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## HOLDING THEIR HORSES: ATTORNEYS BONE UP, RIDE INTO A GROWING LEGAL NICHE INDUSTRY WATCH

**By Maya Meinert**

Daily Journal Staff Writer

LOS ANGELES - What does former "Magnum P.I." star Tom Selleck do when he realizes that the horse he purchased for his daughter's riding competitions - at \$120,000 - is lame?

He hires an equine law attorney and sues the seller for fraud.

B. Paul Husband, who represents Selleck in the case, is well-versed in the horse business. He has practiced equine law since 1979 and, like many equine law attorneys, he grew up with horses.

At a veterinarian's deposition in Sellick's case, he even had his own copy - autographed, no less - of "Adams' Lameness in Horses." He photocopied and blew up illustrations from the book to point out which joints had been pumped up with steroids, a strategy, Husband claimed, the seller used to hide the horse's lameness.

Husband's knowledge of horses comes in handy in these types of cases.

"A judge may ask you the parts of a horse, and when he does, you need to know them," Husband said. "Most people couldn't tell you the difference between a forelock and a fetlock."

But knowing the basics of a horse's anatomy is only one part of being an equine lawyer. Attorneys practicing in this area say they also must understand how the horse industry works.

"An equine law attorney must have a working relationship with horses and the horse industry," said Theresa Marie LaVoie, name partner at Ellis, Coleman, Poirier, LaVoie & Steinheimer in Sacramento and a civil litigator who has handled horse cases.

"Clients know that I understand what they're talking about," LaVoie said. "I understand what horses go through in training and what spooks a horse. When someone comes to me, they know we're on the same page."

The horse business doesn't always involve attorneys. Small operations may draw up bare-bones contracts and liability release forms, but even the sale of a \$150,000 horse may not prompt a buyer to get a lawyer's approval.

"Maybe it's the cowboy mentality that things [traditionally] have been done with a handshake," LaVoie said. "People in the equine world are close-knit. There is a lot of trust and honor in the industry."

Former equine law attorney Shauna Avrith didn't have any legal help when purchasing her horse.

"It's still pretty informal," Avrith said. "Trainers have a standard agreement, and there's a pre-purchase exam. If you use a vet that you respect, that's your due diligence on the purchase. Everyone sort of knows everyone, and owners trust their trainers to purchase horses for them."

But lawyers have played an important role in the racing industry since the 1970s, when syndicates, or horse-owning partnerships, gained popularity. And that role is growing.

"Even when they started syndicating, deals were still done on a handshake," said Bing I. Bush Jr., who practices equine law in his offices in Del Mar and Lexington, Ky. "But now there are so many more people involved."

More people means more money, and more money means more disputes, which translates into more work for equine law attorneys.

Paul Raub of McCarthy & Raub in Oakland has seen an increase in breeding-contract cases, many involving breach-of-contract or misrepresentation issues.

"There are a lot of horse people in the Bay Area," Raub said. "With the increased value in breeding, the industry is watched more closely than before, ... and people are more interested in legal representation."

"People will come to me with old bills of sale that were pretty simplistic years ago, and it comes back

to haunt them," he said. "Now contracts are several pages long. It's becoming a much more intense industry."

Raub began focusing on equine law when he took over his partner's horse practice a year ago. He said he had to get up to speed quickly and credits the Internet with helping him understand the particulars of the industry.

"It's probably my best source right now," he said.

That is why Concord Law School professor Kathleen Reagan developed an equine law course for the fall. The class will cover industry practices, sales, contracts, securities, insurance, gambling, tax, liability and ethics issues.

"It's a totally underserved area of the law," Reagan said.

She has her own practice in Braintree, Mass.

"When I started practicing equine law, I noticed how little resources there were for people who wanted to practice it and how wretchedly underserved clients were by lawyers who didn't know whole areas of the law," Reagan said.

She said that lawyers who take on horse cases need to be familiar with the appropriate terminology of the equine industry. But not every lawyer who practices this area thinks it's necessary to have grown up with horses.

"Horse jargon is important, but on the other hand, the issues I deal with primarily revolve around contract law, which is something we learn in law school," Raub said. "People get very territorial about insider knowledge, but it's something you can certainly learn."

Reagan agrees.

"It's an emerging area of the law that can have broad application," she said. "It's something you can learn and apply to other areas of the law."