

**The** *ULTIMATE*  
**Michigan Dog Bite**  
— & —  
**Animal Attack**  
**Handbook**

*Includes:*  
*“The Biggest Mistakes that*  
*Will Ruin Your Dog Bite Case”*

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*“The Biggest Mistakes that*  
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By  
**Lawrence Buckfire, attorney**  
Michigan's Most Respected Child Injury Lawyer  
Toll-Free (800) 606-1717

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Tarentum, Pennsylvania



## **Who I Am and Why I Wrote This Book**

I am attorney Lawrence J. Buckfire and am a partner at the law firm of Buckfire & Buckfire, P.C. I have an undergraduate degree in economics from the University of Michigan and a law degree from the Wayne State University School of Law.

I am recognized as a legal expert in cases involving Michigan accident and injury cases, including dog bite and animal attack lawsuits. A substantial portion of my practice is devoted to representing injured children. I am often contacted by medical professionals who have questions on behalf of their patients who have been injured in accidents.

I wrote this book to help you understand your legal rights if you or a family member were injured due to a dog bite or other type of animal attack. The laws in Michigan that apply to dog bite and animal attack cases are very complicated and change on a frequent basis. This book was written to make these laws easy to understand for someone who is not a lawyer or judge.

This book may not answer all of your questions and simply cannot cover every aspect of the Michigan dog bite and animal attack laws. I am very proud to say that I have helped many injured clients, just like you and your child, with their cases over the last two decades. To learn more about my record of success, please visit my firm web site for some examples of the great settlements and jury verdicts that I have obtained for my clients.

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I always look forward to sharing my expertise with new clients and gladly speak with all persons who call my office. If you know someone else who would benefit from this book, please have them call me and I will send them a copy free of charge.

Lawrence J. Buckfire, Attorney at Law

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Specializing in Michigan dog bite and animal attack cases

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## **Read What Others Have to Say**

**Larry is among the elite child injury lawyers in the United States of America, and is clearly the leader in the State of Michigan... Your injured child, and your family, would be fortunate to have Larry Buckfire on your side.**

Christopher Keane, attorney  
San Francisco Child Injury Lawyer

**In Michigan, I refer my serious and catastrophic injury cases to Buckfire & Buckfire, P.C. They have obtained excellent results for my clients on very difficult cases.**

Ari Kresch, attorney  
Southfield, MI and New York, NY

**Hiring his firm to represent my son and myself was the best decision I could have possibly made. Many thanks for the great work.**

Kathy G, client  
Imlay City, Michigan



## Legal Advice

I am not allowed to give legal advice in this book and you should not take the information in the book as legal advice. It is intended to be informative and to provide you and your family with a basic understanding of your rights. If you hire my firm to represent you or a family member for a case, I will fully explain to you your legal rights under Michigan law and assist you in filing your claims. If you have already hired a lawyer before reading this book, you should contact your lawyer with specific questions about your rights and benefits.

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## Fewer Cases—More Time For You

We are “different”.

We don’t rely on a high volume of cases. We don’t claim to handle every type of case under the sun. We don’t want to! We don’t need to!

Each year, we only accept a limited number of serious accident, injury, and disability cases from the hundreds of people who contact us and ask us to represent them. We are not a “*TV advertising personal injury mill.*”

**When you call our law firm, you will actually speak to a lawyer. *Imagine that!*** Paralegals and assistants do not negotiate our cases with the insurance company. Fewer cases means more time for you and, we believe, better overall results.

Since 1969, our firm has represented serious accident and injury claimants throughout the entire State of Michigan. Most of the cases are referred to us by former satisfied clients, medical professionals, and other attorneys. If we accept your case and you are not near us, we will come to you.

Sometimes the best advice you can get when you are thinking about a lawsuit is that you do not have a claim that can be won. If that is true, we will tell you. We’ll also tell you when we think you are better off handling a claim by yourself—without an attorney. But, if your case passes our test and we accept it, you can be assured that you will receive our personal attention. We will aggressively represent you, keep you up to date on what is happening with your case and give

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you our advice as to whether you should settle your case or whether we should go to trial.

We will fully explain all fees and costs to you before we start working on your case. Together, as a team, we will decide on the best tactics for your case.

Lawrence Buckfire, President  
BUCKFIRE & BUCKFIRE P.C.

## **The Frequency of Dog Bites & Animal Attacks**

In 2005, over 60 million dogs were pets in the United States, with 40% of U.S. households owning one.

There were more than 4.7 million people bitten by dogs, and there were approximately 800,000 injuries that required medical treatment. Children 14 years old or younger accounted for 42% (154,625) of dog bites.

