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Why Can't I Release Settlement Money Immediately in a Wrongful Death Lawsuit Here in New York?

In a wrongful death case here in New York where we've been successful in obtaining compensation for the surviving family members. Now, that money is sitting in my attorney escrow account. Why can't I immediately give it to you? Do you know the answer? Come join me for a moment as I share with you some great information. Hi! I'm Gerry Oginiski. I'm a New York Medical Malpractice and Personal Injury Attorney practicing law here in the state of New York.

Now, in a wrongful death case, there's a special court known as the surrogate's court. They're responsible for overseeing the estate of people who have died. Now, when we bring a wrongful death lawsuit and are successful in obtaining compensation for the surviving family members, what happens now is that that money has to be put into an attorney escrow account. That's a special trust account that the attorney has in order to preserve and hold on to that money until we get an order from the surrogate's court directing us to distribute that money the following way.

What do I mean when I say distribute the money in certain way? The surviving family members typically, it's a spouse and then you have children. The court makes a determination after submitting a number of different papers to them about how that money is to be allocated. The surrogate's court is going to determine and evaluate how that money is going to be distributed and there's specific rules that they follow in order to determine who gets the money and what share of the money. Is it shared equally? Are they all adult children? Are they all young children? Is there a spouse involved? All of those things come into play when the surrogate makes a decision about how that money is actually distributed.

When that money comes in from the insurance company as part of your settlement, that must go into the attorney trust account. Now, we would love the opportunity to go ahead and distribute it to the family but we can't by law. We have to wait for the surrogate's court to issue and order directing us and telling us exactly how this money is to be paid out to the different family members.

Why do I share this quick information with you? I share with you because this comes up in every single wrongful death case that we encounter. Why? Because it's been years and years from the time of the death and now after the litigation has been a couple of years, now the money comes in we're not sitting on it and now it takes even longer until the paperwork is processed and finally surrogate's court gives us the okay to go ahead and distribute that money.

I recognize and I realize you're watching this video because you have questions or concerns about your own particular matter. Well, if you're contemplating bringing the lawsuit and now you have questions that need to be answered first, what I encourage 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 email at Gerry@Oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.