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# AN OBEDIENCE INSTRUCTOR'S FORUM FORWARD

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## Part Two: Working With Aggressive Dogs - Understanding Liability

By Jan Gribble

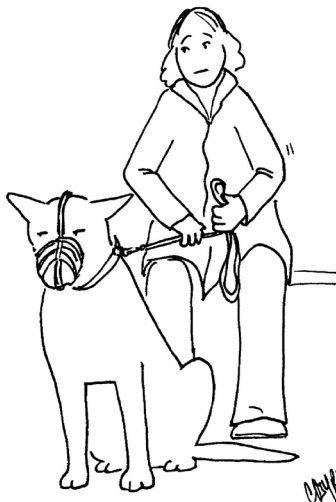
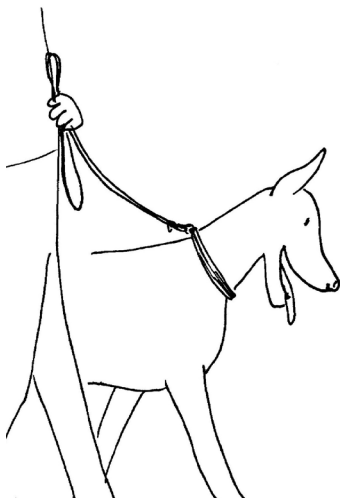
**Disclaimer:** This article is not intended to dispense legal advice. The author takes no responsibility for use of information contained herein and advises that an attorney be consulted to evaluate a specific situation and provide legal advice on how to proceed.

This is the second article in a multi-part series on aspects of dealing with dogs exhibiting aggressive behaviors which are often overlooked or not understood by instructors and trainers. Part One dealt with the need to concretely define the term "aggressive" before applying it to a particular dog and the importance of taking a history to determine

if one has the experience and knowledge to competently address the problem. As this series develops, the reader will begin to understand that it is not sufficient to simply state one has experience and knowledge of dog behavior and training to adequately deal with these types of cases.

Having determined that one is competent to handle working with a particular dog, the next step in dealing with a student or client with a dog which exhibits aggression is to ensure that the owner understands fully the risks and liability involved. This entails first having a good understanding of those risks and liabilities and also understanding

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**Aggressive Dogs:** *from page 1*

the line between relaying information and giving legal advice, which is illegal unless one also has a license to practice law. Depending upon the law in a particular locale, liability may not be restricted to the owner and the instructor/trainer may also be held potentially liable if the dog injures a person or another dog. It is strongly recommended that before undertaking any work with clients or students with aggressive dogs, that the instructor/trainer consult with a qualified attorney so that he or she has a better understanding of what liability can be assigned to the owner and to the instructor/trainer and how that information can be provided to an owner without being construed as giving legal advice.

It is also important that the instructor/trainer knows what liability may be attributed if the dog is re-homed and an incident occurs. There is good reason why many rescue groups will not accept a dog with a known bite history even when there is good cause to believe that the bite was predictable and the result of poor decision making and handling by the owner. Before advising re-homing a dog with aggressive behaviors, the instructor/trainer needs to know what the laws in that particular city, county and state are with regards to liability and how that may impact the original owner (and possibly the instructor/trainer) should an incident occur with the dog once it has been re-homed.

Another potential pitfall for the instructor/trainer is the use of contracts, releases and other forms that were developed for someone else. Just because an attorney reviewed and approved a form for one individual does not mean that the form is necessarily appropriate for someone else. Laws vary from location to location and state to state and trying to save a few bucks by skipping legal advice can be costly in the long run.

A form releasing the instructor/trainer from liability will not prevent a lawsuit from being filed but it may make defending a lawsuit easier. A standard release may not be sufficient to protect the instructor/trainer if the behavior you are dealing with is aggression. An attorney will be able to inform the instructor/trainer whether specific language should be included in those instances. Certainly it would be prudent to have it documented that the owner has been informed that he or she may be held liable should the dog injure a person or another dog. It also needs to be clear that this information was provided to everyone who might be construed as responsible for the dog. Again, this will be dependent upon local and state laws. At the same time, a release form needs to be written in terms that are understood by the average person. While obtaining legal advice on release forms is important, unless the attorney can write the release without using legal terminology the instructor/train-



er may be better served in writing the release and having it reviewed by an attorney who can then advise them whether it will provide sufficient protection. The rule of thumb is that if the instructor/trainer has difficulty understanding the release form, their clients or students probably won't understand it either.

