



OKLAHOMA  
DOG BITE  
INJURY  
GUIDE

*Protecting Your Rights  
After a Serious Attack*

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When a person suffers injuries as a result of being attacked or bitten by a dog, a whole host of questions are likely to arise. In the world of personal injury law, no injuries are perhaps more misunderstood by the general public than those resulting from dog bites or dog attacks. The truth of the matter is that liability for

personal injuries due to a dog bite or attack can be fairly complicated, from the determination of whether or not a person has a valid case, to determining the proper parties that can be held responsible for the injuries. Other perplexing issues involve the monetary value of the case, as it can be difficult to put a price tag on some injuries that involve the cost of future surgeries, the monetary value of permanent scarring and disfigurement or psychological damages. Because of these complexities, it is essential that victims of a dog bite or dog attack contact a skilled and experienced Oklahoma personal injury attorney immediately.

## ESTABLISHING A VALID CASE AGAINST A DOG OWNER:

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As a threshold matter, Oklahoma law has a 2 year statute of limitations for personal injuries occurring from a dog bite or dog attack. This means that the injured party must file their case in Court within 2 years of the incident or their case is permanently time-barred, meaning they can no longer pursue an award of damages for their injuries. Thus, it is extremely important that the injured party pursues their case as soon as possible so it is not dismissed by the Courts due to untimely filing. Another reason to initiate the case as soon as possible is the preservation of evidence, as witnesses' memories often fade, and they become difficult to locate, or even die. Contacting a skilled Oklahoma personal injury attorney immediately will ensure the timely filing of your case, along with the preservation of all of your evidence so it is not lost.

The legal standard for pursuing a dog bite case in Oklahoma varies, depending upon whom the claim is against. Oklahoma has a strict liability statute for claims against dog owners and employs a different standard for claims against negligent landlords and property owners that permit dangerous dogs to be maintained or harbored on their premises.

Oklahoma's strict liability statute for claims against dog owners states:

"The owner or owners of any dog shall be liable for damages to the full amount of any damages sustained when his dog, without provocation, bites or injures any person while such person is in or on a place where he has a lawful right to be."

What is important to note is that under this statute is that an injured party need not show proof that the dog owner possessed knowledge of the aggressive dog's prior dangerous or viscous propensities in order to prevail. In fact it doesn't even require that the dog ever exhibited any prior vicious tendencies. However, the statute still requires the injured party to prove not only that they were lawfully on the property where the dog bite or dog attack occurred, but also that they did not provoke the dog to attack. While these showings may sound simple and straight-forward upon the face of the statute, factual issues about the meaning of provocation and whether or not the injured party was lawfully upon the premise where the attack occurred are frequently raised by dog owners and their lawyers as defenses to their liability for injuries. If they can show that the injured party was trespassing at the time of the attack or that said party in any way provoked the dog into attacking, they can succeed in getting the injured party's case thrown out of court. This is why it is essential to consult and retain a skilled Oklahoma personal injury attorney to navigate you through the traps that the at-fault party will stir up in an attempt to dismiss your case.

## ESTABLISHING A CASE AGAINST PROPERTY OWNER OR LANDLORD:

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The ultimate goal or intended outcome of any personal injury claim or lawsuit is the recovery of monetary damages from the party responsible for the injuries,

damages, and harm incurred by the aggrieved party. When it comes to dog bite cases, it frequently occurs, for various reasons, that the injured party may wish to pursue their case against the landlord or property owner who allowed the dangerous dog to be maintained or harbored on their premises. For example, it frequently occurs that the dog owner is renting the property upon which the dog attack occurred and they may lack liability insurance, be insolvent, or lack the assets to satisfy the monetary judgment that a court awards to the injured party. In such cases, an injured party may have to pursue their claim against the landlord or property owner, who is often more likely to have the necessary liability insurance, monies, or assets to satisfy an award for personal injuries caused by a tenant's dog.

Unlike liability for a dog owner, which is strict liability imposed by statute, the liability imposed upon landlords and property owners for injuries caused by tenants dogs is a bit less clear, and established through case law rather than statute. That is to say, in such cases, it is not enough for the injured party to make a mere showing that the injuries from the dog attack occurred on the property of the landlord or land owner. In order to recover an award for injuries and harm against a property owner or landlord, Oklahoma Courts indicate that that the injured party must prove that the absentee landlord had knowledge that the vicious or aggressive dog was harbored or maintained on the premises, and that the absentee landlord failed to have the viscous or dangerous dog removed from the premises or warn invitees of the danger that the vicious dog presented. Under this standard, an injured party must not only prove that a landlord or property owner had knowledge of the dog living upon his premises, but also possess knowledge of the dog's prior vicious or dangerous tendencies.

