

BY AMBER SHEPPARD



FOCUS ON ACCESSIBILITY TO LEGAL SERVICES

COURT OF PAWTM: SERVICE AND THERAPY DOGS IN THE COURTHOUSE



Nearly every lawyer feels nervous before arguing a case in a courtroom. Consider the heightened anxiety of a regular person, especially a child or someone with a disability, when testifying. To help alleviate this stress, many courts across the country, including those in Louisiana, have implemented assistance dog programs.

The Court(s) of Paw™ is a new program where assistance dogs are on-site for specific purposes. Before you grab your phone to call your judge for a dog at your next hearing, keep reading. This article will explain the differences among assistance dogs, their uses, qualifications for a program and how the use of these dogs can improve legal services as a whole.

What Are the Types of Assistance Dogs?

Many people mistakenly interchange “service dog” and “therapy dog,” but they serve a distinct purpose. Here is a brief overview of the different types of assistance dogs.

Service Dogs are trained to perform specific tasks for individuals with disabilities, as defined by the Americans with Disabilities Act (ADA)¹ and Louisiana law.² They can accompany their owner (al-

most) anywhere without restriction. There is no requirement for a national registry, no breed restrictions, or service dog label requirement. Louisiana’s “White Cane Laws”³ protect these animals and their handlers. Under the ADA, you can only ask: 1) Is the dog required because of a disability? 2) What work or tasks has the dog been trained to perform? Asking for a demonstration of the tasks is not allowed.

Emotional Support Animals (ESA) provide comfort to their disabled owners as part of their treatment. They can be any small, domesticated pet. ESAs have no public access rights except for housing under the Fair Housing Act.⁴ There is no national registry, but housing authorities can request reliable documentation, such as a doctor’s note or a household member’s statement.

Therapy Dogs provide comfort to specific populations in settings like hospitals, schools, disaster relief shelters or court-houses. They have no federal legal protections and are pets, even when working.

Facility Dogs are legally authorized by Louisiana law,⁵ which allows criminal witnesses under 18 or those with developmental disabilities to have a facility dog while testifying. The dog must be certified, insured and trained by an accredited organization. Courts can extend this accommodation on a case-by-case basis, requiring certification and insurance evidence for the dog. The dog cannot interfere with the proceeding. A facility dog is essentially a type of therapy dog for the purposes of this article and ease of explanation.

Dogs in the Courtroom

Only controlled service dogs and service dogs in training *must be allowed* into the courtroom. Permission from the court is required for other types of assistance dogs. A therapy dog program must be sanctioned and approved through a contract with the judicial district, presiding judge(s), and, if applicable, the parish’s risk management office. A facility dog request requires consent by the hearing’s presiding judge after filing a formal motion.

The first dog used in Louisiana court-rooms was Kimberly Beshear’s yellow lab Suzy in Orleans Parish. Suzy has since retired, but her legacy lives on. There are currently eight facility dogs, including my sidekick Tubbs, in Louisiana courts.

22nd Judicial District Court Programs

The therapy dog program in St. Tammany Parish offers therapy dogs in two specialty courts. Being an attorney having worked in Child In Need of Care (CINC) court and knowing firsthand the benefits a dog can have on a person’s well-being, I approached the court about the possibility of a therapy dog program in Juvenile Courts (Judge Scott Gardner) and Assisted Outpatient Treatment (AOT) hearings (Judge Alan Zaunbrecher, directed by Wendy Griffith).

After nearly a year and a half of discussions, St. Tammany Parish now has its first “Court of Paw™” through the nonprofit Be Fierce & Kind® Canine. Tubbs is the first dog in the program thanks to the collaborative efforts of Judge Gardner, Judge Zaunbrecher, the Department of Children and Family Services (DCFS) and the Northshore Public Defenders Office.

Tubbs is an 8-year-old Labrador/Basset Hound mix specially trained by an assistance dog organization to perform deep-pressure therapy. She is also trained to intervene and alert when an individual is showing signs of distress so we can provide therapy tasks or talk them through it. Thanks to Tubbs’ short stature, she is non-confrontational, compact and easily able to reach any person of any size in the courtroom.

Juvenile Court

Juvenile Court handles cases involving minors charged with delinquency and dependency through CINC proceedings. CINC proceedings occur where a non-parent may be chosen to care for a neglected child. Children aged 12 or older must be present in a CINC proceeding⁶ unless waived by the court.

Tubbs stays with juveniles before they enter the courtroom and sits beside them during proceedings. One DCFS caseworker said, “When Tubbs was there, the children were distracted in a good way.” Tubbs often accompanies youth into the judge’s chambers, laying at their feet or sitting on a couch next to them during difficult discussions.

Judge Gardner noted the difference a dog can make in determining the best interests of the children in his courtroom.

“Having a dog when they walk in, introduce herself to them, sit with them and spend the necessary time to bring their heartbeat back down to a normal range is the best opportunity that I have to find out from the children what they think is in their best interest. And after all, that’s the reason that we have this court for Children In Need of Care.”

