

When A Dog Bites Fight Back

What you need to know

What you need to do

What not to do



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What You Need to Know, What to Do,
What Not to Do

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Introduction

Dog bites are a serious problem. In the first chapter of this book, you will read some rather alarming statistics about the frequency of dog bites and the cost associated with dog bite injuries and damages. Whether it's a nip, a scratch or a bite, a dog attack can cause serious physical and mental injury to a victim.

Although anyone can be bitten, the number of recorded dog bite injuries is significantly higher in children than adults. The elderly and home service providers such as mail carriers and meter readers are also high on the list of frequent dog bite victims.

About This Book

We wrote this book to help dog bite victims and families of victims in Ohio get a basic understanding of what they can do and what they shouldn't do after suffering a dog attack in order to protect themselves and their future as well as the safety of their communities.

We didn't write this book because we dislike dogs. Quite the contrary, we believe dogs can be wonderful and loyal companions that enrich peoples' lives. But the fact remains, some dog owners don't control and supervise their dogs properly and some dogs do attack, causing serious injury and damage. When this happens, lives changes and a victim needs to adjust and prepare for that change.

The laws of the state of Ohio understand the seriousness of a dog attack and allow a victim to take decisive action when a dog bite has occurred in order for that victim to recover fair compensation for their injuries and damages.

As described within this book, a homeowner's insurance policy issued to the owner of a dog that attacked someone is usually the source for providing compensation legally due a dog bite victim. A team of professionals will be employed by the insurance company to protect the insurance company's interests in either denying a dog bite claim or paying as little as possible for a claim. The dog owner's insurance company has experienced and knowledgeable professionals working for them. If you or a family member has become the victim of a dog bite, you should have professionals working to protect you too.

This book is intended to give you a basic understanding of Ohio dog bite laws and actions you can take as a dog bite victim. It's also intended to calm any fears you may have about contacting an Ohio dog bite attorney to get help with your case.

Reaching Out To a Dog Bite Lawyer

Reputable dog bite lawyers will gladly speak to you about your dog bite claim and provide you very useful feedback on what you can do. Good attorneys will speak to you about your case in a friendly manner and at no cost to you whatsoever. It's what is known as a Free Consultation.

These consultations can answer your questions, quiet anxieties, take away uncertainties about the future and relieve fears of the unknown. There is no reason not to reach out to an attorney when a traumatic event like a dog attacks occurs so you understand your options.

If you or a loved one has become the victim of a dog attack anywhere in Ohio, we encourage you to read this book, arm yourself with knowledge and seek the help of an experienced dog bite lawyer to fight back and take control of your life.

Use the Chapter Name style to clearly label each chapter or section in your publication. Chapter names are displayed in the Table of Contents. Tapping or clicking a chapter name in the Table of Contents navigates to the corresponding chapter.

Disclaimer

The information contained within this book is for informational use only. This book is not intended to be used as legal advice nor should it be used as legal advice. Furthermore, no attorney-client relationship has been created or formed as a result of receiving, purchasing or reading this book.

Cases involving dog bites, dog attacks and related injuries are unique, complex and involve many different legal issues where the outcome of the case is dependent on the particulars of that specific case.

You should consult with a qualified attorney who is licensed and who has experience with dog bite cases in the state of Ohio.

Chapter 1

Dig Bite Facts

The Centers for Disease Control and Prevention (CDC) is an excellent source of information about dog bites in the United States. The CDC reports the following statistics about dog bites:

1. About 4.5 million people are bitten each year in the United States.
2. Almost 1 in 5 victims (885,000 people each year) of a dog bite require medical attention from their dog bite injuries.
3. One half of dog bite victims are children.
4. About 16 people die from a dog attack each year.
5. More than 31,000 people each year need reconstructive surgery as a result of their dog bite injuries.
6. Among adults, men are more likely to be bitten by a dog than women.
7. Among children, the rate of dog bite related injuries is highest for those between the ages of 5 and 9.
8. Having a dog in the household is associated with a higher incidence of dog bites. As the number of dogs in the home increases, so does the incidence of dog bites.
9. Adults with 2 or more dogs in the household are 5 times more likely to be bitten than those adults who do not have dogs at home.

The Agency for Healthcare Research and Quality published a study in 2010 which showed the number of Americans hospitalized for dog bite injuries almost doubled over a 15-year period.

