

WHAT IF MY WESTIE BITES!

Few of us believe our own dog is capable of biting someone but there probably isn't a dog out there who would not bite in some circumstance. There are things you should know beforehand to avoid making a serious mistake that could put you in a difficult legal position.

The bite may or may not be the full fault of your dog. IT DOESN'T MATTER! Even if you think the person who was bitten was fully at fault, you need to keep your cool and act against your basic instinct to protect both you and your dog.

The definition of "bite" can be pretty flexible. Anything that breaks the skin should be considered a bite for this purpose. A lot will depend on the reaction of the victim. If the skin doesn't break but the baby is crying, they might consider it a bite so even if it is borderline or only caused bruising, go with this information.

- 1) Do not show that you are upset. Stay CALM. But do show compassion. Don't argue your case at this crucial time. Don't accuse the person. BE NICE to the victim or parent. (For the sake of brevity, I'll refer to "The victim" rather than the victim or the parents or guardian of the victim.) This may be very hard to do. But you must "make friends" with the victim. They are in the driver's seat and can cause you a lot of trouble. You don't want them angry and ready to "get revenge". And you don't want them to use your words or attitude against you later in court. These are all things you should be aware of and do immediately, before you can go home and look it up.
 - Be friendly and compassionate
 - Help the victim get to the doctor
 - Offer to pay all medical bills
 - Get your dog away from the scene so nothing further occurs
 - Get names and addresses of all potential witnesses
 - Do not make any statements of responsibility that could later be used in court against you.
- 2) Keep in touch with the victim in the days and weeks following the incident. If they begin to view you as a friend, they are less likely to sue. If you follow through on your offer to pay medical bills, they are less likely to make an insurance claim which could and almost certainly would cause you to have to give up your dog and possibly put the dog down.
- 3) Be very careful about your insurance. You must report incidents and cooperate with the insurance company if there is any chance that there will be financial implications to the insurance company. If you can handle the medical bills without insurance reimbursement, you may be better off doing that. If there are claims, you may be asked to give up the dog to avoid being cancelled. This can happen even if it was not your dog's fault. The insurance company may decide not to fight the case, especially if a small child is involved. If they don't think they can win, they may decide not to contest it. A claim on your insurance can result in losing your coverage unless you "get rid of" the dog. Once there is a record on that dog, it can be very hard to find another insurer. They share information.

Please note: If the victim requires medical treatment, a police report WILL almost surely be made. (This is required by law but occasionally the hospital or doctor will choose not to

do so. Don't count on it, especially if the victim is not the owner of the dog.) The police will (or should) interview both victim and the dog owner and file a report which can go to the insurance company and may or may not be correct. Make sure that the police report is accurate and not based solely on the victim's statement.

Immediately after the incident and before you go to court, you will want to contact a lawyer with experience in dog law. A search on the internet for "Michigan Dog Lawyer" will give you many leads. Be sure you read the information and get a lawyer who specializes in defending you and the dog vs. one who specializes in suing over dog bites. Don't think you can handle a court appearance without legal advice. You will almost surely regret it later.

Another good information source is http://www.dogbitelaw.com/PAGES/if_your.htm.

5/1/09