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DOG BITE LAWYERS IN CHICAGO

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DOG BITE ACCIDENT LAWYERS

Around 76 million dogs live in the United States. While they often are beloved members of the family, they are still animals capable of biting and causing severe injuries.

Each year across the United States, more than 4.5 million people are bitten by a dog.

One million people visit emergency rooms annually because of dog bites; millions more are bitten but do not seek emergency care.

One in five dog bites become infected and the average length of a hospital stay following a dog bite is 50 percent longer than the typical stay. The medical expenses alone after an Illinois dog average more than \$18,000. This figure, however, does not consider the other economic and non-economic damages suffered by dog bite victims, such as lost wages, physical pain and emotional anguish.



IN THE U.S. EACH YEAR AROUND
4.5 MILLION
DOG BITES ARE REPORTED

DOG BITES IN ILLINOIS

In 2022, Illinois ranked seventh in dog bite incidents, with 729 claims filed and \$49 million in claims paid that year. The state also ranked seventh in the postal worker dog attacks in 2021, with Chicago coming in eighth on a list of U.S. cities with the most dog attacks.

Illinois has a high number of dog bites despite have one of the nation's lowest rate of dog ownership. Just 31 percent of households have a dog, according to the American Veterinary Medical Association. Nationwide, almost 40 percent of household have at least one dog.

Adults in possession of 2 or more dogs are five times more likely to get a dog-related injury than those without dogs.

Every state creates laws regarding an animal owner's liability following a dog bite. Some states require that a dog bite victim prove that the dog's owner knew that their dog was dangerous. In these states, dog bite victims can typically only recover financial compensation from a dog owner if the dog had previously bitten another person. This is called the "one bite" rule.

Illinois, however, does not subscribe to the one-bite rule. In Illinois, the owner is liable for any time their dog causes injury. This means that despite the dog's previous behavior, the owner is liable for their dog in any case of personal injury as long as the victim is "peaceably conducting himself or herself in any place where he or she may lawfully be" according to Illinois's statute.

DOG BITES IN CHICAGO AND ILLINOIS

IN 2022, THE STATE OF ILLINOIS RANKED

#7

IN THE U.S.

IN DOG BITE INCIDENTS

WITH

**729
CLAIMS**

AND

**\$49
MILLION**

IN ASSOCIATED COSTS

Defining Ownership in a Dog Bite Case

In Chicago, the owner is considered to be anyone with the right of property to the dog; this includes someone who is keeping the dog, has the dog under their care or allows the dog to be on their personal premise.

Owner Negligence

If the plaintiff is bringing a case of owner negligence, they must give plausible facts that demonstrate the owner's breached responsibility. The owner may be classified as negligent from either acting or failing to act, such as not providing warning of the presence of the dog.

Negligence in a dog bite case can take any of the following forms:

- Failure to secure a dog with an appropriate leash.
- Allowing a dog to roam freely in public.
- Failure to install the proper fencing to keep an animal on the owner's property
- Failure to provide warning of a dangerous dog on the owner's property.

While many dog attacks involve a bite, that is not always the case. Say, for example, a dog aggressively jumps on you without warning, knocking you down. Or, a dog starts to chase you, and you trip and fall as you are trying to escape. In these situations, you can still bring a dog bite lawsuit against the dog's owner because state law holds owners liable for all injuries proximately caused by an attack or attempted attack.

Illinois is a strict liability state.

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This means that if another person's dog bites you, the owner is liable—even if they were not negligent in caring for the animal. However, strict liability does not apply in every dog bite case. To benefit from the Illinois strict liability dog bite statute, you must:

1. Not have provoked the animal.
2. Be "peaceably conducting" yourself.
3. Be in a place you are lawfully allowed to be.

If one or more of these does not apply to your case, it does not mean that you cannot recover compensation for your injuries. However, it does mean that you will need to prove that the animal's owner was negligent.

DAMAGES IN A DOG BITE CASE

Injuries related to a dog attack can have a profound effect on your life. Illinois dog bite law allows victims to obtain two types of damages: economic damages and non-economic damages.

Economic damages cover the out-of-pocket expenses you are forced to pay because of the incident. They also include money you would have earned but could not due to your injuries. Economic damages available through a dog bite claim include:

- **Medical expenses including follow-up medical treatment.**
- **Lost wages while you cannot work due to your injuries.**
- **Any decrease in your ability to earn income in the future.**

Non-economic damages are harder to pinpoint because they require a jury consider the subjective effect of the accident on your life.

