

NEW YORK INJURY TIMES



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Top 5 Reasons Not to Bring a Medical Malpractice Lawsuit in New York

Top 5 Reasons Not to Bring a Medical Malpractice Lawsuit in New York

1. Nothing was done wrong to you.

It goes without saying that if the doctor or hospital did nothing wrong, then you absolutely have no business bringing a lawsuit against them.

2. You did not get hurt.

Likewise, if a doctor did not treat you properly, but you did not suffer any injury as a result of that wrongdoing, then you have no business bringing a lawsuit seeking compensation. Remember, in any medical malpractice lawsuit in New York, your attorney must prove (1) wrongdoing, (2) that the wrongdoing caused harm, and (3) that the harm is significant and permanent. All three of those elements must be confirmed by a doctor who has either treated you, or evaluated your medical records. If any one of those elements is missing, then it will be difficult, if not impossible to bring a successful case on your behalf.

3. You do not have a long-term permanent injury or permanent disability.

This relates to element #3 discussed in the paragraph above. You might have suffered a minor injury from a doctor's or hospital's wrongdoing, but if the injury is not significant or disabling, most experienced NY medical malpractice lawyers will likely decline to handle your matter.

4. You think that if you sue your local hospital, you will not be allowed to return there for any additional treatment you may need.

In all likelihood, this is not true. A hospital cannot discriminate against you, even though you have sued the hospital for medical malpractice. They are obligated to treat every patient who walks into the emergency room. An issue might arise if you are going for elective treatment or surgery and the hospital is a private hospital that you have sued. In all probability, you will be able to continue receiving treatment at that hospital. In fact, defense attorneys like to make the argument "Can you believe this? Mr. Jones has sued our hospital, telling the world that our hospital did wrong by him. Yet he still returns to our terrible hospital for ongoing treatment of his current medical condition. What does that tell you about his trust in our cherished medical facility? He has no trust in our doctors and nurses, yet he continues to rely on them for his care and treatment."

5. You like your doctor.

Sure, who doesn't? Yet on a particular day, at a particular time, your physician may have departed from good and accepted medical care causing you permanent harm. Should your feelings toward the doctor affect your ability to decide whether you are legally entitled to be compensated for your permanent injuries? You must decide whether you are able to do this.

Thank you for taking the time to become informed.

TRY OUR TRIVIA GAME!

Test your knowledge of New York medical malpractice and personal injury law. Answers appear at the end of this newsletter.

- If your car accident happened in New York City and you live in Queens you can bring your lawsuit in Queens.

TRUE OR FALSE?

2. A ‘motion for summary judgment’ is a procedure an attorney uses to establish liability without the need for a trial.

TRUE OR FALSE?

3. In order to start your lawsuit, your lawyer must first purchase an identifying number from the Court, known as an “Index number.”

TRUE OR FALSE?

4. A doctor who is sued more than ten times in a ten year period will lose their license to practice in New York.

TRUE OR FALSE?

5. A deposition is your chance to tell the opposing attorney everything that happened to you.

TRUE OR FALSE?

6. In a civil lawsuit in New York, there will be 12 jurors deciding whether you are entitled to compensation.

TRUE OR FALSE?



7. “Caveat Emptor” means “Buyer Beware.”

TRUE OR FALSE?

8. When starting a medical malpractice case, your lawyer must state that he has consulted with a medical expert who confirms evidence of wrongdoing; the wrongdoing caused injury; and the injury is significant.

TRUE OR FALSE?

9. If you lose your lawsuit, you do not need special permission to have your appeal heard by the Appellate Division.

TRUE OR FALSE?

10. If you lose your appeal, you can have that decision automatically appealed to the highest court in NY, the Court of Appeals.

TRUE OR FALSE?

BONUS QUESTIONS:

1. **“Pecuniary loss” means economic loss to the family.**

TRUE OR FALSE?

2. Testimony you gave in another lawsuit can be used against you if it is different than what you have given in your current trial.

TRUE OR FALSE?

Answers appear at the end of this newsletter.



Gerry's Recent Video Headlines:

NY MEDICAL MALPRACTICE- Orthopedic Injury- Failure to Set Bone Properly

Gerry explains how a trip to the emergency room with a broken arm resulted in the need for additional surgery to re-break the bone and insert plates, screws and pins to hold the bone together.



