



Animal Law Podcast: Transcript for Episode 98, Interview with Kristina Bergsten

Mariann Sullivan: Welcome to the Animal Law Podcast, Kristina.

Kristina Bergsten: Hi, thanks for having me. Glad to be here.

Mariann Sullivan: It's my pleasure. We were just talking before I started recording; this is kind of a different interview than many of the ones I do on the podcast. I usually focus on one big case and go into it in depth. And I do want to focus on the substantive issues.

And you did offer up a case to talk about, but I really want to talk about the issues involved in founding and operating an animal law practice, how that works, how you succeed, and kind of cover a little touch, at least, of a lot of different types of cases that you end up dealing with.

And so perhaps we should start talking a little bit just about the firm itself, so people get an idea of what we're talking about. Where is it? What do you specialize in? Who works there?

Kristina Bergsten: Sure. Let's start with where we are. I often joke that I time travel all day long every day. We have an office in Philadelphia, and we have our flagship office in Denver, Colorado. So currently, we serve Colorado, Pennsylvania, and New Jersey. And I'm in the process of getting my New York and Texas bar licenses as well.

Mariann Sullivan: Does that mean that you're admitted to practice, and are all of your lawyers admitted to practice in all of those states?

Kristina Bergsten: No, right now, I'm the only lawyer admitted to practice in three states, soon to be five. Cerridwyn is my Denver, Colorado attorney, so she's admitted to practice just in Colorado.

Mariann Sullivan: Okay. And, how does a multi-state practice work? It just seems very confusing. Do you have individual attorneys working in different states? If you're practicing federal law, that'd be one thing, but the law really varies a lot when it comes to the kind of issues you're dealing with, doesn't it?

Kristina Bergsten: Kind of. So, the first answer I would give to that is the legal principles are all the same. The difference, of course, is in the minutia where, you know, Colorado's dog bite statute is 18-9-204. 5. Whereas in New Jersey, let's see if I can get this right...It's like 4:19-2. So...

Mariann Sullivan: I won't hold you to the section numbers. *both laugh*

Kristina Bergsten: Thank you. I mean, more or less, the verbiage by and large is the same, the execution of how the case will play out in terms of applying the theory is similar, if not the same. It's just, like I said, it's the minutiae of how things are worded, how severe the penalties are.

For example, the dog bite statute in Colorado it's a misdemeanor. No matter what, at a minimum, it's a misdemeanor, but then in Pennsylvania, it's what's called a summary offense, which is less than a misdemeanor but more than a parking ticket. Then in New Jersey, it's also a misdemeanor, but it's usually municipal, so it doesn't show up on background checks.

Mariann Sullivan: You're saying like the principle is the same, but the details are different. But the details are what drive lawyers crazy. *laughs* I mean, that's the hard part is knowing which courthouse you go to and, you know, stuff that it's really hard to look up in the books! Getting to know different lawyers in different areas...

So I admire that you are able to pull this off in a number of jurisdictions. I would have a hard time in just one. Did you go to law school knowing that you wanted to do animal law, or was this a late career change? Not late, obviously, you're not late in your career, but a subsequent career change?

Kristina Bergsten: I'll take that as a compliment because I'm a lot older than I probably look, or so I've been told.

To answer your question, no, I did not go to law school thinking I would have a career in animal law because, as a lot of people ask me, "Oh, you can make money doing this?" So, you know, I didn't anticipate that there was going to be a career for me.

I went to law school shortly after the great recession started, and it had not concluded by the time I finished law school. So when I went to law school, I took as many different types of classes as I could to diversify my education base because I didn't know where I was going to get a job or what area of law I was going to get a job in.

Ironically, the only class I didn't take was family law, domestic relations, because I was like, "I will not do that no matter what." *laughs* But beggars can't be choosers, and my first job out of law school was working for a family law firm. Divorces are recession-proof, so that was my first job out of law school.

My bosses were great. I had two really great bosses who just set an amazing example for what it means to be an attorney. They had great work-life balances. They weren't nasty, short-tempered. They didn't have minimum billable hours for me to meet every week. I mean, it was really a dream come true for a baby lawyer.

They were just really nice. And they said, "Hey, we know family law is tough. Is there anything else you want to do?" And I said, "How about environmental law and animal law?" Because I had studied environmental law in law school, kind of hoping that I would end up doing that. But that just didn't happen.

And they said, "Well, what's animal law?" And I said, "I don't know. Well, let's just put it on the website. See what happens." *laughs* And then the next day, phone blowing up.

My first case was what's called replevin. It was a pet custody dispute where my client was trying to get his pug named Anastasia back from a former neighbor, and then really kind of the rest is history. So, I've been practicing animal law almost exclusively for ten years, and that's kind of the origin story for my office.

Mariann Sullivan: That's really interesting, but since you brought up pet custody, let's talk about it a little bit. And you use the word replevin, which if there are non-lawyers listening, sorry. *laughs* But as lawyers know, that's a property term, a personal property term. And pet custody is a subject that gets in the papers a lot, more than other animal law issues, and is a subject that people have heard of, but it's not really, in most situations, a custody dispute. It's a personal property issue.

When I teach about pet custody, it's sometimes seen from the outside. These are cases in which everyone wants the dog or the cat, you know, the unusual

situation in which the animal is kind of sitting pretty, and everybody wants him or her.

But when you look a little closer, the animal's often used as a pawn in these cases. I think that's probably more frequently the case in a lot of them, especially when it has to do with divorcing couples. Is that the experience you have seen? That pet custody is frequently some kind of, similar to child custody in that way, that the interests are not totally clearly for the animal's benefit.

Kristina Bergsten: Yeah, the interests are not always altruistic, for sure. Yeah, actually, that's one of the cases that, I believe, we sent over to you. We have an appeal currently pending for a pet custody dispute, wherein the suing party, let's just call him Ryan, and then my client, the defending party, let's just call her Carrie.