The most common area for a dog bite occurred on the arm/hand, with 45.3% of the bites occurring in that region of the body. Children 4 years old or younger were attacked 64.9% of the time in the head/neck region.



## **Michigan Law on Dog Bites & Animal Attacks**

In Michigan, the law recognizes three potential causes of action arising out of a dog attack incident: (1) statutory strict liability; (2) common-law strict liability; (3) and common law negligence (including statutory and ordinance violations).

Michigan has enacted *statutory strict liability* under what is commonly referred to as the dog-bite statute. Under this law, if a dog bites a person, without provocation, while the person is on public property, or lawfully on private property, including the property of the owner of the dog, the owner of the dog is be liable for any damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

This means that if someone is bitten while lawfully on public or private property, the owner of the dog is automatically liable for any injury or damage the dog causes as long as the dog was not provoked. In addition, the law makes clear that people considered lawfully on the private property of the owner includes social guests, friends, family members, contractors, postal employees, utility company workers, newspaper carriers, and others who were invited onto the property for a business or social purpose.

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In addition to strict liability under the dog-bite statute, Michigan law recognizes two other potential causes of action arising out of a dog attack incident: *common-law strict liability* and *common law negligence* (including statutory and ordinance violations).

A cause of action for *common law strict liability* attaches for harm done by a dog or domestic animal where three elements are present: (1) one is the owner or possessor of the animal; (2) one knew or should have known of the animal's abnormal dangerous propensities; and (3) harm results from the dangerous propensity that was known or should have been known. This means that if someone owns or harbors a vicious dog and a person is harmed as a result of the dog's vicious behavior, then the owner or keeper of the dog will be liable under *common law strict liability*.

Next, a cause of action under *common law negligence* is available without regard to whether the owner, keeper, or possessor had knowledge of the dog's dangerous propensities if that person was negligent in failing to prevent foreseeable harm and that negligence resulted in an injury. This means that the dog or animal owner may be liable if the injury occurred because the dog owner was unreasonably careless in controlling the dog. This can include not putting a leash on the dog, the lack of a proper sign in warning citizens of a vicious dog, and simply not paying attention to the actions of the dog.

Many times, the owner is automatically liable for failing to properly have the dog restrained or on a leash under city ordinances and rules. This might include in a public park or

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just somewhere in the neighborhood. Dog owners are also responsible for attacks in these places.

Some people believe that the one-bite rule is the law in Michigan. This rule means that the owner is not liable or responsible if the dog had never bitten anyone before your incident. This law does not exist in Michigan and dog owners are not entitled to a free bite.

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## Avoiding Liability in Michigan Dog Bite and Attack Cases

The main defenses used by dog owners are that the person who was bitten or attacked was on private property as a trespasser or that the injured person provoked or somehow instigated the attack.

If the person on the property was a trespasser and the incident occurred on private property, the dog owner may not be responsible for the attack. However, many people do not understand the legal definition of a trespasser and often are confused as to whether they are considered to be a trespasser. This often depends on the circumstances and the reasons that the injured person was on the property and requires a lawyer to evaluate the facts and make that determination.

The owner of a dog that bites or attacks a person may also avoid responsibility if the injured person provoked the attack. This might include pulling the dog's tail, hitting the dog with a stick, or some similar type of action that would cause the dog to bite and attack. Small children often do not understand that their playful actions might agitate a dog and cause an attack, and believe that the dog is having fun with them.

To avoid liability, the dog owner or the insurance company may argue that the child's actions were responsible for the attack and therefore they are not liable for the injuries and damages. Quite often, the child's actions were minor compared to the ferocity of the attack, and the claims may not be barred due to the alleged provocation of the dog.

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## Proving Damages in Michigan Dog Bite and Attack Cases

In 2005, insurance companies paid \$317.2 million in settlements and jury verdicts to people who were injured by dog bites and attacks. Claims made by dog bite and attack victims are almost always paid by the dog owner's homeowner's insurance company.

Typical damages that dog bite victims can receive compensation for include:

**Pain and suffering:** This is the right to compensation for physical pain and suffering and mental anguish you have suffered and could possibly endure in the future. This accounts for many of the damages that are recovered and are in addition to the following damages that are discussed.

**Loss Of Earnings:** You are entitled to recover for the loss of earnings which you suffered from your injuries. This includes wages, commissions, bonuses, and all other earnings and fringe benefits. If you are not able to work presently because you are recovering from your injuries, the loss of income will be made up.

**Future Loss of Earnings:** If your injuries have prevented you from your ability to earn income in the future, you can recover damages for the value of the reduction in earning capacity with reasonable probability which will occur in the future.