This study from the Agency for Healthcare Research and Quality also reports the following:

1. The average cost of a dog bite related hospital stay = \$18,200. This amount is approximately 50% higher than the average injury-related hospital stay.
2. The average length of stay at a hospital for a dog bite injury was 3.3 days.
3. The annual aggregate cost of dog bite related hospital stays in the United States is \$53.9 million.

These are staggering statistics and a clear indication that much more must be done to prevent dog bites from occurring in the first place. It takes responsible dog owners and public education and awareness about dog bites in order to prevent these needless attacks.

The CDC and other public and private organizations have a number of initiatives to educate the public on dog bite prevention. National Dog Bite Prevention Week usually runs the second or third week of May each year.

Chapter 2

Ohio Dog Bite Law

Ohio is a strict liability state when it comes to dog bites. This means if you or a loved one is bitten by a dog anywhere in the state of Ohio, the dog's Owner, Harborer, or Keeper will be held liable for any injuries and damages caused by the dog without you having to prove that he or she was negligent.

A dog bite victim must only prove that he or she was bitten by a dog and that dog's bite caused an injury or other type of damage.

While the definition of an Owner of a dog is fairly straightforward, the definition of a Harborer or Keeper of a dog can be more difficult to determine.

Harborer of a Dog

A "Harborer" is a person who controls the place where a dog lives. For example, if a dog and its owner lived with the owner's parents, then the parents would be considered harborers of the dog. This definition would seem to include landlords. However, most Ohio courts have found that landlords are not responsible for the actions of a tenant's dog. One exception to this rule would be if the rental property had a common area and the dog bite occurred in the common area. In this circumstance, the landlord may be considered a harborer and thus liable for the dog bite.

Keeper of a Dog

A “Keeper” is a person who maintains control over the dog, even if on a temporary basis. If a friend of the dog’s owner walks the dog on a leash, the friend is temporarily the “keeper” of the dog. If the dog were to break free and bite someone, the friend may be liable as the dog’s “Keeper.”

Exceptions to the Strict Liability Law in Ohio

There are a few exceptions to Ohio’s strict liability. If the victim of a dog bite was criminally trespassing or attempting to trespass, or was teasing, tormenting, or abusing the dog, the dog’s Owner, Harboring, or Keeper will not be held liable for the dog bite.

How Long You Have to File a Claim (Statute of Limitations)

A dog bite victim in Ohio has six (6) years from the date of the bite in which to file a lawsuit against the dog’s Owner, Harboring, or Keeper.

The time frame is longer for children. A child who is bitten by a dog has six (6) years beyond his or her eighteenth birthday in which to file a lawsuit.

Liability of a Owner, Keeper or Harboring of a Dog: Ohio Revised Code, Title IX, Chapter 955.28 (B)

The liability of an owner, keeper or harboring of a dog is set for in this section of Ohio law as follows:

“The owner, keeper, or harbinger of a dog is liable in damages for any injury, death, or loss to person or property that is caused by the dog, unless the injury, death, or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit criminal trespass or another criminal offense other than a minor misdemeanor on the property of the owner, keeper, or harbinger, or was committing or attempting to commit a criminal offense other than a minor misdemeanor against any person, or was teasing, tormenting, or abusing the dog on the owner’s, keeper’s, or harbinger’s property.

Additionally, the owner, keeper, or harbinger of a dog is liable in damages for any injury, death, or loss to person or property that is caused by the dog if the injury, death, or loss was caused to the person or property of an individual who, at the time of the injury, death, or loss, was on the property of the owner, keeper, or harbinger solely for the purpose of engaging in door-to-door sales or other solicitations regardless of whether the individual was in compliance with any requirement to obtain a permit or license to engage in door-to-door sales or other solicitations established by the political subdivision in which the property of the owner, keeper, or harbinger is located, provided that the person was not committing a criminal offense other than a minor misdemeanor or was not teasing, tormenting, or abusing the dog.”

Required Duties After a Dog Bites a Person: Ohio Revised Code, Title IX, Chapter 955.261

This section of Ohio law dictates what must be done after a dog bites someone. The requirements include:

1. “No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period has been completed.”

2. “The quarantine period for a dog that has bitten any person shall be ten days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies.”
3. “No person shall transfer a dog that has bitten any person until a quarantine period has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.”
4. “No person shall kill a dog that has bitten any person until a quarantine period has been completed. This does not apply to the killing of a dog in order to prevent further injury or death or if the dog is diseased or seriously injured.”
5. “No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing immediately after killing the dog and shall hold the body of the dog until that board of health claims it to perform tests for rabies.”

