

DOG BITE

REPORT

The Hidden Facts



Keller & Keller

HELPING INJURED PEOPLE SINCE 1936

DOG BITE GUIDE

By Jim Keller

Keller & Keller

YOU'VE DONE GOOD

By obtaining this book, you've gained access to information that can help you or a loved one who has been injured understand the difficult and complex road ahead.

There's a lot of misleading information out there about personal injury claims:
Who puts out that misleading information?

- People trying to "get rich quick" .
- Lawyers advertising with claims of how easy it is to get a settlement.
- People who want to ban lawsuits, or at least change the law so as to make it extremely difficult for even legitimate cases to be heard in a courtroom.

I CAN'T help you if...

- you're not injured
- you're the one who caused the incident

I CAN help you if...

- you were injured through the negligence of a dog owner
- an insurance company is trying to reduce the amount they owe



Jim Keller, Jack Keller and Randall Juergensen

WHO ARE WE?

My name is **JIM KELLER**.

My partners are my father, Jack Keller, and Randall Juergensen.

My grandfather, George Keller, a trial lawyer known throughout the country, founded the firm in 1936. Since then, our law firm has been representing individuals against insurance companies. (My partner, Randall, spent the first twenty years of his career representing insurance companies and knows many of their inside secrets.)

Today Keller and Keller is a leader in personal injury and wrongful death litigation.

We handle complex and serious injury cases.

(If you want a divorce or a will, or you have a traffic ticket, we cannot help you.)

If you are injured, read on. This book will provide answers to some of your more difficult questions.

I wrote this book for **YOU**.

I wanted you, the injured victim, to have reliable information about:

- lawsuits
- hiring an attorney
- dealing with the insurance company

I have designed this dog bite guide with you in mind, so that you might be able to work through some of the questions you may now face. This book is filled with information about how to improve your odds of winning if you have a legitimate case. It will give you a glimpse of what to expect in the weeks, months, and possible years to come as you navigate the personal injury claims process.

DOG BITE CASES ARE NEWSWORTHY

Legal work is usually far from sensational. It involves countless hours of phone work, endless negotiations with adjusters, and many hours of paperwork in preparation for a possible trial.

Dog bite cases, though, are different. Why?

First of all, dog bite injuries often occur to small children who are defenseless, and the injuries tend to be severe. It is not uncommon for me to represent a parent whose child's scalp has been torn away, whose lip has been bitten in half, or whose injury will require countless hours of reconstructive surgery. I know from representing these cases that these children will undergo severe psychological damage.

WHY DOG BITE CASES TROUBLE ME

- Dog attacks are often unprovoked.
- Dog attacks often come with little forewarning.
- My limitations in terms of recovery are restricted to what civil laws allow.
- I'll never be able to fully mend the child's physical or psychological injuries.
- I'll never be able to place the negligent owner in jail.
- I know the majority of these attacks could be prevented. That's why, when a news channel or local paper wishes to run a story to educate and warn others of the dangers aggressive animals present to children, I am an advocate of this type of coverage.

MYTHS ABOUT PIT BULLS

We're going to do a quick experiment before going any further: Let's pretend you just heard a news story about a child bitten by a dog. What kind of dog do you see in your mind's eye?

I wouldn't be surprised if you imagined a pit bull. Pit bulls do have a high propensity for aggressive behavior.

THE PIT BULL IS NOT THE LONE BANDIT IN DOG ATTACKS.

You can't typecast specific dogs as ones that will always have aggressive tendencies.

You can't predict when a dog - of any breed - might attack.

The title "pit bull" is a misnomer. There really is no such breed. What we think of as "pit bulls" are a cross between a bulldog and a terrier. Correct technical names are American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier.

There is a long list of breeds with aggressive tendencies, and new breeds are being added every day.

1.

MY CHILD WAS BITTEN BY A DOG. WHAT DO I DO?

TAKE THE CHILD TO THE DOCTOR

Whether the child has a wound in obvious need of medical care, or the type of wound that looks more like an abrasion than a bite, take the child to a doctor. This is especially true if the dog was a stray. The treatment of a dog bite can be tricky, and only a physician can properly treat the wound.

CONTACT ANIMAL CONTROL OR OTHER AUTHORITY

It is critical that a proper report be made of the incident. Once animal control arrives, they should be able to tell you if there is a previous history regarding the dog. The report can play a role in determining the appropriate actions to take in regard to both the animal and the animal's owner. Animal control will be able to verify if the dog has had all the proper vaccinations to prevent rabies or other disease.

TAKE PICTURES OF THE DOG

If it doesn't present a risk to you, get photographs. These may prove valuable when presenting evidence to an insurance adjuster.