Common types of non-economic damages are:

- **Pain and suffering**
- **Disfigurement or disability**
- **Loss of consortium**
- **Loss of society**

Unlike economic damages, you cannot prove non-economic damages by presenting bills and paychecks. Instead, you must submit a compelling case to the judge or jury explaining how the accident changed your life. We can help you identify the full extent of your damages, so you know what a fair settlement offer looks like. We will negotiate with the insurance company on your behalf in pursuit of maximum compensation.



ECONOMIC DAMAGES

Common economic damages available through a dog bite claim include:



**PAST MEDICAL
EXPENSES**



**FOLLOW-UP
TREATMENT**



LOST WAGES



**LOST EARNING
POTENTIAL**

EMOTIONAL SUFFERING

Physical injury is not the only way to receive fair compensation for damages and loss from a dog bite.

According to federal law, emotional pain, as long as it is in tandem with the physical injury, is considered justifiable suffering.

Mental suffering alone is not cause for damage recovery across the United States. Nonetheless,

when the victim under emotional distress resulting from close proximity to the incident, or a “zone of physical danger,” experiences fear of personal safety and suffers physical injury as a result, they can then recover damages.

However, in Illinois courts specifically, it has been determined that damages can be given to the victim for mental distress even if it does not directly relate to physical injury.

DEFENSES TO DOG BITE CLAIMS

Given that dog owners are strictly liable for any injuries caused by their animals, not every case has a defense. However, the two primary defenses involve a claim that the bite victim was trespassing when they were attacked or that the victim was provoking the animal before the attack.

Notably, trespassing is quite narrowly defined under the Illinois dog bite statute. In other words, a victim does not necessarily need to prove that they had explicit permission to be on another person’s property; they only need to show that they were “lawfully allowed to be” at the location. For example, you are lawfully

allowed to be on the concrete walkway leading up to a neighbor’s home, even though this is on their property.

The other defense to dog bite claims arises when the victim did something to provoke the animal. What constitutes provoking is not always clear; however, some animal behavioral experts claim that each breed has a set of different behavior that may provoke an animal. Given the subjectivity involved in the term provocation, dog bite victims should anticipate this as a potential defense in any Illinois dog bite case.

WHY DO DOGS BITE?

Most dogs go their entire life without attacking or physically harming a person. However, dog bites are common, especially among certain breeds. One of the most common misconceptions about dog bites is that an animal needs a reason to attack. Many people find themselves being attacked by a dog without any reason at all.

That said, certain situations can act as a trigger for a dog to bite or attack a human. Below are a few of the most common reasons why a dog bites a person:



A Dog is Sick or Injured

Certain canine illnesses can make a dog more likely to attack a human. For example, rabies attacks a dog's central nervous system, impacting how their brains work. This can lead a dog to bite when they have never exhibited any signs of aggression.



A Dog is Protecting Its Owner or Property

When a dog senses that a person is invading their space or getting too close to their owner, they may act aggressively in an attempt to protect their owner or property. Of course, a dog's sense of what constitutes a threat is not always accurate, which is why dogs sometimes attack invited guests.



A Dog Is Scared

If a dog is suddenly startled, such as if you approach them from behind, they may bite out of instinct. Often, when a frightened dog bites, the victim's reaction of pulling away or yelling only increases the perceived threat. This can cause the dog to continue with its attack.



A Dog Thinks It is Playing

Almost all dogs love to play; however, some dogs are gentler than others. What starts as playing in a dog's mind can quickly escalate, especially if a person pushes the dog away, raises their voice, or makes sudden movements. Children are the most likely to be injured by a dog's aggressive playing.

HOW TO AVOID DOG BITES

Sometimes, there is nothing you can do to avoid a dog bite. You may go out for a walk, look up, and see a dog charging at you full speed. In these situations, your best bet is to try to get to safety as quickly as possible. However, here are a few tips that can reduce the chance of getting attacked by a dog.

1

Be Alert

When you are outside and may encounter a dog, pay attention to your surroundings, keeping an eye out for any large, aggressive-looking or unattended dogs.

2

Appear relaxed

Dogs take direct eye contact as a sign of aggression. When an unfamiliar dog approaches you, face it at an angle, soften your eyes, open your mouth, and try not to relax your posture, as dogs may mistake your tenseness as a threat.

