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Defense's medical expert earns most of his money from reviewing legal cases & testifying at trial

If we can show that the defense's medical expert earns the majority of his money testifying in medico legal cases, can that destroy this witness' credibility? You want to 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 practice and personal injury attorney, practicing law in the state of New York. It's now medical malpractice trial. The defense puts on their own medical expert, and it turns out that this medical expert testifies extensively. He reviews records on behalf of doctors in hospitals that are being sued. Now it turns out that the doctor is semi-retired. He no longer practices clinical medicine. Instead, how does he make his money? By reviewing cases for lawyers, and by coming into court and testifying for those same lawyers.

Now, is that likely to destroy his credibility? The answer is, it might, and then again, it might not. A lot depends upon the doctor himself. Is he credible? Is he believable? Does he sound believable? That perception of what the jury sees when the doctor testifies is critical. The mere fact that the doctor now is earning a great deal of money from his testifying and being involved in medico legal cases, that may play part in the jury evaluating him to decide whether or not he is believable. He might be able to explain to the jury in really easy to understand terms because he's such a dynamic speaker that the defense, the doctors in the hospital did absolutely nothing wrong.

So, in some instances, the jury may buy into a story that even though he makes the majority of his money today testifying and reviewing cases on behalf of attorneys, that may not be as significant as the fact that the doctor retired years ago, doesn't do this particular procedure, and now gives greater weight, for some reason, to this particular doctor as opposed to our experts who do these procedures on a regular basis. To answer the ques-

tion, "Is it going to affect his credibility?" The answer is, it might, and then again, it might not.

Why do I share this question with you? I share this information with you just to give you an insight and an understanding into what goes on in a medical malpractice trial here in New York. I recognize 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 need to be answered, what I invite you to do is pick up the phone and call me. I answer questions just like yours every single day, and I'd love to talk to 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 great day.