed by and on behalf of Best Friends Animal Society in support of Appellant Kathi Mills.

Best Friends Animal Society, a national non-profit organization with over 250,000 members nationwide, operates Best Friends Animal Sanctuary, (hereinafter referred to as "Best Friends"), the largest no-kill animal shelter in the United States. Best Friends is located in Kane County, Utah, and cares for over 1,500 animals that have been rescued from all over the United States and some foreign countries.

Additionally, Best Friends' mission is to bring about a time when every dog or cat can be guaranteed a loving home and when homeless pets will no longer be killed in shelters - except when quality of life is compromised by painful and incurable illness. This No More Homeless Pets campaign reaches across the nation, helping humane groups, individual people, and entire communities to set up spay/neuter programs, shelters, and foster or adoption programs in their own neighborhoods, cities and states.

Twice a year, Best Friends hosts a No More Homeless Pets Conference in a major metropolitan area in the country. Last year the No More Homeless Pets Conference in Atlanta drew more than 300 animal welfare advocates. Renowned animal welfare professionals provide information and share their experiences with individuals, groups, and both municipal and private shelters. The most recent conference was in Philadelphia, Pennsylvania on October 24 - 26, 2003.

The Best Friends outreach is further extended through the Best Friends Network, which includes over 12,000 members across the country who volunteer to help animals locally. Over 42,000 requests were handled through the Network last year.

Best Friends also publishes the nation's largest general interest pet magazine, Best Friends, with a circulation of over 200,000.

### **Factual Issues**

Appellant Kathi Mills has set forth the facts of this matter. Best Friends will make no effort to reiterate the fact or legal arguments because they have been well covered. Instead, Best Friends will submit facts concerning the basis and reasoning for the behavior of Appellant Kathi Mills.

Appellant Kathi Mills is an independent cat rescuer who has fostered and found homes for more than 200 cats in the past ten years. She runs Kitty Village, a web site that provides Georgia pet-related news.

As an educated advocate, Kathi Mills is well aware of some of the many progressive lifesaving programs going on across the country, and was making an observation about a perceived lack of dedication and imagination in the saving of lives of cats and dogs in her own city. There are many individual activists, like Mills, across the country who utilize e-mail to share information and opinions as they address a variety of social

issues. Mills has been outspoken in her campaign to make a change in the practice of killing healthy homeless animals. Her techniques and her choice of words may not be those that Best Friends would have chosen, but Best Friends understands the reasons for her outrage, in the face of the many dramatic, lifesaving changes taking place in other cities.

The goal of the No More Homeless Pets campaign is to end the need for the killing of healthy pets in the nation's animal shelters. And it is already becoming a reality in many cities across the country. Here are a few examples:

- 1) Nathan Winograd, a former criminal prosecuting attorney and civil litigator, became the Executive Director of the Tompkins County SPCA in Ithaca, NY. In less than two years, through an intensive adoption, spay/neuter, and public awareness campaign, his has reduced the total shelter killing in his county to 8 percent of the impounded animals.

- 2) Alley Cat Allies, headquartered in Washington, D.C., is a national clearinghouse for information on feral cats. They have shown with scientific evidence that the non-lethal management program, known as trap/neuter/return, is

more effective and less expensive to local communities than trapping and killing feral cats.

3) No More Homeless Pets in Utah is a five-year campaign to end the killing of healthy homeless pets across the state. Last year, more than 21,000 dogs and cats were neutered through the low-cost spay/neuter program, and more than 26,000 animals were adopted. The program, now in its third year, is on track to achieve its goal by 2005. The campaign is funded by Maddie's Fund, a foundation that supports community-wide spay/neuter and adoption programs, and Best Friends Animal Society.

4) San Diego Animal Control, in California, undertook to reduce the number of animals being killed in the shelter. In the last year, shelter adoptions are up 26 percent, deaths of healthy pets are down 99 percent, deaths of treatable animals are down 33 percent, and total deaths are down 30 percent.

5) Robin Starr, director of the Richmond SPCA in Virginia, has created a partnership with the city animal control to make Richmond a no-kill city by 2006. In the first 8 months

of the plan, more than 1,100 animals were saved over the same period the previous year.

6) In Alabama, a two-year statewide spay/neuter campaign fixed over 36,000 dogs and cats of low-income residents. The effort, funded by Maddie's Fund, resulted in a 9 percent drop in euthanasia, or 5,449 fewer deaths, over the two years.

7) Mike Arms, of the Helen Woodward Animal Center in California, launched the Home 4 the Holidays campaign three years ago. Last year 1,200 shelters took part and reported 180,000 adoptions in two months. (This year's holiday season goal is 225,000.)

Many of the intensive adoption, spay/neuter, and public awareness campaigns cited above would likely have similar benefits in Atlanta, were they to be applied there. It was understandably frustrating to Appellant Kathi Mills that such innovative programs had not been not implemented by key leaders in her community. Failure to adopt effective strategies is always frustrating to advocates for social causes. As an individual, she has relied on her own rhetoric within her group of fellow animal lovers, to seek change.

Indeed, Best Friends is aware of many frustrated initiatives in the Atlanta area to forge coalitions that would include the Atlanta Humane Society (AHS) and work with AHS to increase adoptions and low-cost spay/neuter.

We believe it is no coincidence that at least one critically important change has taken place since Appellant Kathi Mills expressed her views in a way that drew public attention to the plight of animals in her community. AHS has now given up control of the operations of the Fulton County animal control facility.

And as soon as the much smaller Southern Hope Humane Society took over shelter operations, adoptions began to rise dramatically. Southern Hope accomplished this very simply by working cooperatively with community rescue groups and promoting the shelter pets for adoption to the public.

### **Argument**

There is a widespread grassroots movement to end the killing of healthy pets in animal shelters. No-kill shelters are springing up throughout the country, a growing number of communities are setting no-kill goals, and increasing numbers of

municipal animal control departments are embracing progressive adoption and spay/neuter programs. Like all social conscience movements in history, it depends on the efforts, courage, and sometimes audacity of the private individuals to share ideas.

Inevitably, there will be diverse opinions, points of friction, and disagreement between those long immersed in a set way of doing things and those promoting the emerging new ideas. Citizens should be able to express their opinion of a community figure and their policies without fear of penalty.

### **Conclusion**

Appellant Kathi Mills is a citizen speaking out for change in her community. She has become aware of alternatives that can be implemented to save the lives of homeless pets in her community, and has the courage and audacity to speak out about them, even if it means taking a stand against those who are in powerful positions, in whose hands many cats' and dogs' lives are held. Mills should be allowed to express her opinion on a situation affecting her community.