2.

SHOULD I HIRE AN ATTORNEY?

This is a question that often places people in a dilemma. If they know the owner of the dog, they may feel wrong about pursuing legal action. Or, they may feel that suing is “wrong”. At such a time, it’s important to remember two facts:

THE INSURANCE COMPANY WILL BE HELD ACCOUNTABLE, NOT YOUR FRIEND OR NEIGHBOR

People assume that pursuing a personal injury lawsuit is going to affect the other party’s finances or personal well-being. While this may not bother some people, it weighs heavily on others. Remember that in most instances, personal injury attorneys pursue insurance, rarely a person’s assets.

Homeowner’s insurance will pay for medical bills, pain and suffering, as well as any disfigurement or scarring.

The advantage of having an attorney is that it keeps everything civil, allowing the dog bite victim (and the parents, in the case of child victim) to focus on healing.

IT COULD HAPPEN AGAIN

It’s often true, when a client hires me to represent them in their dog bite case, they make a statement similar to this one: “It’s not even about the money. I just want to make sure this doesn’t happen to someone else’s child.”

That statement says it all.

By bringing forth a lawsuit, you can be sure the defendant and/or homeowner is held accountable for the future conduct of the animal. The lawsuit forces the owner to think about the hurt they have inflicted on the victim.

3.

WHAT DOES THE INSURANCE COMPANY SAY ABOUT DOG BITES?

EACH INSURANCE COMPANY'S POLICY WILL CONTAIN DIFFERENT RULES

Each insurance policy is different. For example, one company doesn't cover a homeowner's American Pit Bull Terrier because they have concluded this breed has displayed a propensity to bite. (The rationale is similar to an insurance company's decision not to insure an auto because the individual has a history of multiple tickets or DWI's.)

Even if the insurance company of the dog's owner does cover dog bites, you will be facing a complicated battle. State law clearly defines its stance on dog bites, but the insurance company will make use of multiple defenses to try to skirt those statutes. If you don't have an attorney representing your interests, it's likely you'll be on the short end of the stick trying to pursue a claim against an insurance company.

Remember this:

Insurance companies are a big business, ultimately concerned with the dollar. Their defense is designed to minimize your claim, plain and simple.





4.

WHAT IF THE DOG'S OWNER WAS UNINSURED?

YOU CANNOT FILE AN UNINSURED CLAIM WITH YOUR OWN HOMEOWNER'S INSURANCE.

Unfortunately, a large number of dog bite cases involve owners that are, either renting, or who don't carry any type of insurance. Even worse, the dog that attacked might be a stray. Unlike the case with uninsured motorist coverage from your own policy, homeowner's insurance policies don't cover claims for dog bites where the dog owner has no insurance.

DON'T TAKE THE DOG OWNER'S WORD

If the dog owner claims to be uninsured, you would be best served having an attorney verify this claim.

If the attorney verifies there's no insurance, you are left with few options.

REPRESENT YOURSELF IN SMALL CLAIMS COURT

If an attorney has verified that there is no insurance, your only option may be to represent yourself and pursue the animal's owner in small claims court. This is not an ideal situation, as there is a cap on how much money you can recover.

5.

HOW LONG DO I HAVE TO SETTLE MY CLAIM?

EVERY INJURY CASE IS REGULATED BY A STATUTE OF LIMITATIONS

A statute of limitations applies to all injury cases. This is an injury claim deadline imposed by state law. If you fail to resolve your dog bite case within the imposed deadline, you are forever barred from any recovery. In the case of children who are injured, the statute of limitations does not expire until two years after they reach the age of majority, or 18 years of age.

PLASTIC SURGEONS REQUIRE SEVERAL MONTHS TO ASSESS THE INJURY AND RECOMMEND TREATMENT

In dog bite cases it often takes months to fully determine what damage has been done and how the scar may possibly heal. It's crucial that the treatment period not be rushed, so taking advantage of the statute of limitations is very important. Whatever the circumstance, be sure to contact an attorney to achieve the best settlement - and to allow the maximum time for ongoing assessment through the treatment and healing process.



