



# The Ohio DOG BITE BOOK

**Don't let insurance companies  
get their teeth into you.**

By Charles E. Boyk, Michael A. Bruno, and Dale R. Emch  
**Charles E. Boyk Law Offices, LLC.**  
[www.charlesboyk-law.com](http://www.charlesboyk-law.com)

# THE OHIO DOG BITE BOOK

DON'T LET INSURANCE COMPANIES  
GET THEIR TEETH INTO YOU

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We also have offices in West Toledo, South Toledo,  
Findlay, Bowling Green, and Swanton.

*[www.charlesboyk-law.com](http://www.charlesboyk-law.com)*

## QUICK HITS

**Seek treatment immediately** – The best thing you can do after a dog bite is to seek medical treatment immediately and follow your doctor's orders.

**Notify authorities** – If you've been bitten, contact the police or county dog warden so the appropriate reports can be made. Also, all bites are required to be reported to the local health department. The dog must be quarantined for 10 days in order to determine whether it had rabies at the time of the bite.

**Don't rush to settle your claim** – Don't settle your claim before you complete your medical treatment. A few thousand dollars may sound good until you realize it doesn't come close to compensating you for your injuries.

**Don't underestimate the insurance adjuster** – Insurance adjusters have a huge advantage over you because they settle claims every day. You need a lawyer to help deal with them.

**Don't provide a statement to the adjuster** – Don't make any statements about your case until you consult with a lawyer.

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and Dale R. Emch.

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**Don't sign medical authorization forms** – Don't sign authorization forms that allow an insurance company access to your private medical records. Only sign forms completed by your lawyer.

**Document everything** – Start a file for all police, medical, and insurance documents related to your case.

**Honesty is the best policy** – Be honest about your injuries. Nothing will kill your claim faster than being caught in a lie.

**Don't hide information from your lawyer** – Your lawyer needs to know the good, the bad, and the ugly about your case to properly represent you.

**Don't exaggerate your injuries** – Exaggerating the extent of your injuries could come back to haunt you if the insurance company films you participating in an activity you shouldn't be able to do.

**Hire a personal injury lawyer** – Insurance companies employ professionals who deal with personal injury cases every day. Shouldn't you?

## **DOG BITES CAN BE DEVASTATING**

The attorneys in our office are all dog lovers. Like most people, we view our dogs as part of the family.

But, unfortunately, we often see the devastating consequences that can result from dog bites. We've seen injuries ranging from scars our clients will bear on their faces for the rest of their lives to wounds so deep that muscle and ligaments were exposed. Obviously the bites and resulting medical treatment are painful. But being attacked by a dog also can be tremendously scary, particularly if the victim is a child or an elderly person.

In the United States, approximately 800,000 people a year suffer injuries from dog bites that are significant enough to require medical treatment, according the Centers for Disease Control and Prevention. Children are particularly vulnerable. Of the dog-bite victims needing medical attention, half are children, the CDC found. Kids between the ages of 5 and 9 years old experienced the most bites, according to the CDC.

Some bites, while painful, require little recovery time. Others, though, cause damage to muscles, broken bones, and serious disfigurement. Victims with serious injuries may face numerous physical therapy sessions and multiple surgeries. Children, particularly those

with facial scars, may have to endure a number of scar-revision surgeries as they grow up.

People who go through the traumatic experience of being bitten by a dog deserve to be fairly compensated for their medical bills and the pain they've suffered. The most likely source for that compensation will be the homeowner's insurance policy of the dog owner. And anyone who has dealt with an insurance company knows that the company would rather keep the money in its pocket rather than put it into yours.

For most people, dealing with an insurance company after a dog bite or car accident is a new and unfamiliar experience. That's why we've written this book. It's intended to serve as a reference tool that can help you deal with insurance companies and understand the nuances of dog-bite law.