3

Know the Warning Signs

Dogs will often give cues when they are about to attack. While these cues vary depending on the breed, they often include wrinkling up their muzzle, baring their teeth, staring directly at you, or holding their tail straight up in the air.

4

Be Careful When Entering a Dog Owner's Home

Remain calm when approached by an unfamiliar dog. Dogs may take your nervousness as either a sign of weakness or aggression, either of which can trigger an attack.

5

Try to Stay Calm

Remain calm when approached by an unfamiliar dog. Dogs may take your nervousness as either a sign of weakness or aggression, either of which can trigger an attack.

LOOK FOR THE WARNING SIGNS

Dogs let you know in their own ways when they are stressed. Some signs include:

Avoid Eye Contact

Dogs may see eye contact as a challenge to their power or control.

Know Stress When You See It

Many familiar actions like yawning, shaking, placing the tail between the legs and licking lips are signs of stress.

Stay Calm

Do not run from dogs or past dogs, and do not yell or make loud noises. These are cues to attack.

Of course, there are also some things you should always refrain from doing around a dog. These include:

- Never leave a dog alone with a young child
- Do not run away from a dog that is chasing you
- Do not scream or make sudden movements
- Do not pet dogs that you do not know
- Do not tease a dog
- Do not try to scare a dog
- Do not approach a dog with puppies
- Do not touch a sleeping dog
- Never use your hands to break up a dog fight; always use a hose, broom or another object

If a dog is attacking you, there may be things you can do to lessen the chance of serious injury. For example, you can try to stuff something into the dog's mouth that it can bite down on. You may consider taking off your shoe if there is nothing else around. If you do not have anything available, the next best option may be to sacrifice your less dominant arm. For example, if you are right-handed and see no other option, you could hold out your left arm.

Once the dog bites you, do not pull back, as this will only make your injuries more severe and, if the dog loses its grip, it may bite again.

Once you can get free from the dog, you want to face the dog with an aggressive stance. You can then attempt to back away slowly while still facing the dog. If all else fails, your only remaining option may be to curl up in the fetal position, covering your head and abdomen with your arms and legs. When the dog stops attacking, wait until it is at least 20 feet away before getting up.

REPORTING A DOG BITE

In Cook County, there is a specific procedure to follow to report a dog bite. First, you will need to contact the local police department. If you are in an unincorporated area with its own police department, reach out to the Cook County Sheriff's department. Once you do, the department will complete a Bite Report, which will be forwarded to the Animal and Rabies Control office. From here, the dog will be examined, and an official investigation will commence.

Reporting a dog bite to law enforcement—while necessary—does not start a personal injury claim against the animal's owner.

A personal injury claim is a separate legal proceeding handled by an attorney experienced in dog bite claims.

After you file a report, the next step is to reach out to a dedicated personal injury attorney to discuss how to go about bringing a dog bite case. Working with an attorney is important because an attorney will be familiar with the recovery process and negotiating with insurance companies.

In most dog bite cases, the party defending against your claim will be an insurance company, probably the insurance company that wrote the animal owner's homeowner's policy.

The insurance company will try to settle your claim for as little as possible, and an attorney can advocate on your behalf to get you the compensation you deserve.

If the animal's owner did not have insurance, an attorney could help you negotiate your medical bills with the emergency room where you were treated. So, in the event you end up on the hook for your own medical bills, they will not be as high as they would otherwise be.



WHAT TO DO AFTER A DOG BITE

Most people have overwhelmingly positive associations with dogs, and nobody expects to be bitten by a dog. However, each year, more than 4.5 million people are attacked by a dog. Of those, over 850,000 require medical care.

After being attacked by a dog, you may have many questions. If a dog has recently attacked you or a loved one, there are a few steps you should take to preserve your ability to recover financial compensation for your injuries.

1

Obtain Immediate Medical Care

After a dog bite, the most important thing to do is call 911, visit an urgent care facility or make an appointment with your healthcare provider. In cases involving severe injuries, immediate medical attention is necessary to prevent worsening injuries. One out of every five dog bite wounds become infected, leading to a host of other complications. While doctors may not be able to prevent infection, they can monitor your condition and treat any infection to decrease the chances of potentially lifelong injuries. Additionally, you should follow all of the treating physician's recommendations for obtaining follow-up medical treatment.