Chapter 3

What to Do and Mistakes to Avoid When Bitten by a Dog

If you have become the victim of a dog attack, here are steps you should take to protect yourself both now and in the future:

1. **Seek immediate medical treatment.** You or your loved one's health and welfare are more important than anything. Follow your doctor's instructions and complete your entire dog bite injury treatment program. Don't worry about trying to sue the dog's owner or keeper at this point. It's very important to get the health care you need after a dog attack.
2. **Try to take photographs of the injuries** before any medical treatment starts. Many times, the value of a dog bite injury is dependent on the appearance of the initial injuries along with the subsequent scarring or disfigurement that ultimately develops as a result of the attack.
3. **Record the names of the dog's owner, harborer or keeper, and all witnesses, along with their contact information.** (Names, physical address, home telephone, cell phone, email address)
4. **File a report about the incident immediately** with your local animal control authority or police department. A medical report from the emergency room will most likely not be a sufficient record of the incident. An investigation by the proper authorities can be very important for your legal claim.

5. **Call a dog bite lawyer.** If the injury is serious in nature (it requires stitches, surgery or a hospital stay), it's an appropriate time to call an experienced and knowledgeable dog bite attorney. When injuries are serious, the sooner you engage an attorney, the better. The insurance company will be pushing to settle your claim as quickly as possible and for the smallest amount possible.
6. **Start a file and keep a journal.** Save and record everything associated with your dog bite claim. Keep every medical bill and statement. Write down your thoughts, recollections and feelings about your dog bite case. Also keep track of any income or wages you have lost or forfeited as a result of your dog bite injuries.

The statute of limitations for a dog bite injury in the State of Ohio is six years. In the case of a minor, the six years begins on the child's eighteenth birthday.

What Not To Do When Bitten

Here's a list of common mistakes people make. These are things you DON'T want to do:

1. **Don't rush or appear to be eager to settle** your dog bite claim as quickly as possible. At a minimum, you should complete your medical treatment. Often times, the extent of injuries and the recovery period for those injuries is not known until well into your medical treatment program. Recovery periods can be extensive, sometimes lasting years. You want to

make sure your claim is sufficient to cover the full extent of the injuries and damages for the past, present and the future.

2. **Don't provide any type of oral or written statement to an insurance agent** or other representative from the dog owner's, keeper's or harborer's insurance company. If the dog's owner, harborer or keeper has insurance, the insurance company will almost always attempt to get a written or recorded statement from you. Don't do this! The statement will be used against you. There are nearly always minor discrepancies or errors when a person is asked to recall the details of a traumatic event like a dog attack. The insurance company may try to use any inconsistencies against you in order to deny or minimize your claim. You are not legally required to provide a statement to the insurance company and the only reason that a statement is needed by the insurance company is to help them, not you.

3. **Don't sign insurance company forms or medical record release authorizations.** For the same reasons listed above for not providing written and oral statements to the insurance company, you should not sign any forms or medical authorization requests from the insurance company. The insurance company is trying to build a case against you by asking you to release confidential records. Don't help them.

4. **Don't fall into the trap of the insurance agent** or other representative from the dog owner's, keeper's or harborer's insurance company. These people may appear friendly, compassionate and look like they want to help you but most of the time they don't. Their job is to settle a claim for the least possible amount regardless of how extensive your injuries and your damages. A lawyer who is experienced with dog bite injury cases can best deal with insurance companies in order to serve and protect your best interests, not theirs.

5. **Don't lie or provide misleading information** to your doctor or authorities. The credibility and accuracy of a dog bite victim are very important. If you give statements to doctors or authorities that turn out to be false, it will cause significant damage to your dog bite claim. As the old saying goes, "Honesty is the best policy."

Chapter 4

Types of Injuries and Damages in a Dog Bite Claim

As referenced throughout this book, each dog bite case is unique and so are the injuries and damages associated with the dog attack. Here is a sample list of common injuries that may result from a dog attack as well as a sample list of common damages that a dog bite victim may seek to recover.