We think this book is necessary because you're at a natural disadvantage when you deal with insurance adjusters who handle claims for a living. They do it every day and all day. In short, they're professionals and you're not. It has nothing to do with how smart or successful you are in other areas of your life. Insurance adjusters have the advantage because they settle claims for a living. We wrote this book because the attorneys in our office believe knowledge is power. If you have any questions about a dog-bite incident in which you, a family member, or a friend have been injured,

please feel free to give us a call at 419-241-1395 or 800-637-8170. You can also visit our Web site at **[www.charlesboyk-law.com](http://www.charlesboyk-law.com)**.

## **WE CAN HELP YOU**

The authors of this book have more than 50 years of combined legal experience. **Chuck Boyk** has been in private practice for 24 years and heads the Charles E. Boyk Law Offices, LLC. During his career, he has handled thousands of personal injury cases, including countless dog-bite claims. He has conducted numerous seminars for other attorneys to help them understand the world of personal injury law. In addition to his personal injury work, Chuck has represented thousands of criminal defendants, handling anything from routine traffic offenses to murder cases.

**Mike Bruno** also has been practicing law for 24 years. Mike, who has been named an Ohio Super Lawyer, has a unique background that benefits our clients. As an assistant Lucas County prosecutor, he handled thousands of felony cases, including death penalty murder cases. As an insurance defense attorney, he handled serious personal injury cases representing insurance companies. That experience has provided him with invaluable insight into how insurance companies will view our cases. Mike has handled more than 100 jury trials, is Board Certified by the National Board of Trial Advocacy, and is AV rated by Martindale Hubbell, the highest rating an attorney can receive.

**Dale Emch** focuses his practice on personal injury cases, and has handled a number of the office's dog-bite claims. He has a special interest in dog-bite issues, which led him to testify at an Ohio General Assembly committee hearing in favor of maintaining the state's vicious dog law. In addition to practicing law, Dale writes a legal column for the Toledo Blade in which he answers readers' questions. He graduated *cum laude* from the University of Toledo College of Law, where he was an associate member and note and comment editor of Law Review. Dale serves on the Lucas County Public Defender Commission and the Media Relations Board for the Toledo Bar Association.

## **THIS BOOK DOES NOT OFFER LEGAL ADVICE**

We're happy that you've taken time to read our book. You should note, however, that ordering or reading our book does not create an attorney-client relationship. We also aren't offering legal opinions in these pages because every case is different based on the facts of the situation. If you want our legal opinion, please contact us at 800-637-8170 or 419-241-1395. We'll be happy to set up a free meeting with you.

## **STRICT LIABILITY IMPOSED ON DOG OWNERS**

The laws and rules governing dog bites in Ohio differ from those applied to other injury claims. To prove negligence in a normal case – a traffic accident, for instance – the injured person has to prove that the other driver had a duty not to injure him; the other driver violated that duty; and that the violation of that duty caused certain injuries for which financial compensation should be awarded.

In a dog-bite case, the victim doesn't need to show that the owner or keeper of the dog had a duty, or responsibility, to see that the dog didn't cause injury. In Ohio, the owner, keeper, or harbinger of a dog is strictly liable for all injuries or damages to property caused by the dog. Boiled down, what that means is that the injured person just needs to show that the dog bite caused injuries and that compensation should be awarded for medical bills and pain and suffering.

Holding the owner, keeper, or harbinger of a dog strictly liable for any injuries works to the advantage of the dog-bite victim. It makes the case much easier to prove and eliminates a lot of barriers to holding the dog's owner responsible. Dog owners have just a few defenses: If the victim was criminally trespassing or attempting to trespass, or was teasing, tormenting, or abusing the dog.

These rules are drawn from the most relevant state law for dog-bite cases, namely Ohio Revised Code 955.28(B). That section of the code says: “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 a trespass or other criminal offense on the property of the owner, keeper, or harbinger, or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog on the owner’s, keeper’s, or harbinger’s property.”

The statute speaks of owners, keepers, and harborers. The definition of an owner is pretty straightforward, but the terms “keeper” and “harborer” are a bit less clear.

A keeper is a person who maintains some type of control over the dog, even if only on a temporary basis. So someone who is caring for a dog or is in charge of a dog can be termed a keeper.

