

CAROLINA DOG BITE INJURY GUIDE

**What You Need to Know
After a Dog Bite Attack**



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CAROLINA DOG BITE INJURY GUIDE

First Edition

By Herbert W. Auger, Esq.

Auger & Auger

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Introduction

It's no secret that people love dogs. Over 63 million households own a dog in the United States alone, according to the American Pet Products Association. What's not to like about man's best friend? Dogs offer up their companionship, protection, and unconditional love.

Unfortunately, dogs aren't always perfect, and all dogs are capable of biting. Dog bites are a serious problem in this country. According to the CDC, over 1,000 people seek treatment for dog bite injuries in U.S. hospital emergency departments every day. It must be repeated: ALL DOGS ARE CAPABLE OF BITING. It doesn't matter if it's a stranger's frisky Rottweiler or a friend's mild-mannered Golden Retriever; they both can cause injuries.

There is never a good time to be injured, and there is no way to predict when an accident or injury will occur. Dog bites can occur at a moment's notice. You could be bitten while walking around your neighborhood, sitting in your yard, or visiting a family member. Thankfully, many incidents result in minor injuries. However, some of these injuries do have the potential to cause serious long-term complications like infection, nerve damage, and disfigurement. If you're bitten, you may not only suffer a severe injury, but you could also be on the hook for thousands of dollars of unplanned medical bills.

Auger & Auger is a decades-old, client-focused personal injury law firm. In our 25-plus years of working on personal injury cases, we've also seen countless victims receive unfair settlements. We've seen insurance carriers take advantage of people who need help. Filing a dog bite injury claim is confusing. For many victims, the thought of dealing with insurance adjusters and potentially into a lawsuit is enough to drive them away from seeking justice. It does not have to go that way!

Our office does everything we can to make the process of pursuing a dog bite injury case as easy as possible for our clients. We want you to focus on overcoming your injuries while we fight to get you the compensation you deserve. It is important to understand that we handle dog bite injury claims on a contingency. This means that the client does not pay any legal fees unless and until there is a settlement or jury verdict. At Auger & Auger, the majority of our dog bite injury cases are able to be resolved without filing a lawsuit. However, as experienced trial lawyers, we do take some cases to trial. There is no way to predict how your case may resolve, but we can promise that we will do everything to work hard for you! We want you to get the compensation you deserve, and we want you to have it in a timely manner!

When we sat down to write this book, we did so with the mindset that dog bite victims have a lot of questions, and we want to use this book as an opportunity to provide answers. We want to be a resource for anyone struggling with a dog bite injury case. We are not here to scare you or say negative things about specific dog breeds. We want to enlighten you on the law and your rights. You have the right to be compensated for your injuries, and we hope to give you insight into what that means! Dog bite injury cases are fairly common, and we know what it takes to put a winning case together. Just know that you are not the first person to struggle with this, and know that we are here to use our experience and resources to help you get through this. You are not alone!

In this book, we'll give you key insights into the legal framework of dog bite cases. We will also discuss laws specific to North and South Carolina – important laws that can impact cases in those states. The lessons in this guide can help you determine your plan for moving forward after your dog bite injury case.

Our team at Auger & Auger knows that dog bites are confusing, scary, and often traumatic experiences. If our firm can be of any assistance, do not hesitate to give us a call. Reach out to us at (800) 559-5741 to schedule a free and case evaluation. We will answer your questions and make sure you have the information you need to move forward!

The First 24 Hours After the Dog Bite

Lost time is never found again.

—Benjamin Franklin

Time is never on your side when it comes to serious injury cases. Although dog bite victims in North and South Carolina have three years to file a lawsuit, you must take action right away. What you do in the hours following a dog bite can make or break your case. Here are the steps to take immediately after a dog bite so that you can get a head start on protecting your rights.

Always File an Incident Report

If you are injured and need medical attention, that should be your initial focus. Call 911 and get yourself to safety. When police and emergency responders are called, that triggers the initial filing of reports and other information related to your dog bite incident. Having a report is a pivotal step towards building your case against the proper party or parties. Contact local law enforcement to document the attack and create a paper trail of the dog bite. The police will also guide you on the next steps, such as coordinating with animal control.

In South Carolina, the treating doctor or victim (if no medical treatment is received) must report the dog bite to the health department for the county where it occurred, according to S.C Code Sec. 47-5-90.

Seek Medical Care

By getting medical treatment, you can protect your health and your ability to seek damages in a lawsuit. The sooner you can get treatment

for your injuries, the better. This will confirm the seriousness of your injuries and that the attack caused the injuries.

Collect Contact Information

You should gather contact information as soon as possible. Seek out the dog owner's address, phone number, homeowners or renters insurance details, and the name of their veterinarian. Exposure to infections like rabies requires prompt medical care, so check with their veterinarian to see if you are at risk.

