



NEW YORK DOG BITE GUIDE

*Legal Protection You Need
After a Vicious Attack*

BRIAN J. ELBAUM



If you have found your way to this guide, you are probably suffering from a dog bite injury. At Brain Elbaum Law, we understand that you are feeling a lot of things. You are most likely in a lot of pain from the attack, you might be worried about your finances, and we wouldn't be surprised if you were struggling to return to your life

as it was before the attack.

Dog bites in New York State happen far more frequently than you might think. Our dog bite lawyer is highly experienced in handling these cases because of this sad fact. As many as 750,000 people in the United States need medical attention because they were attacked by a dog. And in some most unfortunate cases, people can lose their lives due to their injuries.

LIABLE PARTY IN A DOG BITE CASE

At some point, everyone who comes to this page has the same questions. *Do I have a New York dog bite claim? Who is liable for this dog bite?*

If you were seriously injured by a dog, you very well may have a case. Depending on the circumstances, you will have a case against the dog owner if they were negligent (acted in a way that let this incident happen or did not take preventative measures). This will vary case to case, but typically the liability falls on the owner of the dog.

Let's say, for instance, you were walking down the street and all of a sudden, a dog comes bounding out of a house and attacks you. Perhaps the owner of this dog did not have their front door closed or their fence locked, and their dog got out. This would be where that owner was acting negligently.

You may be worried if you noticed a "BEWARE OF DOG" sign placed on this person's property. It is understandable that you might be concerned that this would affect your ability to bring a claim, however this type of sign does not hold

any weight of significance if this dog owner did not take measures to prevent their dog from attacking. A sign like that is not going to mean much if you were an innocent passerby that was severely hurt because someone else was being careless.



UNDERSTANDING THE ONE BITE RULE

There are certain complications that you must be aware of when dealing, in particular, with New York dog bite claims. There is something called the “One Bite Rule” that may have a significant impact on your ability to bring a claim. In New York, a dog essentially gets one bite that does not have

consequences for their owner. If they were to do it again, then there would be recourse. It can seem very discouraging if you think you fall under the limitations of this rule, but it is not the end of your rope.

This rule exists to protect dogs who have never attacked and have never shown a propensity to be violent in the past. You may still have a case if you can prove that the owner of the dog *knew* they had an inclination to be vicious.

An experienced New York dog bite lawyer will be able to uncover any past instances and gather pertinent information. They will talk to anyone who might know anything about this dog including mailmen, delivery personnel, and neighbors. They will be able to determine the behavior of this dog and if there was any indication that it might be vicious. That “BEWARE OF DOG” sign may even be to your benefit. It could prove that the owner knew the dog could attack. If you can prove these things, and you can prove the negligence of the dog owner, you may absolutely be able to bring a claim.

STEPS FOR BRINGING A CLAIM

The very first thing that you need to do after you have been attacked is call 911. Whether or not you were hurt, getting the police on the scene to put the event

on record can only be of benefit to you. You should try to document the scene as well. Ask the owner questions such as:

- » Is the dog up to date on its vaccinations?
- » Has the dog ever bitten anyone before?
- » Is the dog rabid?

Making sure that the dog did not cause major threat of infection is extremely important. If there is a risk of rabies, you need to let a medical professional know this right away. If you cannot take yourself to the emergency room because you're so injured, have someone call an ambulance. If you are able to get up and walk away from the scene, you still need to make sure you go to some form of medical center. It can be an urgent center or a visit your primary physician. The injuries from a dog bite can be severe, including:

- » Lacerations, or cuts
- » Nerve damage
- » Tears in muscles or tendons
- » Blood loss
- » Possible infection
- » Scarring and disfigurement

Getting treatment as soon as possible is essential to not only your health, but your case down the road.

A significant step to ensure that you protect yourself after the attack is NOT to talk to the insurance companies before you acquire legal representation. The insurance adjusters and lawyers are trained to ask you questions that will incriminate you down the road. They know what to say to get you in trouble and minimize their liability. They don't want to give you what your case is worth. That's why it is so important to hire an experience attorney to defend your case. If the insurance company comes calling, tell them that you will be acquiring council and all communications can go through your lawyer.

YOU NEED THE RIGHT NEW YORK DOG BITE LAWYER

Getting the right attorney for your case can mean the difference between settling for much less than you deserve, or getting every penny that you are entitled to. Some lawyers will not prepare your case to get the most out of it as they can. They're content with a settlement offer. You want someone dedicated to protecting your rights. The right lawyer will be willing and able to take this case to trial. The insurance companies will do everything in their power to limit what you get, but a trial lawyer knows how to fight against them. Don't hire the lawyer who does general practice, you need someone who specializes in dog bite cases. That, and finding an experienced lawyer, is of the utmost importance.

FREQUENTLY ASKED QUESTIONS | NEW YORK DOG BITE GUIDE



What Do I Do If I've Been Bitten?

A lot of it depends on the size and breed of the dog. Some of the bigger dog breeds can cause significant damage. They can cause ripping of the skin. They can cause broken bones. My suggestion is that if you or someone you love was attacked by a dog and there was an injury sustained, that you contact our office so that we can guide you through the process of pursuing a claim against the owner of the dog.