A harbinger is a person who controls the place where a dog lives. Someone can be a harbinger even if they simply allow a dog to live in the home without protesting its presence. That definition would seem to include landlords, but that’s not nec-

essarily the case. Please see the section below on landlord liability.

## **LANDLORDS GENERALLY NOT LIABLE FOR BITES**

Compensation for most dog-bite claims comes from the owner or keeper’s homeowner’s insurance policy. If the injuries from the bite are serious, most people won’t have the money to pay the victim fair compensation. They need to rely on their insurance to cover the victim’s claims.

This area becomes somewhat muddled when the owner or keeper of a dog is a renter, rather than the owner of property. If that person has rental insurance, the victim may be compensated from that policy. If the dog’s owner doesn’t have renter’s insurance, the dog-bite victim may try to seek compensation from the landlord. Though there are exceptions, this generally results in a dead end.

In Ohio, landlords generally are not responsible for the actions of a tenant’s dog. First of all, to make a landlord liable, it would have to be shown that the landlord harbored the dog. Almost all of the caselaw that we’ve read says that landlords are not harborers of a dog if the tenant has exclusive possession and control of the property. In most situations, tenants are deemed to have possession and control of the rental property during the lease period.

This equation changes slightly where rental property has a common area such as a shared yard or

shared hallway. If the bite happens in a common area, a landlord might be liable as the harbinger of the dog.

Some judges have found, however, that if a landlord knew a tenant's dog was vicious and still allowed the dog to remain at the property, the landlord can be held liable for any injuries caused by a dog bite.

## **DOG-BITE VICTIMS HAVE 6 YEARS TO FILE LAWSUIT**

In any injury case, the victim has a limited timeframe in which to file a lawsuit or the claim will be lost forever. Dog-bite cases are no different, but the timeframe is longer. A dog-bite victim has six years from the date of the bite to bring a lawsuit, as opposed to the two-year period people have if they've been injured in a traffic accident. This period is called the statute of limitations.

This extended period to bring a claim allows people a better opportunity to fully recover before they must bring a lawsuit. Dog-bite injuries often take a long time to resolve, particularly if scar-revision surgery becomes necessary.

Children have an even longer period in which to file a lawsuit in a dog-bite case. A child who is bitten by a dog has six years past the age of majority to bring a claim, which means six years past their 18<sup>th</sup> birthday. The extended period works to the advantage of a child who was bitten by a dog. Child

victims of dog bites often are left with scars on their faces or necks. Because they're still growing, they sometimes have to go through a number of surgeries over a period of years to repair their scars.

## **PIT BULLS CONSIDERED VICIOUS DOGS**

Any attacking dog can be dangerous and scary, but pit bulls seem to create a greater risk of serious injuries. The attorneys in our office have found that a disproportionate number of our cases involve pit bulls.

Under Ohio law, pit bulls are presumed to be vicious and are governed by specific rules. Some of the rules include keeping the dog in a locked pen with an enclosed top, keeping the dog behind a locked fence, walking the dog with a chain-linked leash, and carrying special insurance to ensure that there's an adequate amount of money available to compensate the victim of a pit bull bite.

In most large cities in Ohio, pit bulls have become an increasing problem. In Toledo, where our main office is based, Lucas County Dog Warden Tom Skeldon has seen the number of seized pit bulls increase from 50 in 1993 to 1,354 in 2007. Mr. Skeldon said those numbers are representative of the increases of seized pit bulls nationwide.

Mr. Skeldon has been a champion of trying

to control the pit bull population in Lucas County and across the state. He's witnessed the serious injuries pit bulls can cause because they've been bred to bite and hold, while most dogs simply bite and release.