Dog bite injuries may include:

- 1. Cuts and Lacerations**
- 2. Muscle damage**
- 3. Nerve damage**
- 4. Ligament and Tendon damage**
- 5. Broken Bones**
- 6. Rabies**

Damages in a Dog Bite Claim

Damages incurred as a result of a dog bite may include, but is not limited to, the following:

- 1. Medical expenses**
- 2. Cosmetic Surgery**

- 3. Physical Therapy**
- 4. Psychological Counseling**
- 5. Permanent Scarring**
- 6. Loss of Quality of Life**
- 7. Loss of Income and Wages**
- 8. Loss of Future Earning Capacity**
- 9. Temporary or Permanent Disability**
- 10. Pain and Suffering**

Medical Expenses

Medical expenses include medical bills that are incurred as a result of the dog bite, both past and future. Medical expenses also include any out of pocket payments for insurance co-pays and prescription drugs. The value of medical expense reimbursement depends on the amount charged by medical providers. In most cases, dog bite victims are entitled to recover the exact amount charged by their medical provider. Exceptions to this general rule occur, however, whenever any type of health insurance becomes involved in paying medical bills.

Lost Wages

Dog bite victims are also entitled to recover wages lost as a result of their injuries. A lost wages claim should include time missed due to medical treatment as well as time missed due to inability to perform work duties. In most cases, the value of a lost wages claim is calculated by taking the total number of hours missed from work multiplied by the injured person's hourly wage.

Disability and Disfigurement

Permanent injuries that render the dog bite victim disabled or disfigured are also compensable. Unlike medical expenses and lost wages, however, there is no exact method for calculating the value of disability or disfigurement. Ultimately, the value of such a claim will be what the parties can agree it is worth or what a jury says that it is worth. For guidance on what these types of claims are worth, parties can look to past settlement amounts or past jury verdicts.

Physical Pain and Suffering

Finally, dog bite victims are also entitled to be compensated for the physical pain and suffering they endure as a result of the dog bite. Like disability and disfigurement, there is no set standard for valuating pain and suffering. Again, a claim for pain and suffering is worth what the parties can agree it is worth or what a jury says it is worth.

Dog Bite Case Example

A dog bite claim handled by Slater & Zurz LLP can illustrate the potential value of a dog bite claim. An eight-year-old boy had the tip of his nose bitten off by a dog. The child's present medical bills totaled \$8,000. Slater & Zurz LLP was able to settle this claim for \$230,000. This example is not indicative of what every claim is worth and is in no way a guarantee of what will be recovered in every case, however, it illustrates the potential value of disfigurement and pain and suffering.

Chapter 5

Children and Dog Bites

Why Children Get Bit by Dogs

As outlined in chapter 1, one-half of dog bite victims in the United States are children. Likewise in Ohio, significantly more children suffer dog bites each year than do adults. The reasons for this vary, but there are some basic explanations.

Children Use Less Caution Around Dogs

First, children are oftentimes less cautious around dogs than an adult would be. For example, children will disturb a dog that's sleeping or eating or reach through a fence to pet a dog. Adults usually give such notions a second thought.

Children Attract a Dogs Attention

Secondly, children tend to make quick movements which attract can attract a dogs attention. Dogs naturally love to chase and catch things so a running child can become a target.

Children Spend More Time Outdoors

Finally, children tend to be outdoors more, especially in the summer months, where there is a greater chance of a dog attack. If your child is bitten by a dog there are several things you must consider.

Things to Consider if your Child has been Bitten by a Dog

Plastic Surgery for a Dog Bite

First, most young children who are bitten by a dog suffer bites on their heads, faces, and necks. Such injuries are not only painful and traumatic, but they can be disfiguring as well. If your child has suffered such a dog bite, you must consider having your child evaluated and treated by a plastic surgeon. The sooner your child is examined by a plastic surgeon, the better his or her chances are to minimize the damages and scarring.

Oftentimes, surgery may be necessary and in some cases multiple surgeries are required over an extended period of time. It is important to find not only a skilled plastic surgeon, but also one who will be willing to document your child's injuries and produce a report for litigation.

Psychological Issues for Kids that have been Bitten

Secondly, a dog bite can be traumatizing, especially for a child. After a dog attack, many children suffer from nightmares about the attack and most become fearful of dogs in general. Psychological issues can arise not only from the attack itself, but also from being self-conscious about scars. Children with scars on their face may be embarrassed to go to school or be out in public. If your child suffers a dog bite, you should consider having him or her evaluated and treated by a child psychologist or therapist. Again, it is important to find a skilled professional who is willing to cooperate with any necessary litigation.

