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Do I tell the defense who my expert is?

In a medical malpractice case, as it gets closer to trial, I've taken the liberty of notifying my opponent, my adversary of which medical expert is going to be coming in to testify. But I do one thing that every attorney in New should be doing. I don't tell them who it is that I'm bringing in. Do you think it's possible for the defense to actually try and figure out who my expert is? 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 here in the State of New York. So now in every medical malpractice case, we are obligated to notify our opponent of which medical experts we'll be bringing in to testify. I have to tell them. I have to say listen, I'm bringing a qualified, a board-certified surgeon to testify. I'm bringing in a board-certified pathologist. I'm bringing in a board-certified radiologist.

Whoever it is that I'm bringing in, I have to tell them that we have hired and retained a board-certified doctor to testify. I'm also obligated to tell them what my expert will be talking about. There's no surprises here. I also have to tell them about the doctor's credentials. Where did the doctor go to medical school? Where did the doctor do his internship and residency? Where is the doctor licensed to practice medicine?

Why do I have to do that? Because there's no trial by ambush anymore. That went out years and years ago. But the most remarkable thing here in New York, is that we never tell our adversary who it is that we're bringing in. Now, you might be wondering, is there any way for the defense to actually try and learn and find out who my expert is? And the answer is, yes there is.

You plug that into a computerized database, and now it'll spit out a list of names. And you can whittle it down to determine and rule out exactly which ones it's not, and in order figure out which one it is. That's done every single day in every single trial that happens in the state of New York. You will find that we do the same exact thing when the defense tells us that they've hired medical experts to come in and testify.

What's the real purpose of trying to identify which expert it is? Because once we know who the doctor is, now each side is on a race, a race to find out is there any dirt on this doctor? Has the doctor testified before? Is there any trial transcripts or deposition transcripts of this expert that now we can look to see if he's going to contradict himself? So it becomes a race to learn as much as possible, and to dig up as much dirt as possible on each of these respective experts.

So why do I share this great information with you? I share it with you because you don't find many people talking about this, and I want you to learn how these types of cases work as you're trying to decide which attorney is right for you. More importantly, if you have questions about your particular matter, and your matter happened here in New York, and you're thinking about bringing a lawsuit but you've got questions 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 e-mail at gerry@oginski-law.com.

That's it for today's video. I'm Gerry Oginski. Have a wonderful day.