

# Opinion: Law governing loss of pet dog needs to change

By Kenneth Newman

Is the loss of a pet is akin to the loss of furniture, a computer or a car?

As a 33-year veterinarian and author of "Meet Me at the Rainbow Bridge", I have proposed a law that answers this question. Gracie's Law recognizes the emotional bond between pet and owner by entitling the owner of a pet killed through an act of malice or negligence to \$25,000 in damages.

It's time we change the laws to more accurately reflect what pets mean to the average American.

Gracie's Law would not supersede current laws which entitle owners to the property value of their pet. And it would not replace criminal prosecution for acts of malice. And owners who decline a recommended veterinarian procedure to save a pet would not be held accountable under the law, he says.

My dog Gracie was killed in April 2008 when a negligent driver backed up 25 yards without looking, crushing me and Gracie between two vehicles. I escaped with a broken leg; Gracie saved my life.

An attorney looked me in the eye and said that my dog was a piece of property, that I wasn't entitled to anything for the dog, and that this was a simple broken-leg case.

In every state, laws view pets as property. Owners are entitled to no more than replacement value; no law takes into consideration the loss of companionship, grief, or pain and suffering.

That doesn't jibe with Americans' attitude toward their pets.

According to an American Animal Hospital Association survey, 90 percent of owners consider their animals part of the family.

### **Other findings:**

- 52 percent of Americans would rather be stranded on a deserted island with their pet than with another person.
- 83 percent call themselves “mommy” or “daddy” in reference to their pet.
- 59 percent celebrate their pet’s birthday.

### **Cases involving pet owners’ bonds are increasingly showing up in the courts:**

- Matrimonial law: Attorneys have experienced a 23 percent increase in pet cases, according to the American Academy of Matrimonial Lawyers. This includes custody battles over pets, veterinarian bills and visitation rights. Harvard now has a course dedicated to pet law.
- The North Carolina Court of Appeals: While the plaintiff’s wrongful death lawsuit was denied, animal activists applaud a judge’s willingness to at least hear a case involving a Jack Russell terrier that died while undergoing tube feeding at a state facility.
- Texas justice: On Nov. 3, 2011, Fort Worth’s 2nd Court of Appeals ruled that value can be attached to the love of a dog. That overruled a 120-year-old Texas Supreme Court case, which held that plaintiffs can only recoup the market value of their pets.
- Largest award: In April, a Denver judge awarded Robin Lohre \$65,000 for the death of her dog, Ruthie. Lohre had accused Posh Maids cleaning service of negligence for allowing the dog to get outside, where it was hit by a car. Newman notes this sets a new precedent for pet value, but that such uncapped

awards may threaten affordable veterinary care.

*Kenneth Newman graduated from Purdue University with a doctor of veterinary medicine degree in 1979, and has since been a practicing vet.*