



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## **We'll settle this medical malpractice case but only if there's no admission of liability**

It's a medical malpractice case and the defense wants to settle the case but before they do, they want it to be known that by settling this case, it is not an admission of liability. Do you want to know why they do that? Come join me for a moment as I share with you some great information.

Hi. I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. During the course of settlement negotiations, the defense decides they're going to make a substantial settlement offer and now we agree to accept that settlement offer, but as a condition of settling the case, they want it in the settlement papers, that by settling this case, this is not an admission of liability. Do you want to know why they do that? You would think just the opposite. You would think that if the defense, the doctor or the hospital, wanted to settle the case that basically they are admitting simply by virtue of the fact that they're willing to compensate the injured patient. That makes sense, right? If you did nothing wrong, why would you bother compensating the injured patient? So now, because they are willing to go ahead and compensate the injured patient, they want the world to know and anybody else to know, "Listen, by agreeing to settle this case and give this injured patient money, to compensate them for all the harms and all the injuries and damages that they suffered, we want everybody to know that we are not admitting liability."

That's important for a couple of reasons. Number one, let's say a couple of years down the road another injured patient sues the same doctor. Now, if and fact the doctor in the first case, in our case, had admitted liability and he recognizes and accepts the fact that he did

something improper and violated the basic standards of medical care, now in the second case, years later, they can use that admission of liability to show that this may be a pattern. That's a possibility. If and fact the doctor admitted liability in our case, the plaintiff's attorney in the other case is going to try and use that information, the sworn testimony, to show to his jury in that case, "Hey listen. This is a doctor. This is not his first rodeo where he's been in court. This is not the first time he's been found responsible where he has admitted, actually admitted, that he's responsible for causing harm to a patient."

That's the key reason why the defense does not want an admission of liability. Plus, if it gets out into the public that this case was settled, now people automatically assume that he did something wrong. The defense wants to go on record and tell the public, "Listen, if this matter gets out into the public realm, we want everybody to know this is not an admission of liability, of responsibility. Instead, it was a business decision to go ahead and negotiate this case rather than having the uncertainty of going to a jury verdict and not knowing what's going to happen."

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into how these cases work here in New York involving accident cases and medical malpractice cases, and even wrongful death cases in New York. I realize you're watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit but you have questions that needs to be answered, what I invite you to do is pick up the phone and call me. I can answer your legal questions. This is something I do every single day and I'd love to chat with you. You can reach me at 516-487-8207 or by e-mail at [Gerry@Oginski-law.com](mailto:Gerry@Oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a wonderful day.