

... *And Let Slip the Dogs of Law*

Office Canines Fetch Praise

By **Bob Anderton**

Should you have a dog in your office? The issue may be more complicated than it appears. For years, the mere idea of an office dog would have been summarily dismissed as inappropriate. Today, with increasing awareness of disability and positive workplace environments, more offices have canine members.

At a minimum, an office dog must be friendly and calm. F. Dayle Anderson tells a story of working for another lawyer who allowed his show dogs to roam through his office. One day, while adding up receipts, his bookkeeper/wife noticed a shortage of several hundred dollars and became concerned about a theft. The issue was resolved when she saw one of their dogs "defecating hundred dollar bills." Clearly, those were not office-ready dogs.

Your clients' and other visitors' backgrounds also should be considered. Glenn E. Tanner has a 12-year-old Weimaraner that has accompanied him to his office for years. One day he found three large men cowering in the corner of his reception area with a chair between them and the dog, who largely ignored their behavior. It turns out these potential clients were recent immigrants who saw dogs as dirty animals kept for security.

This type of incident can be avoided by keeping an office dog out of public areas unless all who might be there are dog friendly. At my office, Stan, a Border Collie-Irish Wolfhound mix, stays in my private office where others often visit him. D. Jill Hawkins, an attorney in the suite, says that Stan "definitely has lowered my blood pressure on occasion."

Gene Brandzel, who practices with Doc, a Basset Hound, always asks new clients whether they have an allergy to dogs and has yet to find someone who said yes. While this may be true, an attorney in my suite is genuinely allergic to dogs. Keeping Stan in my private office, rather than allowing him to roam free, also reduces allergy issues.

Helping Paws

Dogs can help in ways you might not think. Jeffrey Herman tells of mediating a case with Judge Terry Carroll where both sides were angry and about to walk out. Carroll called the attorneys into his office where Josie, his yellow Lab, was lying on a rug and looking friendly. Both attorneys petted the dog and calmed down, eventually settling the case. Herman is convinced that the dog did the trick. His opposing counsel, Ruth Nielsen, says that, had she known the dog helped him "see reason," she would have "sent the dog a box of biscuits the next day." Carroll says simply, "Good dogs can bring out the best in people."

Nielsen has two dogs of her own that she brings to her office on Lake Union where she has a deck. Unless she knows that visitors are dog lovers (like her court reporter and postal carrier), the dogs stay out on the deck.

Rebecca Wiess says there are two dogs, Sydney and Stormy, in her small office building that visit her regularly. She notes, "Sydney is a great baby-sitter for children of clients" and "both dogs soften up clients and attorneys alike."

Michelle Farris has two dogs (small ones) that sleep under her desk. She believes her dogs have a calming effect on her clients. My dog, Stan, has assisted more than one fearful client through depositions by lying under the conference room table and acting as a foot warmer.

Lease Prohibitions

While commercial leases often forbid animals, there is little doubt that these prohibitions do not apply to service animals "unless that place of public accommodation can show that the presence, behavior or actions of that dog guide or service animal constitutes an unreasonable risk of injury or harm to property or other persons."¹

to a person with a disability.³ On the other hand, the Washington Court of Appeals has said that there "must be some evidence of individual training to set the service animal apart from the ordinary pet."⁴

Training

The Delta Society trains dogs for therapy and to serve individuals with disabilities. Its "Pet Partners" program trains human volunteers and their therapy animals and provides Animal-Assisted Therapy (AAT). According to the Delta Society:

AAT is a goal-directed intervention in which an animal that meets specific criteria is an integral part of the treatment process. AAT is directed

and/or delivered by a health/human service professional with specialized expertise, and within the scope of practice of his/her profession.

AAT is designed to promote improvement in human physical, social, emotional, and/or cognitive functioning. AAT is provided in a variety of settings and may be group or individual in nature. This process is documented and evaluated.

Having a dog at work, even a registered therapy dog, in most circumstances would not qualify as AAT. However, it might qualify as AAA, or Animal Assisted Activities. Again, according to the Delta Society:

AAA provides opportunities for motivational, educational, recreational, and/or therapeutic benefits to enhance quality of life. AAA are delivered in a variety of environments by specially trained professionals, paraprofessionals, and/or volunteers, in association with animals that meet specific criteria.

In other words, AAA means trained animals visiting with people. A well-trained dog can calm a fearful client or relax and focus a stressed-out lawyer. But with AAA, there is no specific therapy program tailored to a particular person or medical condition.

Delta Society training may be a good idea for an office dog. There also are other programs, including the AKC's Canine Good Citizen. However, animal lawyer Adam Karp points out that "the Delta Society and AKC do not own the market on what defines a 'trained' dog."

While office dogs may not need formal training, they must be well behaved, and as for dogs that eat cash, they may be better left at home . . . or someone might trade them for a boat. ■



Josie the mediator dog looking alert.



Stan the office dog ready to provide therapy

There must be a genuine risk caused by a service animal. "Annoyance on the part of staff or other customers of the place of public accommodation at the presence of the dog guide or service animal is not an unreasonable 'risk to property or other persons' justifying the removal of the dog guide or service animal."² WAC 162-26-040(2) defines a "service animal" as "an animal that is trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability."

One court has ruled that there "is no requirement as to the amount or type of training a service animal must undergo" nor is there a "requirement as to the amount or type of work a service animal must provide"

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¹ WAC 162-26-135(1).

² WAC 162-26-135 (2)(b).

³ *Green v. Housing Authority of Clackamas County*, 994 F. Supp. 1253, 1256 (1998).

⁴ *Timberline Mobile Home Park v. Washington State Human Rights Commission*, 122 Wn. App 896, 902, 95 P.3d 1288 (2004).