Obtain the names and phone numbers of any eyewitnesses. If anyone has previously mentioned to you that the dog has attacked or bitten someone, obtain their contact information as well.

Photograph Injuries

Medical records may be used as evidence in your lawsuit, but they don't always show the whole picture. Take photographs immediately following the attack. You can capture the full extent of your injuries, the scene of the incident, the dog (if possible), and any other relevant images that protect you from future disputes.

Follow Up With Doctors (If Necessary)

Some dog bite cases will require more than one trip to a medical provider. We recommend that you avoid gaps in your treatment and follow the advice of your medical providers. It's crucial that you do this! Your documented medical care is extremely important, and your lawyers will need this information. The records provide you with powerful evidence in your case.

Contact an Attorney

Even if your injuries seem minor, it's important to speak with an experienced personal injury attorney right away. You can schedule a free consultation to review the specifics of the dog bite injury. The consultation will be a great opportunity to ask a lawyer any questions that you may have.

They will answer many of your questions regarding your claim and also explain the process, including the potential of going to court.

The moments following a dog bite are crucial. The bottom line: **You should take action right away to set your case up for success.**

Who Can Be Held Responsible, and How?

If there were no bad people, there would be no good lawyers.

—Charles Dickens

Generally, the responsible party for a dog attack is the legal owner of the animal. The owner is usually the person who had a duty and breached their duty through their careless, negligent, and reckless care and control of their dog. Their negligence caused another person to become injured!

That responsibility may also apply to another person or entity that has assumed care, custody, or control of the dog at the time of the attack. Examples of this scenario could extend to a professional dog sitter, a neighbor that volunteered to watch the dog, a pet resort or kennel, or even a family member of the owner whose negligence contributed to the event. *Remember, every case is different, and if your exact scenario is not discussed here, give us a call, and we can evaluate your individual situation.*

In dog bite cases, the owners are the ones who take the brunt of the legal responsibility. Proving that responsibility, however, requires different approaches based on where the attack occurs. It often depends on the state. The rules and standards vary from state to state and may include statutory law, common law, and case law. The laws may also vary within each state based on the specific municipality or county.

North and South Carolina follow different legal theories when it comes to dog bite liability. North Carolina follows a modified version of the “One Bite Rule,” and South Carolina follows the doctrine of “Strict Liability.” The rules, their application, and the standard of proof a victim needs to produce in order to win their case in both states will be explained in more detail in the next chapter.

Dog Bite Liability Laws in North and South Carolina: What You Need to Know

Knowledge is power.

—Francis Bacon

As noted in the previous chapter, dog bite liability laws vary greatly between North and South Carolina. Your chances of winning a lawsuit may ultimately come down to where you live. Let's dive a little bit deeper into the fundamental differences of dog bite liability laws between these two states.

North Carolina

Modified One Bite Rule

If you are researching the issue of dog bite law, chances are you have already come across the common law theory of the "one bite rule." This rule is an antiquated idea that the victim would need to prove that a dog's owner had prior knowledge of the animal's propensity for viciousness or aggression to have a legitimate case against the dog owner.

North Carolina is one of 19 states with a version of the "one bite rule" on the books. These laws state that victims of dog bites or other canine injuries must make a case (and present evidence) that the dog was dangerous. The victim must prove that the dog had portrayed dangerous tendencies in the past and that the dog's owner knew about their animal's dangerous behavior or aggressiveness prior to the attack.

In short, you'll have to prove their dog is aggressive or capable of biting and that the owner had reason to know it.

There are several ways to do this in North Carolina. One way is under North Carolina General Statutes 67-4.1, which states that you can prove a dog is a "dangerous dog" if you can show that it:

- Has killed or inflicted severe injury on a person without provocation.
- Is determined by local animal control to be potentially dangerous because the dog has engaged in one or more of the following behaviors (been determined to be a "potentially dangerous dog"):
 - Inflicted a bite on a person resulting in broken bones or disfiguring lacerations or required plastic surgery or hospitalization;
 - Killed or inflicted severe injury upon a domestic animal when not on the owner's property; or
 - Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- Is owned, harbored, or trained for the purpose of dogfighting

If you can demonstrate that the owner knew, or should have known, about any of the above, you can make a case against them.

Certain Breeds May Be Deemed Dangerous

There is also some precedence (case law) that states being bitten by some specific breeds in North Carolina may be enough to overcome the requirements of North Carolina's "one bite rule." It is well-documented that some breeds are trained and bred for the purpose of protection and have a well-known propensity for aggressive and dangerous conduct. Law from these cases has essentially said that by simply owning one of these breeds, the owner meets the notice requirement that their dog is capable of biting and inflicting harm. Breeds that have been determined to be dangerous include Rottweilers, Pit-Bulls, Dobermans, German Shepards, and Chows. However, the need for expert testimony on their breeding history and dangerous propensities may also be necessary.

