



UTAH
DOG BITE
INJURY
GUIDE

*Steps to Take if You Were
Attacked by a Dog*

KEVIN SWENSON AND BRIAN SHELLEY





In the United States, so many people consider dogs as a man's best friend. When a dog bites you, it's likely that you won't share that sentiment. Odds are you didn't walk away with a little impact bruise from the dog bite. When a vicious animal attacks you, there is a lot of damage they can do and if you are a victim of this,

you deserve compensation for what happened to you. We are here to guide you through every step of your dog bite case. Please call our Utah dog bite lawyer today to set up a free consultation.

HOW TO GET FULL COMPENSATION

When you ask for compensation, you may be hesitant to bring a dog bite claim. There is a common misconception about these cases. It's likely that you were at someone's house that you know when you were attacked by their dog. What you should know is that you are not really going to be bringing your dog bite claim against your friend. You are bringing the claim against their insurance company.

In Utah, there is a shared fault rule that you we follow. What that means is that if you are 50% or more at fault, you will be barred from getting compensation. If you are less than 50%, your compensation will be reduced by what percent you are found to be at fault for. Our job is to make sure you get the most compensation possible.

TYPES OF DOG BITE INJURIES

As mentioned, these dog attacks can result in vicious outcomes. Your health is the most important thing after an incident. The possible types of dog bite injuries include:

- » Nerve, tendon, and tissue damage

- » Cuts and lacerations
- » Infection
- » Bruising
- » Fear of dogs

It is possible that these injuries are more than physical. Fear of dogs would be considered a damage, especially in children who were attacked. It would change their life forever if they had a permanent fear of dogs. Considering there is a dog in so many peoples' homes, that would be a huge deal.

AVOIDING INSURANCE ADJUSTERS

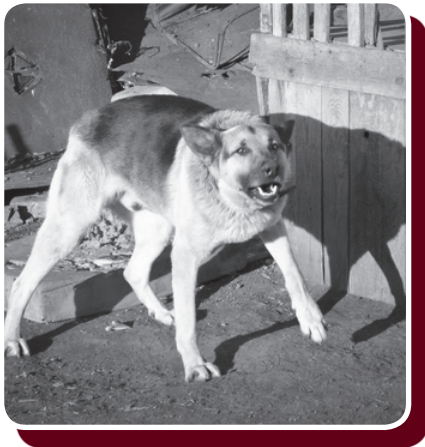
Be warned that the insurance company for the dog owner is not your friend. They have a job to do and that involves reducing the amount of compensation they owe you or eliminating your claim altogether. Very soon after the attack, the insurance adjuster will reach out to you and ask you for a statement that will be recorded. You should never give them one as to avoid getting blamed for the incident. Instead, tell them that your lawyer will take over all communication.



WHAT TO DO AFTER YOU ARE BIT

There are several extremely important things that you need to take into consideration after you have been bit by a dog. The top priority is your wellbeing. Do not delay getting to a doctor as there may be a chance of infection. You also run the risk of having any of your injuries get worse if you do not see a doctor in a timely manner. You may not need to get on an ambulance or go to the emergency room, but you should be planning on at least heading to an urgent care or getting in with your primary physician right away.

What is also important at the scene of the incident is to collect as much evidence as possible to ensure you have a strong case. Having the police come get record makes everything more certain, so that is a good idea to have them come and file a report. You can also do your own evidence collection. That can be photos and videos of the scene and the surrounding area. Perhaps you can take a photo of a broken gate that the dog got out of. You should also ask the owner of the dog or whoever is handling the animal if it is up to date on its vaccinations.



FREQUENTLY ASKED DOG BITE QUESTIONS

What Do I Do After a Dog Bite?

If you have been injured from a dog bite in the state of Utah, there are a number of things you should do right away. First, you need to seek out medical care for the injuries that you have. You need to get in to see a doctor so that you can understand what your injuries are and what you need to do to heal from those injuries. Second, it's important that you follow any instructions or any recommendations from your doctor. Insurance companies will look and see if you've followed the doctor's instructions. If you did not, they will offer less value on your case.

Third, it is important to hire an attorney early on. You want someone who can organize your case. This will help you avoid some of the common mistakes and pitfalls that people fall into on their own. Fourth, when selecting an attorney, it's important that you hire a trial attorney. A trial attorney is one who is willing to take your case to a jury verdict. The insurance companies know who the trial attorneys are, and they treat cases differently that are run by trial attorneys, offering more value and more compensation.

