

Legal Briefs

A LEGAL NEWSLETTER FOR
FRIENDS AND FAMILY



Graham Lundberg & Peschel Founded 1979

Dog Law: No "Free Bites"

Washington State's dog bite laws are very strict: there are no "free bites." This simply means that the victim of a dog attack, in order to recover damages, is not required to first prove that the dog had bitten someone else in the past, or that the owner knew that the dog had "vicious tendencies." Instead, Washington law imposes "strict liability" on dog owners for damages. This is due to the fact that most victims of dog bites are young children or innocent bystanders, and that there is the potential for significant injuries.

Washington's law can be found under RCW 16.08.040, which states:

Liability. The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

This statute holds the dog's owner strictly liable for a bite that occurs in a public place or on private property, so long as the victim was lawfully present. A person who "harbors" or keeps a dog may also be held liable if it can be shown that they were negligent. Most claims for damages caused by a dog attack are covered under homeowner's or renter's insurance.

Of course, there are defenses to claims for dog bites. If the victim provoked the attack, then there is no right to any recovery whatsoever. If the victim contributed to causing the attack, by being negligent him or herself, then any recovery will be reduced by the amount of the victim's negligence.

There are several things that can be done to prevent a dog bite: don't stare at a dog as it might be perceived as a challenge; don't pet a dog without asking the owner if it is safe; don't approach a dog that is behind a fence or in a parked car; and don't make a sudden move toward a dog.

If you do get bitten by a dog, seek medical attention immediately, even for what may seem an insignificant wound. Although rare, rabies can be contracted, or a wound can easily become infected. Get as much information about the dog as you can, including where it lives and who owns it so that you can report the bite to animal control. You should then consult with a personal injury attorney at Graham Lundberg & Peschel, who can help you get your medical bills paid and obtain fair compensation from the insurance company.

Attorney Spotlight

Heather D. Webb, an associate attorney, and Morgan Simpson, her paralegal, are an integral team in the Seattle office of Graham Lundberg & Peschel.

Heather was born and raised in Redmond, and graduated with a Bachelor of Arts in Spanish from the University of Washington. She has worked in the legal field since her first year of college in 1990. Heather began working as a personal injury paralegal in 1995 and decided to become an attorney in the same field after joining Graham Lundberg & Peschel at its Seattle office in 2002. From 2003 to 2007, Heather was a Rule 6 Law Clerk through the Washington State Bar Association. The Law Clerk Program provides an alternative legal education, which combines a theoretical, scholastic and clinical experience in the law.

We Appreciate Referrals
Please feel free to refer any family members or friends should they need any legal services. A referral from you is one of the best compliments our office can receive. Consultations are complimentary.

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Seattle WA 98109

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800-273-5005

Attorney Spotlight (Cont'd)

Heather graduated from the Washington State Bar Association Law Clerk Program in May 2007 and was admitted to the bar in October 2007.

Heather is married and enjoys spending time with her husband and two young sons.

Morgan Simpson joined the firm in 2007 and has been working as Heather Webb's paralegal since. Before joining Graham Lundberg & Peschel, Morgan was a personal injury law paralegal in Everett for two years. Morgan, a Washington native, grew up in Shoreline, later moving to Lake Stevens and graduated from Lake Stevens High School. She earned her Bachelor of Arts in Political Science – International Affairs in 2004 from Seattle Pacific University. She plans to attend law school in the near future. In the meantime, Morgan enjoys hiking, attending Husky Football games and working with Habitat for Humanity in Seattle.



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