Ryan was abusive to Carrie throughout the relationship. They separated. They had adopted a dog during the relationship. And then after the relationship ended and they were physically separated from one another, Ryan kind of went off the deep end and was abusing drugs and had all sorts of drug issues.

And this shows up in the transcript, so it's not anything he hasn't said himself, and he begged Carrie to take the dog, just begged her, and it's in text messages, emails, social media messages. Anyway, so she takes the dog, he goes into treatment, he comes out of treatment, and then months later, he says, "Well, I want my dog back."

And she says, "No, you gave me the dog, the dog is safe with me." So he sues her, right? And I'm simplifying it a lot because there's all this extra...

Mariann Sullivan: Oh, I'm sure.

Kristina Bergsten: I mean, the back and forth... I shouldn't even say back and forth- just him constantly, like, the incessant talk.

So she got a protection order around the same time that he sued her. And essentially, the trial court said, "You're a hysterical woman. You're abusing the protection order process to keep this dog from this nice man who has suffered so much because of his drug problems. So we're going to give the dog back to him."

That's how the transcript reads to me, you know? Anyway, so we're in an appeal. His answer was due, and he did not file a response, so we're going to move for default, and she's in possession of the dog.

Mariann Sullivan: Oh, then you're in good shape there!

Kristina Bergsten: Yeah, we're lucky in that regard. I've got another case where my client is not in possession of the dog, and it's pretty traumatizing.

But I mean, yeah, as will often happen throughout this interview, I will give you a long answer to a short question. But you hit the nail on the head that dogs, cats, whatever animal, are used as pawns in further manipulative, abusive schemes, especially.

Mariann Sullivan: I would have guessed that frequently your clients don't understand that this is... Well, except in a few states that do have pet custody statutes, which is, I guess, a growing trend; there are a few of them. People don't understand this property question. The best interest of the animal, it's no more than the best interest of the car. It doesn't come into court. That must be very hard for clients to understand.

Kristina Bergsten: It is, and we have that conversation at the outset a lot of times because a lot of times, clients will send me 300 pages of bills and pictures and doggy daycare, like, all the things that they've done...

Mariann Sullivan: Like a child custody case! They're thinking of it as a child custody case. Yeah, that must be very frustrating.

Kristina Bergsten: It is, yeah, it's shocking.

Mariann Sullivan: The case I teach about pet custody when I teach in my class has to do with this case in New Jersey where they ended up, these people did not like each other, you know, they're getting divorced or separated. I forget whether they were married.

And the court ordered that they would share custody of this dog. They have to bring the dog back and forth, which is not good for the dog. And they're tied together for the rest of their life because of this decision. It was a terrible decision, I think. Courts have to pay a little bit more attention to reality in these cases.

All right. I just wanted to add that story, but now I want to go into some of the other areas. I noticed, and you mentioned in the beginning, and I know this from other people who have had animal law practices, that a really big part is dangerous dogs.

You don't call them dangerous dog cases; that's what the statutes usually call them. I think you call them dog bite defense rather than assuming from the beginning that the animal is dangerous. That's the question that's actually before the court.

Is this an important part of your practice? And how do these cases come to you?

Kristina Bergsten: It's definitely an important part of my practice. I would say dog bites make up approximately 40% of the practice. Pet custody makes up the other 40%. And then the remaining 20 is just...

Mariann Sullivan: Oh, that's so interesting. I didn't realize that. Yeah.

Kristina Bergsten: Dog bites are huge in our office, and they come to us just online through Google searches. That's how most people find us because our client base primarily is millennials. And now, as Gen Z is getting older, they're increasingly becoming Gen Z. We get the occasional Gen X or baby boomer generation, but for the most part, by and large, it's people who grew up with the internet. And so that's where and how they find us.

Mariann Sullivan: You have a case here that you want to talk about a little bit, and we can go into depth a little bit on the case involving Zion.

And I just want to say that, you know, this is a tough area. You know, I always keep my dog on a leash, well, my dog is. no longer with me, but you know, when I've had dogs, and I have sympathy for people who they're walking their dog on a leash and another dog comes along and is aggressive. I mean, that's such an upsetting situation.

But I do feel like people's expectations of what normal dog behavior is has become kind of unrealistic as if they're stuffed animals almost. They're never supposed to argue with each other. They're never supposed to show normal threatening behavior.

They don't know anything about dogs. Do you find that's the case in these particular cases?

Kristina Bergsten: Oh my god, this is like my soapbox. Yes, this is what I complain about all the time when it comes to these cases. Exactly your point. Animals...and this is where I think the animal property designation is so messed up because it's like if we really believe animals are property, then property injuring another property shouldn't be charged as a strict liability crime.

It should be charged as property damage. you know, like, vandalism or something like that. And so, to your point, it's like, well, we obviously recognize that animals are more than property because we're not charging these things as just vandalism or property damage. We're charging them as like misdemeanors that are serious and with serious consequences and fines.

But at the same time, we're not taking into account the dog's behavior who's accused of biting, right? So if it's dog-on-dog, what always happens is the victim dog, "Oh, this dog now is traumatized and emotionally distressed, and you know, this dog had to go through all this, and it's terrible."

And it is, it is terrible. It's traumatizing for anyone to see their dog get attacked.

Mariann Sullivan: I assume it's different in a situation where a dog is attacked and killed. You're talking about a dog fight breaks out, and nobody's seriously injured.

Kristina Bergsten: I mean, in either case, whether a dog is killed or a dog is injured, because a lot of times the cases that come to me are someone who owns a Doberman or a Pitbull or a German Shepherd and the other dog that died was like a Chihuahua.

Mariann Sullivan: They're so frequently like that.