The Statute of Limitations for Children and Dog Bites

Finally, if your child is bitten by a dog he or she will have six years from the date of his or her 18th birthday to file a lawsuit against the dog's owner. An adult would have six years from the date of the dog bite to file his or her claim. This extended time period for children ensures that children with especially traumatic injuries will have time to recover before seeking compensation.

There are many factors to consider when a child has become the victim of a dog attack. Obviously, you want to provide the child with the proper care he or she needs now but you must also evaluate the potential impact and ramifications a dog attack has on the child's future.

It's extremely important not to rush into a quick settlement with an insurance company for this very reason.

Get the information and advice you need to make an informed decision from sources that will serve your best interests and your child's.

Chapter 6

Dogs Labeled as Dangerous or Vicious and What That Means

The Centers for Disease Control and Prevention lists the following dog breeds as causing the most dog bites in the United States:

1. **Pitt Bull**
2. **Rottweiler**
3. **German Shepherd**
4. **Husky**
5. **Malamute**
6. **Doberman Pinscher**
7. **Chow Chow**
8. **Great Dane**
9. **Saint Bernard**

Dangerous Dog Defined by Ohio Law

Ohio law defines a dangerous dog as “a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.”

Note that a specific breed is not defined in Ohio law for being labeled a dangerous dog. It can be any dog that displays the actions and behavior described above in the Ohio statute.

Vicious Dog Defined by Ohio Law

Ohio law defines a vicious dog as a dog that:

1. “Has killed or caused serious injury to any person.”
2. “Has caused injury or has killed another dog.”
3. “Belongs to a breed that is commonly known as a pit bull dog.”

Dogs that are labelled as dangerous or vicious are governed by special Ohio statutes. If one of these dogs bites someone, it may also be a crime. That means jail time is a possibility for that dog’s owner if it is determined to be a crime.

Confining a Dangerous or Vicious Dog. Ohio Revised Code, Title IX, Chapter 955.22

Ohio law dictates special requirements when a dog is listed as either a **dangerous dog** or a **vicious dog**. Here’s what the owner, keeper or harbinger of a dangerous or vicious dog must do:

1. “Securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained.”

2. “While that dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length.”
3. “The leash or tether must be controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person.”
4. “Muzzle the dog.”
5. “No owner, keeper, or harborer of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.”
6. “No person shall debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog.”

The Responsibilities of Dog Owners to Prevent Dog Bites

It's the responsibility of owners, harborers and keepers of dogs to control their pets and ensure they do not needlessly harm other people.

When the owner, harborer or keeper knows their dog is dangerous or vicious as defined above by Ohio law, it's their duty to take additional precautions to protect others.

Chapter 7

Landlord's Liability When a Dog Bite Occurs on Rental Property

Landlords and Dog Bite Liability

Under Ohio law, a “harborer” is a person who controls the place where a dog lives. At first glance, this definition would seem to include all landlords; however, this is not the case.

In Ohio, landlords are generally not responsible for damages caused by a renter's dog. The reason for this is that in most cases renters have exclusive possession and control of the property that they rent. Therefore, the landlord is not the harborer of the renter's dog because the landlord does not control the place where the dog lives.

Landlord Dog Bite liability Exceptions

Common Areas

One exception to this general rule is when the dog bite occurs in a common area of the rental property. A common area could be anything from a shared yard to a shared hallway or anyplace where the renter does not have exclusive control and possession. If the dog bite occurs in a common area then the landlord may be considered to be the dog's harborer, because the landlord is deemed to have control of the common areas. As such the landlord may be liable for any injuries and damages.

Knowledge of a Vicious Dog

Another exception to the general rule is when a landlord knows that the renter's dog is vicious and still allows the dog to remain at the property. Under these circumstances, if the renter's dog bites someone, some judges have found that the landlord can be held liable for any injuries caused by the dog bite or damages caused by the dog bite.

Chapter 8

Insurance Company's Role with Dog Bites

Dog Bite Claims Are Normally Paid by Insurance Companies

As covered in chapter 4, there are injuries and damages to a victim as a result of a dog attack and the responsibility for those injuries and damages, as dictated by Ohio law, lies with the dog's owner, harbinger or keeper.

The total costs associated with these injuries and damages can add up to be significant sums of money. Typically the amounts are tens of thousands of dollars and sometimes they even go into the hundreds of thousands of dollars. Most dog owners don't have this kind of money in their bank accounts. So where will the money come from?

