

LVM: Session 3

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We finish our review of basic issues in American law. In the first hour, we look at the “substantive law” in the developing areas of “damages” and “wills and trusts,” as well as the important principle of employer liability for acts of employees. We also look at various “procedural” laws because these key features are relevant to practicing veterinarians—these include jurisdiction and “discovery” (both of which can impact veterinarians *not* involved directly in law suits). We also touch on “administrative law” because that is so important for protecting your license in case a complaint is lodged against you by a client or anyone else.

In the second hour, we look at “bailment,” negligence in restraint, and noncompetition agreements.

We do *not* discuss the obvious impact that a criminal conviction can have on a veterinarian’s license and life—that is dealt with in part in the December 15, 2005 article that is part of Session 2’s reading. If you would like to know more about this subject, see the July 1999 JAVMA article “Criminal conviction and the right to practice.”

Throughout our discussion, we will emphasize the importance of practical, prudent approaches to legal issues.

1. Readings and Resources

1.1 First Hour

- Legal Damages—Some General Comments
- 2005 article by DVM Vaughn of AVMA-PLIT re malpractice and non-economic damages
- JAVMA, January 1, 2000, “Emotional distress, punitive damages, and the veterinarian—some judicial responses”
- JAVMA, June 2002, “Trusts for the care of animals
- In Re Estate of Howard W. Brand, Vermont County Probate Court 1999
- JAVMA, August 15, 2006, pp. 486-487, “Bonds that last a lifetime—Planning for your pet’s future without you”
- JAVMA, August 15, 2006, JAVMA News lead story, “The Geriatric Issue”
- JAVMA, February 1, 2001, “Vicarious liability”
- Discovery Procedures
- JAVMA, April 1, 2002, “Veterinarians and administrative law”

1.2 Second Hour

- Non-Competition Agreements

- JAVMA, June 1, 2001, “Noncompetition agreements—some recent wrinkles”
- DVM Magazine “Tips” article, “Can ambition compromise ethics in close competition?” June 2006
- JAVMA, December 1, 2001, “Negligence in restraint”
- JAVMA, April 1, 2000, “Veterinarians as bailees”