Kristina Bergsten: Yeah, and I guarantee you every single time, ten times out of ten, that chihuahua started it. They're the piranhas of the land. *laughs* Those dogs, they can start a fight.

Mariann Sullivan: *laughs* All right. I'm going to get so many comments, but okay.

Kristina Bergsten: Sorry, sorry. No, I mean, I love chihuahuas!

Mariann Sullivan: I have a couple of friends who are chihuahuas, and I love them dearly, but I hear ya.

Kristina Bergsten: Sorry, I'm not trying to breed discriminate; it's just I see this a lot.

And it's just like, I sympathize with the chihuahua, I'm small too, like, I get it. I've got a Napoleonic complex, so I get it. *both laugh*

But I mean, yeah, I'm not gonna pick a fight with a football linebacker or whatever, I don't know anything about football, so that's probably the biggest thing... *both laugh* But you know what I mean, like, I'm gonna lose that fight, but I know that because I can rationalize it, whereas the Chihuahua can't do that.

Mariann Sullivan: No, that's not how dogs are.

Kristina Bergsten: Right, and neither can the German Shepherd or whatever, right?

Like, he's not sitting there being like, "Oh, I should take it easy on this dog because he's so much smaller than me." It's like, "Hey, fun toy!" You know?

Mariann Sullivan: Yeah. And it's our fault that dogs who still have the instinct of dogs, probably the instinct of dogs who are kind of the same size, have been altered so that they're wildly different strengths and sizes, and one is much more vulnerable to the other. Their behavior has not caught up with that.

The Chihuahuas are still just as tough as a big dog, and the big dogs are still just as unrealistic about, as you say, I shouldn't pick on this dog because he's smaller than me. They don't have that in them. There are all these expectations about who dogs are.

And, I want you to tell us about the case of Zion because I was particularly taken by this case because, you know, it's something that's happened to me when I had the dog on the leash. But it's this idea that dogs who get into fights that aren't lethal...you know, they get into a fight, that is something that dogs just do, and people don't seem to accept that anymore. People just want dogs to be stuffed animals who love you.

Kristina Bergsten: Oh, 100%. 100%.

And I think to your point about dogs getting into non-lethal fights. We call them fights, but they're not really fights to the dogs, right? A lot of times, it's just because dogs only have claws and teeth and barking to communicate with one

another. After a certain point, you can only vocalize so much before claws and teeth are a more effective means of communication, right?

So, I think that the laws do not take that into account, and so, for Zion...

Mariann Sullivan: Yeah, they're trying to establish dominance, and once they have, they're not going to keep going and kill. It's just part of their dominance.

Kristina Bergsten: I wouldn't even necessarily say it's dominance. Sometimes it's just boundaries. Sometimes it's just like, "Hey buddy, back off. You're too close."

Mariann Sullivan: Right. That's very fair. Yeah.

Kristina Bergsten: Or it's just like, "Nope, this is my ball, like. You can have it in a minute. Hold on."

Mariann Sullivan: Yeah. It's a form of communication. It's not meant to kill, most of these altercations.

Kristina Bergsten: Exactly. Exactly. I always say that all the dogs that come to me, they're good dogs that were in bad situations. And a lot of what contributes to that bad situation is people's expectations of dogs being fluffy stuffed animals all the time.

They only have certain means to communicate, and fluffy stuffed animals, when they have teeth and claws, that's how they're going to communicate.

Mariann Sullivan: So, tell us about Zion. This is a situation in which I don't know what kind of dog or how big Zion is, but I would have found it upsetting. But...well, tell us the story *laughs* before I opine on it.

Kristina Bergsten: Yeah, so this is a case that keeps me up at night. And this is actually a case that ate at my associate attorney so much. a former associate attorney, that she had to leave the firm. She just emotionally...it was just so draining for her. And I can see why. I mean, like I said, this case keeps me up at night.

So Zion is, I actually forget...I know he's a large dog. And he lived in a place where he had a low fence. So he got into scuffles. I don't even like calling them fights anymore. He got into three different scuffles. one where his owner dropped the leash, another time where...I don't even remember what the second

one was, and then the third time, which is the one that we're dealing with now. My client's husband took the dog out in the rain and slipped and fell, dropped the leash, and the dog got into another scuffle with another dog walking by because they lived in a place where there was a path behind their house. In the process, the husband, when he fell, hit his head and suffered a traumatic brain injury.

But long story short, the owner of the other dog in the third incident said he didn't want to press charges, but then animal control said, "Oh, well, this dog's had prior incidents," and he's like, "Oh, okay, well, then I'll press charges."

And the two prior incidents were treated as one, and one was dismissed; that's why I can't remember what it was about. And then, the remaining charge was pled out as a deferred judgment sentence. For those of you who don't know, if you're not in Colorado, a deferred judgment sentence, it's kind of like probation where as long as you're good for the period of probation, usually 12 months, then at the end of that 12 months that charge gets dismissed as if it never happened.

So it's a pretty good deal, generally speaking, but you've got to stay out of trouble. And so this third incident occurred right before the expiration, I think. Either right before or right after, but either way, it was a third incident. And so my client pled guilty before she hired us. And when she pled guilty, then the judge said, "Okay, well, I want you to relinquish your dog."

And she was like, "Wait a minute, I need an attorney." But it was too late, she had already pled guilty. So we were kind of stuck with it.

Mariann Sullivan: Oy vey...

Kristina Bergsten: And we did the best we could during sentencing to argue that the dog should not be released because we were going to appeal it because we felt that there were some legal errors throughout the process.

And then the judge said, "Well, okay, I will order a stay pending the appeal that the dog will not be relinquished to The Buddy Center," which is owned and operated by The Dumb Friends League in Denver. "But I am going to make Zion the bond for the appeal. So The Buddy Center is keeping Zion."