Usually, it will come from an insurance policy.

Homeowner's Insurance and Coverage for Dog Bites

Most homeowner's insurance policies will provide coverage for the injuries and damages caused by the owner's dog. Renter's insurance policies also many times provide coverage for dog bites. This means that the dog owner's, keeper's or harbinger's insurance company will pay someone who has become the victim of a dog bite up to the maximum amount the insurance policy allows for the injuries and damages inflicted by the policy holder's dog.

The homeowner's and renter's insurance policies that do provide the coverage for animal bites typically include coverage of at least \$100,000.

As outlined in Chapter 5, Ohio law requires the owner, harbinger or keeper of a dangerous or vicious dog to maintain liability insurance of at least \$100,000 to cover the injuries and damages that may be caused by their dog.

Umbrella Insurance Policies and Coverage for Dog Bites

Insurance coverage may also exist for a dog bite incident under an umbrella insurance policy. This type of insurance is designed to offer an added layer of protection above the limits of the homeowner's insurance policy. Umbrella policies will typically add an extra \$1 to \$5 million in coverage.

The details of the insurance coverage maintained by an owner, keeper or harbinger of a dog that has bitten someone are contained within the provisions of that person's specific insurance policy. Often times, you cannot get access to the actual policy unless and until a lawsuit is filed against the owner.

Chapter 9

Common Law Implications with Dog Bites

In Chapter 2, we discussed specific Ohio laws for dog bites. In Chapter 6, we discussed specific Ohio laws for dogs labeled as dangerous and vicious. The laws covered in these chapters hold a dog's owner, harborer or keeper strictly liable for the injuries and damages caused by their dog.

The term "strictly liable" means the dog's owner, harborer or keeper is liable regardless of whether or not they did anything wrong. You simply need to prove their dog attacked and the attacked caused you injuries or damages.

In addition to strict liability, there is another basis of liability to hold a dog's owner, harborer or keeper responsible for injuries and damages. In Ohio, the dog's owner, harborer or keeper can also be held liable under common law negligence.

Dog Bite Claims Under Common Law Negligence

The Ohio Supreme Court ruled in 2010 that a victim of a dog bite (plaintiff) can pursue claims simultaneously under both the state's specific dog bite statutes and for common law negligence. In a common law action for injuries caused by a dog, the victim (plaintiff) must show the following:

1. The defendant (dog's owner, harborer or keeper) owned or harbored the dog.
2. The dog was vicious.
3. The defendant knew of the dog's viciousness.

4. The dog was kept in a negligent manner after the defendant knew of the dog's viciousness.

With common law actions, punitive damages may be awarded. This means compensation can be sought in excess of actual damages.

Chapter 10

Preventing Dog Bites

If you are a dog owner, or plan on getting a dog, the American Veterinary Medical Association recommends the following to prevent dog bites and dog attacks:

Carefully select your pet. Dogs should not be obtained on impulse. Before and after selection, your veterinarian is your best source for information about behavior, health, and suitability.

Make sure your pet is socialized as a young puppy so it feels at ease around people and other animals.

Wait until your child is older before getting a dog. Because so many dog bite injuries happen to young children, it is suggested that parents wait to get a dog until children are older than 4 years of age.

Train your dog. Training will build a bond of obedience and trust between the dog and owner. Use a leash in public to ensure you are able to control your dog.

Keep your dog healthy. Have your dog vaccinated against rabies and preventable infectious diseases. Parasite control and other health care are important because how your dog feels directly affects how it behaves.

Neuter your dog. Research suggests that neutered dogs may be less likely to bite.

Be a responsible pet owner. License your dog with your community as required. Obey leash laws. If you have a fenced yard, make sure the gates are secure. Dogs are social animals; spending time with your dog is important. Dogs that are frequently left alone have a greater chance of developing behavioral

problems. Walk and exercise your dog regularly to keep it healthy and provide mental stimulation.

Be alert. Know your dog. Be alert to signs of illness. Also, watch for signs your dog is uncomfortable or behaving aggressively.

Whether you are a dog owner or not, you can help prevent a dog bite by with the following suggestions:

Be cautious around strange dogs and treat your own pet with respect.

Parents and childcare givers should 1) never leave a baby or small child alone with a dog; 2) be alert for potentially dangerous situations; 3) teach children to be careful around dogs and to never approach strange dogs.

