

An all-day CLE devoted exclusively to legal matters of the canine's canines. Obtain tips and up-to-date authority on:

- Prosecuting and defending dog bite-related criminal matters
- Waging and resisting dog-bite related appeals of regulatory determinations like dangerous dog and nuisance animal
- Litigating and defending civil cases involving injuries inflicted by police, civilian, and service dogs on children, the elderly, the disabled, adults, and nonhuman animals
- Evaluating coverage issues from the standpoints of policyholders, insurers, and claimants under homeowner's, doggie daycare, and CGL policies
- Examining the dischargeability of dog-bite related debts in bankruptcy; revisiting the nuances of harbinger, keeper, owner, and landlord statuses in relation to dog-bite liability
- And exploring the impact of breed-specific legislation and dangerous dog laws on dog-bite related civil and criminal matters, as well as its impact on the ADA and WLAD

Where possible, the speakers will address differences in dog bite law throughout the Ninth Circuit states.

Approved for 8.25 CLE Credits for Washington Attorneys:
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FINAL NOTICE



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THE DOG BITE INSTITUTE



Wednesday, September 23, 2009

**Washington State Convention
and Trade Center**

Room 3AB

On Pike Street, between 7th and 8th Avenues
Seattle, Washington

Approved for 8.25 CLE Credits for Washington Attorneys:
7.5 General Credits and .75 Ethics Credit

The Dog Bite Institute

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Washington State Bar Association • Continuing Legal Education

THE DOG BITE INSTITUTE

MORNING

7:00 a.m. Check-in • Walk-in Registration • Distribution of Coursebooks • Coffee and Pastry Service

7:55 a.m. Welcome and Introduction by Program Co-Chairs

Adam P. Karp — Animal Law Offices, Bellingham

Elizabeth Lorraine Elliott — Attorney at Law, Normandy Park

8:00 a.m. From Docile to “Dangerous”: Procedural and Substantive Challenges to Potentially Dangerous and Dangerous Dog Designations

Beginning with fundamentals of due process as explored in the seminal *Rabon* cases and *Mansour* decision, ending with an advanced discussion of preemption, collateral estoppel, the “dogs in packs” problem, the causation problem, the multiple-jurisdiction redeclaration problem, the statute of limitations problem, and criminal repercussions of nonreporting, noncooperation, and nonsurrender of purportedly dangerous dogs.

Adam P. Karp — Animal Law Offices, Bellingham

8:30 a.m. Breed-Specific Legislation and its Impact on Dog Bites in Civil, Criminal, and Administrative Contexts

A nationwide and local analysis of the impact of breed specific legislation (“BSL”). What is the purpose of BSL? Does it reduce the number of attacks and dog bites? How does one defend individuals who have allegedly violated BSL in Washington. How are service dogs impacted by BSL?

Elizabeth L. Elliott — Attorney at Law, Seattle

9:00 a.m. Civil Non-Police Dog Bite Litigation Panel

Provocation — A Dog’s Self-Defense Statute

Strict liability doesn’t apply in a dog bite case if the victim provoked the dog. The statute — RCW 16.08.060 — doesn’t define provocation. That’s why it’s essential to convince the Court that “provocation” means placing the dog or its owner at risk of serious harm and that the RCW 16.08.060 constitutes a dog’s self-defense statute (that’s rarely if ever applicable to dog-bite cases).

Michael D. Myers — Myers & Co., PLLC., Seattle

Dog Bite Litigation, Landlord Liability & Other Considerations

Relating insights from having published on the issue of landlord liability for dog bites and having tried and served as arbitrator in several dog bite injury cases.

Franklin W. Shoichet — Attorney at Law, Seattle

A Civil Defense Attorney’s Considerations in Dog Bite Cases

Discussing different defense strategies including whether your client meets the legal definition of “owner”; whether the injury really occurred from a “bite”; whether the dog from which the bite allegedly came can actually be identified; and other such similar considerations

Dylan E. Jackson — Wilson Smith Cochran Dickerson, Seattle

“Risky Business”: Raising the Firefighter’s Rule in Dog Bite Injury and Death Cases

Over time, the “firefighter’s rule” has been extended to veterinarians, police officers, and animal control. The assumption of risk defense must be considered and raised whenever a plaintiff is in the business of handling biting canines.

Adam P. Karp — Animal Law Offices, Bellingham

10:30 a.m. Break

10:45 a.m. Criminal Dog Bite Litigation Panel

Overview of Dog Bite-Related Criminal Prosecution in Washington

An overview of dog-bite related crimes and exploring the common hurdles associated with prosecuting them.