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**Disfigurement:** If the injury causes scarring or other unsightly marks, the victim is entitled to recovery for the disfigurement. Because these injuries are often in very visible places, victims are often very self-conscious of their appearance.

Children are frequently bitten in the facial region and require plastic surgery later on in life. Depending on the age of the child at the time of the attack, many surgeons will not perform surgical revisions until the child reaches early adulthood. This means that many times, children will go through the embarrassment and humiliation of the scar through adolescence, a period in which they are very self-conscious of their appearance. This often impacts them both socially and emotionally.

**Medical Expenses:** Dangers include any sort of medical expenses that a victim has had to pay for at a hospital, clinic, or to a pharmacy. These include the cost of basic medical treatment, going to the emergency room, and any sort of surgical treatment or care needed to repair the damaged area of the body.

## “The Biggest Mistakes That Will Ruin Your Dog Bite Case”

Many people do not feel that they need to pursue a dog bite case right away. The statute of limitations in Michigan allows three years from the date of the bite that a person can file a dog bite lawsuit. This period is extended to a person's 19<sup>th</sup> birthday if he or she was bitten or attacked before the age of eighteen. Many people are unaware that they can still pursue a case many years after the incident if the victim was a child.

Although you have time to file a lawsuit, you should report your claim as soon as possible. Here are the steps that you need to take to ensure that you have protected your legal rights and will maximize your recovery:

- 1. Seek immediate medical attention.** By seeking medical attention quickly, you are able to get treated professionally and are protecting your well being. If you do not seek medical treatment for your injuries, the dog owner and his or her insurance may claim that your injuries were not serious or that you were not injured in the attack. By obtaining professional medical treatment, your medical records will document the serious nature of your injuries.
  - 2. Get the name and address of any witnesses and the dog owner.** You must do this quickly because it can be very hard to track down a reliable witness or the dog owner at a later date. People move and relocate frequently, and it is important to obtain reliable contact information at or shortly after the time of the incident.
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If you wait too long, witnesses may not be cooperative or may not have an accurate memory of the attack.

- 3. Make a dog bite report with the police department, fire department, or animal control department of your city or county.** Making a report is very important to document that the event took place and to have the government agency do an investigation. If this is a dog that has previously attacked other people, the city may want to take action against the owner or the dog. Some people choose not to make these reports because they do not want anything to happen to the dog or because they do not want to offend the owner of the dog, as the owner may be a neighbor or a family friend. Failing to report the incident may have a negative impact on your case.
  - 4. Take photos immediately.** If you decided to take photos later on, the wound or the mark could heal without you realizing it. If you do not have proof of the extent of your injuries at the time of the bite, it may be disputed at a later time. You must be able to show that you have been seriously injured if you want to protect your legal rights. Our firm often hires a professional photographer to take pictures of the wound shortly after the incident and at a later date after the scar has reached its maximum healing.
  - 5. Meeting with the dog owner's insurance adjuster or investigator.** Many times, injured people are quickly contacted by the dog owner's insurance company adjuster or investigator and meet with that person
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before hiring a lawyer. These people often try to get you to make statements that damage your own case and ask you to sign papers that will give away your rights and release them from paying any settlement in the future. It is never a good idea to meet with the insurance adjuster or investigator before contacting an experienced lawyer.

**6. Accepting a Quick Settlement.** Many insurance companies try to pay you a quick settlement before you speak with a lawyer. They do this for several reasons. First, they want you to accept less than the value of your case and have you release them from paying any other settlement in the future.

Second, they want you to sign away your rights before you know how serious your injuries are, how long they will take to heal, and if future medical treatment will help. Many times, you will not know how your scar will heal for several months after the incident or if it will ever heal properly. With children, many plastic surgeons will not even perform repairs until the child has reached early adulthood.

**7. Contacting a lawyer without experience in dog bite and attack cases.** Many attorneys will tell you that they can handle your case, but do not have the expertise necessary to get the best result for your case. Having an attorney who has valuable experience and has the knowledge of the different causes of actions that are necessary in achieving a successful case gives you a great feeling of comfort and confidence.

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## Finding The Best Lawyer For Your Case

**Do all lawyers in Michigan know how to handle dog bite and animal attack injury cases?**

**No.** The laws regarding Michigan dog bite and animal attack injury cases are very complicated. A complete understanding of these laws and the legal strategies involved in these cases are essential to receiving a fair settlement of your case.

The fact that Attorney Ernie drafted a will for your uncle or that Lawyer Linda handled your cousin's divorce case does not make them qualified to handle a dog bite and animal attack case. Many attorneys who claim to be specialists in dog bite and animal attack injury cases do not know the intricacies of the laws in this area.