How Do I Pick the Right Attorney?

If you've been bitten or injured by a dog, you may be looking for an attorney. You need somebody who has experience in dealing with the dog bite statute

and successfully handling those cases. You need somebody who does that on a regular basis and focuses on personal injury, including dog bites.

The third thing you're going to want is a trial attorney. If you're preparing the case, you should prepare it right from the beginning as if you were going to go to trial, increase the settlement value, and let an insurance company know that if you have to, you're willing to go to trial, and that you know what you're doing.

Should I Give a Recorded Statement?

If you've been bit by a dog in the state of Utah, you'll almost certainly get a call from the homeowner's insurance company wanting to take your recorded statement. I recommend that you not do that. What they want to do is get the information that helps their case, and hurts your case, and they will use it against you. Instead, I would contact an attorney, talk to them about it, and then get the attorney involved before making a recorded statement.

Does Homeowners Insurance Cover My Bite?

I speak with a lot of people who come in and have been bitten by dogs, and they want to know if a homeowner's policy really covers the damages caused by a dog bite. Some homeowner's policies will exclude certain breeds of dogs that are known as dangerous breeds. If you were bit by a dog that is one of those breeds, the homeowner's policy has the opportunity to not cover and not pay the damages. There are a number of other possible exclusions, as well, that an experienced dog bite attorney can help you understand.

How Much is My Case Worth?

People ask me regularly, "What's the value of a case for somebody who's been bitten by a dog?" That's a very tough question, initially, to answer. If somebody calls and says, "I was just bitten by a dog," It's hard to know the value of a case initially. Part of the reason is that a dog bite is unique in that it usually creates a lot of scarring. If the scarring is on the face or arm, it changes things. It also depends on the medical treatment that's received and how well that works, and how long you're going to have to deal with that, and what the limitations are going to be from the dog bite.

In this area, if you've been bitten by a dog and want to talk about the value of the case and some of those issues, it's a good idea to call an experienced personal injury attorney.

Who is Liable for the Bite?

If you're bitten by a dog in the state of Utah, the owner or keeper of that dog has strict liability. That means that they have fault established to them right away. If they have a sign that says, "Beware of Dog," that doesn't change the strict liability, and they are still at fault.

How Long Will the Case Take?

I was meeting with an individual the other day who was out on a walk, and while he was out walking, a dog came running out from somebody's yard and bit them on the arm. He came in and he asked me, "How long does it take to resolve a dog bite case in the state of Utah?" The answer to that question depends on a number of factors. One of the big factors is how long it's going to take you to recover from the injury that you sustained. Some dog bites heal very quickly, while other dog bites take a lot more time to heal and require a lot more aggressive type of medicine to make a full recovery.

Once we understand what your injuries are and what it takes to recover, we'll gather up all of your bills and records from your medical providers and we'll use those bills and records to negotiate a settlement with the insurance company. Many times, and in a lot of cases, we are able to negotiate a fair settlement with the insurance company. However, at times, if the insurance company is unwilling to make a fair offer, we then would take your case to the court system and to litigation.

Understand that we are always pushing to resolve your case as quickly as we can, while at the same time knowing you only get to settle the claim one time. We don't want to settle a claim until we understand what the full extent is of your injuries are.

What if the Dog Owner Doesn't Have Insurance?

If you've been bitten by a dog and the owner of that dog doesn't have insurance, you still have a claim against the owner of the dog. We recommend that first you seek any medical care that you need to heal from the injuries. Then we recommend talking with a dog bite injury attorney that can help you understand what possible avenues of compensation there could be in your particular case.

What Mistakes Can I Avoid?

When someone has been seriously injured from a dog bite in the state of Utah, there are some common mistakes that we often see made. Mistake number one is people will not seek out the medical care that they need right away. If you have been injured, it's important that you get into a doctor that can help you begin to heal from the dog bite. Mistake number two is that people will not follow the recommendations of their doctor. If a doctor has instructed you to do something, it's important that you follow that doctor's instructions.



Mistake number three is that people will not hire an attorney to help them with their dog bite case. An attorney can step in early on in the process and help organize your case, and help you avoid some of the common mistakes and pitfalls that many people fall into. Mistake number four is when someone is selecting an attorney, it's important that they hire a trial attorney. An attorney that is willing to take a case to court and to a jury verdict is treated differently by insurance companies than an attorney that is unwilling to take a case to court and to a jury verdict.

