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Can you make small chat with the defense attorney during your deposition?

You've decided to bring a lawsuit seeking compensation for the harms and injuries you suffered because of someone else's carelessness. Now, you're asked to give pre-trial testimony known as a deposition. When you're about ready to give that testimony, can you make small talk with the defense attorney to try and get on his good side before you actually start? Want to know the answer? Come join me for a moment as I share with you some great information. Hi, I'm Gerry Oginiski, I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. The answer is "No, you can not." Let me tell you why. You see, when you're going to go ahead and give pre-trial testimony, the defense lawyer, who's going to be questioning you about the events that occurred and the injuries that you have, and the problems that you have today. He is going to be looking at you like a hawk. He's going to be observing every single thing that you do during the course of time that you're in the attorney's office, and now he's here to question you. That means from the moment you walk into the conference room.

The moment you sit down. The moment you take a bathroom break. The moment you come back in. Every thing that you do and say is going to be under the microscope. Now, the attorney may be very polite. He may be very nice. He may smile. He may introduce himself. He may try and come across as really being a good guy, and saying "Hey, I'm just doing my job. You're really a nice person, and I'm sorry this happened to you." The whole purpose of him doing that is two reasons. One, he truly might be a nice guy. Number two, it's designed really to soften you up. To try and get you at ease. Why does he want to do that? Because he wants you to talk. He wants you to incriminate yourself at some point. The only way he can do that is by developing some sort of bond, either before you start or during the course of questioning. That's one clear strategy for a defense attorney. Many times it works really well. That's why you will find that almost every single plaintiff's attorney, lawyers who represent injured victims, in accident and medi-

cal malpractice cases, always tell their clients "Listen, don't make any small chat, chit-chat, with the defense attorney when you walk in and we're about ready to get started. It's not appropriate." Don't do it.

Every single thing you say will be recorded. Every single thing you do will then be reported by the defense attorney to the insurance company. That's why your attorney does not want you making small chat, chit-chat, with the defense lawyer before you actually start giving your pre-trial testimony. You know I acknowledge and I recognize you're watching this video because you likely have questions or concerns about your own particular matter. Well, if you're thinking about bringing a lawsuit here in New York, and your matter did happen here in New York, but you have questions that need to be answered first. 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.