Pit bull advocates, though, continue to try to strip away the protections built into state law because they feel the dogs have been unfairly targeted. The attorneys in our office remain committed to maintaining the laws regulating pit bull ownership because we've seen the devastating injuries caused by pit bull attacks. Attorney Dale Emch, from our office, felt strongly enough about the issue that he teamed up with Mr. Skeldon and dog wardens across the state in resisting a proposed change to state law that would have stopped pit bulls from being labeled as vicious dogs. Here's a copy of the testimony Mr. Emch gave to an Ohio House of Representatives' committee that was considering the change:

#### **Dale Emch's testimony**

*"Chairman Reinhard, thank you for allowing me to address this committee on this controversial and important issue. I am testifying in opposition to House Bill 366 because I think it would be a mistake not to keep pit bulls labeled as vicious dogs under the state law. The law provides dog wardens like Tom Skeldon in Lucas County and law enforcement offi-*

*cials throughout the state with a powerful tool to regulate ownership of dogs that have the ability, and apparently the propensity, to cause tremendous harm to people.*

*"I'm here today as an attorney who has dealt with the types of injuries pit bulls can cause in just a matter of seconds. In our Toledo law office, nine of the 23 dog bite cases we're handling involve pit bulls. That's 39 percent, which strikes me as being disproportionately high when you consider how many different breeds of dogs there are in our state. I recognize this is a such a small sampling that it is statistically meaningless in the broader context of this discussion, but it gives you at least a glimpse of what we're seeing. I'll leave it to Mr. Skeldon and his colleagues to provide the statistical information this committee needs to evaluate whether pit bulls should remain labeled as vicious dogs.*

*"I'd like to provide you with some evidence of just how much damage these dogs can do. In the three cases I'll discuss, it's worth noting that none of the attacks were provoked, nor is there any evidence that these dogs were trained to fight or that they were owned by gang members. Something tripped their switch and they attacked.*

*"In the first case, my client is Samantha, a 2-year-old who was being pushed in a stroller by her parents through her neighborhood when a pit bull jumped its fence, ran directly to her, and bit her*

*on the forehead leaving a significant scar. I'd direct you to Exhibit A, to see a picture of Samantha's injuries. As you can see, she's fortunate the dog didn't injure her eye. She'll likely have a scar on her face for the rest of her life and she faces the possibility of at least one scar-revision surgery. Had this pit bull been confined in a pen with a top on it as required by state law, Samantha would not have been bitten.*

*"In the second case, my client Steve entered a home where he had done some remodeling work. He had been talking to his former supervisor for some time when a pit bull owned by his former boss suddenly attacked him, doing severe damage to his arm. I warn you in advance that Exhibit B is a graphic example of the types of deep wounds pit bulls can cause. The exhibit shows why Steve was in the hospital for three days and why it's almost a certainty that he'll need plastic surgery to repair his arm.*

*"Finally, in the third case, my client Leonard, 82 at the time of the attack, found himself surrounded by three dogs when he was taking out his garbage. He was alone and terrified that the dogs would knock him to the ground. Of the three dogs, only the pit bull attacked him, leaving puncture wounds in his legs that later became infected. He's fortunate that a neighbor heard his screams and came to his rescue. Leonard's injuries are shown in Exhibit C.*

*"In each of these cases, my clients would not*

*have been injured had the pit bulls been properly confined as state law mandates. So, obviously, the law can be broken and I'm sure it is routinely. But I'm also convinced that the law has prompted many pit bull owners to buy the proper insurance, confine their dogs appropriately, and walk them on leashes sturdy enough to hold them if they lunge at someone.*

*"I urge you both as a lawyer and a citizen to keep this bill from passing out of your committee. The General Assembly already has spoken on this issue and there seems to be no compelling reason to change a law that has the potential to keep people from suffering the types of injuries sustained by my clients. Thank you again for the opportunity to address the committee."*

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It appears that the proposed bill that would have stripped pit bulls from the vicious dog definition has been killed. Nonetheless, we remain committed to working with Mr. Skeldon and other dog wardens to maintain laws designed to protect people from the devastating consequences that can be caused by pit bull attacks.

## **TIPS TO MAXIMIZE YOUR RECOVERY**

If you've been injured by a dog bite, the initial steps you take can make a big difference to the outcome of your case. We've compiled some tips to help you avoid insurance company traps and receive fair compensation for your injury.

