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Doctor, did you review any textbooks before testifying today?

This is remarkable. It was a medical malpractice case against the New York City Health and Hospitals Corporation. During a question and answer session known as a deposition, I asked the doctor whether he reviewed any documents or textbooks in preparation for my questioning him there that morning. You know what he said? He said, "Yes." I said, "Excellent. Show me what you reviewed." You should have seen the look on his attorney's face.

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. I had an opportunity to question a doctor in a case that we brought against a municipal hospital here in New York City. The legal organization that owns and maintains the municipal hospitals is called New York City Health and Hospitals Corporation. They hire attorneys, they have attorneys on retainer, to go ahead and represent them in these malpractice cases.

Now, when I had an opportunity to question this particular doctor who was involved in treating my client, one of the first things that I asked the doctor is, "Hey, Dr. Jones. By the way, have you reviewed any records in preparation for coming in here today?" Typically, the doctor will say, "Yes, I reviewed the patient's records," Many times I will also ask, "Doctor, have you reviewed any literature? Have you reviewed any textbooks in preparation, to refresh your memory about the medicine involved in this particular case?" In this instance, this doctor said, "Yes, I did."

Now, once he says yes, I have a legal right to ask him exactly what it was that he reviewed and then I have a legal right to demand to see every single one of those documents whether it's literature, whether it's an article, whether it's a blog post, whether it's a textbook, to see every single thing that he read and reviewed. I asked him, "Doctor, tell me what it was you reviewed in preparation for coming here today." He told me the patient's records and then he proceeded to give me a whole list of articles that he reviewed to prepare for this.

I said, "Doctor, did you bring those articles with you?" He said, "Yes, I did." You should have seen the look on his attorney's face. His attorney could not believe that the doctor answered affirmatively because she knew that the moment he said yes, I'm entitled to see every single one of those things. What did I do? I said, "Doctor, if you don't mind, show me each of the articles that you reviewed." One by one he pulled out of his briefcase every single article.

Now we temporarily stopped the proceedings, I made photocopies of each and every article, I took some time to review some of those articles and then I began to ask him questions about each of those articles and how those articles impacted his opinions and conclusions on whether or not appropriate treatment was rendered in this particular case. It certainly weakened the defense's argument that they did absolutely nothing wrong.

Why do I share this great information with you? I share it with you just to give you a sense of one instance where a doctor gave up a huge chunk of his defense. Why? Simply because he was not properly prepared for questioning during his question and answer session known as a deposition.

I realize 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 legal questions, 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.