

So Virginia has a free bite rule, meaning that if your dog has never bitten someone before, and that you, as the owner have no knowledge that your dog might bite someone, then the law does say you get one free bite or a dog gets a free bite. I will tell people, though, even if a dog has never bitten someone before, you can still bring a case in on someone.

And what I mean by that is that even though a dog might not have bitten someone before, if the owner knew or should have known that the dog was vicious, that the dog was going to be protective, then that owner has a duty to protect people who come onto their property. So for example, I represented a guy who was a pizza delivery driver. He's delivering a pizza to someone and the owner was trying to keep her dogs back inside the door. And he went up and one dog got, and basically got from underneath the owner and went below her legs and bit my client in the leg. As he was tumbling down the stairs, the dog, other dog got out and bit him as well in the arm.

And this is just a young kid, talking like an 18 year old kid, trying to make extra money for college. He gets attacked by these two dogs. So those dogs had ever bitten, but the owner knew those dogs would bite someone who came to the property. She just didn't do a good job of protecting this person. She could have easily said, "Look, I'll come out and get the pizza. I'll come out. Let's figure out another way. Leave the pizza on the doorstep or in a different place." She didn't do that. She let the guy come up to the doorstep, knock on the door, she opens the door, and next thing you know, he gets terrorized by these two dogs.

So while there is a one free bite rule, it doesn't mean that someone doesn't have a claim because the dog has never bitten before. And I try and I tell people that all the time, because we could prove many times that a dog, if the owner knows that the dog is wanting to be protective or somewhat aggressive in his behavior, then that's enough for an owner to use reasonable care to other people who come on their property. So don't let that be a deterrent to people who do get bit by dog. They still might have a case.