It is important for the injured party to obtain an experienced Oklahoma personal injury attorney to not only assist them in meeting the evidentiary burdens of proving that the landlord or property owner knew of the viscous dog on his property, but also to run asset checks on the parties and verify the parties' insurance coverage to establish the property parties against whom the injured party should bring their claim. These are tasks that an unrepresented person will likely fail to do.



## DAMAGES AVAILABLE TO THE INJURED PARTY:

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Should an injured party prevail on their injury claim against a dog owner, landlord, or property owner, Oklahoma law permits a party to recover economic damages such as reimbursement for past medical bills, lost wages, out-of-pocket expenses, as well as the costs of future medical treatment and surgeries deemed necessary by a medical expert. Oklahoma law also permits an injured party to recover non-economic damages as well which include mental anguish, pain and suffering, and awards for permanent disfigurement. However, under Oklahoma law an injured party's noneconomic damages are generally capped at \$350,000.00.

It is vital to contact a seasoned and skilled Oklahoma dog bite lawyer immediately to assist you in the compiling and itemization of all of the resulting losses from your injuries. Unrepresented parties often fail to accurately account for all of their losses and damages and insurance carriers are all too eager and willing to make early low-ball offers that fail to take into consideration all of one's economic and non-economic losses.

## FREQUENTLY ASKED QUESTIONS | OKLAHOMA DOG BITE INJURY GUIDE

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### *What do I do if I was injured in a dog attack?*

If you are bitten by a dog and seriously injured, the first thing you have to do is seek medical treatment. It's important. You need to go to a health care professional. The next thing, which the health care professional will want to know, is the identify the dog. You need to make sure the dog has had its vaccinations and it doesn't have any serious problems like rabies that could cause you problems.

Once you find out the owner, you need to determine who they are and where they live. Then you have to hire an attorney. These are serious cases. They can cause disfigurement. They can cause serious injuries. There are some dogs out there that are pretty deadly. They can cause tremendous injuries.

I would hire a lawyer to investigate. Let them talk to these owners. Let them research about this dog. Has this dog done this to other people? Has he bitten friends or family before? Is this dog a menace? If the owners knew it was a menace, then they're even more responsible.

This is a case where you have to make a claim against the homeowner's insurance, so you need to determine who the homeowner insurance is and send them notice immediately. Do not wait to notify the owners. Do not wait to find out who the dog is. Do not wait to get medical treatment if you're bitten by a dog.

## *How do I choose the right attorney to represent my case?*

When you select an attorney to represent you in a dog bite injury case, you need to find an attorney who has experience with dog bites. You need to find an attorney who understands your situation and can get you to the medical care specialists you need. More likely than not you suffered facial wounds, and you need to find someone who can tell you how important plastic surgery is. You need to find an attorney who will handle the case, not turn it off to a young associate. Most of all, you need to find an attorney that you like, that you feel comfortable with, and that you think will be a champion for your cause.



## *What mistakes can I avoid?*

The most common mistake people make when they're bitten by a dog is that they don't hire an attorney soon enough. Normally, dog bites are pretty serious. Always go to the doctor quickly. Most dog bites are going to give you back problem or knee problems; most of them are flesh wounds. They need to be stitched up. They need to be given antibiotics to make sure there's no infection.



Not hiring a lawyer is a mistake. They think they can settle it on their own. They don't want to cause a problem. They might think maybe they provoked it because they didn't ask the owner if they could pet their dog or whatever. Hire an attorney. Let him deal with the causation: why it happened, who is responsible.

## *Who is liable for my dog bite injury?*

Can anyone other than a dog owner be responsible for a dog bite case? That's fact specific. Let's say that you have a family friend who intentionally makes a dog mean, continually abuses the dog, continually provokes the dog, and then lets the dog out in an agitated state, and he comes and bites you. I believe that the family friend and the homeowner would both be responsible for any injuries caused by this dog, but it is case specific. That's something you would have to hire an attorney to do an investigation for, and preserve the evidence to make that determination.

## *What if the owner of the dog who bit me is uninsured?*

One of the most common problems I have is that people who rent apartments have dogs and these dogs bite people. Most of the time, there's no insurance that covers a dog bite if you don't own your home. Most of the time, there's not insurance to cover dog bites for people. The counsel I normally give to people is that you can turn it over to your health insurance to pay for your medical bills.

You can check with your homeowners insurance and see if it will cover a dog bite somewhere else. You can also check with your car insurance to see if they will cover any type of injuries you sustain from a dog bite. It's tough. There's no set answer. Every insurance company's contract is different. I would suggest you contact an attorney to make sure you exhaust all possible avenues, so you can get your medical bills paid and any pain and suffering paid for.