Do I Have a Case?

People often wonder, after they've been bitten by a dog, whether or not they have a case in the state of Utah. The laws on dog bites vary from state to state, and some states allow dog owners "one free bite" before they're held responsible for any subsequent bites. That's not the case in the state of Utah.

In Utah, dog owners are responsible for every bite, including the first bite. If you have been bitten by a dog, we recommend that you seek the medical care that

you need and document any of the damages with pictures and video. We recommend that you hire an attorney that's experienced in dog bites and that is a trial attorney that is willing to take a dog bite case to a jury verdict.

Do I Have a Third Party Claim?

In the state of Utah, if you're bitten by a dog, it comes under a dog bite statute and the person who is in charge of that dog at the time of the bite can be responsible. You need to look at who has control of the dog, or should have had control of the dog, and they could be a party to any claim for a dog bite in the state of Utah.

CALL OUR UTAH LAWYER TODAY FOR A FREE CONSULTATION

When you or a loved one is bit by a dog, do not hesitate to give our office a call. Our experienced Utah dog bite lawyer will be there for you to guide you through your injury claim and help you get the fullest and fairest amount of compensation. You deserve to be fully reimbursed for all of the damages this incident has cost you. Remember, you are not bringing a claim against the person who owns the dog. If they are your friend, don't feel guilty about pursuing this claim. Their insurance is going to be compensated you for the hurt you have had to endure. You owe it to yourself to seek what is fair and just. Please call our office today to set up a free initial consultation and see what your next steps should be. We are happy to take your call and get the ball rolling for you.

ABOUT THE AUTHORS



Kevin Swenson

Kevin Swenson was raised in Bountiful, Utah, and is a co-founding partner of Swenson & Shelley. After graduating from Bountiful High School, Kevin attended business school at Westminster College. While in college, Kevin owned and ran a sign company and also worked as an ambulance driver and firefighter. Kevin loved his work in the emergency medical arena. His career as a personal injury attorney allows Kevin to continue devoting his time to assisting injured people.

Kevin graduated from law school at the University of Utah and then worked as a defense attorney for insurance companies. Through that experience he learned how insurance companies work, how they think, and how they attack a claim. In 2010 Kevin “changed camps” and switched to representing injured individuals in his community rather than the multi-billion dollar insurance companies that fight those claims of those individuals.

He now feels a greater sense of purpose, and fulfillment, by assisting people who were injured by the wrongful acts of others. Understanding the reluctance of insurance companies to pay claims, and the strategies they use to get out of paying claims, Kevin is now able to use that first-hand knowledge to fight for injured parties and collect the money rightfully due to them from insurance companies.

Kevin has been involved in thousands of lawsuits over the course of his 27 years as an attorney, many of which have gone to a jury verdict. Kevin is passionate about what he does, he is devoted to helping individuals get the medical care they need, and he enjoys seeing his clients heal and move on from their injuries.

When Kevin isn't working he enjoys the outdoors, family and travel.



Brian Shelley

Brian Shelley is a co-founding partner of Swenson & Shelley. As a child, Brian felt a strong connection to the underdog. During his short-lived career of playing football, some of Brian's teammates determined they would hit the most undersized, least athletic opponent to "send a message." As the plot unfolded, Brian performed a surgical-like leg sweep of his own teammate in order to keep the unsuspecting rival out of harm's way. After receiving both physical and verbal repercussions from his team, Brian decided to stick with his life-long passion...soccer.

Helping injured individuals recover lawful benefits from insurance companies gives Brian the satisfaction of representing the underdog daily. He enjoys balancing the playing field by holding insurance companies responsible to pay claims fairly.

Brian completed his undergraduate degree in Business, Finance at Brigham Young University. He then pursued a law degree from Pepperdine University School of Law, graduating cum laude. He is licensed to practice law in Utah and California.

Brian has a wife and four young children. When not working, Brian can be found coaching three soccer teams, rock climbing, cooking, and traveling. Brian loves Lake Powell and the beaches of Southern California and Hawaii. Having lived on three continents and having visited over 25 countries, Brian deeply values the opportunity to see new places, experience new cultures, and meet the wonderful people that can be found in all places.



SWENSON
& SHELLEY
INJURY ATTORNEYS