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Your Settlement Offer is Insulting

How do you tell a defense attorney that his settlement offer is not only disgusting, but it's insulting? You want to know the answer? 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 in the state of New York.

The answer is you don't tell him politely. You tell him your offer is insulting. Your offer is disgusting. Let's say, for example, I think the case is worth one million dollars, and I make a settlement demand of 2 million dollars, and now the defense comes back with a settlement offer, and they build it up. They say, "Listen, this is a great offer. The insurance company has authorized me to give you this money. It's a fantastic settlement offer." What is it? \$25,000. \$25,000? This is a million dollar case, and do you think I'm going to sit there and say thank you so much for your kind offer, we'll consider it? The answer is absolutely not.

If I believe that this case is truly worth a million dollars, I'm going to come right out and tell the defense attorney, whether I'm good friends with him or not. I'm going to say your offer is disgusting. Your offer is insulting. We're done with this discussion, and unless you come back with a serious substantial offer, our discussions are over. Forget about negotiating. We'll take this to trial and let a jury determine how much this case is worth. When it comes to an offer, if the defense turns around, they start playing games by saying, "Oh, this is only our initial offer of \$25,000," against a demand of 2 million dollars, that tells me immediately that they're not serious. That tells me immediately that they have no interest in trying to settle this for an appropriate amount, and in fact it's just a token sum that they're saying let's play some games. Let's play some negotiation games. Here's a token offer of settlement. Let's see if they bite and take it.

The reality is no. We're not going to have those discussions. Either you're going to talk seriously about negotiating this case, or we're done negotiating. So, in my opinion, if the defense makes an insulting and disgusting offer, I'm going to come right out and with righteous indignation, turn around and tell them that offer is disgusting. You know that the appellate cases show that cases like these have values far in excess of a million and a half to 2 million dollars, and for you to come back with your insurance company saying you authorize only \$25,000 to settle, that's disgusting. If you're ready to come back and with a serious offer, call me. Otherwise, we have nothing to talk about. I'll see you at trial.

Why do I share this great information with you? I share it with you because this does happen from time to time, and in all likelihood you're watching this video because you have questions or concerns about your own particular matter. Well, if your matter did happen here in New York, and you're thinking about bringing a lawsuit, but you have questions that need to be answered, what I invite you to do is pick up the phone and call me. I can answer your legal questions. You know, this is something I do every single day, and I'd love to talk to you. You can reach me at 516-487-8207, or by email at Gerry@Oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.