Even if an instructor/trainer does not normally utilize a contract for training services, using a contract when dealing with aggressive behaviors probably should be the exception to that rule. If it is clearly set out in a contract that failure by the owner to follow instructions will result in the contract being null and void, the contract may provide an additional layer of protection to the instructor/trainer. Again, consulting with a qualified attorney is highly recommended.

Since the instructor/trainer's potential liability is higher when dealing with dogs exhibiting aggressive behaviors, it is also a good idea to carry liability insurance if one deals with these types of problems. Most general liability policies will not cover the needs of someone who deals with aggression problems. It is therefore critical to understand what an insurance policy will and will not cover. Before purchasing a policy, it is important that the underwriter knows what the policy needs to cover and is able to write a policy that will address the specific needs of the instructor/trainer. It is always a good idea to get assurances that a policy will cover a specific type of incident in writing unless it is clear from the policy language that the incident is covered.

Honesty with students and clients is the hallmark of a professional instructor/trainer. This means being honest about having the experience, knowledge and ability to address a particular problem but also means being honest with the owner of the dog about his or her responsibility and potential liability so that the owner can make an informed decision about how to proceed. Obtaining legal advice from a qualified attorney will help both the instructor/trainer and his or her students and clients.

# That One Particular Person

by Charlotte Schwartz

## Who's Responsible?

You get a phone call. A man wants to know how to find the perfect dog for his family. His veterinarian suggested he call me for help. I'm more than happy to do that because I know choosing the right dog for each family will likely result in a happy, productive life for all concerned, including the dog.

I ask the usual dozen or so questions to paint a mental picture of his home and family. I need to know how many people in the family, how many children, their sex and ages. Do they live in a house, a condo, an apartment? Where is their home located, suburbs, city, countryside? Do both parents work? If so, what time do they get home every night? Is the dog going to be alone all day when the children go to school? Does the man have a neighbor or friend who can stop by to take the dog outdoors for a break and some exercise?

Without that type of information, I won't be able to make appropriate suggestions regarding the size, sex, age and breed history of dog. And I will also need to address the subject of mixed breed dogs. Buying or adopting a dog should also be brought up. All these things will ultimately lead the man to making the right choice for him and his family.

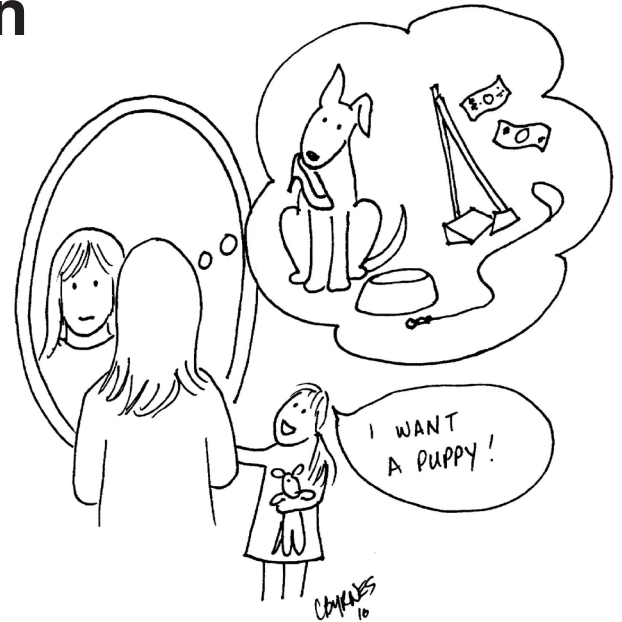
I'm beginning to draw a fairly accurate picture of the caller's family and all their activities when the man asks one more vital question. "Now who should be responsible and in charge of the dog once we bring him home?"

My answer lies in a one-page circular which I'll mail to him the next day. It covers a multitude of behaviors that will ultimately make the family-dog relationship a great success story. Even more importantly, it will help the entire family create a people/pet relationship free of behavior problems and unwanted destructive habits.

## Who's Responsible?

Whose body language, whose tone of voice, whose behavior, whose attitude, whose patience, whose praise? Who's willing to be the dog's teacher? Who's willing to practice obedience class lessons every day at home?

Who's willing to step up to the plate and accept the fact



that bringing a dog into your home is a life commitment, not a temporary inconvenience? And that life can last for more than ten years! Before you choose the best dog for your family's lifestyle, think about the best dog for your family and the best family for the dog. It must be a reciprocal union creating happiness and contentment for all.