2

Document the Attack

Dog bites are incredibly traumatizing, and it is common to forget details about an attack unless you jot them down. One of the most important things you can do after a dog bite is to write down where the attack occurred. If you know who the animal belonged to, note this as well. If the person who was with the dog at the

time claims not to be the animal's owner, you should still get their name. If possible, you should also collect the homeowner's insurance information from the owner.

3

Photograph Your Injuries

As soon as you can safely do so, take a few pictures of the affected area. This can serve as proof of the seriousness of your injuries. While healthcare professionals may take pictures, and you can also do so later on, photos taken immediately after an attack are much better at illustrating the severity of your injuries.

4

File a Report

Depending on where you live, you will also want to contact the local animal control center to report the attack. Animal control centers track the number of dog bites and determine what to do with the dog after an attack. Often, if a dog can attack once, there is a strong possibility that it will do it again. Reporting the bite serves as proof of the incident and protects others who may encounter the animal in the future.

5

Speak with an Experienced Dog Bite Lawyer

After a dog bite, you will likely get a call from the animal owner's insurance company.

They may want to talk about the attack, where you were located, what you were doing and whether you would accept a certain sum of money in exchange for an agreement not to file a lawsuit. However, you should not agree to anything with the insurance company without speaking with a lawyer first. If an insurance company is offering to settle a case immediately, it often means it knows that the case could result in a much higher payout. Working with an experienced lawyer ensures that you receive full and fair compensation for your injuries.

COMMON INJURIES FROM DOG BITES

Puncture Wounds and Lacerations

The most common injuries associated with a bite are broken skin and open wounds from the dog's teeth. These can be deep and potentially cause heavy bleeding and damage to the underlying tissue, muscles, nerves, tendons or blood vessels. These may require stitches and can cause significant scarring.

Infections

One of the most dangerous aspects of a dog bite is the high risk of infection of the wounds. According to the Centers for Disease Control and Prevention (CDC), as many as 18 percent of dog bites become infected.

Dogs carry bacteria in their mouths. When they bite, it can be pushed deep into the body, making it difficult to clean. Common infections include rabies, tetanus, staph, MRSA, Pasteurella and others. Signs of infection include redness, pain, swelling, fever and warm skin.

Facial Wounds

Dogs bite people in the face often. Sometimes this is because the person's face was in close range of the dog's face. Other times a dog will knock the person down and bite their face and neck as they instinctively know these are vulnerable areas.

Avulsion

Avulsion is when tissue separates from the body, such as when a dog rips an ear partially or totally off. These injuries can cause excessive bleeding, scarring and might require surgery to repair.

Crushing Injuries

Dogs have exceptional bite force, especially large breeds. This can crush bones and damage soft tissue. Kids are particularly vulnerable to this kind of dog bite injury.

The Effects of Dog Bite Injuries

Many dog bite victims develop long-term or even permanent damage after an attack. Your livelihood, relationships and health can suffer greatly as a result.

Dog bites can cause long-term pain, nerve damage and mobility issues. Permanent scarring and disfigurement are frequent outcomes of many bites. In addition, emotional distress is common and potentially just as troublesome as the physical effects. Anxiety and fear around dogs and even post-traumatic stress disorder develop after being attacked and endure long after. This is especially true when children are attacked by a dog.

COMMON DOG BITE INFECTIONS

Dogs of any size or breed can cause open wounds on the skin during an attack. When dog bite victims are exposed to harmful bacteria, they are at risk of suffering serious infections. When left untreated, these infections can result in dangerous diseases and even be fatal.

Rabies

People bitten or scratched by a dog with rabies can get the neurologic disease through their saliva. What makes rabies so dangerous is that it causes progressive brain inflammation and can be deadly without immediate medical treatment.

Symptoms: Signs of rabies infection can appear days to months after a dog bite. However, once they do, it is usually too late for treatment. Symptoms may start with headaches, fevers and weakness,

progressively worsening to insomnia, convulsions, nausea, partial paralysis and hallucinations.

Pasteurella

According to the CDC, this type of bacteria is present in more than half of infected dog bites. The bacterial organisms can be found inside the mouths of dogs. When spread to a dog bite victim, they can cause a dangerous infection known as cellulitis. Because cellulitis can result in swollen glands and joints, it can make movement difficult for the person.

Symptoms: Cellulitis symptoms typically emerge 24 hours after a bite. They can include swelling, redness and oozing from the wound. Cellulitis spreads fast. Without treatment, symptoms can worsen quickly and lead to blood infections,

pneumonia, meningitis and other serious conditions.