In The Buddy Center, when dogs are labeled as dangerous, they're put in solitary confinement, they can't interact with other dogs, they can't interact with

people, they're just given food through a slot, and then they might be taken on a walk...

Mariann Sullivan: Oh my god!

Kristina Bergsten: Yeah, I mean, it's bad because the people who work at these places, they're just volunteers. They're not all dog behaviorists working part-time at The Dumb Friend's League, you know what I mean? So it's just like teenagers and people with free time.

Mariann Sullivan: And they probably have loads of other dogs to take care of who they actually might be able to help. These dogs... Well, if a dog's not crazy before he goes into that situation, he's gonna be crazy afterward.

Kristina Bergsten: Oh, 100%.

Mariann Sullivan: Well, actually, I shouldn't say that because dogs are so resilient. But come on! What a thing to do to a dog.

Kristina Bergsten: It's terrible.

I mean, I've had dogs...older dogs especially don't do well. I had a dog who was 12 who got locked up for killing a cat, the neighbor's next-door cat, and they didn't want charges to be pressed. Anyway, so they put him in solitary confinement, and he was in there for like three or four months...

Mariann Sullivan: Oh my god!

Kristina Bergsten: And he stopped eating and...

Mariann Sullivan: Yeah. Dogs are pack animals...I mean, as we all know, they need people around! Or not people; they need someone around.

Kristina Bergsten: Well, and what got me too is when I pointed this out to the officer who was in charge of the shelter where the dog was being kept, I said, "Look, he's starving himself to death. You need to let him out."

And he says to me, "He's not starving himself. He'll be fine."

I said, "He's dying!" And he's like, "He's not dying." *chuckles a bit* And I was like, "What do you think he's doing? He's not on a hunger strike!" Like what? *laughs*

Mariann Sullivan: I guess you have to have an unusual sense of humor to do this. *laughs*

Kristina Bergsten: Sorry, yeah, I guess I do. Yeah, it's pretty dark. Yeah, just hang out with me for a weekend, jeez.

But anyway, older dogs especially don't do well. Younger dogs do tend to do better, but still. And Zion's, like, six. He's six or seven now. so he's been in there since November.

The judge locked him up. My client has to pay money every single month for him to be locked up at The Buddy Center for his care. She's paid, like \$5,000 now, since November, to have him just sit in a cage...

Mariann Sullivan: And her husband died, right? I mean, did I read that?

Kristina Bergsten: Oh, yeah.

Mariann Sullivan: Like, come on. Like, is there no human kindness at all here?

Kristina Bergsten: The prosecution in this case is childish, petty, just awful. They're awful. I've tried talking to all of them, and they told me if I contact the office again, they're gonna file harassment charges. And I was like, "Then withdraw from the case if you don't want me to talk to you anymore. And also, good luck extraditing me from Pennsylvania!" *both laugh*

So anyway, that aside like they're terrible, and yeah, the husband died. Unrelated- he had heart issues, and he died from unrelated heart issues because he healed from the traumatic brain injury. You say traumatic brain injury, and everybody thinks he was in a coma No, whenever you get a bump on the head, it's always labeled as a traumatic brain injury.

Mariann Sullivan: Because it is very bad. But yeah, it doesn't mean you're going to die.

Kristina Bergsten: Right, yeah, and it doesn't even mean you were in a coma. It doesn't even mean you got a bruise...

Mariann Sullivan: But it means that this woman has been through a hell of a lot!

Kristina Bergsten: Oh, yeah!

Mariann Sullivan: A hell of a lot. She goes through that, and then he dies, and I assume these (are) people of a certain age, and she loves her dog. And I can see how this case drove one of your colleagues to say, "I can't do this anymore." Which brings up the question...

Well, you have an unusual sense of humor; maybe that helps. *both laugh* But, like, people hear animal law, and they're like, "Oh, that sounds cute." *laughs* It's like fun, but it is actually one of the most...I mean, divorce law is pretty wearing. Animal law is incredibly wearing, emotionally. And, in this case, your client, I'm sure, loves this dog. She is heartbroken. So how do you deal?

And in all of the cases you deal with, emotions run very high in these cases. So how do you deal with that? And what would be your advice to somebody who's thinking of this line of practice as to whether they're up to it?

Kristina Bergsten: Those are really good questions, and I'll get to answering that question in just a second because I want to add since you mentioned the husband's death...Not only did he die, but the prosecutor, during the sentencing argument, was like, "Oh, and by the way, court judge, I thought you should know that the husband died. And I'm not saying it's related to Zion, but it's related to Zion."

She wouldn't say that it was related to Zion, but she's like, "I just thought the court should know because this has to do with the defense's candor to the tribunal that they didn't tell the court that the husband died."

And my associate was like, "Yeah because that was a private tragedy..."

Mariann Sullivan: What!? I mean, if anything, it sort of would have been courting sympathy for your side. You know, "Oh my god, her husband died, and you're doing this to her dog."

It certainly wouldn't have been negative for you unless they're implying somehow that the husband died because the dog killed the husband or something...

Kristina Bergsten: Oh, yeah, no, a hundred percent. So she was not only implying that the husband died because of Zion, because he fell, but she was also implying that the defense was lying to the court. Hiding things and couldn't

be trusted, and therefore that's another reason why the dog had to be relinquished pending the appeal.

So, I mean, she turned a tragedy for my client into, like, "Oh, and by the way, judge, you shouldn't trust these people. They're terrible people, and you should lock up her dog."

So, I mean, she turned a negative into it an even further negative. I mean, talk about adding salt to the wound. That's the level of heartlessness that we're dealing with from the prosecution in this case.

Not to mention my client lives in Oregon. This case is in Colorado. She moved to Oregon, and we were trying to get the dog to be released because she's in Oregon, and she has been since, like, November, December, I forget. I mean, she's been there for a while, and they're like, "No."