As you savor these questions, the thought of responsibility comes to mind. So who is responsible for this new creature in your den? Look in the mirror and you'll find the answer. It's YOU!

Not your children. They only want a dog to play with and be their friend. But be assured that living with and sharing a dog with the rest of the family will teach your children some valuable lessons in gentleness and kindness to all living creatures.

Other adults in your nest don't want the responsibility of a dog either. Most of them are willing to help care for the dog, but you'll be the one to transform this creature into a loving, well-mannered member of the family.

And be assured that if you don't, the end result may be terribly unpleasant for everyone, especially the dog. It may even result in the ultimate solution for this dog you all love so dearly.

Finally, as the months and years roll on, you'll look at your dog one day and smile at him while remembering all the things you had to take into consideration before making a decision about getting a dog. That's the moment when you'll feel so proud of yourself for recognizing and accepting your responsibility in choosing this perfect dog.

In this column, I pay tribute to YOU for taking the time and caring enough to help people choose the right dog for their lives. May you all enjoy many years ahead.



Charlotte Schwartz <cdogteacher@aol.com>

# The Ever-Expanding Dog Library

## Training Books “To Go”

*New Ideas, E-Books?*

*By Caroline Hunt*

If you haven't tried e-books yet, now's the time. In their earlier years, e-books tended toward either the classic (British and American literature long out of copyright, hence cheap to reproduce) or the best-selling (thrillers commanding a premium markup and thus a safe profit). Most e-books were available only for use with a personal computer (notably through Project Gutenberg). Now you can buy e-books on just about any subject – including dog training, and you can take them with you on a dedicated device, on an I-Pad, or even on your smartphone.

First, some background for those who are new to this way of reading. In order to read an e-book, you need to download it to some kind of device. As with so many things electronic, the companies that make those gadgets don't like to make them compatible with anyone else's; thus, you often can't read Company A's book on Company B's reader, or vice versa. For most of us, there are two main responses: either go with the device that has the biggest selection, or buy or otherwise obtain your e-books in such a way that you can transfer them from one mode to another.

Dedicated readers: leading contenders include Amazon's Kindle, Sony's Ebook Reader, and the Barnes and Noble Nook. Of these, the Kindle has the biggest sales, the most books available, and by far the easiest delivery system: just order a book right from the screen, and it is instantly delivered by the same technology that you use for cell phone calls. (You can also put Kindle texts on your BlackBerry with a simple app.) Multipurpose readers would comprise personal computers of various types, plus devices such as the iPad (and its relatives, the iPhone and iPod).

How should you experiment? I'd recommend two approaches: first, take a look at the books you might want to take along when you're away from your home reading environment. Then check into which devices and delivery systems will give you those books. Let's take, for instance, lightweight entertaining fiction with dog characters. You can find mysteries by Susan Conant (Dog Lovers Mysteries), Sue Henry (Alaskan sled dogs), Melanie Harris (Poodles),



Cynthia Baxter (veterinarian), Judi McCoy (dog walker), and more. I have all of these, and far too many other “beach books,” on my Kindle; when at a motel the night before an obedience or rally competition, I like a light, relaxing read. The Kindle is my choice because I can also read newspapers or other texts that I've stored, or quickly buy the next volume in a series if I get to the end of the current one.

The Kindle, though quick and easy (no downloading, clicking, etc.) has a big disadvantage for dog people—it's not good for graphics. Everything is black and white on light, pearl-like grey electronic “paper,” so if you're interested in a training book with a lot of color illustrations, you need to look elsewhere. The iPad will handle color and even multimedia, but its selection of titles at this point is much smaller—and, perhaps inevitably, less oriented toward dog trainers. In addition, whole publishing houses are unrepresented in the iBookstore if they could not come to terms with Apple on a price point. This situation will probably improve. The iPad itself is so dazzling that you may want to experiment with its books, particularly those with heavy graphics.

Meanwhile, you can download quite a few books in PDF format onto your computer – then, often, copy them elsewhere. The place to experiment with these moves would be Dogwise. Yes, that's the same Dogwise that already carries almost any dog training book you could ever want and even gives NADOI members a discount. Why start here? Simple: Dogwise offers a choice of formats. Books



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*Continued on next page*

**Training Books:** from page 5

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## FORWARD

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