### **Seek treatment immediately.**

The best thing you can do for both your physical and financial health is to get the proper medical treatment for your injuries. This isn't a time to tough it out and hope that you'll miraculously heal. Returning to health should be your top priority. You need to go to your family physician or to the emergency room to make sure that you get the treatment you'll need to recover from the injuries you suffered from the dog bite.

Once you go to the doctor, follow his or her orders so you can make the best recovery possible. If your doctor tells you to go to a physical therapist or a plastic surgeon, do it.

This makes sense not only for your physical health, but for your financial health as well. An insurance adjuster is going to base any settlement offer to you on the medical care you've received because it provides a way to measure your injuries and resulting pain. Getting treatment demonstrates to the insurance company that you're not faking

your injury and that you're taking the process seriously. Compensation for the pain and suffering you've endured as a result of the dog bite will be based to some degree on the amount of your medical bills.

Once you've started treatment, see it through to the end. Don't stop the second you start to feel better if your doctor has recommended that you complete a certain amount of rehabilitation. If you stop early, you may not be fully healed. Resuming treatment months after you've stopped sends a message to the insurance company that you may not have been hurt in the first place or that you're trying to take advantage of the process.

### **Don't rush to settle your claim quickly.**

If you're reading this book because you were recently bitten by a dog, you may already have received a call from an insurance adjuster trying to settle your claim. Typically, an adjuster will wave a small amount of money under your nose to settle the claim quickly. It sounds good until you realize you're hurt more seriously than you initially thought or your medical bills end up eating into that money.

If you're tempted to settle your case below its value just because you need money for your medical bills, hold off. If you hire an attorney, the attorney usually will be able to work out an arrangement with your health-care provider for your provider to

be paid out of the proceeds of your settlement. The doctor or physical therapist will continue to treat you without requiring payment after receiving what's called a "letter of protection" from your lawyer. This allows you to continue getting the treatment that you need, while ensuring the doctor is paid at the end of your case.

Settling your case quickly doesn't allow you to be fully compensated for your medical bills, pain and suffering, and lost wages. It only benefits the insurance company because it won't have to pay out the full value of your case.

**Don't underestimate the insurance adjusters who contact you.**

This tip goes back to what we discussed in the introduction. Insurance adjusters handle claims for a living. They're judged by their bosses by how they settle claims and how much money they save for the company. This doesn't make them bad people; they're just doing their jobs and looking out for the best interests of their employers. It's up to you and your lawyer to look out for your interests.

It's no shock that insurance companies often own the tallest skyscrapers in a city. They have powerful lobbies throughout the country and, along with other business interests, have done their best to get legislation passed that makes it hard for dog-bite victims to be fairly compensated. They've gotten rich by collecting as much money as possible from

all of us while trying to avoid making fair settlements with people suffering from dog bites.

So, when an adjuster representing the person who owned or kept the dog gives you a call, keep in mind where their loyalties lie. They'll likely be extremely pleasant, but they have one goal: to settle your claim as cheaply as possible. They do this for a living, all day and every day. Because this is probably the first time you've been seriously injured by a dog bite, you are at an obvious disadvantage. Be smart when you're dealing with them – or better yet, hire a lawyer who deals with insurance companies on a daily basis. After all, the insurance companies have professionals working for them, so you should too.

**Don't provide a statement to the adjuster.**

If an insurance adjuster contacts you, don't make any statements about the dog bite, your physical condition, and whether you're being treated by a doctor. The adjuster may be recording your conversation and certainly will be taking notes. Any statements you make about your injuries could come back to haunt you. Simply thank the adjuster for calling, tell her that you don't want to make any statements, and that you don't want her to call back. Tell the adjuster you'll initiate a conversation when you're ready. You don't have to be rude, but you need to be firm. The adjuster can't make you talk.

It's a foreign concept to most people, but you have to view your injury case with the idea

that it could go to trial. Most cases don't, but you don't want to hinder your negotiating strength by making a statement to an adjuster that can be mis-construed or twisted. The concern about making a statement is that you may not know the extent of your injuries right after you've been bitten. It's not uncommon for people to receive more medical treatment than they initially thought was necessary, especially if the bite becomes infected or if plastic surgery is required.

