



**LAW OFFICE OF GERALD
OGINSKI, LLC**

67 Cutter Mill Road
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

Is your personal diary discoverable during your personal injury lawsuit in NY?

Is your personal diary discoverable in your medical malpractice lawsuit? You want to know the answer. Come join me for a moment as I share with 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.

There are some people who keep a diary, they keep a log, they keep a journal of their most innermost thoughts, of their most private thoughts. Things that motivate them. Things that are troubling them that nobody else sees. During the course of your lawsuit, you wind up recording information about your injuries and how they've affected you. You record information about things you cannot do. You record information about your psychology and what you're thinking and your depression, and how you're upset, and things you are unable to do on a day to day basis. Nobody's ever seen these diaries that you've written, but you want to know during the course of your lawsuit, are you going to have to show anybody your innermost thoughts, your most private possession? The answer is maybe. Here's why.

The defense is going to want to know when they question you during your pre-trial testimony whether you keep any logs, any diaries, any personal notes about your injuries. They're going to want to know what you keep any diaries about. Conversations that you had with the doctors who are involved in the care and treatment of your injuries, including the doctor you have sued. If the answer is yes, the defense is entitled to see those documents. They're entitled to read those documents. They're entitled to ask you questions, endless questions, about what's contained in your notes. "Oh, Mr. Jones. I see you have entries here about your conversation with this doctor, and this one,

and this one. Well how are you feeling on this date." Now they are going pick apart every single entry that you made about every conversation, about every personal thought relating to the injuries and your disabilities. How does the defense attorney really know whether what you are saying is true? You know how he's going to know. He's going to ask your attorney for a copy of your own personal diary so that he can vouch for himself to see whether or not what you are saying is true.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in these medical malpractice cases, these accident cases, and even in wrongful death cases here in the State of New York. I realize you're watching this 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've got legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. I answer questions like yours 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 fantastic day.