State and Local Ordinances (Leash Laws / "Run at Large")

If the owner or keeper of a dog has violated a state or local ordinance, a victim of a dog bite, attack, or injury may also recover under the theory of negligence *per se*. This is a form of strict liability holding the dog owner liable for injuries. The majority of these laws or ordinances relate to restraining a dog and not allowing it to "run at large." Here are a few examples:

- NCGS 67-12 – A person who willfully allows their dog, over 6 months of age, to run at large in the nighttime unaccompanied by the owner or other person shall be liable for damages to any person injured.
- Wake County Animal Control Ordinance – It is unlawful to harbor an unconfined or unrestrained, dangerous, or potentially dangerous dog.

- City of Charlotte and Mecklenburg County – Animals must be on a leash, contained within a fence or an operable, marked invisible fence.
- Durham County – Unlawful to intentionally or negligently allow a dog to run at large.
- Cumberland County – Unlawful to permit or allow livestock or any domestic animal to run at large.
- Other jurisdictions – Numerous municipalities have similar laws. Give us a call, and we can help you research the statutes that apply to your incident.

South Carolina

If you read the beginning of this chapter on North Carolina dog bite laws, you will be relieved to find that South Carolina does not follow the “one bite rule” and is a lot more friendly to dog bite injury victims in proving their dog bite injury case.

South Carolina’s liability laws are much less rigid. As a strict liability state, dog bite victims do not have to prove that the owner knew the dog was dangerous. As a victim, merely having injuries from a dog bite may be enough to file a suit.

Strict Liability

South Carolina Code of Laws Section 47-3-110 states that if a person is bitten or otherwise attacked by a dog while in a public place or lawfully in a private place, the dog owner or the person caring for the dog is liable for the person bitten or otherwise attacked.

Exceptions apply if:

- The person who was attacked provoked or harassed the dog. Provocation may include abuse or teasing.
- The dog was working in a law enforcement or governmental capacity, and the attack was in compliance with the commands of the officers involved.
- The victim was trespassing. This does not include those who have a duty involving entering the property, like delivering mail or packages.

Essentially, you'll have a good chance of proving liability against the owner, as long as you weren't trespassing or harassing the dog at the time of the attack.

Strict Liability For Non-Bite Injuries

In South Carolina, dog bite injury protects victims who sustain bits and other injuries during a dog attack. If a dog knocked you to the ground, or you tripped and fell while fleeing attack, the dog's owner could be held liable for injuries.

Landlord Liability

South Carolina holds landlords liable for dog attacks that take place in common areas of multi-family premises. The landlord would be liable if he had advanced knowledge that the dog was vicious and failed to remedy the situation. However, the landlord is not responsible for dog attacks that take place within the boundaries of the tenant's property where the dog is being kept.

Common Injuries in a Dog Bite Case

Injuries may be forgiven, but not forgotten.

—Aesop

The unfortunate reality is that dog bites affect millions of people in the United States every year. According to statistics from the Center for Disease Control and Prevention (CDC), approximately 4.7 million dog bites occur in the U.S. each year, and roughly 800,000 of those bites require medical care. What do these injuries typically look like? Injuries range from mild to life-threatening and, in rare cases, fatal. Here are the most common injuries for dog bite victims.

Abrasions

Many dog bites result in scratches, scrapes, and bruises that don't break the skin. While these abrasions may seem superficial, the wounds may go deeper and impact tissue if left untreated.

Puncture Wounds

In more severe cases, dog bites actually penetrate the victim's skin. Puncture wounds can cause bleeding, scarring, and may even require stitches. These are considered serious bites since they can leave the victim vulnerable to infection or rabies.

Avulsions

Avulsions occur when a portion of tissue or a bone part is torn off the body. This can be an ear, finger, or a large section of skin. Avulsions are serious injuries that can be disfiguring, frequently cause nerve damage, and often require reconstructive surgery.

Crushing Injuries

A crushing injury occurs when extraordinary force is put on a body part. These injuries can cause bone fractures and breaks, as well as internal bleeding and deep bruising. In small children, crushing injuries can be fatal.

Face, Head, and Neck Injuries

Younger children are more prone to injuries to the face, head, and neck due to their smaller stature. These injuries are particularly dangerous and may have major ramifications, such as soft tissue damage and disfigurement.

Catastrophic Injuries

While many dog bites heal quickly, others have more dire effects. Catastrophic injuries can lead to severe fractures, appendage loss, and vision loss. These life-altering injuries have long-term impacts and often require hospitalization and rehabilitation, and can leave the victim disfigured or disabled.

Infections

Since a dog's mouth contains a large number of bacteria, a serious infection can be associated with a minor scratch or bite. If bite wounds are not cleaned properly and become infected, the treatment can range from mild to moderate. A victim may require wound care and antibiotics or even hospitalization. In a worst-case scenario, a victim could experience complications such as sepsis, kidney failure, and gangrene.

