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Doctor you sued was arrested. Can I cross-examine him about that at trial?

I learned during the course of your lawsuit involving medical malpractice that the doctor you have sued was arrested. Now when your case comes up for trial, can I go ahead and cross-examine this doctor on the fact that he was now arrested and the fact surrounding why he was arrested? You want to know the answer? Come join me as I share with you some terrific information.

Hi, I'm Gerry Oginski. I'm the New York Medical Malpractice and Personal Injury Attorney practicing law in the state of New York. The answer is no I can't! It's only if the doctor was convicted or pled guilty can I now use that information to cross-examine him to destroy his credibility at the time of trial. An arrest is simply an allegation by someone, that this person has committed a crime and now the police will arrest him and then it's up to the District Attorney to go ahead and prosecute him and if during the course of the prosecution now this doctor pleads guilty or is convicted by a jury, now I can use that information later on and here is how I would use it.

During the course of the doctor's pre-trial testimony, in your medical malpractice trial, I will ask the doctor if he's ever been convicted of a crime and if he says no, I can use that answer to show to the jury that the doctor lied during his pre-trial testimony and giving pre-trial testimony which is a question and answer session in the Attorney's office, that's the same as if giving testimony at the time of trial. They just happen to be giving it in the Attorney's office. So that's one way to use it.

Another way to use it is to show to the jury that this doctor was convicted of a crime and now I can get in front of the jury the surrounding facts of why this doctor was convicted. What was the crime? What punishment did he receive as a result of that and then I can make the argument to the jury that this doctor is not to be believed and now, even though he paid his debt to society, he still shouldn't be believed because he is a convicted felon and

now the jury can make up their own mind about whether or not to believe this particular doctor. Merely because the doctor has been arrested is not sufficient for me to go ahead and cross-examine him during the course of trial.

Why do I share this quick 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 realized you are 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 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 that's 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.