## *Do I still have a case if there was a “Beware of Dog” sign?*

What happens if a dog owner has a beware of dog on its fence that leads to his home? What do you do? Let’s say that you decide you want to go there anyway to see the owner and you’re bitten by a dog. If you are bitten by a dog when you saw the beware of dog sign, does that hurt your claim? Does that prohibit you from making a claim?

What I would submit to you is fact specific. If this homeowner knew this dog was dangerous, it has bit other people before, and they didn’t make any efforts to restrain the dog in their yard when they knew people would be coming in to deliver things, to see them, or their family members would come to their house, I think they could be responsible. I think it would be a case we would want to submit to a focus group. Have them to determine what they thought was the appropriate amount of responsibility to place with each party.



## *What questions should I ask the owner of the dog who bit me?*

If you are bitten by a dog, even if it’s just a minor bit, but it breaks the flesh, you need to ask the dog owner, “Is your dog current on his vaccinations?” If they says yes, tell them, “Who is the veterinarian who did it, so I can check that.” You don’t want to take anyone’s word on this because if the dog bite goes too long undetected, and there weren’t really vaccines there, or they’ve expired, it could cause you a lot of serious health problems.

## *How long do I have to file a claim?*

In Oklahoma, you have two years to make a claim in regards to a dog bite. That means you have a two-year statute of limitations. That doesn’t mean you wait for two years and make a decision; that means you need to make it well before two years. I would suggest you make it immediately.



If you're bitten by a dog, seek legal counsel, someone who's trained to deal with these types of injuries and understands it. Let them do the investigation. Let them preserve the evidence. Let them make all the inquiries into the city about how many times they've been called out on this particular dog owner, and how many times they've dealt with this dog.

## *How much is my case worth?*

That depends on a couple of things. The first one is how seriously injured you are. Are you permanently impaired? How much are your medical bills? What is your pain and suffering, both future and past? What long-term consequences you are you facing because this dog viciously bit you?

The medical component is one. The other component is disfigurement. How many stitches did you have to have? Are you going to have to have scar revision surgery? All these things are costly and they need to be addressed and estimated.

Did this dog have a propensity to bite other people? Has he bitten a lot of people? Did these owners take appropriate measures to protect the public from this dog? If they didn't, then that case has more value. It's a lot of factors. It's case-specific and fact-specific. These are numbers that we come up with after we evaluate the case.

## CALL OUR OKLAHOMA DOG BITE LAWYER TODAY

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If you or a loved were injured from a dog bite or a dog attack do not hesitate to contact an experienced Oklahoma dog bite lawyer immediately to ensure the best possible outcome of your case. Navigating the nuances of the law can be tricky and fraught with traps for the inexperienced and unwary. That is why it is vital that you contact an attorney today!



## ABOUT THE AUTHOR

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When James Murray was 15 years old, he watched President Richard Nixon’s Watergate scandal unfold before him. The corruption displayed by the White House and in politics in general during that time inspired James to pursue law so that he could make a positive change and a real difference in the country. To reach his goal, he attended undergrad — and later, law school — at the University of Oklahoma. In 1985, James was admitted to the Oklahoma Bar Association and his career as an attorney began.

As a personal injury lawyer, Attorney Murray enjoys helping people. “It’s easily the most satisfying part of my job and it’s what drives me to come in to work every day. Those whom I help are real people with real problems, not walking ATMs that come in to my office to spit out money for my services and then leave. In personal injury, it’s important to remember that clients are more than just clients. I always make sure that I do.

“Through my cases, I can truly help the people who need it. For instance, when a car wreck killed the parents of two young children, our attorneys were able to settle the case on behalf of the now orphaned children for a figure in the mid-seven figures. No amount of money can bring those children their parents back. However, through the work we did, we were able to ensure that the children will be taken care of financially for the rest of their lives.

“When I’m not in the office, I spend time with my wife, who I love very much, and volunteer at my church. I also work extensively with the Boy Scouts of America because I truly believe in the importance of instilling great values in our nation’s young men. It’s no wonder that all six of my sons are Eagle Scouts. Between the six of them, I have 11 wonderful grandchildren, and I watch with pride as my sons pass those same values on to them.”

## *Education*

- » JD - University of Oklahoma
- » BS - Oklahoma State University, double major in Accounting and Agriculture Economics

## *Professional Association & Membership*

- » Oklahoma Bar Association

## *Community Involvement*

- » 2000-2007 President of Oklahoma Assisted Technology - Non-Profit
- » Scoutmaster Troop 822 - current
- » Chairman of the BSA-LDS Oklahoma Encampment 1997 and 2007
- » Eagle Scout & Duty to God Award
- » Past President of Payne County Bar Association
- » Chairman of the Law Day Committee of the Payne County Bar Association

