DOG BITES YOUR ULTIMATE LEGAL GUIDE



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INTRODUCTION

WHEN MAN'S BEST FRIEND BITES BACK



Dogs are often referred to as man's best friend, but what happens when that loyalty takes a bite out of trust?

In Florida, dog bite incidents are on the rise, creating a unique set of challenges for victims, dog owners, and their communities. Whether you're a seasoned dog lover or someone recovering from an unexpected encounter with a canine, understanding your rights and responsibilities is essential.

Florida's warm climate and active communities make it a haven for dog lovers. Yet, this also means more opportunities for interactions—and not all of them end with tail wags and belly rubs. Recent reports show a notable increase in dog bite incidents, with both adults and children frequently affected. From playful nips gone wrong to severe attacks, these situations often escalate into complex legal matters.



A Guide for Everyone

This guide isn't just for victims—it's for dog owners too. After all, responsible pet ownership is the first step in reducing dog bite incidents. Whether you're seeking justice after an attack or looking to understand your obligations as a dog owner, this book is designed to offer practical advice, legal clarity, and a path forward.

So, let's dive in together—whether you're here to protect your rights, your furry friend, or both, this guide will ensure you're well-prepared to handle whatever challenges come your way. After all, when man's best friend bites back, understanding the law is the first step toward resolution.



CHAPTER 1:

UNDERSTANDING FLORIDA'S DOG BITE LAWS

Florida's dog bite laws are among the strictest in the United States, aiming to protect victims and ensure accountability for dog owners. From statutory strict liability to local leash ordinances, understanding these laws is essential for anyone involved in a dog bite case—be it the victim or the pet owner.

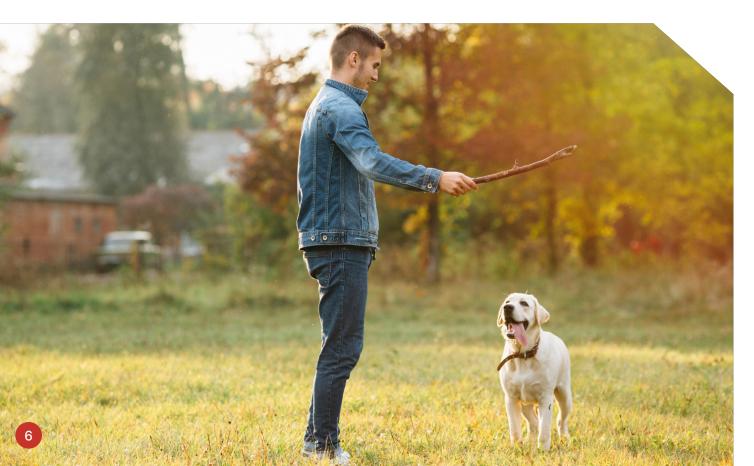




Strict Liability for Dog Owners: Florida Statute § 767.04

Florida follows a strict liability rule for dog bite incidents, meaning that a dog owner is held legally responsible for injuries caused by their dog, regardless of the dog's prior behavior. Under Florida Statute § 767.04, owners can't use the defense that their dog had never bitten anyone or shown aggressive tendencies before. In other words, even "good dogs" can land their owners in legal trouble.

However, this law also requires that the victim was lawfully in the place where the bite occurred. For instance, if the victim was invited onto the property or was in a public space, the owner is liable. On the flip side, trespassers or those provoking the dog may find it a bit harder to claim compensation.





Negligence and Exceptions: When Owners Might Not Be Liable

While strict liability applies in most cases, there are a few exceptions:

Provocation: If the victim provoked the dog, such as by teasing

or harming it, the owner's liability may be reduced

or eliminated.

Trespassing: Dog owners are generally not liable if the victim

was trespassing on their property at the time of

the bite.

Warning If a

Signs:

If a dog owner has posted clear warning signs

such as "Beware of Dog" on their property, and

the victim ignores them, the owner's liability might

be mitigated. However, this defense does not

apply if the victim is under six years old.

