



**LAW OFFICE OF GERALD
OGINSKI, LLC**

35 South Drive
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

Is It Ever OK to Lie During the Course of Your Civil Lawsuit Here in New York?

Is it ever okay to lie during your pre-trial testimony in an accident case, or in a wrongful death case, or in a medical malpractice case here in New York? You want to know the answer? Come join me 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 in the state of New York. Let me just get this right out of the way. It is never, ever okay to lie in your pre-trial testimony. It is never okay to lie at trial. Let me share with you the key reason why it's never acceptable. There's some people who turn around and say, "It's just a little tiny lie. I didn't really mean it. It's a little misunderstanding. Nobody is going to know. Nobody is ever going to find out." Guess what? If you tell one little lie, if you shade the truth the defense attorney is going to find out. There's going to be a contradiction. The defense attorney is going to use that contradiction to show to the jury that you are a liar. Here's something that can be devastating, can destroy your entire case.

At the very end of the case, the defense attorney is going to highlight the fact that you were inconsistent. He's going to highlight the fact that you shaded the truth. He's going to highlight the fact that you are hiding something. Then right before he makes closing arguments, he's going to ask the judge in private, in chambers to give a specific legal instruction that tells the jury, "Ladies and gentlemen of the jury, if you find that a witness has testified falsely about one thing, you have the absolute right to disregard all of their testimony," all of it. That's a legal instruction known as *falsus in uno*. That's a fancy Latin phrase which basically says if you find that a witness has testified incorrectly or falsely about one little thing, you have every right to think that if he's lied about one thing, he's lied about everything.

Now that's not necessarily true. You might have simply made a small little white lie about something, but told the truth about everything else, but guess what? The jury now has the opportunity and the legal right to disregard all of your testimony. Do you think it's worth it? Do you think it's

worthwhile to get away one small, little, tiny white lie? The answer is, absolutely not, under no circumstance, not a single lie. Obviously, if you don't remember something, that's a different story, but where you clearly say something that's not true, and now the defense attorney is able to show that it's not true and show that contradiction, that's going to be the focus of your entire case. Why do I share this quick information with you? I share it with you just to give you an insight and a behind the scenes look at what goes on in these civil lawsuits involving accident cases, and medical malpractice cases and wrongful death cases here in New York.

I acknowledge, and I recognize that you're watching this video because you likely have questions or concerns about your own particular matter. If you're thinking about bringing a lawsuit, but you have questions that need answers first, what I invite you to do is pick up the phone and call me. You know, I answer questions like yours every single day, and I'd love the opportunity 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 great day.