So I mean, to answer your question, how do you deal with this? Because it's not just like...so the emotions from the clients are high, especially in dog bite cases where their dog is locked up, pet custody cases because their abusive ex is trying to take their dog from them or whatever, or just, anybody trying to take your dog from you...or cat or parrot, whatever pet you have...that's traumatic.

You love your dog or your pet like your child. There are lots of other cases, too, like we do service animal representation. Those can be really high emotions. We do breeder contract disputes. We've had cases where people buy Parvo puppies from pet stores or breeders, and then the dog dies.

One of my first cases in Colorado was actually a Parvo puppy case where the family bought a puppy. I think their kids were like, let's say, seven and five maybe, that might actually be a little old, and they wrote a letter from Santa to the little girls. And so the little girl who could read was reading the letter, and she gets to the bottom. It says, "and now you have a puppy!" and she's like *gasp!*

They took a video of it, and then a week later, the puppy was on its deathbed, and the little girls were like, *sad voice* "Well, what's wrong with the puppy?"

Mariann Sullivan: Why did Santa do this to us? My god.

Kristina Bergsten: I know; it was so tragic. And the person that ran this pet store was notorious. I can't believe people even bought from her because all of her Google reviews were like, "my dog died within two days."

Mariann Sullivan: Yeah, well, I can't believe anything that happens with animals, so it seems like par for the course. Yeah.

Kristina Bergsten: The good news is that pet store is now out of business.

So long story short, how do you deal with this? I really, I don't know. I mean, a lot of times, I joke that- between having a practice in three states and expanding the practice, and just being an attorney myself while running all of this- that I'm a high-functioning sociopath. *both laugh* So I think that's a part of it.

You know, I don't know. I feel like, when you're an attorney, no matter what...I don't really know what you could do as an attorney where you aren't going to be emotionally impacted by your clients. You just kind of have to know that for every case that doesn't go your way, there's another one that will. I often find that good wins out in the end; it's just a matter of how much stamina does your client have to see it through to the end? Because it's more draining on them.

I really don't have any guidance on that other than I try to make sure that my office, that my staff have a good work-life balance. Don't answer emails or phone calls outside of business hours. Don't work on the weekends. And I think it's just good to take care of yourself when you're working in this line of work because if you don't, yeah, it will consume you

Mariann Sullivan: Yeah, I mean, it would be really, really hard. I mean, as you mentioned, you had a colleague who said, can't take this. Another question that I guess comes up is why this practice might be difficult, and if you don't want to answer this, that's fine. But I can't help but wonder if sometimes you get frustrated, not just with the opposition, but with your own clients because people are so stupid about animals.

And I mentioned you have clients who have done things that are not as responsible as you would have done, and that's how they got into these problems. So are there places where you draw the line and say, I can't take this case?

Kristina Bergsten: I mean, we definitely don't do animal cruelty cases. We don't do animal cruelty defense. We definitely have a hard, fast rule on that. I mean, that's a hard question to answer because it's all case by case, and I mean, a lot of times, it's what I said, it's a good dog in a bad situation. It's where the leash broke, or they were at a dog park, or they dropped the leash! I mean these things happen.

It's human error. I've never really anybody who has done something really stupid. I mean, I guess I had a guy one time leave his dog locked up in his friend's garage. The friend owned a garage that he worked on cars. I forget why he had to put the dog in the shop.

And then, for some reason, the friend in the morning, like either forgot that the dog was in there and thought he heard someone rummaging around in his shop and he thought he was being robbed. So he called the police, and the police showed up, and then animal control showed up, and then it was like a scene from The Three Stooges where like all the police are running around *does circus music* Do do do do do do *ends music* you know?

And they let the dog get out, and then the dog was freaked out because it's being chased by six people, and then it just so happened the dog walked by somebody who was trying to catch him or whatever, and he bit the guy because he was just freaked out.

Mariann Sullivan: Yeah. I can see that happening. Yeah, the dog must have been a wreck by then.

Kristina Bergsten: Yeah, and I mean, is that stupid?

Yeah, it's definitely not a series of decisions I would have made...

Mariann Sullivan: Yeah, no, it's more stupid than evil.

Kristina Bergsten: No, I definitely don't represent people who do evil things.

Mariann Sullivan: And you know, kind of just something that happened.

Kristina Bergsten: Yeah, and I mean, in situations like that, it's like, I disagree with the owner's choice that led to all of this because it definitely was preventable. But that dog got locked up, too, right? And it's just like, at the end of the day, I'm like, while I disagree with the way this person handled things, at the end of the day, that dog didn't deserve to get locked up because he was just being a dog.

Mariann Sullivan: And it's not like somebody who just all the time leaves their dog off the leash and in bad situations where the dog is going to get in trouble. You know, as you say, a lot of your cases are more like the dropped leash.

Kristina Bergsten: Yeah, I mean, I have had cases where people, they don't mend their fences, and the dogs keep getting out, I've had cases like that. Or where people are breeding without permits, and then they let their dogs get out, and then it's like, "This is the second or third time this has happened, Broseph."

Mariann Sullivan: Oh, don't take that one.

Kristina Bergsten: *both laugh* Yeah.

Mariann Sullivan: Call me, Kristina. I'll tell you who are the bad ones.

All right. Speaking of, that brings up the question of systemic animal abuse, which is present in breeding a lot, and I know you're vegan, and so you get the big picture.

Kristina Bergsten: Thank you.

Mariann Sullivan: Would you like to head in that direction and do cases that get involved in systemic violence against animals, you know, such as animal agriculture, or do you want to keep to these companion animal specialties?

Kristina Bergsten: That's a really good question. And yes, ultimately, the goal is to end systemic violence against animals. To end systemic misclassification of animals as mere property. That is, for sure, my life goal.