E. Bradford Bales — King County Prosecuting Attorney’s Office, Seattle

Prosecuting Violations of Potentially Dangerous and Dangerous Dog Restrictions

Providing guidance in prosecuting simple to egregious cases of defendants defying orders pertaining to restraint of potentially dangerous and dangerous dogs.

Debra Eurich — Thurston County Prosecutor’s Office, Olympia

“Bark Beats Bite”: Defending Criminal Dog Bite Cases

Discussing strategies to avoid the ultimate penalty for dogs as well as defenses and issues surrounding negligent control of an animal charges, which are the most common type charged in Seattle.

Robert W. Goldsmith — Attorney at Law, Seattle

“Through the Eyes of the Dog”: Identifying and Protecting the Innocent Animal

A “provoked” dog should be an innocent dog. As such, justice cannot be done without viewing the case through the eyes of the animal. Discussing the use of experts to understand whether the dog in your case was provoked, and, if so, what legal arguments that provides.

Kimberly N. Gordon — Law Offices of Gordon & Saunders PLLC, Seattle

Judicial Perspective on Dog Bite Cases

Looking for a solution. How the perspective of the parties can allow judicial problem solving, as well as traditional sentence considerations.

Hon. Anne C. Harper — King County District Court, Seattle

AFTERNOON

12:45 p.m. Lunch on Your Own

2:00 p.m. Civil Police Dog Bite Litigation Panel: Liability Issues From Plaintiff and Defense Perspectives

Review the elements of Fourth Amendment excessive force claims in dog bite cases, whether a police dog bite can constitute deadly force under the Fourth Amendment, state law strict liability in police dog cases, the “dog handler” immunity statute, municipal liability, qualified immunity, and the public duty doctrine.

For the Plaintiff:

John R. Muenster — Muenster & Koenig, Seattle

For the Defense:

Ted Buck — Stafford Frey Cooper, Seattle

3:00 p.m. Dog Bite Insurance Law Panel

Overview of Washington Insurance Coverage Law

Explore sources of insurance proceeds from homeowners policies, business CGL policies, condominium homeowners’ associations policies and apartment owners’ policies. Expand on the duty to defend versus the duty to indemnify, and discuss language to include in demand letters and complaints to trigger coverage. Discuss the pitfalls of the Heringlake case. Briefly, for the benefit of those defending dog bite claims, discuss how to reduce your exposure through selection of insurance and contract language.

James W. Talbot — Law Offices of James W. Talbot, Seattle

Insurance Coverage for the Dog Bite Lawyer

Why insurance coverage is important to attorneys representing dog bite injury victims. Providing guidance on how to interpret liability insurance policies, including where to look for critical coverage provisions (and exclusions) Mr. Haigh relocated from California to Washington after having practiced nearly 30 years as insurance coverage counsel. As a point of comparison and contrast, Mr. Haigh will discuss coverage in the context of California dog bite insurance and tort law.

James C. Haigh — Attorney at Law, Bellingham

4:00 p.m. Break

4:15 p.m. Service Animal Dog Bite Law and Dangerous Dogs

Review of the interplay between the Americans with Disabilities Act, the Washington Law Against Discrimination, and the dangerous dog laws of Washington. What are the legal consequences of a dog biting or attacking a service animal? What happens when a service dog bites another animal or human?

Elizabeth L. Elliott — Attorney at Law, Seattle

4:45 p.m. Litigating “Dog-Eat-Dog” Disputes

Evaluating theories of liability and affirmative defenses in instances where dogs injure or kill other nonhuman animals.

Adam P. Karp — Animal Law Offices, Bellingham

5:05 p.m. Nondischargeable Dog Bites

Examining the current state of bankruptcy law as it pertains to dog bite-related debts.

Adam P. Karp — Animal Law Offices, Bellingham

5:15 p.m. Dog Bite Ethics

Ethical issues and the practice of dog law. Advising your clients on dangerous dog cases. Can you tell them to get out of dodge when they have a “dangerous dog”? How far is too far? Counseling the disabled client and issues of confidentiality. Recognizing and coping with conflicts of interest. Applying the relative new ethics rule pertaining to prospective clients in the dog bite law context.

Elizabeth L. Elliott — Attorney at Law, Seattle

Adam P. Karp — Animal Law Offices, Bellingham

6:00 p.m. Complete Evaluation Forms • Adjourn

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I wish to register for the following seminar:

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If special accommodations are needed, please contact Rex Nolte at 206-727-8211 or toll-free at 1-800-945-WSBA, email: rexnr@wsba.org

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I do not wish to register for the seminar, but please send me the following CLE product:

C09803 The Dog Bite Institute
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Books available 10 business days after seminar.

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