Assisted Outpatient Treatment (AOT) Program

Tubbs is also the first therapy dog used in a Louisiana AOT program. AOT is court-ordered, community-based mental health treatment under civil court commitment⁷ for adults who are diagnosed with a serious mental illness. These adults have a history of treatment non-compliance. Many participants have schizophrenia, bipolar disorder or major depression.

AOT Director Wendy Griffith noted, “Most if not all the male participants would engage Tubbs, rubbing and petting her throughout their time inside and in the lobby of court.”

Benefits of a Therapy Dog

A therapy dog is a form of animal-assisted therapy (AAT). Therapeutic experiences include walking next to, sitting with, and petting an animal.

Studies have shown the presence of a dog for AAT can lower heart rate, blood pressure and reduce anxiety.⁸ Judge Scott Gardner stated, “Having a dog in the courtroom instantly humanizes the process, humanizes the staff, and makes us all a little bit more approachable.”

Children are not the only individuals benefiting from the support of a therapy dog like Tubbs. Judge Gardner explained that there are “parents in court that hear the failures and intergenerational trauma that they’ve suffered come back and visited on their children.” Tubbs provides animal-assisted therapy for them as well by provid-

ing deep-pressure therapy like leaning on their leg or nudging their hand.

Therapy dogs have a calming effect in high-conflict courtrooms. DCFS attorney Kim Debrock stated, “When Tubbs is there, the energy shifts from fear and anxiety to calm and hopeful. Tubbs brings peace into a chaotic setting and centers us on helping children and families holistically.”

Even adult witnesses feel the calming effect. One DCFS caseworker noted, “She must have felt my anxiety” after Tubbs laid her head in their lap. Tubbs often nudges a hand to help individuals stay grounded in the moment.

Over the course of our time in these courts, we saw individuals open up to Tubbs. They began to not only trust her but trust me as well. They became more talkative and edged away from the walls to be closer to other people. One AOT participant noted that “Tubbs calmed me when she was there and made me better at collecting my thoughts to talk to the judge.”

Considerations When Using a Dog in Practice

These dogs benefit the fact-finding aspect of many types of cases where emotions and traumas may run high. For example:

- ▶ Criminal cases involving abuse or violence
- ▶ Juvenile delinquency
- ▶ Family law cases involving children, especially at *Watermeier* hearings
- ▶ Mental health hearings where individuals may have cognitive concerns
- ▶ Protective order hearings

The presence of the trained dog during depositions or on the stand during examination can help the fact-finding process as it allows for witnesses to answer questions, from both sides, in a more relaxed state. A common misconception is that these dogs are only for witnesses. While some organizations use them solely for child witnesses, facility dogs are available to any person who needs it: plaintiff, defendant or witness.

Many lawyers bring their dog to their

office. If you want to incorporate a therapy dog into your practice, have that dog trained by a third-party organization. It can be your own dog so long as they have the temperament for it. Have a disclaimer about your use of the animal on your website and a policy that removes the dog if a client does not wish to engage with it. I have a sign on my private practice door that reads “Amber Sheppard And Tubbs the Therapy Dog.” Check your lease to make sure a dog is allowed. If not, ask your landlord if it can be amended so long as you provide liability insurance covering the animal.

Prior to bringing in a dog, conduct a poll of staff to gauge their comfort levels of having the animal present. Staff training of how to engage with the dog when it’s working is paramount. For example, the dog should not be fed during working hours, given breaks, and removed when a sign of distress is shown.

Ensure you have ample liability insurance on the dog that covers the animal as a pet and as a therapy animal. Always display signage of the presence of the animal being used in a court program at the entrance of the courthouse as well to alert patrons there is a dog on site. The dog should always be in a marked vest, leashed, and under control when working.

Conclusion

The presence of assistance dogs in courtrooms has the potential to transform the atmosphere, making it more conducive to the well-being of witnesses, court personnel, and all parties involved. These programs require thoughtful implementation and cooperation among various stakeholders. The benefits they bring to reduce anxiety and provide emotional support are invaluable. As more courts recognize the positive impact of these programs, we can hope to see a wider adoption of the Court(s) of Paw™, bringing comfort and calm to those who need it most.

FOOTNOTES

1. 28 C.F.R. § 35.136 and § 36.302.
2. La. R.S. 46:1953(A-C) and La. R.S. 46:1971-1978.
3. La. R.S. § 46:1953.
4. 42 U.S.C.A. 3601 *et seq.*
5. La. R.S. §15:284.
6. La. Civil Code art. 1244.
7. La. R.S. 28:65-76.
8. www.uclahealth.org/programs/pac/about-us/animal-assisted-therapy-research.

Amber Sheppard is a disabled attorney who practices alongside her service dog Tubbs at Sheppard Law, PLLC, in Slidell. In 2021, she founded the nonprofit Be Fierce & Kind® Canine to implement therapy dog programs in courthouses. Court of Paw™ is the intellectual property of Amber Sheppard. (amber@ambersheppardlaw.com; Ste. 19, 1527 Gause Blvd., Slidell, LA 70458)