Rabies

This is one of the worst infections a victim from a dog bite can get, and it shows up in the days or weeks following a bite. If the dog does not have proof of rabies shots, the victim may require rabies shots that are costly and painful.

Scars

Although scars have been previously mentioned, they are too serious not to have a standalone classification. Some of the most significant issues that dog bite victims have to deal with are the remaining scars. Cases where scars are disfiguring and visible are among the most common and serious types of cases involving a dog bite, often evidence of an injury claim with significant long-term ramifications.

Emotional Damages

It is not uncommon for a dog bite victim to suffer anxiety and depression following a serious dog bite. Such cases may result in the injury victim receiving counseling or the care of a psychiatrist for prescription medications. It is important to note that these types of damages require diagnosis and documentation. To be able to claim these types of damages, the injured party must receive treatment for them.

Dog bite injuries vary wildly from case to case. Many victims commonly experience long-lasting effects as a result of their injuries. They may suffer infection, scarring, and emotional damages that aren't revealed until long after the injury occurs. Dog bite injuries should be taken seriously, no matter the size or scale.

What Happens in a Dog Bite Case, Step by Step?

The purpose of all law is justice.

—Franz Rudolf von Weiss

Navigating a serious dog bite injury case is confusing. Hiring an experienced dog attack attorney is something to consider. When you do, know about the process. Here, we break down the steps, so you know what to expect once you decide to consider hiring an attorney.

The first step in a dog bite case is to schedule a meeting with an experienced personal injury attorney. An experienced lawyer should offer a free consultation to review the specifics of your incident. During this meeting, they will help you understand whether or not you have a case they can assist with. At Auger & Auger, we give all prospective clients the option to do their initial consultation over the phone or a video call. This makes it easier and quicker for you to get the answers and prompt expertise you need to move forward.

During your evaluation, your attorney will speak to you about your case. Topics include the facts of how the injury happened and the treatment you have received since you became injured. The conversation with the attorney is an opportunity to speak to an experienced professional about your concerns and how the process works.

If you decide to move forward, your attorney will present you with a contingency representation agreement and HIPAA form to allow them to begin work on your behalf and request records and bills from your medical providers.

At Auger & Auger, we give our clients the option to sign the representation agreement and HIPAA forms via smartphone, tablet, laptop, or desktop computer so that we can start working on their case immediately. If you prefer paper documents, let us know, and we can coordinate that option as well using overnight delivery. The sooner we get the necessary paperwork, the sooner we can begin work on your case!

At Auger & Auger, your case will be assigned a personal case manager who will work with you and our team of dog bite attorneys throughout the duration of your case. The case manager will call you shortly after you retain our services to introduce themselves and go over some of the preliminary matters in moving forward with your case.

The next step will be gathering evidence to prove your case and locate insurance that will cover your claim. This process includes collecting information to prove that the dog owner is liable for the attack and injuries and that there is insurance coverage to pay for your damages.

Relevant items might include animal control reports, eyewitness testimony, photographs of your injuries, and medical bills and records. The sooner you retain an attorney, the more likely they will be to locate evidence to substantiate your case under the law. Time is of the essence in the investigation of any injury claim. Physical evidence disappears, and eyewitness memory of the event will diminish over time.

Many homeowner and renter policies cover dog bite incidents. Your attorney will file a claim with the dog owner's insurance company. This process involves locating the identity of the responsible dog owner's insurance carrier. Surprisingly, this can be a major hurdle since this information is not readily available. The identity of the dog owner's insurance coverage is rarely identified on the investigating officer's dog bite report.

At Auger & Auger, our investigation begins immediately. We will obtain the bite report and contact the investigating officer and eyewitness to secure evidence to prove our client's case. We will also send a letter via certified or express mail to the dog owner, requesting the identity of their insurance carrier. Once obtained, we will file a claim and send a letter of representation to the responsible insurance carrier.

At this juncture, your attorney will guide you through the process of moving forward. This includes speaking to you about your medical care and obtaining a full record of all of your medical treatments related to your injury case. In some cases, your lawyer may have to have significant contact with your doctors. Issues can include permanent injury or impairment ratings and assessing costs for future treatment or surgeries, such as a scar revision surgery.

After collecting your medical records, medical bills, lost wage information, and updated photos (if permanent scarring is involved), your attorney will prepare and forward a settlement demand package to the insurance company. The letter will outline your claim with supporting documentation and include a demand for a monetary settlement to recover your damages. The defendant can pay the settlement, present a counteroffer, or choose to move forward with a trial.

Most dog bite injury cases are settled without having to file a lawsuit, and even the cases that are filed will often settle before ever being presented to a judge or jury. If you do go to trial, your attorney will present evidence, take depositions, and make arguments on your behalf. You may give a deposition or have to provide information to the insurance company's attorney about yourself and your medical history. If there is a trial, a verdict will be rendered after your evidence is presented. Remember, your attorney will work hard to tell your story and explain what you are entitled to.

