

# New York Injury Times

A MONTHLY NEWSLETTER PUBLISHED BY THE LAW OFFICE OF GERALD M. OGINSKI, LLC

[www.oginski-law.com](http://www.oginski-law.com)

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## SPECIAL REPORT

### CHANGES IN LAWYER ADVERTISING

Starting this fall, you no longer have to worry about seeing cheesy ads on television or in print from celebrities hawking lawyers and law firms in New York. It's true. The advertising rules for lawyers are changing. No more Bill Shattner (from Star Trek) telling you how great a particular law firm is. No more photos of lawyers standing in front of a courthouse, or even inside a courtroom. Our rule-makers (and many lawyers) felt that many ads were simply degrading to the legal profession. (You think?)

Also banned are computer pop-ups, misleading testimonials and catchy nicknames that lawyers have used, like "The Hammer" or "Pit Bull." Let me ask you a question. When you see an ad like that, do you really want to rush out and call someone because you saw a pop-up ad on your computer? Do your fingers rush to the phone to start dialing a lawyer because he tells you how quickly he can get you cash for your injuries? When you see an ad with a wrecked car and a person in a wheelchair, smiling, holding up a cardboard check with lots of zeros on it- does it make you want to throw up, or does it make you rush to the phone and call that lawyer?

I've written many articles on lawyer advertising, and recently wrote about why you won't find a medical malpractice lawyer in the Yellow Pages. The reason is exactly why the advertising rules in New York are changing for lawyers. The ads are disgusting, and totally uninformative.

**Top 10 reasons you won't find a New York Injury  
Lawyer from an ad in the yellow pages- p. 2**

**"YOUR CANCER IS GONE!"**

Gerry's Fictional Story continued...p. 3

Come see what all the fuss is about. I guarantee there's something there for you.

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# In This July Edition, We Look At

**Lawyer  
advertising and  
why changes are  
good for the  
profession**

All lawyer ads say the same thing-FREE CONSULTATION...NO FEE UNLESS WE WIN...WE WIN MILLIONS...Is it any wonder that a consumer can't pick a lawyer? Just look in your local yellow pages under the heading LAWYERS. You will easily see 40 pages of lawyer ads, ALL SAYING THE SAME THING. The only difference is the size of the ad, (2 page ad, 1 page ad, 3/4 page, 1/2, etc.)

The funny thing is that you could interchange the names on the ads in yellow pages, and it wouldn't make any difference.

For those of you who missed my recent lawyer advertising article, I am reprinting it here:

## **Top 10 Reasons Why You Won't Find A New York Injury Lawyer In The Yellow Pages**

Open any yellow pages book in New York under the heading 'lawyer' and you'll be immediately bombarded with every type of injury and claim you could ever make. Full page ads, double page ads, blazing color, unsightly photos, screaming bold headlines...how does an injured victim choose a lawyer among all this clutter?

Here's a sampling of statements found in current yellow pages ads

in the Greater New York Metropolitan area:

**"Tough, aggressive, experienced."**

What does this mean? That you're a pit bull who knows how to bark and bite?

**"Serious trial lawyers for the seriously injured."**

What does this mean? That if you're not seriously injured you need a trial lawyer who's not serious?

**"Over 70 years combined experience."**

What this means is that each attorney has limited experience, but if you pool everybody's experience together, we can make it seem like we've been around for hundreds of years.

**"Special consideration for senior citizens."**

This is an obvious play for cases involving elderly people. Just what special consideration would this firm give to senior citizens that it doesn't give to all its' clients?

**"Experienced in obtaining large cash awards quickly."**

Does this mean that this firm never takes cases to trial? The only large awards that are resolved quickly are ones that are clear cut on liability, causation and damages. Do I want an attorney who is experienced in obtaining large cash awards slowly? What's the rush? If I rush, isn't there a good chance that I'll get less money for my injuries than I deserve?

**"You made a mistake once, now choose the right lawyer."**

Guess what type of law this firm practices? Divorce.

**"Get the money you deserve!"**

OK, sign me up and show me the money. What if I deserve more than you can get for me?

**"Call the law firm that never sleeps."**

That's an interesting way to distinguish oneself. Being up 24 hours a day, bleary eyed, and tired? If you never sleep, how can you adequately represent injured victims?