These exceptions demonstrate the nuanced nature of Florida's dog bite laws,

making it essential to consider the specific details of each case.

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Leash Laws and Local Ordinances

While Florida's state laws govern dog bite liability, local leash laws and ordinances add another layer of responsibility for dog owners. Many cities and counties across Florida require dogs to be restrained or leashed in public spaces.

FOR INSTANCE:

- > In **Miami-Dade County**, all dogs must be on a leash in public unless they are in a designated off-leash area.
- In **Tampa**, leash laws extend to private property if the dog has access to areas where the public might enter.

Violating leash laws not only increases the likelihood of an incident but may also strengthen the victim's claim in a dog bite case.

When the Victim Shares Fault: Comparative Negligence

Florida follows a comparative negligence rule, which means that if the victim shares some responsibility for the incident, their compensation can be reduced by their percentage of fault.



FOR EXAMPLE:

- If the victim ignored warning signs or entered a gated area without permission, they might be found partially at fault.
- Suppose a court determines that the victim was 30% responsible for provoking the dog. In that case, their awarded compensation will be reduced by 30%.

Comparative negligence ensures that both parties are fairly assessed in dog bite cases, reflecting the shared dynamics of responsibility.





CHAPTER 2:

WHAT TO DO AFTER A DOG BITE

A dog bite can be a traumatic experience, leaving victims unsure of what to do next. Knowing the proper steps to take after a dog bite is essential for protecting your health, preserving evidence, and ensuring you can seek legal recourse if necessary. Let's break it down step-by-step!





Immediate Steps to Ensure Safety and Health

The first priority after a dog bite is your safety. Here's what you should do immediately:

01	Get to	Move away from the dog to avoid further injury.
	Safety:	If possible, secure the dog to prevent it from
		attacking anyone else.

02	Assess	Examine the bite for its severity. Minor bites
	the	may only break the skin, while severe bites can
	Wound:	damage muscles, tendons, or bones.

03	Stop the	Use a clean cloth to apply pressure to the wound
	Bleeding:	to control bleeding. Elevate the affected area, if
		possible.

04	Clean the	Wash the bite with soap and water for at least
	Wound:	5 minutes to reduce the risk of infection. Avoid
		using hydrogen peroxide, which can irritate the
		tissue

PRO TIP: Even if the wound looks minor, seek medical attention to rule out infections or complications like rabies or tetanus.



Documenting the Incident

Thorough documentation is critical for both medical and legal purposes. Here's what to gather:



Photos and

Videos:

Take clear photos of the wound, torn clothing, and the scene where the incident occurred.



Medical

Records:

Save all records, including initial treatment, follow-

up visits, and prescriptions.



Witness

Statements:

Collect the names and contact information of

anyone who saw the attack. Their testimony can

be invaluable.



Dog

Owner's

Information:

If possible, get the dog owner's name, address,

and phone number, as well as details about the

dog, like breed and vaccination history.

Remember, proper documentation strengthens your case and ensures you have evidence to support any claims you may file.



Reporting the Bite

In Florida, reporting a dog bite is not just a good idea—it's often a legal requirement. Here's how to proceed:

Contact Notify your local animal control agency about the

Animal bite. They will investigate the incident and assess

Control: the dog's history and vaccination records.

Inform Law Depending on the severity of the bite, you may

Enforcement: need to file a police report. This step is crucial for

creating an official record.

Follow Animal control may place the dog under

Up on quarantine to monitor for signs of rabies, especially

Quarantine: if the dog's vaccination status is unknown.

PRO TIP: Be factual and concise when giving your statement to authorities. Avoid making assumptions about the dog or owner.



Importance of Seeking Medical Attention and Rabies Risk Assessment

Dog bites can lead to serious health complications, including infections, nerve damage, and diseases like rabies. Here's why medical attention is critical:

✓ Rabies Risk: If the dog's vaccination status is unknown, your doctor

may recommend a post-exposure prophylaxis (PEP)

treatment to prevent rabies—a fatal disease if untreated.