Don't run past a dog. Dogs naturally love to chase and catch things. Don't give them a reason to become excited or aggressive.

Never disturb a dog that's caring for puppies, sleeping, or eating.

Never reach through or over a fence to pet a dog. Dogs can be protective of their territory, and may interpret your action as a threat.

If a dog approaches to sniff you, stay still. In most cases, the dog will go away when it determines you are not a threat.

If you are threatened by a dog, remain calm. Don't scream or yell. If you say anything, speak calmly and firmly. Avoid eye contact. Try to stay still until the dog leaves, or back away slowly until the dog is out of sight. Don't turn and run.

If you fall or are knocked to the ground, curl into a ball with your hands over your head and neck. Protect your face.

Not all dog bites can be prevented, but by following the preceding suggestions you can reduce your chances of becoming a dog bite victim.

Chapter 11

Why You Should at Least Talk to an Experienced Dog Bite Attorney

How a Lawyer Can Help with No Out of Pocket Costs to You

As outlined in previous chapters of this book, the victim of a dog bite or the family of a dog bite victim has a legal right in the state of Ohio to recover compensation for their injuries and damages. Given this right, the insurance company for the dog's owner, harborer or keeper may be legally obligated to compensate the victim.

Based on the above, an insurance company may go to great lengths in an attempt to either deny the claim or minimize the amount of compensation it does pay. The insurance company is not on your side nor are they looking out for your best interests. They will take the necessary actions to benefit themselves. They will have professionals acting on their behalf who have years of experience handling dog bite claims and minimizing an insurance company's pay-out. You should have a professional representing you as well.

Does Every Dog Bite Case Require a Lawyer?

No, not every dog bite or dog attack incident requires the assistance of a lawyer. A lawyer will usually speak to you about your dog bite case at no cost to you whatsoever. This is commonly referred to as a **FREE CONSULTATION**.

Based on that free consultation, a reputable attorney will provide you with direct feedback on whether or not you have a claim and if you can handle the claim

yourself. The details of every case are different and you simply don't know if an attorney will help you unless you speak to one.

If the attorney offers a free consultation, you've got nothing to lose and everything to gain!

When is an Attorney Most Effective for a Dog Bite Case?

Generally speaking, an attorney can be very useful when a serious injury has occurred with a dog bite or when a child has become the victim of a dog attack.

What constitutes a "serious injury"? That all depends on the specifics of a case too and it's another reason a free consultation with an experienced dog bite attorney will help you tremendously. Serious injuries can be very obvious or a serious injury may seem insignificant today but in reality the injury causes long term care for which you need to be prepared.

When it comes to dog attacks on children, the assistance of an experienced dog bite attorney can be particularly valuable. The complexity of a dog bite case involving a child increases substantially. In addition, a child's future may change dramatically as a result of a dog attack and he or she needs to be ready for the realities of that future.

What an Experienced Dog Bite Lawyer Will Do For You

Every lawyer is different but here is just a sample of what we do at our law firm for our dog bite clients:

1. Conduct a free initial consultation and answer all questions.

2. Explain the dog bite claim process in detail.
3. Explain Ohio laws regarding dog bites.
4. Explain the litigation process.
5. Prepare and file all necessary and required documents for the dog bite claim and lawsuit.
6. Perform an investigation of the dog bite claim. Including interviewing witnesses, assembling all incident reports, medical reports and other necessary evidence and records to support the dog bite claim.
7. Engage professional experts to assist in investigations, evaluations and the preparation of reports.
8. Obtain and analyze insurance policies to see what coverage is available to pay for all injuries and damages.
9. Analyze all laws and cases pertinent to a client's dog bite claim.
10. Contact the dog owner's, harbinger's or keeper's insurance company about the claim and discuss fair and reasonable alternatives for settlement.
11. Conduct negotiations with the insurance company to obtain a fair and reasonable settlement prior to a trial.
12. Prepare all requests for the production of information from the defendant.
13. Conduct all necessary depositions.
14. Prepare client for depositions.
15. Thoroughly prepare for trial.
16. Prepare and file briefs and motions as necessary.
17. Represent client at all hearings and trials.
18. Answer all client questions and communicate with the client at all times.

As you can see, the time and effort to handle a dog bite claim is extensive. If you are not familiar with Ohio law, trial procedures, legal document preparation, interacting with other lawyers and negotiating with large insurance companies, your dog bite case can quickly become overwhelming and highly stressful.