**Photo of lawyer holding briefcase in one hand, large cardboard check in other, smiling. Client, on crutches, in a leg cast, looking with total glee at the cardboard check, with her hands open wide as if to exclaim "WOW!"**

Give me a break. Believe it or not, this violates the disciplinary rules in the State of New York. It's a no-no.

**How about an ad without any name, or address, just an 800 phone number?**

No good. Violates the rules. Would you call a 'no-name' law firm?

All these ads make you feel rushed to get your cash. Sort of makes you feel "lucky" you got hurt, doesn't it?

So, with all of these great lawyer ads, how does a consumer who's been injured pick the right one? Do you have to call each and every one? That would be extremely time consuming and not very effective.

Do you trust the firm because they show pictures of crashed cars and an ambulance nearby? How about the photo of a worker falling in mid-air from a scaffold? Can you relate to him? Maybe you can relate to the photo of the elderly woman slipping on ice and another photo of her lying on a stretcher in the hospital? Do these illustrations and photos make you all warm and fuzzy about the law

firm you're about to call? I personally don't think so.

**Here's the top 10 reasons you won't find a New York Injury Lawyer from an ad in the yellow pages:**

1. You can't tell one ad apart from the other.

2. The lawyer ads all say the same thing.

"Call me," "Personal attention," "Large Cash Awards," "Lots of experience," "Pick me, ooh, pick me!"

3. Many ads scream at you, without telling you how they can help.

4. Do you call a firm just because they have a larger ad than someone 20 pages into the book?


5. Every ad says that I can talk to a lawyer for free, but what are the fees to handle my case? None of the ads talk about that.

6. Who pays the legal expenses if I don't win my case? Many ads don't tell you.

7. How do I know if one attorney is any better than the other? I can't tell just from an ad.

8. Aren't these ads just trying to sell me their services? "I don't want a salesman, I want a lawyer who knows how to guide me through the legal system."

9. I don't want to go through 40 pages worth of yellow pages ads- I need help now. Maybe I'll go online instead.

10. Do you really want to pick a lawyer the way you choose a plumber? 

So, for those lawyers who claim that our first amendment rights are being infringed upon, I say- Nonsense. These ads are ridiculous. The only way a consumer can

choose an attorney wisely is by getting as much information as they can. Making an informed choice is the only choice when choosing a lawyer.

When you call a lawyer's office, ask if they give out free written information about how lawsuits work. Do they provide information, such as on a website, that answers frequently asked questions about injury victims and the legal process? Is there any way for you to get all this information BEFORE you ever step into a lawyer's office?

There is...you just have to know where to look. For a good example go to my website, [www.oginski-law.com](http://www.oginski-law.com) where I have over 200 frequently asked questions. I have over 65 original articles posted online. On my site I have hundreds of law-related news articles, especially those involving jury awards and settlements in injury cases in New York and across the country.

I am very pleased to report that I get compliments every day from people across the country about the content and information on my website. That's the key that most lawyers don't understand. By providing relevant content to information-starved people, an injured victim can make a truly informed choice about their options.

It's about time those lawyer ads were changed!



**Gerry's new story continued from June 06 newsletter...**

Basta called Allison and then conferenced all three of them on the same line. "You've reached The Women's Gynecology Pavilion. If you want to speak to someone immediately, please start praying

now..." Basta hung up, let out an exasperated sound, and called Allison's private line.

"Dr. Abby speaking."

"Allison, it's Vinny Basta. You remember our patient, Gina L, with ovarian cancer, stage III?"

"Sure, she's such a lovely woman, I saw her the other day while making rounds on my patients in the hospital," replied Allison. "Well, it turns out that she doesn't have cancer anymore." Dr. Basta said.

"What? Again? Another one? What is going on? Am I the only gynecologist that this happens to?" asked Allison. "I have Jack Daniels here on the line too." "Hi Allison." "Hi Jack, so we have another one?" "Yes, it sure looks like it. You seem to be the only connection between all four of these patients," Said Dr. Daniels.

"Is there anything else that happened when you met with Gina or with my three patients? Anything that might have any significance?" Jack asked.

"Well, let's see...I saw your three patients in the city, and when I saw Gina last week, I also saw her on rounds, my husband was with me too, because we were going to meet with our architect who's renovating our house. Wait, my husband came with me to see the three women in the city too. Come to think of it, he knew Gina also." Allison said.

