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Clifford Law Offices Offers Free Article on Zoo Liability

Zoo liability is the subject of a new article now available free from Clifford Law Offices. The Chicago law office is posting many legal articles on their website. An introduction is provided, with a link to the full article.

Chicago, IL ([PRWEB](#)) March 4, 2008 -- Zoo liability is the subject of a new article now available free from Clifford Law Offices. The Chicago law office is posting many legal articles on their website at <http://www.cliffordlaw.com>.

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Americans were saddened and horrified when hearing of the three teens who were attacked on Christmas Day, one of them fatally, by a 25-pound Siberian tiger at the San Francisco zoo. The death marked the first time a visitor had been killed at an accredited zoo in America.

The family of the young injured men hired famed West Coast attorney Mark Geragos who charged that zoo administrators knew that the 12-foot-five-inch wall containing the tiger habitat is nearly four feet below industry recommendations and "couldn't hold a house cat."

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Robert A. Clifford examines the liability of zoos and considerations of governmental immunity considering many of them are owned or operated by municipalities or park districts. He also looks into what zoos can do to make it safer for the public. A link to the full article is below.

[To view the entire article, click here.](#)

"These articles help educate people about legal issues such as zoo liability", says Robert A. Clifford, Founder.

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Zoo Liability

Clifford's Notes, Chicago Lawyer, 03/01/2008

By Robert A. Clifford

Americans were saddened and horrified when hearing of the three teens who were attacked on Christmas Day, one of them fatally, by a 250-pound Siberian tiger at the San Francisco Zoo. The death marked the first time a visitor had been killed at an accredited zoo in America. The family of the young injured men hired famed West Coast attorney

Mark Geragos, who charged that zoo administrators knew that the 12-foot-five-inch wall containing the tiger habitat is nearly four feet below industry recommendations and “couldn’t hold a house cat.”

The zoo already is facing a lawsuit by a zookeeper who was attacked last year by that same tiger, Tatiana, while the employee fed her. That zookeeper accused the city of San Francisco, which owns the zoo property, of housing the tigers with “reckless disregard for the safety of animal handlers and members of the general public.”

Nine days after the Christmas Day attack, the zoo reopened and visitors found workers with jackhammers installing glass panels that raised the height of the tiger walls to 19 feet. The big cats were kept indoors until the outdoor enclosure improvement was completed.

I have heard callers on radio talk shows in Chicago argue that all visitors to zoos must feel safe, and predatory wild animals certainly should never be allowed to escape. Although these listeners will not be part of Geragos’ jury pool, I think back to the famous 1996 incident where a three-year-old boy tumbled into the gorilla habitat at Brookfield Zoo. Captured on home video, Americans watched the female gorilla cradle the unconscious boy, protecting him from other gorillas as she brought him to her trainers. Brookfield Zoo touts on its website that the gorilla, Binti, was raised, coincidentally, at the San Francisco Zoo but because she was never fully accepted by the other gorillas in California, a decision was made to move her to Brookfield Zoo for socialization and breeding purposes.

San Francisco’s zoo, like many others, is owned by a municipality or, like Lincoln Park Zoo, are operated by the park district. Most cases against zoos are premises liability claims, not animal attacks, although Lincoln Park Zoo was in the news in 2006 for paying a fine to the U.S. Department of Agriculture, in part, for a gorilla attack on a zookeeper.

Courts have recognized that because cities do not have a duty to establish a park or zoo, when it does undertake to house ferocious animals, it must be held to a strict duty of keeping them safely. *Byrnes v. City of Jackson*, 140 Miss. 656, 105 So. 861 (1925). A nine-year-old boy in Mississippi was mauled by a tiger after the animal reached under a cyclone fence and pulled the boy’s leg into the cage. The court found that the keepers of wild animals were absolutely liable for damages caused by that animal because of obvious public safety issues. *Burns v. Gleason*, 819 F.2d 555 (5th Cir.1987).

In Illinois, notwithstanding potential claims of tort immunity, courts have found where the public entity is engaged in a non-governmental function, such as operating a public arena, it is held to the same standard imposed on private parties in exercising a high degree of care toward its invitees to protect them against the likelihood of danger from

reasonably foreseeably attacks. *Comastro v. Village of Rosemont*, 122 Ill.App.3d 405, 461 N.E.2d 616 (1st Dist.1984). See also, *Roth v. Costa*, 272 Ill.App.3d 594, 650 N.E.2d 545 (1st Dist.1995).

Arguably, the Illinois Animal Control Act, 510 ILCS 5/16 (2008), should apply, which provides “[i]f a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages” for injuries. Cf., *Smith v. Lane*, 358 Ill.App.3d 1126, 832 N.E.2d 947 (5th Dist.2005).

Since the tiger escape on Christmas, a snow leopard at that same zoo ripped a small opening in its wire cage but an employee prevented its escape, and on another day workers had to shoot darts at a polar bear there in order to goad it back into its night enclosure. The Association of Zoos and Aquariums, which accredits zoos throughout the country, sent an inspection team to look into the specifics of these recent incidents.

San Francisco’s mayor is conducting a series of public hearings about the deadly tiger attack to examine the operations and safety of the zoo, as well as the protocol of the city’s emergency services department. The city’s Recreation and Parks Commission has been ordered to conduct an outside audit of the zoo’s safety procedures and policies, and the city has asked zoo officials to prepare a plan to improve security and emergency response as well as have the city controller audit the zoo’s finances and performance.

All of this review is good, but it is tragic that it took the death of that teenager to get officials to examine any deficiencies. Perhaps it will serve as a wake-up call for other zoos to do the same before another tragedy strikes.

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