At Auger and Auger, we do all the groundwork from day one and prepare your case as if it is going to trial. This lets the insurance carrier know that we are prepared to fight. Doing the hard work from the outset gives our clients the best opportunity for a top dollar settlement offer without having to file a lawsuit. In many cases, the attorney and opposing side will go back and forth until a reasonable figure is reached. We will provide our analysis and opinion to help our client make an informed decision on whether to accept a settlement or proceed through the litigation process.

Dog bite claims can be long and tenuous matters, especially if they proceed to a lawsuit and trial. An experienced attorney will handle the heavy lifting and fight for your right to a fair settlement. This is how hiring an experienced personal injury law firm can add value to your individual situation.

Don't Deal with the Insurance Company Alone

One stupid mistake can change everything.

—Proverb

Let's face it: Insurance companies don't always have our best interests at heart. If you think that the dog owner's insurance company will work to get you the best possible settlement, think again. These companies frequently use deceiving tactics to reduce the amount they pay out to claimants. Here are common mistakes to avoid when dealing with insurance company shenanigans.

Taking an Early Settlement – DON'T DO IT

One common tactic insurance companies use to reduce their financial liability is offering early settlements. It looks like this: An insurance adjuster reaches out to you within a few days of the attack. They offer a settlement amount that, on paper, looks appealing. Eager to move on from the situation, you accept the settlement without ever filing a lawsuit.

Why is this a mistake? For starters, it can take weeks or even months to understand the full extent of your injuries. You may be burdened with additional medical costs or long-term treatment. Accepting a settlement too early could leave you on the hook for these costs long after your case is resolved.

Don't Give the Insurance Company Any Information!

Insurance adjusters are masters of their craft. They are paid to save their company money, often at the expense of innocent victims. They may reach out to you in the days following a dog bite to get a recorded

statement. Even seemingly innocuous statements can be used to damage your case or deny your claim. A recorded statement has the same effect as testifying in court and can never be taken back. Since cooperating with insurance companies is not required, avoid making statements or signing any papers that might put your settlement at risk. If necessary, your lawyer will schedule a time to sit down with you to explain how it works and the questions that the adjuster will likely ask (they usually read off the same set of questions). Your lawyer will speak to you about your recorded statement prior to it occurring. Know that you will be prepared with a lawyer by your side!

Communicating Without a Lawyer – DON'T DO IT!

Don't speak to an insurance company without an attorney. Personal injury attorneys can help you navigate the complexities of the insurance world and work to get you a proper settlement. In many cases, your attorney will handle all communication with the dog owner's insurance company. This way, you'll have the best chance of success in your case.

Here's the bottom line: **Insurance adjusters aren't on your side.** Don't let yourself get taken advantage of. Get help by contacting an attorney before you communicate with insurance companies.

Special Scenarios

At its best, life is completely unpredictable.

—Christopher Walken

The vast majority of dog bite attacks occur at someone else’s home or outside in their yard or in a public place (park, dog parks, etc.). But, as any dog bite victim can attest, these situations are random and unpredictable. Many dog bites occur in unusual circumstances that make lawsuits a little more complicated. Here are some special scenarios to consider.

Trespassing

Dog owners in North and South Carolina aren’t typically liable when their dogs attack trespassers. But proving that someone is unlawfully on private property isn’t always straightforward. Trespassing doesn’t cover those whose job it is to enter properties, such as a mailman or delivery driver. You may also be able to sue if you were accidentally trespassing. Courts have argued that owners aren’t protected against “implied invitations” to approach their property. This could include things like asking for directions, conducting a survey, or children playing in their yard. As always, speak to an experienced attorney before assuming your situation is not covered.

Bitten on the Job

According to information from the CDC, approximately 4.5% of dog bite injuries occur on the job. This includes people delivering packages, conducting home repairs, or working with dogs in the office.

In these scenarios, you not only have an injury on the job, which might result in a workers' compensation claim, but you may have a separate claim against the dog owner (commonly referred to as a 3rd party claim).

Unknown Owner

Unfortunately, you can only pursue a dog bite case if you know who owns the dog. So, what happens when you're bitten by an unleashed dog with no owner in sight? You may still have options. Try to track down the owner by contacting witnesses, the police, animal control, or veterinarian offices. They can help you follow up on leads and may be able to identify the dog based on its description, especially if it's a repeat offender.

Dog bites often occur in unusual ways. There are countless scenarios and variables that come into play. No matter the case, always speak to a lawyer before jumping to conclusions about your rights to pursue a claim.

Dog Bite Claims Against Friends or Family Members

Do you know the owner of the dog that bit you? 77% of bite victims are attacked by a dog owned by a friend or family member, according to the Insurance Information Institute. This can make the idea of filing a claim against them a bit awkward, which is why a lot of dog bite victims do not follow through.

