

Back to  
School  
Edition!

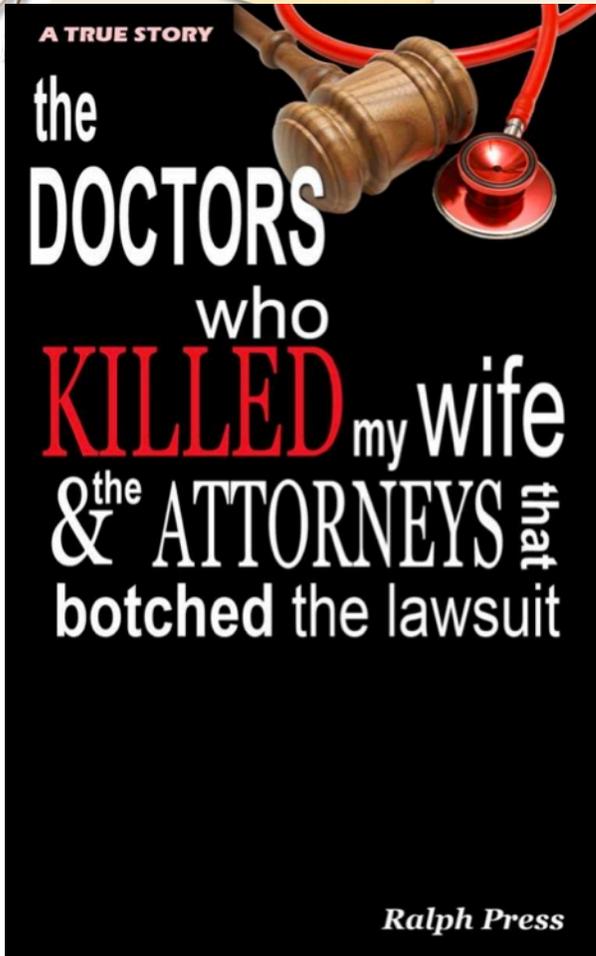
New York Medical Malpractice Attorney Gerry Oginski presents

# NY INJURY TIMES

AUGUST-SEPTEMBER 2012

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- MED MAL-WHAT'S IN THE NEWS?**
- ASTONISHING BOOK TITLE**
- THE POWER OF THE LORD**
- PHOTO GALLERY**
- NEW WORD SEARCH**



## THE POWER OF THE LORD

It was Wednesday night when I got the e-mail.

It was a contact form on my website. The person inquiring whether they had a valid New York medical malpractice case sounded intriguing. When someone fills out a contact form on my website, I get that e-mail to review. If it sounds like something I might be able to help with, I notify my secretary and she will schedule a phone conference with them the next day.

Within the contact form, our software provides me

with details about where the inquiry came from. It also tells me what keywords the viewer entered into search engines in order to find me online.

As I scrolled down the e-mail, I casually glanced at the query and keywords this person entered. ***I was shocked.***

I did a double take.

I reread again, for the second and third time, the question this person entered into the search engine to find me.

**Then I smiled.**

*continued on page 2*

The title can't be ignored. It's bold. It's aggressive. It may be libelous. It might be slander. But wait...there's more.

This book came out mid-August on Amazon Kindle. I took one look at the title and thought  
*continued on page 2...*

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that it sounds like a disgruntled patient wrote a book and simply vented all their feelings.

I was looking for the hardcopy book but there was only a Kindle version selling for \$5.99. I read the summary on Amazon to see what this was really about.

I was shocked. The author names the doctor (now deceased) and three different NY law firms and lawyers who handled his case.

I downloaded the Kindle version and began reading. It was actually very interesting. It read like many of my medical malpractice cases. The story is told from the viewpoint of the patient's husband who describes what happened to his wife and what he believes caused her untimely death.

He then details what each law firm did and didn't do, coming to the conclusion that as a result of their actions, his lawsuit was ultimately dismissed.

Like many injured victims, he felt strongly that he had a valid basis for case.

There was no question that his anger and quest for revenge was strong throughout this 50 page e-book.

One of the key problems with his case that arose in 1984 was that none of the attorneys believed that his lawsuit was timely. As a result, his lawsuit was dismissed in 1991.

What troubled me was how aggressive he was claiming the doctor committed malpractice as well as the clear implication that the multiple lawyers who handled this case (3 different law firms) clearly did not know what they were doing.

The reason this caught my eye was that this was a New York case. I knew the names of some of the attorneys he had gone to.

