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## Why tell jury what our medical expert will say?

Why is it important to tell the jury on opening arguments in a medical malpractice trial what my medical experts are going to be testifying about? Do you want to know the answer? Do you think you know the answer? 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 here in the State of New York. Now, during a medical malpractice trial it's my turn to make opening argument. The judge has just given preliminary instructions to the jury and the judge turns to me and says, "Mr. Oginski you may begin your opening remarks." I now get up and I present my case to the jury. Now, I'm telling the jury exactly what my medical experts are going to be testifying about. Now, why would I do that?

I do that for one very important reason. I have to make out what's known as a prima facie case. I have to tell the jury what our key facts are. I have to tell the jury how we're going to prove our case and I have to show the jury that we have evidence to support each one of the claims that we're making in our particular case. I want the jury to know at the very beginning that there will be medical experts coming in to testify to support our claim and here's what Dr. Jones is going to say.

Now, also through repetition, by me telling them repeatedly during the course of opening argument and one witness after the next, by the time my expert gets up to testify, they will have heard multiple times that this expert is coming in to testify and now here's what he's going to say. They already have in their minds and it almost preconditions them to understand that I have a medical expert who's now

coming in to support our claim and here's exactly what he's going to say.

You might be asking yourself, "Does the defense do the same thing?" Many times the answer is yes, they will do the same thing for the same exact reason. They want the jury to know that they have a medical expert. They want the jury to know that their medical expert supports their defense. When the medical expert comes in to testify, now again, they'll connect the face with the name and they'll be like, "Oh yes I remember. He's going to be talking about this. Oh yes, Mr. Oginski said this expert's coming in to testify and here's what he's going to say."

Now when the expert goes ahead and tells them all about what he's going to say and it correlates well with what I've told them initially, now they connect the two and all of a sudden there's that ah-ha moment, "Now I understand why he was talking about that." Why do I share this quick piece of information with you? I share it with you just to give you an insight and an understanding into how these malpractice cases work here in the State of New York. I realize you're 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 you need answers to, 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 talk to you. You can reach me at 516-487-8207 or by e-mail 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.