Does Insurance Cover This?

I got a call the other day from a prospective client who told me that she was bit by a dog in New York. She wanted to know if the dog owner's homeowner

policy will cover her pain and suffering and medical bills. The answer is yes, the homeowner policy should cover that individual. I advised her to come to the office, and we could sit down and talk about the facts of the case, and begin the process of prosecuting a claim against the owner of the dog and the insurance carrier.

Do I Have a Claim Against the Owner?

The answer is possibly. You need to know if the dog had a propensity to cause harm. Did that dog bite or attack anyone in the past? These are important issues that need to be addressed and investigated. I suggest that you contact our office. We'd be happy to sit down with you and answer any questions that you may have.

What Should I Ask the Dog Owner?

First, you want to find out if the dog has had proper vaccination for rabies; that's very important. You also want to find out, either through the owner or other sources, whether or not that dog has bitten anyone in the past. Did that dog have the propensity to cause harm? That's very important if you're going to pursue a claim against the owner of the dog. My suggestion is that you contact our office so that we can listen to the facts of the case, we can ask you questions, you can ask us questions, and we can do what we can to help you.

How Much Is My Case Worth?

The answer depends. It depends on, among other factors, the extent of the injuries. Are there broken bones? Are there lacerations? Was there ripping of the skin? Is there going to be scarring? Is there going to be a permanent problem? If it's a broken bone or restriction of motion, that's permanent in nature. These are the factors that need to be looked at. What I would suggest is that you contact a competent New York attorney to evaluate the case and guide you through the process.

CONTACT OUR DOG BITE ATTORNEY TODAY

An experienced New York dog bite lawyer should be contacted as soon as possible so they that can begin to gather vital information for your case. Our dog bite lawyer at Brian Elbaum Law is prepared to take your case all the way. Please call our office today for a free consultation to learn more about how we can get you full and fair compensation for your injuries.



ABOUT THE AUTHOR

Brian J. Elbaum was only a few years out of law school when he decided to go out on his own in 1996.

Twenty years later, he still holds fast to the same two winning principles:

- » Making sure clients are comfortable throughout the litigation process.
- » Achieving great results by being aggressive and making the responsible party constantly uncomfortable.

1996

Brian graduated from Rutgers University in 1991 and earned his law degree from Brooklyn Law School in 1994. While he had a great job at a good firm after graduating, he quickly realized that he could serve clients better on his own, unburdened by the constraints of the law firm model and approach.

Brian felt so strongly in what he was doing that for his first year he was willing to work out of his apartment – a sixth floor walkup on East 37th Street & 3rd Avenue. Getting dressed every day in a full suit and tie to work from the desk in the corner of a modest one-bedroom, Brian took the cases no other attorney

wanted. He quickly developed a reputation for making “lemons into lemonade,” helping those personal injury clients who other attorneys couldn’t.

2016

The Law Offices of Brian J. Elbaum have come a long way in 20 years. We’ve represented over 800 personal injury clients in Queens, Brooklyn, the Bronx, New York, Staten Island, Long Island, Upstate New York and New Jersey in cases involving construction accidents, auto accidents, slip & falls, medical/dental malpractice, bar and nightclub assaults, product liability, and much, much more.

We’ve stayed small by design, continuing to believe as we did 20 years ago that more lawyers means more internal politics and reduced focus on the client. At our office, you know that every case will be handled personally by Brian. And we’ve stayed true to our philosophy, demonstrating in case after case that being tough with the adversary and compassionate with our clients is a winning combination.

Brian is licensed to practice law in New York and New Jersey as well as the federal courts. He is active in New York’s legal community as a Certified Member of the New York Trial Lawyers Association, Brooklyn Bar Association, and New York County Bar Association.

Our Office

The story of our office mirrors the story of New York’s past twenty years. We were located in 150 Broadway on 9/11, and moved to 708 3rd Avenue until downtown was ready for business again. As soon as it was, we moved to 111 John Street – until Superstorm Sandy hit and relocated us to our current location.

Today, our office is inside the historic 11 Broadway building, just outside Bowling Green. Built 120 years ago in 1896, the Western Union branch office inside our building became a focus in the investigation into the Titanic disaster in 1912 as Senator Alden Smith sought to determine whether a message from the doomed ship had been transmitted to New York’s White Star Line office next door.

Mr. Elbaum has broad experience in the areas of law practiced by the Firm and manages a team dedicated to meeting client needs. Prior to establishing the Firm, Mr. Elbaum worked for several New York law firms representing clients in cases ranging from workers' compensation to commercial litigation. He also served as a judicial intern to a New York Supreme Court Justice, investigated exchange violations as an intern at the New York Stock Exchange, and worked at an entertainment firm representing musicians. His extensive legal and business background has instilled in Mr. Elbaum a solid understanding of how to get things done in a variety of environments.

Mr. Elbaum once held the position of Vice President at an insurance company, for which he provided advisory services. This position has enabled him to gain an insider's view of the insurance industry. He translates that insight into solid advice for his clients on insurance-related matters.

In establishing the Firm, Mr. Elbaum received guidance and inspiration from his father, the late David Elbaum, Esq. David Elbaum served as Of Counsel to the Firm in its early years and provided key insights into several cases.

