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If I videotape doctor's deposition do I have to give a copy to the de- fense attorney?

In a medical malpractice case here in New York, if I videotape the doctor's deposition as pre-trial testimony as part of the lawsuit, do I have to give a copy of that videotape to the defense attorney? You want to know the answer? Come join me as I show 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. There are some instances where I will want to go ahead and videotape the doctor's pre-trial testimony. This way, I can use it at trial.

Let's say the doctor's elderly or he's sick. Now that testimony will be preserved. Rather than just relying on a transcript of questions that are asked and answers that are given, now the jury will actually have the opportunity to see and hear the doctor himself answer these questions. Let's say I got ahead and decide I want to videotape the doctor's question and answer session, which is given in his attorney's office. I will be the one questioning the doctor during the course of the lawsuit.

If I decide to have it videotaped, number 1, I have to notify the defense attorney that I'm going to do that. Then, I have to tell him who the video company is that we're to use. I also have to tell him who the court stenographer is who's going to be recording all the information. After this question and answer session is done, the videographer is going to put it together, give me a CD with the video on it. Do I have an obligation to provide a copy of that CD, that video, to the defense attorney? The answer is: yes, I do.

Even though I am the one who paid the expense to have the videographer there. Even though I'm the one who paid the expense to have the court reporter there. I have an obligation to provide copies of that to the defense attorney to that he can use that as well at the time of trial. Along those same lines, do I have an obligation to provide him with a copy of the transcript that the court reporter prepared? The answer is: yes, I do. Not only do I give him the transcript, I have to give him a copy of the video as well at my expense. If this were reversed and he wanted to do the same thing for my client and he wanted to videotape it, yes, he incurs the expense and yes, he has to give me copies of it as well.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in a medical malpractice case here in the state of New York. I realize you're watching this video because you likely have questions about or concerns about your own particular matter. If you're thinking about bringing a lawsuit and your matter did happen here in New York, but you've got legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know, I answer questions like yours every single day and I'd love the opportunity 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.