"What exactly did your husband do while you were talking to each of these patients?" Jack asked. "He stood by me, held their hands, and just reassured each of them. Mostly, he listened to me giving them my wishes for a speedy recovery." Vinny asked "What did your husband do when you saw Gina?" "He did the same thing, he stood by me, held her hand, and wished her well," answered Allison.

Both Jack and Vinny looked at each other with uneasy eyes. "Say Allison, is your husband around, could we give him a call and talk to him?"

Vinny asked. "Sure, unless he's in Court, I know he's not on trial today, but he might have a deposition today. I'm not sure. Here's his number, give him a call. What could my husband have to do with all this?" she asked. "We don't have a clue. But right now, you and he are the only connection between these four patients. Speak to you soon. Bye," said Vinny. With that he disconnected the call from Allison's phone line.

"Jack, let me call him, and I'll call you later," said Vinny Basta. "OK. Bye."

Vinny Basta, the chief of cancer surgery, picked up the phone again and called Jimmy Changa. Jimmy was a well-known medical malpractice lawyer who represented injured people. Jimmy was married to Allison. Vinny knew Jimmy for many years, ever since Allison had done her training at Gold Coast Hospital. Vinny knew that Jimmy would never take a case that didn't have merit. In fact, on more than one occasion, Jimmy had asked Vinny if he would be his expert on cases. However, Vinny politely declined each request, because he didn't want to get a reputation for testifying for injured patients. What would his medical colleagues think?

"Jimmy Changa's office, may I help you," asked the petite, high-pitched, nasally impaired receptionist.

"Yes, this is Dr. Vinny Basta calling to speak to Jimmy. Is he in?"

"Just a moment Dr. Pasta. Chimmy Changa will be right with you," said the receptionist.

Moments later, Jimmy answered with a big hello. "Dr. Basta! What

an honor. Please tell me you're calling because you've decided to become an expert witness for injured people," commented Jimmy. "No such luck, sorry. I'm calling because I just spoke to Allison and I want to tell you a brief story about four of her patients," said Vinny Basta. "By the way, do you know that your secretary can't pronounce my name or yours?"

"Yeah, she's got this accent that interferes with her listening skills, and she always calls me 'Chimmy' or 'Jiminy'. What did she call you?" he asked. "Dr. Pasta," he answered. "Gee, now there's a shocker for you. Didn't just about everyone you grew up with call you that? Basta, Pasta, Masta, Fasta..." "Yeah, yeah, what a joker."

"Anyway, here's what's going on..." said Vinny.

Fifteen minutes later, Jimmy confirmed what Allison had said about what he did while they visited each of those four patients. He couldn't think of anything else that happened. Jimmy was at a loss to explain what was happening to these cancers. "I'm no medical expert, I'm just a trial lawyer. And by the way, I don't know if I believe in miracles either.

"Thanks for your help, Jimmy. If you think of anything else, call me. Bye." With that Vinny Basta hung up the phone, feeling very unsatisfied with himself. He couldn't explain this. David Dunlop couldn't explain it. Jack Daniels couldn't figure it out, and neither could Allison Abby. These doctors are the cream of the crop here, and not one of them had any idea what had happened.

There was no further information from any of these doctors for the next six months.

Nothing. Nada. Zippo. One fine day in the middle of June, radiologist Jim

Siegal called Vinny Basta to tell him about another case where the cancer disappeared. "Who's her primary care doctor?" he asked immediately. "Dr. Allison Abby," he replied. "Thanks. Leave the films here and get out." He called Allison. "You have reached The Women's Gynecology Pavilion. If you want to speak to someone immediately, don't bother, because it won't happen." "Aagh!" thought Dr. Basta. He called her direct line. "Hello," she answered. "Allison, it's Vinny. I've got another live one. And guess what, she's your patient!" "Another one? Again? I can't believe this. What is going on?" she asked. "I'm sending her over to David at 2<sup>nd</sup> Opinion for re-evaluation, then I'll call you with the results. Say, did you happen to visit her recently?"

"Yes, 3 days ago, while I was in the hospital delivering a baby. After I was finished I stopped by to say hello on my way out." "By any chance was your husband with you at the time?"

"Yes he was...he came by to eat dinner with me, since I was at the hospital all day. What does Jimmy have to do with this?" "Nothing except coincidence." "Have you visited other patients of mine on the cancer floor without your husband?" "Sure. Lots of times."

"But the only patients whose cancers have disappeared were the ones that you visited with your husband..."

*Tune in next month when we continue our new story!*

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