Staph and Strep Infections:

Staph infections such as MRSA are common in dog bite victims. When a bacterial infection spreads to the bloodstream and lungs, it becomes life-threatening. Staph and strep infections are resistant to certain types of antibiotics.

Symptoms: There is a wide range of symptoms that may indicate staph or strep infection. They can include fevers, boils and cellulitis, varying according to which body part the bacteria have affected. The infections can be fatal.

Capnocytophaga spp.

Dog bites may cause capnocytophaga infections via the transmission of bacteria from a dog’s mouth. Although the infection is rare, it can progress fast and lead to organ damage and meningitis. Individuals with weakened

immune systems are particularly at risk. If sepsis occurs, it can be life-threatening. A severe infection may even require the patient to have their limbs amputated.

Symptoms: A person with a capnocytophaga infection from a dog bite may experience fever, blistering around the wound, redness, joint pain, swelling, headaches and vomiting, among a wide range of other flu-like symptoms.

Tetanus

This is a serious infection that results from deep bite wounds when tetanus bacteria enter the body. It affects the central nervous system. The worst cases lead to paralysis or death. Anyone who has symptoms of this disease is likely to require a tetanus vaccine and antibiotics.

Symptoms: Tetanus symptoms include difficulty swallowing and painful muscle spasms, as well as stiffness in the jaw, neck and abdominal muscles.

TIPS FOR AVOIDING DOG BITES



Avoid eye contact



Be alert & vigilant



Stay calm & relaxed



Know the warning signs of aggression



Be careful when entering a dog's home

TREATING DOG BITES & PREVENTING INFECTION

If you have suffered a dog bite, you should clean the wound as soon as possible. Washing the dog bite with soap and running water can help prevent infection. Cover the injury with a clean bandage. Watch for signs of infection such as redness, swelling, worsening pain, oozing from the wound or loss of sensation in the area.

Be sure to see a doctor right away so that you can get a proper diagnosis and treatment. Even a seemingly minor dog bite should be taken seriously as it can develop into a dangerous disease without prompt medical attention.

Sometimes symptoms of infection do not present themselves until later.

The doctor may prescribe antibiotics or administer vaccinations to treat certain infections. For example, a dog bite victim who is not up to date on their tetanus vaccine may need a shot to reduce the risk of disease. You may require a rabies vaccine if you were bitten by a dog whose rabies vaccination status is unknown.

WHEN CHILDREN SUFFER DOG BITES

Some dogs make great family pets and love to be around children. However, that is not the case for all dogs and all breeds. Even animals that live among children for years without an incident can suddenly snap, especially around children who are generally less predictable than adults. Given their smaller size, children often experience very serious and often fatal injuries after a dog bite.

Children under two make up a quarter of all fatal dog bite victims, and a third of all fatal dog bite victims are under nine years old. And over half of all dog bite injury victims are children.

Children Are at a Higher Risk for Dog Bites

A dog bite is traumatizing regardless of your age; however, children face the highest risk of suffering a serious injury after being attacked by a dog. Children are smaller and do not yet understand the dangers that these seemingly friendly animals present. A child may pull on the dog's tail or think they are playing with it when the dog does not see it the same way. Children are also smaller than most dogs, making them an easy target for aggressive animals.

Children Suffer Much More Serious Injuries After an Animal Attack

While a dog bite can cause injuries to someone of any age, children suffer much more severe injuries on average. While only 12 percent of adults attacked by a dog need to visit the emergency room, more than 26 percent of children require emergency medical care. According to the Centers for Disease Control, dog bites pose a greater threat to children than measles, mumps and whooping cough combined. Additionally, more children are hospitalized for dog bites than for playground accidents and bike accidents.

Recovering Financial Compensation After a Dog Bites Your Child

If your child was bitten by a dog, you may be

able to pursue a claim for compensation. If your child was bitten by another's animal, you can bring a claim against the animal's owner. Typically, this will be through an insurance claim with the owner's homeowner's insurance policy.

However, the reality is that more than 75 percent of child dog bites involve animals owned by the family or their loved ones. If your child was attacked by a family member's dog, you can file a claim with their homeowner's policy. While you may have hesitation to "sue" a loved one, remember that the insurance company—not the animal's owner—is the party responsible for paying any damages award. This is the reason why your loved one purchased a homeowners' insurance policy.

WHAT IS DOG BITE LIABILITY INSURANCE?

