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Hey Attorney Oginski, can you give me a copy of your client's medical records?

It's a medical malpractice case. Two weeks before the doctor is scheduled to give his pre-trial testimony, his attorney, the defense lawyer, calls me and says, "Hey, Gerry, I can't find your client's medical records for this particular doctor. Can you do me a favor? Make me a copy, send it over to me before the doctor's deposition?"

You want to know what I say in response? Come join me for a moment as I share with you exactly what I'm going to say.

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. Now, I will have an opportunity during the medical malpractice case where you are using a doctor, claiming that the doctor violated the basic standards of medical care, to question him in his pre-trial testimony in his attorney's office. That's known legally as a deposition or an examination before trial.

Now, before that takes place, the defense attorney will want to prepare the doctor about everything that went on and he will need copies of all of my client's records. Now, if he doesn't have a particular record, can he call me up and say, "Hey Gerry, I don't have your client's records. Can you make a copy and send it over to me?"

The answer is, "Yes you can," for two reasons: 1) I don't want to have to push that doctor's deposition, his pre-trial question-and-answer session back any more. I need that to go forward. 2) I have a legal obligation representing the injured victim, to give copies of whatever medical records I have to the defense attorney. They have a legal

right to see all of my client's medical records within a specific period of time.

Now, if I fail to give him that information, he's going to do two things. He's going to say, "Listen, I can't prepare my doctor to go forward with your question-and-answer session." That's #1, and #2: He's going to ask the court to intervene, claiming that I'm obstructing the discovery process and that I have an obligation to provide those records. You know what? He's absolutely correct.

Not only do we provide copies of my client's medical records so they can see exactly what problems she went through and what problems she's having today and what doctors she's seeing, but I also give them permission slips ... those are known as authorizations ... that they can send off directly to those doctors to get the records directly from them. Why do they do that? Because they don't trust them to give them accurate copies of the records that we obtained, so they'll go ahead and duplicate exactly what we did but now they'll get the records directly from the source so that now they'll have two sets, one that we gave them and then they compare it to the one that the doctor gave them.

Why do I share this great information with you. I share it with you just to give you an insight and a behind-the-scenes look at what goes on in these medical malpractice cases here in the state of New York.

You know, I realize you're watching this 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 legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know, 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!