One way to avoid awkward conversations with an adjuster or making statements that could hurt your case is to contact a lawyer to represent you. Your lawyer will stop the adjuster from having any further contact with you.

**Don't sign any medical authorization forms at the request of an insurance company.**

Insurance companies often try to get dog-bite victims to sign authorization forms that allow access to their medical records. The forms usually are drafted so the insurer gains access to all of your medical information, not just information relating to the dog bite. It allows an insurance company to go on a fishing expedition for any other medical problems that might explain the pain you're experiencing.

If your injuries are serious, you should consult an attorney to deal with these issues. Your attorney will ask you to sign medical authorization forms that will be used to obtain the information

that's related to your dog bite. Only the information relevant to your case will be sent to the insurance company so your claim can be evaluated. This protects you from having personal information winding up in the wrong hands.

**Start a file to document everything connected to your case.**

Make sure you keep every bill, police report, dog warden report, and document connected to your claim. The insurance company has a right to see evidence of medical bills for which you're seeking reimbursement. Keeping track of your bills also ensures that you won't settle your claim without making sure you've been compensated for all of your expenditures. This is true even if you have health insurance because you may have to repay your provider for any bills they've paid on your behalf if there's a settlement.

In addition to documenting your treatment, keep track of any wages you've lost because you've been unable to work. Don't assume you'll automatically get reimbursed for your lost wages. You have to get a note from your doctor if you miss work because of the injuries from the dog bite and you'll have to get documentation from your employer about your rate of pay and how much money you lost because you weren't able to work.

**Honesty is the best policy.**

Be honest when it comes to dealing with your injury claim. Be honest with the insurance adjuster, be honest with your doctor, and be honest with your lawyer. Nothing will kill your claim faster than being caught in a lie. Your credibility will be crucial in resolving your case, particularly if you have to go to trial.

If you're not in pain, don't get unnecessary medical treatment to drive up your bills. That doesn't mean you shouldn't follow your doctor's orders, but don't exaggerate the extent of your injuries. The truth eventually will come out, and when it does your case might become worthless. If your case goes to trial, your credibility with the jury carries tremendous value. If jurors feel you're not being honest, they won't give you the fair compensation you deserve.

You also have to be straight with your lawyer, who won't handle your case if he thinks you're lying. The attorney needs to know what's really happening with your case in order to represent you fairly and aggressively.

**Don't hide information from your lawyer.**

This tip goes hand-in-hand with our advice about being honest. You'll be making a big mistake if you hide information that is embarrassing or that you think will hurt your claim. You may get away with it, but usually the truth comes out. And if it comes out at the wrong time in a deposition or at trial, your case may be damaged beyond re-

pair. Your lawyer can only help you if she has the complete picture. If there's something awkward to be dealt with, he'll handle it. But don't put your lawyer in a bad situation by hiding something.

**Don't exaggerate the impact of your injury.**

You're entering a world you likely didn't know existed. As we've said earlier in this book, insurance companies prosper by paying dog-bite victims as little as possible. In an effort to do that, they'll resort to what you may regard as underhanded behavior. They may hire a private investigator to spy on you, they may have someone engage you in conversation about your injuries, or they may videotape you as you go about your day.

We know of one case – fortunately not one of ours – where an insurance company investigator placed a video camera in a gym bag to record a supposedly injured accident victim teaching an aerobics class. Needless to say, the attorney handling that case dumped it immediately – and should have. People like that aerobics instructor give insurance companies reason to be skeptical. The problem is they seem to be skeptical of everyone, even people with legitimate claims.

So, simply be honest. Don't play games when it comes to dealing with your dog-bite case.

**Hire an attorney who devotes his practice to personal injury cases.**

Earlier, we wrote about insurance adjusters who negotiate settlements every day. They're good at it because it's their profession. That's why you'll need a lawyer to handle your case. Your lawyer not only will deal with the insurance adjuster, but he'll navigate you through the complex world of dog-bite litigation.