✓ Infections: Dog bites often introduce bacteria into the wound, such

as Pasteurella or Staphylococcus, which can lead to

cellulitis or sepsis if untreated.

✓ Tetanus Risk: If it's been more than 5 years since your last tetanus shot,

you may need a booster.

Seek medical care immediately and follow all recommended treatments to avoid long-term complications. Prompt attention also creates a clear record of your injuries, which can be vital in a legal case.

Key Takeaway: After a dog bite, acting quickly and strategically is crucial. From ensuring your safety to documenting the incident and seeking medical care, these steps not only protect your health but also strengthen your position should legal action become necessary.



CHAPTER 3:

THE ROLE OF INSURANCE IN DOG BITE CASES

In many dog bite cases, insurance plays a central role in compensating victims for medical expenses, lost wages, and emotional distress.

Understanding how insurance coverage works in Florida can help you in the claims process, ensuring you receive the compensation you deserve. Let's break it down!





Homeowners and Renters Insurance: Coverage Basics

In Florida, most homeowners' and renters' insurance policies include liability coverage for injuries caused by the policyholder's dog. This coverage typically applies whether the incident occurs on the owner's property or in another location, such as a park or a neighbor's home.



Medical

Payments:

Many policies offer medical payment coverage for minor injuries, regardless of fault, up to a specified limit (e.g., \$1,000–\$5,000).



Liability

Coverage:

If the dog owner is found liable for the bite, their policy may cover expenses such as medical bills, lost wages, and pain and suffering, up to the policy's limit (often \$100,000 or more).

PRO TIP: Request the dog owner's insurance information as part of the documentation process. This will be crucial for filing a claim.



Exclusions: Breeds Often Excluded from Coverage

While insurance policies may cover most dog bite incidents, certain breeds are often excluded due to their perceived risk. Some insurers maintain lists of "restricted breeds" that they consider high-risk. Commonly excluded breeds may include:

- > Pit bulls
- > Doberman pinschers
- > Rottweilers
- German shepherds

If the dog involved in the bite belongs to a restricted breed, the owner's policy may not provide coverage. However, this does not absolve the owner of liability; they may still be personally responsible for damages.





Filing a Claim with the Dog Owner's Insurance Provider

Once you have the dog owner's insurance information, follow these steps to file a claim:

Notify the Insurer:

Contact the insurance company and inform them of the incident. Be prepared to provide details such as the date, time, and location of the bite, along with medical documentation and witness statements.

O2 Submit Supporting

Evidence:

Include photos of the injuries, medical bills, and any reports from animal control or law enforcement.

Cooperate with

The insurance company may conduct its own investigation. Be factual and concise when providing information.

Investigations:

PRO TIP: It's wise to consult an attorney before giving a recorded statement to the insurer, as they may attempt to minimize the payout.



What Happens When Insurance Isn't an Option?

In cases where the dog owner's insurance does not cover the bite—either due to policy exclusions or lack of insurance—you still have options:

Personal

The dog owner may be held personally liable

for your damages. This can involve pursuing

compensation directly from their assets or wages.

Umbrella Some dog owners carry umbrella insurance policies that provide additional liability coverage beyond standard homeowners or renters insurance.

Victim In rare cases, local or state programs may offer Compensation financial assistance for victims of dog bites,

Programs: though these are not common in Florida.

If insurance is not an option, pursuing a personal injury lawsuit may be necessary to secure compensation. An experienced attorney can evaluate the best course of action based on the circumstances.



CHAPTER 4:

SEEKING COMPENSATION AFTER A DOG BITE

If you've been bitten by a dog in Florida, you're entitled to seek compensation for the physical, emotional, and financial damages you've endured. Florida law recognizes the significant impact a dog bite can have on victims and offers various avenues to recover losses.