Each day, more than 1,000 people are attacked by dogs in the United States. In most cases, a homeowner's insurance policy provides dog bite liability insurance coverage.

These policies cover an animal owner's liability, up to the policy limits, which typically range between \$100,000 and \$300,000.

However, any damages above the policy limit are the responsibility of the animal's owner.

Dog bite liability insurance is an additional insurance policy covering costs related to dog bites and animal attacks. According to a recent report from the Insurance Information Institute, insurance companies paid out more than \$854 million in 2020 related to dog bite claims.

WHAT DOES DOG BITE LIABILITY INSURANCE COVER?

When a homeowner purchases an insurance policy, they make an agreement with the insurance company. Under the terms of the agreement, the homeowner pays a monthly fee, called a premium, in exchange for the insurance company's agreement to pay for any covered losses. Dog bites are generally covered under most homeowners' insurance policies. Not only that, but this coverage typically applies regardless of where an attack occurs.

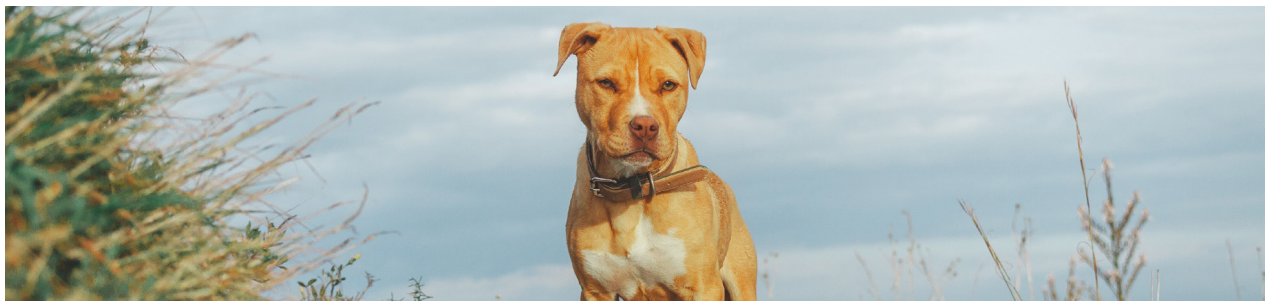
However, some insurance companies exclude "dangerous" breeds of dogs from coverage. For example, some of the breeds that are commonly excluded from coverage include:

- **Akitas**
- **Alaskan Malamutes**
- **American Staffordshire Terriers**
- **Boxers**
- **Chow Chows**
- **Doberman Pinschers**
- **German Shepherds**

- **Great Danes**
- **Mastiffs**
- **Perro de Presa Canarios**
- **Pit Bulls**
- **Rottweilers**
- **Siberian Huskies**

When an animal not included under a homeowner's insurance policy attacks another person, the insurance company will not cover the expenses. While the availability of insurance coverage has nothing to do with a pet owner's liability, the absence of insurance coverage can make it much more difficult to collect compensation after a Chicago dog bite. This is because the victim will need to pursue a claim against the homeowner, who may or may not have sufficient assets to compensate a dog bite victim for their injuries fully.

Dog bite liability insurance is a separate insurance policy that pet owners can purchase to cover any personal injury damages caused by their pets.





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Recovering Compensation After a Dog Bite

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If you have been seriously hurt after [being attacked by a dog](#), you have a few different ways you can pursue a compensation claim. If the pet owner has a homeowner's or renter's insurance policy, you will typically file a claim under this policy. However, if the animal is excluded under the homeowner's or renter's policy, you may need to file a claim with the insurance company that carries the owner's dog bite liability coverage if they have it.

If a pet owner does not have any insurance coverage, you may still have a few options. First, you could sue them in their individual capacity. However, if they do not have enough assets to compensate you for your injuries fairly, you may end up without any way to collect the judgment. Another alternative is to name the pet owner's landlord. In some cases, a landlord can be liable for a dog bite victim's injury if they knew their tenant had a dangerous dog but did nothing to prevent an attack.

Dog bite cases may seem straightforward in principle; however, they can often become quite complicated once insurance companies get involved. If you have been the victim of a Chicago dog attack, reach out to a dedicated personal injury lawyer for assistance.

At the law firm of [Briskman Briskman & Greenberg](#), we have handled countless dog bite cases on behalf of victims throughout the Chicago area. We command an impressive knowledge of the state's dog bite laws and have the skill, dedication, and resources necessary to effectively pursue a claim against the owner of the animal that attacked you.