Armed with knowledge of the law and the ploys of adjusters, a lawyer can help you obtain a fair settlement for your case. Numerous studies have shown that you're far more likely to end up with more money at the end of a case if you hire a lawyer rather than trying to settle the case on your own. By virtue of handling injury cases every day, lawyers develop a sense of how much a case is worth.

Furthermore, you're not likely to have experience with the types of arguments you're going to hear from insurance adjusters. Hiring a lawyer lessens the amount of hassles you'll face and increases the chance of a better result, even after attorney fees and expenses are subtracted.

**Plastic surgery is sometimes necessary for serious bites**

Children suffer the majority of dog bites and young children tend to be bitten on their heads,

faces, and necks. These types of injuries often require treatment by a plastic surgeon. Sometimes a number of surgeries are required over a period of years as a child grows.

If you or your child has suffered a disfiguring bite, consult a plastic surgeon early in the process so the damage and scarring can be minimized to the extent possible. Ask your attorney or your family practice doctor who the top plastic surgeons are in town. Finding a skilled surgeon obviously is crucial, but it's also important to find a doctor who will be willing to document the injuries and produce a report that can be used in negotiating your claim.

**Take photos to document injuries**

It's cliché, but a picture really is worth a thousand words sometimes, especially for dog-bite injuries. Take photographs of all the injuries caused by a dog bite as soon as possible. In our office, we have the client take photos and then we usually hire a professional photographer to take additional shots. Periodically throughout the treatment, we'll have additional photos taken to document the status of the injuries.

In addition to photos of the injuries, it also would be wise to get photos of the scene. Photos often play a key role in any settlement discussions with an insurance adjuster. They also serve as crucial evidence if the case has to go to trial.

**Gather witness statements and dog warden reports**

All dog bites should be reported to the county dog warden and local health department. The dog warden will conduct an investigation, prepare a report, and possibly cite the owner or keeper of the dog. Sometimes police officers will conduct their own investigation. Dog-bite victims should collect these reports and file them away in a safe place. If you hire an attorney, the attorney can gather the reports for you and will use them as evidence for your claim.

In addition to collecting reports, try to take statements from everyone who witnessed the bite. Make sure you get the names, addresses, and phone numbers for all potential witnesses in the event the case has to go to trial.

**YOUR LAWYER DOESN'T GET PAID UNLESS YOU DO**

People are understandably nervous about hiring a lawyer. Fear that it will cost too much money stops some from consulting an attorney, especially when expenses may be adding up as a result of a recent dog-bite injury. Dog-bite victims, however, don't pay their lawyer anything unless a settlement is reached or they win in a trial.

Most attorneys who represent accident victims take what's called a contingent fee, which means that the lawyer's fee depends on his success in resolving the case. If you win your case or get a settlement, the lawyer takes a fee. If you lose at trial or the insurance company won't settle, you don't get anything, but you typically won't owe the lawyer a fee. Usually, the lawyer takes one-third of the gross award or settlement. The arrangement works for both parties. The lawyer takes a risk that he'll never get paid if the case bombs. The client gets to pursue his claim without having to come up with thousands of dollars in legal fees. Without this arrangement, some people never would be able to bring a claim because they couldn't afford it.

Trying cases can be costly because of the numerous expenses involved. Court reporters have to be hired to take depositions, those depositions must be transcribed, medical records have to be ordered, expert witnesses such as doctors

have to be consulted, exhibits have to be compiled, and court costs have to be paid. The attorney usually will cover those expenses because most people couldn't come up with that much money. If the case settles or the client wins at trial, the lawyer is reimbursed for the expenses he incurred in handling the case. Again, this arrangement benefits the client. Our firm handled one personal injury case where the expenses alone were in the neighborhood of \$100,000. If we hadn't paid for those expenses, our client never would have been able to pursue his claim even though he had an excellent case.

When you meet with a lawyer, you will have to sign an agreement that spells out how the attorney will be compensated and how the expenses will be paid. Make sure that the contingency fee arrangement – typically 33 1/3 percent of the gross settlement or award – is clearly spelled out in the contract. If you don't feel comfortable with the contract, don't sign it. You're in control of the situation. If you have questions, make sure the lawyer answers before you sign the document. You can walk away after the case starts, but the lawyer will be entitled to get paid for the time and expenses he's incurred out of whatever settlement another lawyer obtains for you.