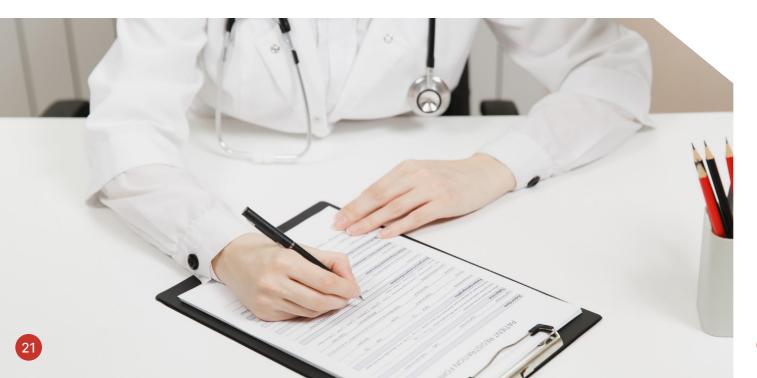


Medical Costs: Covering Immediate and Long-Term Expenses

Dog bites often lead to severe injuries, including puncture wounds, nerve damage, and infections like rabies. Compensation can cover immediate medical expenses such as:

- > Emergency room visits
- > Surgeries or stitches
- > Medications, including antibiotics and pain management

For severe bites, victims may also claim long-term medical costs, including physical therapy, reconstructive surgery, and ongoing treatment for scarring or disabilities.





Lost Wages and Future Earnings: Economic Stability Matters

A dog bite injury can disrupt your ability to work, resulting in financial strain.

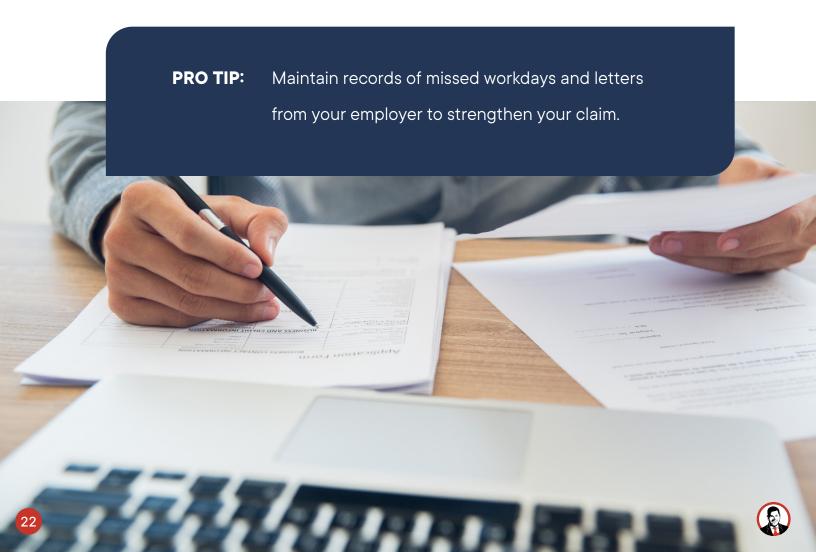
Compensation can address:

✓ Lost Wages: Income lost due to time off work for recovery.

✓ Diminished If the injury causes long-term disability, victims may seek

Earning damages for future lost income or career changes forced

Capacity: by physical limitations.



Pain and Suffering: Acknowledging Emotional Impact

Dog bites leave more than physical scars—they can cause lasting psychological harm, including anxiety, post-traumatic stress disorder (PTSD), or a lifelong fear of animals. Compensation for pain and suffering acknowledges the emotional toll of these experiences. While more subjective, this category is essential for fair restitution.

Punitive Damages: Addressing Owner Negligence or Malice

In rare cases, punitive damages may be awarded if the dog owner's behavior was particularly reckless or malicious. For example:

- > Allowing a known aggressive dog to roam freely
- Encouraging or failing to restrain a dog during an attack

These damages aim to punish the owner and deter similar behavior.

