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## If doctor does not agree to settle does it guarantee a trial?

It's a medical malpractice case and the defense attorney tells me that his client, the doctor, refuses to consent to settle. Does that guarantee we're going to go to trial and take a verdict? Do you want to know the answer? Come join me for a moment as I share with you some terrific information. Hi, I Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. It's a medical malpractice case and the doctor refuses to negotiate. Can he do that? The answer is, in some cases, yes.

Some doctor's insurance policies, older ones, allow them the opportunity to agree or disagree to begin negotiating. If a doctor has that type of insurance policy and now he says, "There is no way I'm negotiating, I do not consent that you can negotiate." Well, guess what? That means the attorney's hands are tied, that means that his insurance company's hands are tied, and that even if they want to try and negotiate to settle the case, they can't because the doctor now controls whether or not they begin negotiating.

Now, in this scenario, if the doctor refuses consent to begin negotiations, does that mean we're going to trial? Absolutely. Does that mean we're taking a verdict? Absolutely. Why don't I share this quick piece of information with you? I share it with you just to give you an insight and an understanding into what goes on in these medical malpractice cases here in the state of New York.

I realize you're watching this video because you likely 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 legal questions that you need answers to, what I invite you to do is pick up the phone and call me. I can answer your legal questions. You know, that's something I do every single day and

I'd love to chat with you. You can reach me at 516-487-8207 or by email at [gerry@oginski-law.com](mailto:gerry@oginski-law.com). That's it for today's video, have a wonderful day.