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Is Evidence of a Doctor's Good Conduct Admissible at Trial?

During a medical malpractice case here in the state of New York, the Defense once introduced evidence of the doctor's good conduct and his good practice. Can he do that? You want to know the answer? Come join me for a moment 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. The answer is, "No." He can't do that to show that he did nothing wrong in your particular case. The fact that he may have done everything correctly for the last 20 years, in all of his other patients, is not relevant to your particular treatment at your particular date and time. Want to know why not? Let me give you a great example. Let's say you get a speeding ticket from a police officer. The mere fact that in all the years that you've been driving you never got a speeding ticket before, does that mean that you weren't speeding in this instance? That's the exact same type of analogy here.

So now the Defense wants to use evidence of his good character, the fact that he's an upstanding doctor, that he cares about people in the community, that he's done wonderful things for the community. Yes, that may be true, but the fact that he departed or violated basic standards of medical care on one particular day in your particular case, the fact that he may have been good the past 20 years is not relevant or significant to your particular case. So even though the defense wants to show the jury that the doctor's a great upstanding guy, and that he's never had anything bad happen to him in the past, and that he's never been sued in the past, the Defense can't use that as affirmative proof to show that they did nothing wrong in this case.

Why do I share this quick tidbit of 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, yet I realize you're watching this because you likely have questions or concerns about your own particular matter. If your matter did happen here in New York, and you're thinking about bringing a lawsuit but you have legal questions that you need answered, what I invite 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 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.