Key Takeaway:

Seeking compensation after a dog bite in Florida ensures victims can recover physically, emotionally, and financially. With the right legal support, you can claim what you deserve and rebuild your life with confidence.



CHAPTER 5:

DEFENSES DOGOWNERS MAY USE

While Florida law generally holds dog owners strictly liable for bites under Florida Statute § 767.04, owners may assert certain defenses to reduce or eliminate their liability. Understanding these defenses can help victims prepare for potential legal hurdles.





Provocation Defense: Was the Dog Provoked?

One of the most common defenses is that the victim provoked the dog.

Provocation could include actions such as teasing, hitting, or startling the dog.

For instance:

- > Pulling a dog's tail or ears
- > Taking food or toys away from the dog
- > Entering the dog's space without warning

If the owner can prove provocation, it may reduce or negate liability. Victims should provide detailed evidence, such as witness statements, to counter this defense.





Trespassing: Uninvited Guests Beware

Florida law recognizes that dog owners owe less duty of care to trespassers. If the victim was on the dog owner's property without permission, the owner might not be held liable for the bite. However, this defense has limits:

- Trespassing minors are often exceptions, as Florida law offers heightened protection for children.
- > The presence of visible warning signs, such as "Beware of Dog," may strengthen the owner's case.

Victims must prove they had a legitimate reason to be on the property to overcome this defense.

Comparative Negligence: Sharing the Blame in Florida

Florida operates under a comparative negligence system, meaning liability can be shared between parties. If a victim's actions contributed to the bite—such as ignoring warnings or entering a restricted area—their compensation may be reduced proportionately. For example:

> If the victim is found 20% at fault, their compensation is reduced by 20%.



CHAPTER 6:

DOG BITES AND CHILDREN: SPECIAL CONSIDERATIONS

Dog bites involving children often bring unique challenges and heightened stakes. Children, especially those under 10, are more likely to be bitten and tend to sustain more severe injuries than adults. Understanding the implications is crucial for parents pursuing legal action and fostering safety.



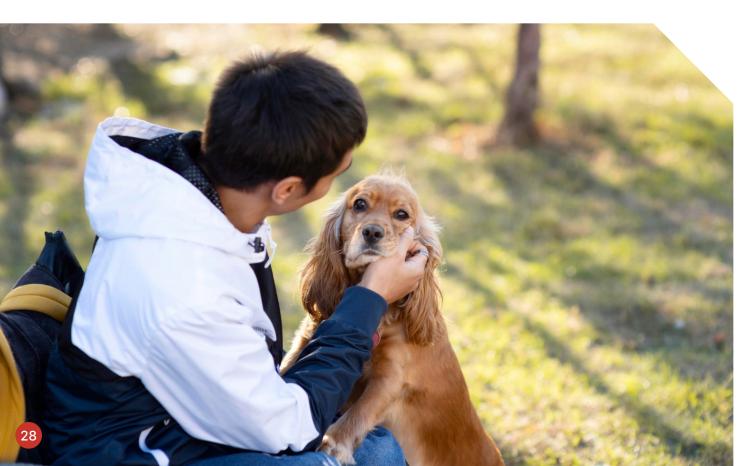


Higher Risk, Higher Stakes

Children are frequent victims of dog bites due to their size, behavior, and lack of awareness about animal body language. Common scenarios include:

- > Approaching unfamiliar dogs without caution.
- > Unintentionally provoking a dog by playing too rough.

Given their smaller stature, bites often target their faces, necks, and hands, leading to severe physical harm and emotional trauma. Medical care can include reconstructive surgeries and ongoing psychological treatment, significantly increasing the financial and emotional toll.





Emotional and Developmental Impacts

Beyond physical scars, dog bites can leave lasting emotional wounds, such as:

Post-Traumatic Stress
Fear of animals or generalized anxiety.
Disorder (PTSD):

✓ **Developmental delays:** Prolonged recovery can disrupt school and

social activities.