No one wants to file an insurance claim or lawsuit against a friend or family member. However, some cases are so serious that there is no alternative—for instance, a case where someone is catastrophically injured.

Money from an insurance claim can take care of the extensive medical bills and lost wages, and also provide compensation for non-economic damages like pain and suffering. Anyone in this situation needs to understand that this is what insurance is for, and generally, these scenarios will never personally involve the family member or friend. These claims are generally resolved between your lawyer and their insurance company.

Finding the Right Dog Bite Attorney for You

All's fair if you have a really good attorney.

—Norm Crosby

What do your tax attorney, estate planner, and cousin in law school all have in common? They won't win you a dog bite lawsuit. Many lawyers claim to be experts in dog bite law, but few of them have the know-how to represent your case. You need an attorney with the knowledge and experience necessary to go toe-to-toe against insurance companies. Here are some key questions to ask to make sure you find the best attorney for your case.

What are past clients saying about your firm?

You can learn a lot about a firm and how they treat their clients by looking at their online reviews. Do they mention the attorney or staff members by name or their response time in returning calls? Do they state that they will keep the client updated on their case, recommend or give the client the option to file a lawsuit, and not take the first offer? You will learn a lot from what the clients are saying in their online reviews.

How are you equipped to win my case?

An experienced lawyer will let you know their qualifications. They should be able to showcase their ability to reach large settlements for dog bite victims.

What does your process look like?

You want to know what your lawsuit process looks like from start to finish. Ask the lawyer about their overall approach: Their timeline, client communication, negotiation tactics, and steps they've taken in similar cases. You don't want any surprises once you've officially signed on.

Who will I be working with?

Many law offices employ an army of attorneys, paralegals, and assistants. Make sure you know who you'll be working with and if they are qualified to handle your case. If possible, meet with the point people to get a feel for their qualifications and communication style.

What is your fee structure?

It may be common to review fees with your attorney, but be careful before signing on the dotted line. Some lawyers incur hidden fees, so be sure to look at a breakdown of the costs. Personal injury lawyers, for the most part, all work on a contingency. This means they won't charge you unless you receive a settlement or a court verdict.

Are you equipped to go to court?

Most dog bite cases never go to court, but it's important to be prepared. Ask your lawyer what tools they have at their disposal should your case go to trial. It's crucial that you find an attorney who has the resources and determination to fight for you in court.

The right attorney can make all the difference. Use these questions to guide you in selecting a qualified attorney that will work hard and get you the settlement you deserve.

Recovering from the Psychological and Physical Trauma

It does not matter how slowly you go as long as you do not stop.

—Confucius

There's no denying that being bitten by a dog is a traumatic experience. Victims can be left with painful injuries, emotional scars, and significant financial setbacks. If you've experienced a dog bite, you may be suffering from physical and psychological damage. Here's what you may expect on the long and winding road to recovery.

Recovering from a dog bite involves more than tending to immediate injuries. Dog bite victims are often at risk of more long-term ramifications of their injuries. Infections occur in up to 18 percent of dog bites in the United States, according to the World Health Organization. Complications are severe once an infection spreads, ranging from flu-like symptoms to kidney failure, heart attacks, and even death

You may still experience additional complications long after your wounds heal. Serious issues like rabies and nerve damage can accompany a dog bite injury. You may not even know the extent of such injuries for some time. You could also need reconstruction surgery, especially if you've been bitten on the face, head, or neck. These long-term complications require extensive medical treatment.

Dog bites leave more than just physical scars. Many dog bite victims also suffer from psychological and emotional trauma. This trauma can manifest in many ways, including post-traumatic stress disorder, anxiety, and depression. Victims may seek out psychiatric care to treat this trauma. This can range from attending counseling sessions to taking prescription medications.

Note: To claim emotional damages in a dog bite lawsuit, you must receive documented medical care for this trauma.

So what can you expect your recovery to look like? It can be a costly process, no matter the severity of your injuries. You may be left responsible for thousands of dollars in medical bills. Dog bite injuries can require trips to the hospital, surgical procedures, and rehabilitation therapy. In serious cases, you may suffer from lost wages since you're unable to work. That's not to mention the emotional damage that can impact you for the rest of your life.

You shouldn't be left paying for someone else's mistake. If you've been attacked by someone's dog, you may be able to recover damages for your trauma by filing an injury claim against an insurance company and potentially a lawsuit. Speak to an attorney to review your options.

Damages

You will never let yourself have more money than you think you deserve.

