



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## **HOW TO COMPEL A DOCTOR TO COME TO COURT...SERVE HIM WITH A SUBPOENA**

Doctor, you're here today because of a subpoena that you received in your office. You're not here voluntarily, are you? You want to know why I might ask that question? Come join me for a moment as I share with you some terrific 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. It's a medical malpractice case and we are claiming that the doctor violated the basic standards of medical care.

You might be surprised to learn that one of the very first witnesses I'm going to be calling at trial will be the doctor that you have sued. Now, some people might say why would we do that? Why wouldn't we put on the injured patient first as well as our expert testimony and other witnesses to support our claim? One of the key reasons why I'm going to be putting on the doctor that you are suing as the very first witness is so that now, the jury can understand exactly what was done in the doctor's own words. That's part of the proof that we put on in order to show the jury that the doctor violated the basic standards of medical care.

If I've done everything right during the course of the pre-trial litigation process, I will have obtained information from the doctor during his deposition, pre-trial testimony that in his own words shows to the jury that if they believe that our set of facts are more likely true than not, then now the doctor will likely have agreed that not doing certain things was a violation from the basic standards of medical care.

That's a clear goal that I have when I question a doctor with pretrial testimony. Now as we're approaching trial, why would I serve a subpoena on the doctor that you have sued even though he's a defen-

dant, somebody who's been sued in this lawsuit? The reality is that I have to serve a document on this doctor to compel him to come to court.

I could always call the defense attorney and say, "Listen. I need your doctor to come in and testify as my first witness." In all likelihood he'll say, "Fine." Or he may turn around and say, "Listen. You need to serve a subpoena on my doctor because I can't tell him to come in and do this voluntarily."

If I have to serve a subpoena on the doctor, what's going to happen? I'm now going to tell the jury that this doctor isn't here voluntarily. Instead I had to compel him to come into court and this document, this subpoena is exactly the document that compelled him to come in on this particular day, at this particular time. Because he's not doing this voluntarily.

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've recognized and I understand you're watching this video because you likely have questions or concerns about your own particular matter. 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. This is 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](mailto:gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski, have a wonderful day.