But we are a small office. We're two attorneys. We're looking to expand, of course, but we've got to find the right fit, and we don't have deep pockets.

Our clients are just normal people. So, I mean, in order to tackle the systemic issues, I would like to have our office set up so that eventually we have the funds to be like, "Okay, we can do these things pro bono, and we can handle these kinds of cases."

We're just not there yet. So it's definitely a goal, and I kind of feel like chipping away at the animal as property designation through companion animal cases and I include horses, sheep, llamas, pigs, goats. We've had all of those animals as clients, but they're not in agricultural settings necessarily.

But yeah, chipping away at the definition through pet law, so to speak, is how I feel is the best way for me to contribute to taking down the system because I love taking down systems. *laughs*

Mariann Sullivan: *laughs* Yeah, and we need a lot of systems taken down.

And don't think that by asking that question, I was saying that what you're doing is not enough. I think what you're doing is amazing. I think you're absolutely right. And I think the way in, in so many instances, to getting people to think more seriously about animals and how it relates to the law, is in pet cases.

So advice for law students. What's your advice for any law students who happen to be listening, maybe, or people looking for a career change, who might want to get involved in animal law? How hard is it to start a practice?

Kristina Bergsten: Well, that's a great question. I've got a couple of different answers. So, first of all, if you're listening to this and you are a barred attorney, and you're tired of what you're doing, please send me an email because I would love to talk to you. *laughs*

Mariann Sullivan: Okay!

Kristina Bergsten: Like I said, we're always hiring. We're always looking for people.

And if you're already barred in New York or Texas, definitely give me a call because we don't have any boots on the ground there yet. If you're a law student, or if you're an attorney with some years under your belt and you're just tired of doing what you're doing, and you're looking to start your own practice, I'm getting ready to start franchising my law firm, actually. So again, give me a call because essentially, what I'm looking to do is set people up with the systems that I've already designed that are more or less foolproof and that work in any state, really, to start their own law practice, and then it's yours. And then you get my law firm's name and brand and all of that already set up, plus you get me as a built-in mentor to help you do all of this.

And you have the ability to make good money. Honestly, it's kind of my best-kept secret, and I kind of hate to give it away, but I will. One of the questions that I always get at networking events is like, “Oh, you make money doing that?”

I'm like, *sarcastically* “Do you make money doing what you do?” like, how rude! Why would you even say that? I'm like, “No, I don't make any money. I just do this for fun.” But yeah, so I mean, you can make money, and it is possible.

If franchising doesn't sound like it's something you're interested in, the best advice that I can give to you is if you're in law school right now, take as many different kinds of major theory classes that you can- contracts towards property, *laughs* take that family law class even though you don't want to, criminal law, civil procedure, take all the stuff, take everything you can, diversify as much as possible because animal law uses all of that.

Mariann Sullivan: It is a problem, isn't it? Teaching it is challenging too. It's like, I don't know everything about every legal specialty, *laughs* and every week I'm on a different legal specialty. A broad base of knowledge is crucial.

Kristina Bergsten: Absolutely. 100%. Yeah. that's what I would say. And I mean, if you're currently practicing and you're kind of stuck in your rut, I would say, don't be scared, basically. Because when I started practicing, like I said, I was working for a family law firm, and they let me add on animal law.

And so I was doing that almost exclusively by the time I left the law firm because I had some personal life changes going on in the background, and I moved from Pennsylvania to Colorado. When I did that, I didn't have any family, friends, connections. I'd never been to Colorado before in my life, *laughs* I just wanted to live in the mountains for some reason. It's because of John Muir... and anyway... So I moved to Colorado without a network, and I thought, "Oh, I'll just work and build a network, and then I'll go and work for a law firm like everybody does."

But the job I had tanked. It was a sinking ship. Like, two months after I joined, everybody bailed, and so I had to bail too. So I basically started my own law firm at that point. I had only been practicing law for three years. So I mean, that's like baby, baby lawyer. And so if you're in that same boat where you've got three years under your belt, you can do it. You just have to not be scared, which is hard.

Mariann Sullivan: Yeah, I have found that hugely challenging in life. *both laugh* Not being scared.

Kristina Bergsten: Right. Yeah.

Mariann Sullivan: You know, another area of law that we didn't talk about, I think it's on your website, but I'm not sure you mentioned it, but I know that other lawyers have made quite a nice living, which is very sad to say, is when cops shoot dogs, is that an area of your practice? And if it is, tell us about it.

Kristina Bergsten: Yeah, it is. I'm not really sure what to say about it. It happens more often than you would think. It's in 1984 civil rights action. And so 1984 isn't the year; it's the code section. So yeah, it's a civil rights action. We usually bring those under the 14th Amendment, the fifth Amendment, I'm forgetting all of them... The Fourth Amendment...

Mariann Sullivan: Well, that's okay. We don't need to know every section, but I think the interesting point about it is people don't understand that when a cop shoots a dog, which they do all too often, and we'll talk about that a little bit, it's a lot different than if your neighbor shoots a dog, which is a very hard case to bring.

But when a cop shoots a dog, it's a civil rights violation, and there are damages.

Kristina Bergsten: Oh yeah, I mean, in some respects, and this goes back to like my twisted sense of humor, like, in some respects, a cop shooting your dog is **hesitates** better than your neighbor shooting your dog...

Mariann Sullivan: Oh, it's so much better. I mean, if you're looking for money.

Kristina Bergsten: I mean, yeah, well, if you're looking for money and to change the law.

Mariann Sullivan: It's not that it's a good thing, but it's better than your neighbor shooting a dog.

Kristina Bergsten: Yeah, like if somebody calls me and they're like, "A cop shot a dog," I'm like, **evil whisper** "Yes!"