While many lawyers will offer to represent you in your case, it is important to choose a lawyer to represent you that handles serious dog bite and animal attack injury cases everyday and has significant experience and expertise in representing injury victims. Lawyers without this knowledge and experience may not be familiar with or even understand these laws and its many technicalities, which could cause you to lose your case and your opportunity to obtain a settlement in your case.

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### How do you find the best lawyer for your case?

The best way to find the right lawyer is to know the right questions to ask the lawyer before you hire the lawyer for your case. These questions are a good start:

1. What percentage of your practice is devoted to handling dog bite and animal attack injury claims?
2. Have you ever written a book, like this one, on dog bite and animal attack injury cases?
3. Have you ever spoken to groups of other lawyers and professionals about Michigan personal injury and accident cases?
4. Do you have a website with information on accident cases and free forms that I can print to make my insurance claims?
5. Have you ever taken a personal injury case to trial and won a verdict for your client?
6. What kinds of settlements have you received for your clients?

The lawyers at **Buckfire & Buckfire P.C.** will give you direct answers to these questions. Our firm has represented dog bite and animal attack injury victims and their families throughout the State of Michigan for almost forty years. Our lawyers have the thorough knowledge, expertise, and experience in handling these cases and understand how to handle difficult

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cases and best represent our clients. Most of our clients are referred to us from other clients who have placed their trust in us to represent their family members, friends, and colleagues. We also receive many referrals from other lawyers and from medical professionals who recognize that we are the best law firm to represent their clients and patients.

## **OUR CASES AND VERDICTS**

A sampling of cases that we have handled including verdicts and settlements may be reviewed on our website at **[www.Buckfirelaw.com](http://www.Buckfirelaw.com)**. Remember that each case is different. Once a case is in the hands of the jury, it is out of our control. We do believe, however, that significant trial experience in big cases is an important factor that people should use in choosing one attorney over another. Many of our clients have told us that this is true.

### **Our Services**

*We are here to represent you at every step of the way in your claim. Sometimes the best advice is that you do not have a claim that can be won. If that is true, we will tell you so. If your case meets our criteria for acceptance, you can be assured that you will receive our personal attention. We will keep you advised as to the status of the case and will give you our advice as to whether your case should be settled or whether we should go to trial*

*The initial consultation is free. We will fully explain our fees and costs to you before proceeding. Together, as a team, we will decide on the tactics best suited for your case.*

**LAWRENCE BUCKFIRE,  
BUCKFIRE & BUCKFIRE, PC.**

## Free Newsletters from Our Law Firm

Our law firm publishes a legal newsletter on important legal matters that may affect you and your family. The newsletter is very interesting and contains topics that are written specifically for our clients. It is written in the same easy to understand language as this book and it is not the same boring newsletter that you might see from other law firms.

We publish the newsletter four times a year and will gladly send it to you for free and without any obligation whatsoever. To subscribe, simply copy this page and complete the form. You can mail or fax it to us. Fax it to **248-569-6737** or mail it **25800 Northwestern Highway, Southfield, MI 48075**.

We also send out important legal news updates through e-mail several times a year. We are also happy to send these to you free of charge. If you would like to receive these updates, please send us an e-mail to *info@buckfirelaw.com* and we will include you in all future legal updates.

We do not share our mailing list or e-mail lists with anyone else. If you change your mind after you subscribe and no longer wish to receive our newsletters or e-mails, just let us know and we will stop sending them to you.

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Lawrence J. Buckfire earned his undergraduate degree in economics from the University of Michigan in 1986 and his juris doctor degree from Wayne State University School of Law in 1989. He has been in private practice of law since successfully completing the bar exam in 1989. He is admitted to practice law in the State of Michigan, State of Ohio, and in the United States District Court.

Mr. Buckfire specializes in accident and injury cases involving wrongful death, lead poisoning, automobile negligence, dog bites and animal attacks, medical malpractice, and products liability cases. A substantial portion of his practice is devoted to the representation of injured children. He is a highly skilled trial attorney with a reputation for meticulous trial preparation and presentation. He is a member of the Michigan Association for Justice and the American Association for Justice. He also serves as a mediator with the Wayne County Mediation Tribunal. He has a tremendous track record of success in obtaining substantial jury verdicts and settlements for his clients.

This book is written in plain English to educate individuals and their family members about their legal rights if they are injured due to a dog bite or animal attack. For more information about dog bite and animal attack injury claims, visit the website of Buckfire & Buckfire, P.C. at

***[www.Buckfirelaw.com](http://www.Buckfirelaw.com)***.

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