NEW YORK ACCIDENT LAWYER-It's All About The Money

Gerry explains why injured victims who are awarded money by a jury are disappointed to learn that they don't get all of their money in one lump sum.

NEW YORK MEDICAL MALPRACTICE- How Lawsuits Work

Gerry explains how lawsuits in New York work and he takes you through all the steps that go on from starting a lawsuit through discovery, depositions and to trial.

HELP NEEDED:

I need your help please. I need to know what legal topics would be of interest to you. This way, I can create a video to address those topics. If those topics are out of my area of expertise, then I will seek out one of the attorneys I rely on to get that video online. Please send me your thoughts to:

lawmed10@yahoo.com, or call me directly at 516-487-8207.

Amazing Viewer Comments about these videos

I received a call from a woman who was, right at that moment watching one of my videos on YouTube. She said that the case I was talking about was exactly what had happened to her. Could I please help her?

Another woman called me to thank me profusely for providing information about how lawsuits in New York work. This woman had been online for days trying to learn how a lawsuit worked and could not find any useful information until she came to my video clip. As I said goodbye to her, she again thanked me for taking the time to explain how lawsuits work.

A man called after watching one of my videos to tell me he just spent two hours watching some of my videos. They were so helpful and informative that he chose to call me instead of the many other lawyers he saw online offering the same services.

CONTEST ANSWERS:

1. Which instructional video that I created and produced has been viewed over 4,000 times online? (Hint: It involves depositions)

ANSWER: "Questions Not To Ask At a Deposition" (As of this writing, this video has been viewed over 8,200 times)

2. Which article that I posted online has been viewed over 4,000 times?

ANSWER: "10 Reasons You Shouldn't Sue Your Doctor"

3. Which lawyer website compared one of my videos to another lawyer's video and pronounced "The winner? Oginski by director's verdict. Case closed."

ANSWER: Technolawyer.com. They did a video face-off and compared one of my videos to another attorney's video clip.

REFERRALS-

Creating a "Win-Win" Situation

I sent a potential client to another attorney yesterday because I felt I could not devote sufficient time to help him with his legal problem. This young man was being sued by a driver of a car who had an accident. The potential client had no insurance coverage and was worried about a potential judgment. I realized that there was no liability against this young man, and the fault clearly pointed to other culprits who were also sued in the case. However, because of my trial schedule and other projects I am working on, it became impossible for me to accept this matter. Rather than disappoint this potential client, I referred him to an attorney who I felt could best handle his matter. The potential client was thrilled and the attorney I sent him to was grateful as well. A clear 'win-win' situation.

Why is this story important? It explains the significance of helping someone when you cannot help them yourself. Your knowledge of someone who can help will be appreciated tremendously. Often, the hardest part of getting someone to help you is knowing where to look in the first place. If someone you trust gives you a recommendation, you tend to value that recommendation highly.

Here's a great example: On Monday of last week I received a call from an attorney in Philadelphia who I have known for a while. She was calling to tell me about a potential client who would be calling me shortly to determine if she had a valid case. When the woman called, she told me that this lawyer in Philadelphia had recommended me so highly that there was no one else in New York she should speak to. I then spoke to this woman's son-in-law to get more details of her case, and he told me that this Philadelphia lawyer gave me their highest recommendation ever. An ego boost to be sure, but more importantly is that it was a 'win-win' situation for everyone.

Here's a simple fact: Many people know lawyers. However, not every attorney is the same, and not every attorney does the same kind of work. If your friend asks you for the name of a lawyer who handles accidents cases or wrongful death matters or medical malpractice cases in New York, I hope you will strongly consider giving them your personal recommendation and give them my name and phone number. I will thank you for it, and so will your friends and family for caring about them enough to give them my number. By referring someone you know to an attorney who knows how to help, you create a clear "Win-Win" situation.

Give this newsletter to your best friend.
They'll thank you for it, and so will I.

Answers to Trivia Game: 1. True, 2. True, 3. True, 4. False, 5. False, 6. False, 7. True, 8. True, 9. True,
10. False, BONUS: 1. True, 2. True.

“A Fun, Informative and Creative Newsletter”

NEW YORK INJURY TIMES

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SEND TO:

Gerry Oginski, Your New York Medical Malpractice, Wrongful Death & Personal Injury Accident Lawyer

**Call me right now with any legal questions about injuries from any accident or medical care.
I promise to give you a straightforward and honest answer. That's my guarantee.**

Call me today with your questions at 516-487-8207