No, I'm just kidding. **laughs** No, because actually, those cases are super hard to litigate because animals are property, right? So, I mean, part of the reason why I love taking cops shooting dog cases is because here's another opportunity to change the law. Because if you get a jury on those cases, which so far, I've never been to a jury on those cases, they always settle, and it's because everybody knows that if they go to a jury on those cases, they are going to get crushed.

So anyway, I like those cases because of the potential to change the law, and they're just interesting to litigate, honestly. Like you're arguing federal constitutional law, and you're applying property doctrines to basically what someone considers their child.

Mariann Sullivan: Yeah, and also capable of making change, not just because changing the law, but it can change policy. I mean, sooner or later, police departments do seem to catch up to the fact that this is costing them really a lot of money and making them look bad.

And they start training programs. Because a lot of the problem here is exactly the same problem we were talking about before, that a lot of cops just don't understand dogs at all. And just think, if you go into somebody's yard and a dog growls at you, that means you should shoot them.

Whereas the dogs just saying, "What are you doing here? And explain yourself. and I'm concerned."

Kristina Bergsten: Right, or the dog is like, "Hey, you smell like doughnuts."
both laugh

Mariann Sullivan: You got one.

Kristina Bergsten: I'm kidding. I'm kidding. Kind of. *laughs*

Mariann Sullivan: No. So, I think it's a way to change policy there too.

Kristina Bergsten: Totally.

Mariann Sullivan: The whole purpose of tort law is the damages encourage people to do the right thing. So by getting these damages, you encourage police departments to do the right thing. But as you said, when your neighbor shoots your dog, the chances of getting damages are very little.

So there's very little incentive for people to change their... Well, I'm going on. I'm on my soapbox *laughs*

Kristina Bergsten: And it's the same with veterinary malpractice, too, because that's another major area that we practice in. Because again, pets are property, and so we're looking to change the law and the policy. Because we have these veterinarians who advertise on their website, "Oh, we know your pet is family. We'll treat your pet like family."

And then when I get in to talk to the veterinarian or the insurance agent to resolve the case, they're like, "Pets are property. Your client adopted the dog for a hundred dollars from the shelter. We'll give you a hundred dollars."

And it's just like, "Could you tell me to sit on it a little bit more?" You know what I mean?

Mariann Sullivan: Do you find that's changing at all? Because as a teacher, I only see the reported cases, and the reported cases on vet malpractice are disastrous. I mean, there's never any damages. I don't know why people bring the cases, I guess out of the goodness of their heart. But I have heard that people sometimes get settlements just because they want it to go away. They don't want publicity or whatever.

Does that ever happen? Or is it still just as bad? And people really don't understand that if a vet is just completely negligent and kills your animal, there's very little you can do.

Kristina Bergsten: I've kind of had a different experience so, veterinary malpractice, we used to only exclusively send demand letters to get the payment, like basically shuffle the paperwork back and forth to get the client reimbursed. And we would get not only the client reimbursed for everything paid out but also get additional damages that covered attorney fees and emotional distress. Now, the insurance company wasn't calling it emotional distress...

Mariann Sullivan: Right. That's kind of what I've heard that you can get some money, even though they don't want to change the law.

Kristina Bergsten: Right. I think that they're getting an increase in these kinds of claims because between 2022 and to present, insurance companies are like, "Yeah, we'll give your client 50% of the bills. And that's it." And they're not paying anything. They won't go over and above. Yeah. I mean, they're really clamping down.

So now it's gotten to the point where it's so bad that it's not even worth it for us to try to settle it out of court. So now we just move straight into the lawsuit, and what we're hammering them with is Consumer Protection Act fraud. Because every state has a Consumer Protection Act statute.

And in there, at least in Colorado, Pennsylvania, New Jersey, and I'm sure it's in all the other states as well, is triple damages for fraud. And that's why I mentioned the advertising, because if a veterinarian is saying on their website, "We treat your pets like family," and then come back at me and say, "Oh, no, pets are property."

I'm like, "Well, then your website's lying and misleading people to come to you because they think they're going to get more than your pet is property type treatment..." And they're like *puts on confused stammer* "Uhh, uh, what?"

Mariann Sullivan: Wow. That's great.

Kristina Bergsten: So yeah, I have several cases in active litigation in Pennsylvania and New Jersey on veterinary malpractice. And it's been interesting kind of the responses that I've been getting because they all come down at me like, "Oh, silly girl and your silly childhood dreams. We're just gonna get this dismissed."

I'm like, "Yeah, okay, try." And they haven't.

Mariann Sullivan: Yeah. And well, a lot of things have been tried. I mean, you know, people have brought the cases, and people have tried to get statutes passed, and, you know, they have been defeated. So they probably think you're going to be defeated too. I sure hope you're not. That's a great, creative way to try to get recovery for these people because it's a problem.

Going back to what I was saying before the purpose of tort law is to keep people in line. If there's no damages it's really hard to say that vets are going to be as careful as they should be.

I mean, you're talking about starting a multi-state practice and franchising. That's really interesting. And that will create communication between different, parts of your firm when it grows. Do you work with the bar at all, bar association committees? Are there opportunities to get involved outside of your practice? Do you try to communicate with other areas of the law, or is it basically just keep your head down and do the animal law?

Kristina Bergsten: Do you mean, like, do I work with or volunteer with other organizations in the animal sphere?

Mariann Sullivan: I'm thinking specifically bar associations. Is that an important part of staying on top of this? And is that something that people should look into whether their local bar association has an animal law committee, or is that not part of what you find useful?

Kristina Bergsten: I definitely think so. Colorado used to have an animal law committee, and I tried to restart it, and nobody was interested, so they were just like, "Well, we're just gonna leave it dead." And then Pennsylvania Bar

Association supposedly has one, but I can't find it. I don't know about New Jersey. So, I mean, to the extent that one exists, sure, go ahead and get connected.