Therapy is often recommended to help children process their experiences and regain confidence.

Parental Rights and Responsibilities

Parents have the legal right to pursue claims on behalf of their children to recover damages, including:

- > Medical expenses (both immediate and long-term).
- > Emotional distress and pain.
- Potential loss of earning capacity if injuries result in lifelong disability.

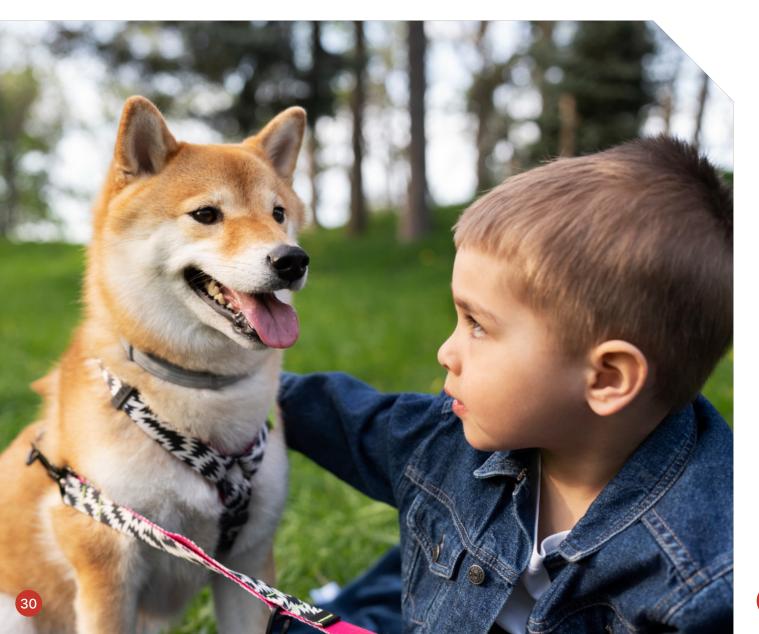
However, parents also bear the responsibility of preserving evidence, including medical records, photographs, and eyewitness accounts, to build a strong case.



Educating Children on Safe Dog Interactions

Prevention is the best protection. Teach children to:

- Always ask permission before approaching a dog.
- > Avoid sudden movements or loud noises around animals.
- > Recognize warning signs, like growling or a stiff posture of the dog.





CHAPTER 7:

PREVENTING DOG BITES IN FLORIDA

Preventing dog bites is a shared responsibility among pet owners, the public, and local authorities. By understanding dog behavior, implementing safety measures, and participating in community awareness, Florida residents can significantly reduce the risk of attacks.





Owner Responsibilities

Dog owners play the most critical role in preventing bites. Key responsibilities include:

Socialization: Expose dogs to different environments, people,

and other animals early on to reduce fear and

aggression.

Training: Teach basic commands such as "sit," "stay,"

and "leave it." Enroll in professional obedience

training if needed.

Leash and Always keep dogs on a leash in public spaces.

control: Florida law mandates strict liability for owners

whose dogs attack unprovoked, emphasizing the

importance of controlling pets at all times.







Recognizing Warning Signs

Understanding dog behavior is vital for avoiding bites. Common warning signs include:

Growling or Clear indications of discomfort or

snarling: aggression.

Stiff body A rigid stance or raised hackles may signal

language: tension.

Avoidance Dogs that turn away, hide, or retreat should not

behavior: be pursued.

Teaching children and adults to recognize these signals can prevent dangerous encounters.





Public Safety Initiatives

Florida has implemented various programs to promote awareness and responsible pet ownership:

Local Many counties enforce leash laws,

ordinances: vaccinations, and pet licensing to ensure

accountability.

Education Organizations like the Florida Animal Control

campaigns: Association conduct workshops and distribute

resources on safe dog interactions.

Community Free or low-cost vaccination and spay/neuter

outreach: clinics reduce stray populations, a significant

source of dog bite incidents.