DANGEROUS BREED LIST

THESE DOG BREEDS HAVE BEEN IDENTIFIED AS MORE LIKELY TO ATTACK THAN OTHERS:

American Pit Bull Terrier	Bull Mastiff	Akbash
American Staffordshire Terrier	Neopolitan Mastiff	English Mastiff
Staffordshire Bull Terrier Rottweiler	Tibetan Mastiff	Alapaha Blue Blood Bulldog
Doberman Pincher	Newfoundland	Bull Terrier
Shar Pei	Anatolian Sheperd	Jack Russell Terriers
German Shepherd	Greater Swiss Mountain Dog	Presa Canario
Belgian Malanois	Great Pyrenees	Wolf Hybrid
Siberian Husky	Komondor	Canary Dog
Alaskan Malamute	Kuvaz	Perro De Presa
Great Dane	Tosa Inu	Old Country Bull Dog
Irish Wolfhound	Dogo Argentino	Scottish Deerhound
Cane Corso	Leonberger	Mastiff
Fila Brasileiro	Boerboels	Spanish Mastiff
American Bulldog	Italian Mastiff	Akita
Dogue De Bordeaux	Chow Chow	

Many of the dogs on this list may not be covered by homeowner's insurance.

It's highly probable you don't recognize many of the names on this list. Thus, it's likely you wouldn't be able to recognize these dogs on sight. All the more reason you must approach every dog with extreme caution, as you never know which dog may be aggressive.

**DO WE HAVE A DOG BITE EPIDEMIC?
LET'S LOOK AT THE STATISTICS:**

There are approximately 65 million dogs in the United States.

On average, 4.7 million people are bitten each year.

This translates into a greater than 1 in 50 chance of being bitten by a dog.

800,000 of these injuries require medical attention.

360,000 bites, or 914 a day, need immediate emergency care.

Dog bites are the second most common cause of child emergency room visits.

Most dog bite victims are children under the age of 10.

The face is the most common area to be bitten.

61% of dog bites occur inside the home.

77% of dog attacks occur on the property of a family member or friend.

The yearly average was 17 in the 1980s and 1990s. There were 32 deaths in 2007, which is close to double the average in the prior two decades.

MEASURES FOR PREVENTING DOG BITES

Consult with a professional (veterinarian, animal behaviorist, responsible breeder) before choosing a dog. The breed you choose should be suitable for your individual or family lifestyle and physical environment.

Exclude dogs with histories of aggression from households with children.

Be sensitive to cues that a child is fearful about a dog, and if you see these signs of apprehension, delay acquiring a dog.

Spend time with a dog before buying or adopting it.

Use caution when bringing a dog or puppy into the home of an infant or toddler.

Spay/neuter virtually all dogs (this can reduce aggressive tendencies).

Never leave infants or young children alone with any dog.

Properly socialize and train any dog entering the household. Teach the dog submissive behaviors (rolling over to expose abdomen and relinquishing food without growling).

Seek professional advice immediately if the dog develops aggressive or undesirable behaviors.

Do not play aggressive games such as wrestling with a dog.

TEACH CHILDREN BASIC SAFETY RULES!

NEVER APPROACH AN UNFAMILIAR DOG.

NEVER RUN FROM A DOG OR SCREAM.

REMAIN MOTIONLESS WHEN APPROACHED BY AN UNFAMILIAR DOG.
("BE LIKE A TREE.")

IF KNOCKED OVER BY A DOG, ROLL INTO A BALL AND LIE STILL.

NEVER PLAY WITH A DOG UNLESS SUPERVISED BY AN ADULT.

IMMEDIATELY REPORT ANY STRAY DOGS (OR DOGS DISPLAYING UNUSUAL BEHAVIOR) TO AN ADULT.

AVOID DIRECT EYE CONTACT WITH A DOG.

DO NOT DISTURB A DOG WHO IS SLEEPING, EATING, OR CARING FOR PUPPIES.

DO NOT PET A DOG WITHOUT ALLOWING IT TO SEE AND SNIFF YOU FIRST.

IF BITTEN, IMMEDIATELY REPORT THE BITE TO AN ADULT.

As I tell every client, personal injury cases, and specifically dog bite cases, each contain their

own unique merits and can be very complicated. It is crucially important to select a legal representative with the right kind of knowledge and experience.

Ideally, you should select an attorney to represent you who:

- Has frequently lectured on dog bite injury claims
- Has taught lawyers throughout the country about the legalities of dog bite injuries
- Has written articles on dog bite injuries
- Only represents personal injury victims

Fortunately, this is the kind of expertise you will find at **Keller & Keller**.

THAT MAY MAKE THE DIFFERENCE BETWEEN RECEIVING A SETTLEMENT AND BEING TOLD BY THE INSURANCE COMPANY THAT YOU DON'T HAVE A CASE!

NOT EVERY CASE MERITS LEGAL REPRESENTATION, BUT YOU SHOULD AT LEAST DO YOURSELF THE FAVOR OF CONTACTING AN ATTORNEY FOR LEGAL ADVICE ABOUT YOUR DOG BITE PERSONAL INJURY CLAIM TO FIND OUT YOUR OPTIONS.