When the case is resolved, you will get a check that represents the award or settlement, minus the attorney's fee and expenses.

## **ATTORNEYS KNOW HOW TO NAVIGATE THE LEGAL PROCESS**

In all but the most straightforward of dog-bite injuries, these cases can become very complicated even for attorneys who handle these issues every day. Dealing with insurance adjusters, health-care insurers, doctors, and attorneys representing the insurance company can make resolving a dog-bite claim a long, frustrating journey. Hiring a lawyer to help you obtain fair compensation makes sense unless you've been involved in a very minor dog-bite incident.

If you hire a lawyer, he has a few options when trying to resolve your case. Some lawyers file a lawsuit immediately, which has the benefit of putting you quickly on a trial track. The other path the attorney might take is negotiating with the insurance adjuster to resolve the case without having to file a lawsuit. Most attorneys, including those in our office, prefer the second approach.

Lawsuits are time-consuming, expensive, and unpredictable. The benefit of settling a claim with the adjuster is that the client gets compensated sooner and has a certain outcome. We only file suits quickly if the adjuster makes an unfair offer that we know isn't going to get any better or if the statute of limitations is about to expire.

Even with our approach, you shouldn't expect a quick settlement. As we stated earlier, we think it's

best for the client to follow a doctor's treatment plan – even if it takes more than a year – rather than settling the case prematurely. This benefits the client's health and case. Ultimately, your settlement or verdict will be based to some degree on the cost and length of your treatment.

Sometimes going to trial becomes the only option. When you're looking for a lawyer, make sure you hire someone who is willing to try cases if necessary. It can take a long time to get to trial, but it may offer your best chance of getting fair compensation for your injury. If you have to go to trial, be prepared for a long wait because judges have to juggle numerous criminal and civil cases. It's not unusual for a trial date to be set anywhere from six months to a year after the complaint is filed.

## CONCLUSION

We hope this book serves as a helpful reference tool for understanding dog-bite cases. Though the process can be long and complicated, an attorney can guide you through this journey. When picking an attorney for your case, select someone who handles a lot of personal injury cases, including dog-bite cases. Personal injury lawyers deal with the legal issues specific to this field of law on a daily basis.

If you think we can help you with your case, please call us at 419-241-1395 or 800-637-8170. A receptionist will gather some information and connect you with a lawyer. Calls that come into our office after hours are forwarded to a lawyer. To learn more about our firm, visit our Web site at **[www.charlesboyk-law.com](http://www.charlesboyk-law.com)**.

We'll schedule a free consultation with you and give you our professional opinion about whether or not we can help you. You can also order one of our other books: *The Ohio Accident Book* or *The Ohio Work Injury Book*. We have six offices in northwest Ohio where we can meet with you to discuss your situation. And, if we decide to work together, you can rest assured that we'll fight to get the best result for your case.



## The Ohio DOG BITE BOOK

Roughly 800,000 people are bitten by dogs every year in the United States – half of them children. The bites are painful and the attacks traumatic. Many

people are left with injuries and scars that require multiple surgeries over the course of years to repair. In addition to the pain, dog-bite victims then have to deal with the complicated world of insurance adjusters and litigation in order to get fair compensation. That's why the attorneys at the Charles E. Boyk Law Offices, LLC, have written this book.

Insurance companies have one goal when dealing with a dog-bite case:

settling the claim for as little money as possible regardless of whether the victim is fairly compensated. We hope this book serves as a reference guide for people who have been injured by a dog bite. If you read this book and would like our help, please call attorneys Chuck Boyk,



Charles E. Boyk, Michael A. Bruno, and Dale R. Emch  
**Charles E. Boyk Law Offices, LLC.**

Mike Bruno, or Dale Emch at **419.241.1395** or **800.637.8170**. We are based in downtown Toledo, but we have five other offices in northwest Ohio where we can meet with you – for free – to discuss your case.

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