—Robert Anthony

If you've been injured by a dog bite, you may be dealing with a lot of expenses. Dog bites can leave you with major financial burdens like medical debt or loss of wages from being unable to work. Thankfully, you can recover that loss through damages. According to the Insurance Information Institute and State Farm, insurers paid out \$797 million in liability claims related to dog-related injuries in 2019 alone. Here are some common economic damages in dog bite cases:

Medical Expenses

Damages include any medical expenses related to your injury. These include all treatment, prescriptions, surgeries, and hospital trips. You may also be able to recover future medical expenses, such as rehabilitation or treatment costs. You may be able to recover these expenses even if your health insurer covers the cost. Resolving accident-related medical bills is complicated. Speak to an experienced personal injury attorney about this to see how the law applies to your own situation.

Loss of Earnings

If you've missed work due to a dog bite injury, you are entitled to recover your lost wages. These include all earnings, such as expected commissions or bonuses. Just know that you have to document your earning. Make sure to get an out-of-work note from your medical provider, even if it is not required by your employer. The insurance carrier will not consider lost wages without proper documentation,

which can include pay stubs and tax returns, as well as your current work status related to your injury. If you are self-employed, you may need additional documentation. Your attorney can assist you.

Future Loss of Earnings

In severe cases, your dog bite may affect your ability to work in the future. Believe it or not, we do see cases where people are left permanently disabled as a result of a serious animal attack. You may be able to recover damages that cover your reduced earning capacity. You may be paid a reasonable amount for lost earnings that would have occurred during your working years.

Disfigurement

You are entitled to recover damages related to disfigurements, such as scarring or visible damages. These are typically lasting marks on highly visible areas of your body, such as your head, face, or neck.

Scarring generally reaches its permanent status in one year. At that time, your attorney should recommend or refer you to a plastic surgeon for a scar evaluation to document the extent of the scarring and the cost of optional procedures or treatment that could help reduce the scarring.

Pain and Suffering (Past, Present, and Future)

“Pain and suffering” refers to the mental anguish and physical injuries you have endured due to your injury. These damages refer to the pain and suffering you’ve already incurred and are likely to endure in the future. Since these are lasting damages, the amount you can obtain may be greater than what is paid for things like medical expenses.

Your attorney should contact your treating physician(s) at the conclusion of your treatment to get a written report on the degree of any permanent condition or disability and the likelihood of any future treatment or surgeries that you may require. *Please note that this brief overview is not intended to be legal advice. For specifics on damages related to your case, consult an attorney.*

How Insurance Carriers Avoid Paying

Take time for all things: great haste makes great waste.

—Benjamin Franklin

Insurance companies often use deceitful tactics to avoid paying what they owe. There are countless examples of dog bite victims missing out on major settlements simply because they did not know how to deal with insurance carriers. The most crucial piece of advice we can offer is this: **Do not talk to the insurance company!**

Using Your Statements Against You

After a dog attack, adjusters will move swiftly to gather a recorded statement. They will ask you targeted questions in order to damage your case. A recorded statement will be used against you in court. Once you give one, you cannot take it back. Remember, any information that you give the adjuster, recorded or not, can be used to hurt your case. **Don't give them a chance to devalue your case!**

Medical Release of Information

Adjusters will also try to get you to give them access to your medical records and medical bills. They may try to get you to sign a medical release. This can include the authority to review your medical history. Depending on your injuries, they may try to use your previous medical issues against you. If you're given a document, hold on to it and show it to a lawyer. Do not sign anything without first consulting with an attorney.

Low-Ball, Quick-Hit Settlements

Insurance companies are known to offer deceptively low settlement offers. You may receive a quick settlement offer within a few days of the attack—before you know the extent of your injuries. Nationwide and Allstate insurance have been known to have used this approach. One of the carriers we dealt with on occasion called it their “quick-hit team.”

The insurance carriers use extremely convincing and friendly claim representatives (highly trained and persuasive people) to convince you to work with them. They want you to work with them so they can convince you to take a low-ball settlement offer. Once you sign their settlement release and accept the check, your case is over. We have heard from many injury victims over the years who signed insurance releases and accepted a check and later found out that their injury was worse than they thought. In some cases, people are left with extensive medical bills and no recourse because they settled prematurely.

On the flip side, the adjuster might try to draw out your claim continuously to stall your case so that you accept a low-ball offer or miss the statute of limitations that will bar you from any recovery. Before you sign anything, speak to an experienced personal injury attorney. An attorney can help evaluate your damages and give you the information you need to make a plan for moving forward.

Your Statements May Bar Recovery

It's important to proceed with caution when communicating with insurance carriers, especially in North Carolina. It's one of only a few states to follow Contributory Negligence. This archaic and unfair law states that plaintiffs are denied recovery in cases in which they are deemed partially at fault, even if only 1%!

In some cases, an insurance company may speak to you to get your statement about the facts of your case. You need to know that they are

looking for information to use against you. If they can get you to say something that makes you look negligent, they will use it to deny your claim!

South Carolina, on the other hand, is less stringent and follows the doctrine of comparative negligence, which states that you must be over 50% at fault for your claim to be denied. For instance, if a jury finds that you were 30% at fault, they still allow you to collect 70% of the jury award. This would not be the case in North Carolina, where 1% means you get nothing.