Contingency Fee Agreement, the Best of Both Worlds

Understandably, many people are reluctant to speak with or hire an attorney because of the perceived cost. They simply cannot afford to write checks for thousands of dollars each month waiting for a settlement or a verdict in their dog bite case.

Fortunately, there is an arrangement where you can utilize the experience and knowledge of an experienced dog bite attorney without needing to pay monthly legal fees while your dog bite claim is being pursued.

Our law firm, like many others, represents dog bite clients on what is known as a contingency fee basis. With a contingency fee agreement, a lawyer will defer his or her fee until the case is successfully resolved and finalized. The fee is based on a percentage of the settlement or verdict obtained in the dog bite case. If no settlement is received or no amount is awarded in a verdict, there will be no fee to the attorney.

Contingency fees allow people to hire the best legal representation possible without the risk of losing thousands and thousands of dollars. This also helps a victim of a dog bite level the playing field.

As mentioned throughout this book, the insurance company employs a team of professionals looking out for its best interest in an effort to try and deny or

minimize your claim. A contingency fee arrangement allows you to employ your own legal professionals that will fight for you and protect your interests.

The costs associated with a dog bite claim are different than the contingency fee. Costs associated with a dog bite claim include, but are not limited to, such things as expenses incurred while investigating a claim and prosecuting in the court system. Examples of these costs may include court costs, deposition fees, expert witness fees and record retrieval expenses. In the state of Ohio, a lawyer is allowed to advance these costs on behalf of the client and then recover the costs by deducting them from the compensation a client receives at the conclusion of the case.

Contact a Dog Bite Lawyer Today

There is no reason for you not to at least speak with an experienced dog bite lawyer if you or a loved one has become the victim of a dog bite. There is no rush to hire an attorney and a simple conversation with a dog bite lawyer may give you a much better understanding of how to proceed with your dog bite claim.

A fear of the unknown prevents a lot of people from moving forward and getting themselves out of problematic situations. We sincerely hope this book has given you a basic understanding of the rights as a dog bite victim under Ohio law and a general direction of how to proceed in an effort to fight back and take control of the situation.

If you would like to talk to us about your dog bite case, we invite and welcome your call. We can be reached at 1-800-297-9191 for your free consultation.

References

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2. Agency for Health Care Research and Quality
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3. Ohio Revised Code, Title IX, Chapter 955.11
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About The Authors

The Ohio law firm of Slater & Zurz LLP is a team of legal professionals dedicated to helping others who have become victims of all types of accidents, injuries and dog attacks. The law firm has been entrusted to handle more than 18,000 personal injury type cases and has helped clients receive in excess of \$110 million in settlements and verdicts.

Attorney Jim Slater is the managing partner of Slater & Zurz LLP and has been actively practicing law for over 40 years. When Mr. Slater is asked what the law firm of Slater & Zurz LLP does, he replies simply by saying,

“We Make Others Do What They Do Not Want To Do.”

“We make the decision makers at insurance companies pay fair and proper compensation to victims of accidents.

We make wayward partners pay those they treated unfairly.

We make individuals and businesses pay their customers and employees the money they owe them.

We provide comfort to families by financially punishing owners of nursing homes that harm their loved ones.

We convince juries to award our clients the money they deserve.

In all cases, we work tirelessly to be sure our clients get what they are entitled to receive.

Prior to asking for our help, our clients were either denied proper compensation or were uncertain whether they could receive the compensation they deserved.

We have made companies pay millions when they negligently manufactured products that caused serious injuries.

We have made insurance companies pay hundreds of thousands of dollars when the dogs of homeowners they insured attacked innocent children and caused serious injury.

We have made a hospital pay millions when one of their doctors whom they employed caused a child's death.

We made a large company pay millions to its employees when they failed to pay commission income they earned.

At Slater & Zurz LLP, all cases do not involve millions or hundreds of thousands of dollars. Many of our cases involve smaller amounts of money. But there is a common theme. We make companies and people who have or would treat our clients unfairly do what they do not want to do.

This is what we do at Slater & Zurz LLP. This is what we have done for over 18,000 clients over 40 plus years. I am personally proud of the difference we make for our clients. It has been our goal, from the beginning, to make people proud that we are their attorney and pleased with the results we obtain for them. This is what they tell us on a daily basis.”

James W. Slater

Free Consultations Are Always Offered at Slater & Zurz LLP

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