Key Takeaway: Dog bite prevention starts with responsible

ownership, informed behavior, and community

involvement. By staying vigilant and fostering

awareness, Floridians can create safer

environments for both pets and people.



CHAPTER 8:

DOG BITES RESULTING IN FATALITIES: LEGAL IMPLICATIONS AND REMEDIES

While dog bites often result in non-fatal injuries, there are tragic cases where attacks lead to fatalities. Florida law takes these incidents extremely seriously, and the legal remedies differ significantly when a death occurs.





Wrongful Death Claims

Under Florida Statute § 768.16–768.26, the Florida Wrongful Death Act allows the surviving family members of a deceased victim to pursue a claim against the dog owner. A wrongful death lawsuit aims to provide compensation for the loss of a loved one due to negligence.

Key elements of a wrongful death claim in dog bite cases:

Negligence of

Establishing that the owner's lack of control,

the Dog Owner: failure to secure the dog, or violation of leash

laws contributed to the attack.

Causation:

Proving the dog bite directly caused the

victim's death.

O3 Damages:

Families can claim compensation for:

- Medical expenses incurred before death.
- Funeral and burial costs.
- Loss of income and financial support.
- Pain and suffering endured by surviving family members.





Criminal Liability

In extreme cases where gross negligence or intent is proven, the dog owner may also face criminal charges under Florida Statute § 767.13. If a dog previously declared dangerous causes a fatality, the owner may be charged with a third-degree felony, punishable by up to 5 years in prison and significant fines.

Steps for Families

> Immediate Report the incident to law enforcement and

Action: animal control.

> Preserve Collect witness statements, photos, and any prior

Evidence: complaints about the dog's behavior.

Consult an Specialized legal guidance is crucial for navigating

Attorney: wrongful death claims and securing fair compensation.

A Compassionate Approach

Losing a loved one to a dog bite is a devastating experience. We're committed to helping families seek justice while providing the support and compassion they need during such a difficult time.



CHAPTER 9:

THE LEGAL PROCESS FOR DOG BITE CLAIMS

Going through the legal process for a dog bite claim can feel overwhelming, but understanding the steps involved can empower you to seek justice.

Florida law provides victims the right to recover compensation for their injuries, and a structured approach can make this journey less daunting.





Filing a Claim: Timeline and Necessary Documentation

The first step is initiating the claim. Here's how:

Timeline:

In Florida, the statute of limitations for personal injury claims, including dog bites, is generally TWO years from the date of the incident. Acting quickly ensures evidence remains fresh and accessible. (If you or a loved one were bitten BEFORE March 24, 2023, you may have some extra time to file a claim. It's best to contact an attorney quickly to discuss your case.)

Documentation: Collect and organize the following:

- Medical records and bills.
- Photographs of the injuries and the location where the bite occurred.
- Witness statements and contact information.
- Incident reports filed with animal control or law enforcement.





Working with Attorneys Specializing in **Personal Injury**

A skilled personal injury attorney plays a vital role in dog bite cases. They:

- ✓ Assess your case's merits and advise on the best course of action.
- Gather evidence, interview witnesses, and liaise with insurance companies.
- Calculate a fair compensation amount, factoring in medical expenses, lost wages, pain, and suffering.
- Negotiate with the opposing party to avoid unnecessary litigation.



Settlements vs. Trials: Pros and Cons of Litigation

01

Settlements:

- ✓ Faster resolution and less costly.
- Confidential and avoids public scrutiny.

02

Trials:

- Potentially higher compensation.
- Allows your story to be heard but involves more time and stress.

Courtroom Expectations

If the case goes to trial:

- Expect testimony from medical experts, witnesses, and possibly dog behavior specialists.
- Your attorney will handle legal arguments and cross-examinations, advocating for your rights at every step.



How Personal Injury Attorney in Florida Can Help You?

An experienced attorney streamlines the process, ensuring you don't miss critical deadlines or undervalue your claim. They'll protect you from insurance tactics, offer guidance on settlement decisions, and represent you zealously in court if needed.