I find that a lot of people that are in these committees don't actually practice animal law themselves. They're just interested in it. And this is kind of just a thing that they do, which is fine because then, if you're the only animal law practitioner in the animal committee, then you'll get all the referrals.

So it makes sense. I always tell people if you're a law student, especially, join your bar association. It's free, most likely, like nine times out of ten, it's free or it's significantly reduced, so definitely join a bar association. Go to the events, network because that's how you're gonna find a job out of law school. It's not getting on Law Review, and like writing and making sure that the comma isn't italicized.

I hate... I was on Law Review, like I say this as somebody who's on Law Review because they're always like, *puts on sarcastic voice* "Ooh, Law Review, Law Review..."

But none of my employers when I was interviewing ever asked me about, *puts on haughty voice* "Oh, so what did you learn from Law Review?" "Oh, Law Review, how impressive!" Nobody cared.

Mariann Sullivan: Well, I worked in a court, and you know, I read really, really a lot of briefs. It was an appellate court, and nobody cared whether the citations were in the proper format. Some, the big firms, they were beautiful, and you know, I appreciated it, but it didn't make any difference on how the case comes out.

Kristina Bergsten: Right, right, yeah.

To answer your question, I mean, getting involved with your bar association, I think, is important just from a community perspective, just from a networking perspective, and just from, like, it's good to have friends in the profession. So no matter what area of law you're practicing in, I always encourage people to get involved in their bar association because there are resources you can take advantage of. But as far as, specifically, if there's an animal law committee, I don't see any harm in joining it, certainly not, but I have personally never found an animal law committee that either exists or that does anything so.

Mariann Sullivan: So, you alluded to this, and I'm not going to ask you for specific numbers, but this is the money question, literally the money question. This is financially viable?

Kristina Bergsten: Oh yeah. yeah, it's definitely viable. I went from, when I started my law practice in 2017, I was on Medicaid. I think that's the one, regardless of age. I was on Medicaid. I probably could have qualified for food stamps, but I didn't do it. I mean, I was wicked broke. I was wicked broke.

And so I don't say that to scare people. The reason why I say that is for comparison. So I started in April 2017, and then by April 2019, I went on a month-long trip to two different countries around the world. So I mean, if that gives you any indication of the potential that animal law has or that pet law has... I mean, yeah, it's an unmet need, for sure, and just that alone says you can't fail.

Mariann Sullivan: Do you see, basically keeping (on) doing the cases you're doing, or do you see a trajectory? Issues that we're not discussing that should be on people's radar? Directions in which animal law is going?

Kristina Bergsten: That's a really good question. I don't know that I have an answer to that. Hopefully, what we're trying to do is to get damages. Like you said, you know, the damages is what changes things. So, I mean, hopefully, the trajectory is that harm to animals will result in damages to their people.

As far as like issues, I mean, I think we've talked about all of them. I was kind of saying at the beginning, or the middle, or wherever it was. I think pet law is going pave the way to changing how we treat animals in agriculture as well because that's animal cruelty. There's just no other way around it.

And I think that that is often overlooked by animal advocacy groups. I think they think that if they keep staging the protests and taking the chickens out of the factories... I think that's awesome, and I'm not putting it down at all, and we represent those people because it's criminal charges, right?

So, we represent them, and we work with groups like that, and I love working with groups like that. But what brings people closer is being like, "Oh, your dog is worth as much as your TV remote in the court's eye." And then they're like, *shocked voice and gasp* "Are you serious?! Not my baby!"

Mariann Sullivan: Yeah, that is something that horrifies people.

Kristina Bergsten: Yeah, and when you can change people's minds about what they have in front of them, then they're more open to the idea of having a conversation about the cows in concentrated animal feeding operations.

I don't know if that really answers your question, but I really hope that that's the trajectory that pet law is going to go. To eventually pave the way for real change when it comes to animal rights across the board.

Mariann Sullivan: Yeah. I mean, I don't have a specific theory of change because who knows what we're going to do about this because it's such an inexplicable, horrifying world. *Kristina laughs*

But I think that's really important...I think I agree with you, and I always spend a number of classes in my course, which is on all of animal law, on pet law because I think it's kind of the gateway drug into people, and I think that's a really important piece of the puzzle.

So I really, really think it's important what you're doing. And for people to become aware that the law treats animals like dirt. I mean, literally like dirt. And each time these cases get a little press or whatever, I think that does become more obvious to people. I was going to complete the interview there, but then you mentioned that you do criminal defense for protests and whatever.

Is that something you would like to do or that you're already doing?

Kristina Bergsten: Yeah, we're...

Mariann Sullivan: I hadn't realized that.

Kristina Bergsten: Oh, sorry. Yeah, yeah, we're already doing it. I mean, it doesn't come all the time because a lot of times these groups have their own internal counsel that will represent them or they'll hire the public defender or whatever, because they don't know that we exist a lot of times is what the issue is.

But, I mean, yeah, we love working with animal advocates in whatever we can do, especially doing criminal defense, because there's just so much. We can just do so much with it because it just has the potential to really change things. So yeah, we do represent animal advocates in all forms.

Mariann Sullivan: That's good to know because I think that the knowledge that there are lawyers out there willing to take the case is empowering to people who want to take some kind of action. So I'm really glad to hear that.

I'm really glad to hear about all of the work you're doing, Kristina. I can't wait till there's an Animal Law Firm...It's just called the Animal Law Firm, right?

Kristina Bergsten: Yes ma'am!

Mariann Sullivan: I can't wait till there's an Animal Law Firm on every corner. Maybe not every corner, but almost every corner, and I can say, "I interviewed her when." *Kristina laughs*

So very exciting, very exciting work that you're doing. Thanks for joining us today.

Kristina Bergsten: Yeah! Thanks so much for having me. I appreciate what you do as well, educating people on these important topics. Thank you very much.