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OPINION | COMMENTARY

Every Dog Has His Day in Court

Are owners liable for bites? Depends on the pooch's personality.

By *Randy Maniloff*
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The Vermont Supreme Court ruled this month that Tyler Noyes could seek damages from his grandparents for injuries sustained when he was bitten by their dog, Bobo. The decision, *Bradley v. Bradley*, follows a long tradition of courts deciding if owners are responsible for injuries caused by their canines.

Some 200 years ago this month Connecticut's highest court ruled in *Hall v. Hall* (1820) that a dog-bite victim was not entitled to receive \$175 from the dog's owner that had been awarded by referees.

The road from *Hall* to *Bradley* is lined with thousands of judicial decisions addressing seemingly every possible scenario of a dog gone bad. But a common thread: judges taking care to ensure that the accused pooch gets a fair shake.



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In *Twigg v. Ryland* (1884), Maryland's highest court upheld a jury's decision that Andrew Ryland, a butcher, was not liable for a bite inflicted by his dog. The dog followed Mr. Ryland's meat wagon as it was making deliveries. While Mr. Ryland's driver knew the dog to be vicious, Mr. Ryland did not. So he wasn't responsible in the eyes of the law.

In *Wolff v. Lamann* (1900), a Kentucky appeals court reversed a \$1,000 jury award for an 11-year old girl who was attacked. The court ruled that the jury should have been instructed to consider that the child was teasing the dog and attempted to take meat from him. The court observed that it is common knowledge that interfering with dogs while eating "is attended with more or less danger of retaliation on their part."

John Domm was shooting pool in a saloon when he was bitten by a bulldog. A jury awarded him \$750. The Supreme Court of Illinois reversed, concluding in *Domm v. Hollenbeck* (1913) that the trial court misstepped when it prevented the jury from hearing more about the dog's personality. Shortly before the attack, the dog was in a butcher shop and children played and wrestled with him, rode on his back and threw him onto sawdust, all without incident.

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A Florida statute holds owners responsible for their dogs' bites, but it contains an exception if the owner had posted a sign stating "Bad Dog." The Florida Supreme Court ruled in *Romfh v. Berman* (1952) that two bulldogs were off the hook for a vicious attack since their owner had posted a sign reading "Beware of Dogs." The state's top dog court was unconcerned with technical non-compliance with the law and ruled that such a sign was good enough, and even better, than "Bad Dog."

Volunteer work doesn't help with only college applications. Ask Chino, a part German shepherd pup. In *Bermudez v. Hanan* (2013), a New York court denied compensation for a serious facial bite that Chino inflicted on a party guest in his owner's Brooklyn brownstone. The judge was swayed by photos showing Chino having a "loving and warm relationship" with individuals who he encountered as a therapy dog for hospitals and nursing homes. Sometimes a judge is dog's best friend.

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