In either state, the adjuster will still do what they can to devalue your case. They can use your statements to show you trespassed, provoked the dog, or were otherwise at fault. You do not have to provide them with a recorded statement. Don't speak to an insurance company! Talk to a lawyer. Let your attorney handle all communications to protect your claim.

Cases We Have Handled

Your past success is a foundation into future success.

—Lailah Gifty Akita

We're dedicated to providing expert legal services to those in need. Our law firm has been successfully delivering justice and fighting for personal injury victims for over 25 years. We've handled all kinds of dog bite and attack-related injuries and cases over the years and leveraged our expertise into six-figure settlements. Here is a partial list of results we have achieved for our clients.

- \$130,000 settlement for an elderly woman who fractured her hip and underwent surgery. Our client was knocked down while watering her garden by a neighbor's dog that got loose and entered her yard.
- \$126,000 settlement for our adult male client who was attacked and suffered severe bite wounds to both hands and forearms by a Chow while servicing the natural gas fixtures on the client's home. The dog was put inside when he arrived, but escaped out of the back door due to the owner's negligence.
- \$120,000 settlement for a young female left with permanent scarring. She was attacked by an Akita and sustained bite marks on her ear, shoulder, arm, and back when invited across the street to their neighbor's yard to pet their dog.
- \$100,000 settlement for a young female who sustained multiple dog bites while biking in her neighborhood. The client sustained injuries from a German Shepherd with a history of attacks that escaped from the owner's garage.
- \$135,000 settlement for our client, who was disfigured by a Rottweiler while visiting family. The bite resulted in facial injuries and scarring.

- \$100,000 settlement for our client who was attacked while conducting a home inspection. She suffered puncture wounds and a shoulder injury after being knocked to the ground by the homeowner's dog.
- \$75,000 settlement for our client who was bitten in the face by a neighbor's Pit Bull German Shepherd mix. Our client was unpacking his car after arriving home with his family from vacation. He noticed a dog attacking a UPS driver and was severely injured by the dog while coming to the rescue of the driver.
- \$65,000 settlement for a client who was bitten on the arm while walking her small dog. Her dog was attacked by a Pit-Bull that crawled under the fence. Our client was attacked while saving her dog from the attack.
- \$60,000 settlement for our client that was bitten by a neighbor's Labrador Retriever when it ran out the front door as the owner was allowing his daughter into the home to play with her child. The dog had a prior bite that was reported to animal control a year earlier.
- \$50,000 settlement for our client who was attacked by a Wheaton Terrier with a prior bite record. The bite occurred while our client was selling Girl Scout cookies door-to-door.
- \$125,000 settlement for a young woman bitten on the face while shopping at a retail store. Our client later needed scar revision surgery. Since the attack occurred while shopping, we successfully settled the case without having to file a lawsuit.

Our past results do not guarantee future success. We have highlighted these examples to showcase the different types of cases and what can be achieved through proper legal representation. While we can't promise that you will receive similar results, we can ensure that we will do everything in our power to help you in your fight.

Final Thoughts

A dog bite can be an unexpected and life-changing event. Don't be afraid to fight for what you deserve. After reading this book, you should be armed with basic knowledge to take action against a dog owner.

Every day that we get to protect the rights of the injured is a fulfilling day. When we are contacted by potential clients, we are aware that they are reaching out at a very dark time in their lives. We take pride in helping and guiding them through this journey and celebrating their win when their case is resolved in their favor. We are grateful to be given the chance to represent them and their gratitude and kind words when the case complete.

If you are reading this book because you or someone that you know may be suffering from an injury related to a dog bite, please know that we are sorry and that we are here to try and help.

The information in this book should not be taken as an attempt to answer every possible issue or question that a potential client may have, but it should be a guide designed to shine some light on some of the most very common conversations that we have with our prospective clients when they call to discuss their dog bite injuries. We answer these questions every day when people call us. We will do the same for you!

Your journey to a fair outcome begins with retaining the right lawyers – professionals who understand how to obtain fair compensation for their clients; lawyers with systems and processes in place to keep you up to date about your case's status and clear about your options.

The personal injury and accident attorneys at Auger & Auger have experience fighting and obtaining successful results for clients that have been injured due to the negligence of others. Over the years, our firm has **secured over \$50 million** for injury victims and their families.

At Auger & Auger, we offer a free initial consultation and case evaluation with one of our professional team members. We take our cases on a contingency-fee basis, which means that we don't get paid unless there is a successful result in your case. Our Zero Fee Guarantee™ is our trademark promise to our clients, which means we only get paid if we obtain a monetary settlement or jury verdict on your behalf.

To get started with your free initial consultation today, contact us at (800) 559-5741. We are available to talk 24 hours a day, 7 days a week. You can also visit and learn more about our firm at AugerLaw.com

Disclaimer

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