Key Takeaway:

With the right legal support, you can focus on healing while your attorney handles the complexities of your case, ensuring you achieve the justice and compensation you deserve.



CHAPTER 10:

FAQSABOUT DOGBITES IN FLORIDA





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1. What Should I Do Immediately After a Dog Bite in Florida?

Start by prioritizing your safety and health:

- > Wash the wound with soap and water.
- Seek medical attention promptly to address potential infections or rabies risks.
- Document the incident with photos, witness information, and a detailed account of the event.
- > Report the bite to animal control or local law enforcement.

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Who Is Liable for a Dog Bite in Florida?

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Florida operates under strict liability laws, meaning dog owners are typically responsible for injuries caused by their dog, even if the dog has no prior history of aggression. However, exceptions may apply if the victim was trespassing or provoking the dog.

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How Long Do I Have to File a Dog Bite Lawsuit in Florida?

In Florida, the statute of limitations for personal injury claims, including dog bites, is generally two years from the date of the incident. Acting quickly ensures evidence remains fresh and accessible. (If you or a loved one were bitten before March 24, 2023, you may have some extra time to file a claim. It's best to contact an attorney quickly to discuss your case.)

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Will Homeowners Insurance Cover a Dog Bite Claim?

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Yes, many homeowners' and renters' insurance policies cover dog bite claims. However, some policies exclude coverage for certain breeds or if the owner fails to disclose their pet to the insurer.

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Can I Still Recover Compensation if I Was Partially at Fault?

Florida follows a comparative negligence rule. If the court finds you partially at fault (e.g., provoking the dog), your compensation may be reduced proportionately. For instance, if you're found 20% at fault, your recovery amount decreases by 20%.



Q.

A.

What Types of Compensation Can I Receive for a Dog Bite?

Victims may recover:

- Medical expenses: Immediate and future costs related to treatment.
- Lost wages: Including diminished earning capacity if the injuries are severe.
- Pain and suffering: Emotional trauma, scarring, and longterm psychological effects.
- Property damage: For items damaged during the incident, such as clothing or personal belongings.

PRO TIP: Each dog bite case is unique. Consulting with an experienced Florida dog bite attorney ensures you understand your rights and pursue the maximum compensation you deserve.



TAKE CONTROL OF YOUR RECOVERY TODAY!

Facing a dog bite incident in Florida can feel overwhelming, but with the right knowledge and support, you can take control of the situation and protect your rights. From understanding Florida's strict liability laws to seeking appropriate compensation, this guide empowers you to make informed decisions and act confidently.

Remember, every step you take—from documenting the incident to consulting legal experts—brings you closer to justice and recovery. Whether you're dealing with medical expenses, emotional trauma, or legal complexities, don't hesitate to reach out for help.

Stay Protected, Florida! Defend Your Rights and Seek Justice Today with JustCallMoe!



A FINAL WORD

Anytime you have a legal question, especially after experiencing a dog bite incident, we encourage you to call us. At JUST CALL MOE, we take the time to listen, guide, and ensure you know your options.

Don't let insurance companies or the complexities of Florida's dog bite laws add to your stress. We are here to fight for your rights and help you secure the compensation you deserve—whether it's for medical bills, lost wages, emotional trauma, or any other damages.

If you're facing challenges like denied claims, underpaid settlements, or unclear legal avenues, we are committed to exploring every possible resource to obtain what you are entitled to. Our firm has successfully resolved complex cases and provided fair outcomes for countless clients and their families.

Even if your concern isn't one we typically handle, call us. Over the years, we've built strong relationships with trusted attorneys across various specialties. If we can't take your case, we'll connect you with someone who can.

Let us take the legal burden off your shoulders, so you can focus on recovery. When it comes to protecting your rights and securing your future, we are here for you every step of the way.

Call us today—because your safety and justice matter.





Moe DeWitt