Bottom line: It's interesting if you're in the profession but it's not something I would recommend for casual reading.

## THE POWER OF THE LORD...

*continued from page 1*

This was amazing. This was awesome. This was incredible. This was one of the best e-mails I have ever received.

The data showed me what webpage they first visited; what search engine they used [Google] and what search engine result page they came from.

But here are the two sentences that blew my mind...

**What keyword did they use to find you:**

**“Lord, which lawyer do you direct me to for my son's malpractice lawsuit in New York City???”**

What fascinated me was that I never used any keywords for the Lord or religion on my [educational NY medical malpractice website](#). What made me smile is that Google somehow felt I was the Lord's answer to this man's prayer. I found that to be absolutely remarkable.

Regardless of whether or not this turns out to be a valid case, this particular query will not be forgotten.

Thank you Lord :-)



Le Galion beach, French side, St. Maarten

## MY FIRST COURT CONFERENCE...

# MY VERY FIRST COURT CONFERENCE 24 YEARS AGO WHEN I APPEARED AS A YOUNG NEW ATTORNEY

IN NEW YORK COUNTY SUPREME COURT ON THAT FINE FALL DAY.



NY County Supreme Court  
60 Centre Street

As I approach Fall 2012 I'm fondly reminded of my very first court conference I appeared on as a young new attorney in New York County Supreme Court on that fine fall day.

The night before, the managing partner told me that I would need to appear on a compliance conference in a personal-injury matter in New York County Supreme Court at 60 Centre St. in downtown Manhattan. I was not yet admitted to the bar, but nevertheless was told and given my marching instructions on what to do.

One of the older associates in my office give me some practical advice: "Just read the file and tell the judge what documents we still need in order to prepare the case for trial."

I diligently took the entire file home. I read every page in the file from cover to cover. I knew the details of this case better than the clients themselves. I was excited. I was energized. I knew my first compliance conference would be fantastic.

### ARRIVING IN COURT

In September 1988 the New York County Supreme Court building did

not have or need magnetometers. They did not have steel barriers that herded visitors into one line so security could frisk and check them for weapons. Instead, the courthouse was open for anyone to enter.

### WALKING UP THE COURTHOUSE STEPS

I walked up the majestic steps of the famous courthouse seen in so many movies and TV shows. After walking through the great hall with a beautiful magnificent dome, I headed to the closest staircase then proceeded to walk up to the second floor. The courthouse is a majestic sculpted piece of work made of marble and granite. It truly has history. Many famous cases and trials took place in this very courthouse.

As I arrived on the second floor and began to learn the landmarks where my intended courtroom was, I decided to take a walk around the entire second floor. Each courtroom was the same. Each hallway looked the same. Lawyers all wore the same clothing. Dark suits with serious looking ties. Dark shoes and serious expressions on their faces. Briefcases of every color and shape could be found.

Lawyers were milling around each hallway waiting to gain entry into the respective courtrooms. Hushed discussions, loud discussions, lawyers writing and reading were taking place all the same time. No laptops. No cell phones. No ipods. No ipads. There were no such things.

I finally found the courtroom I was supposed to be in. The double doors were leather padded but appeared to be almost 100 years old. The moment you pushed open those doors it was if you were taken into another time period where justice truly prevailed.

### THE COURTROOM

Counsel tables were 8 to 10 feet long and simply enormous. The jury box appeared to be nothing more than a gallery with chairs to accommodate waiting and expectant jurors to listen intently to every word that was being said in the courtroom. The courtroom had a particular smell. It was the same smell I distinctly remember at Harvard Law school when I walked in during the summer where I was going to summer school at Harvard. It was musty. It smelled of old books but it had a distinctly authoritarian flavor and odor in the

in the air.

## I CHECKED IN

I checked in with the court clerk and was told that my adversaries had not yet arrived. Upon their arrival at check-in, we would then go to the bottom of the list and wait to speak to the judge in her chambers.

Most clients don't know it, but lawyers spend most of their days in court sitting around waiting. In anticipation and having been tipped off of this fact by some of the senior associates in my firm, I brought a book with me to read in the interim.

I was too excited to read my book. I couldn't wait to get into the judge's chambers and tell her all that I knew about this case. I didn't realize that the judge would see and listen to lawyers in 40 to 50 different cases that morning. Nor did I realize how little time the judge would afford each one of us.

## MY CASE IS CALLED

After half an hour of waiting, my adversaries finally arrived and made themselves known to me. After brief introductions we were then told to wait. One hour later my case was finally called. The three of us were marched into the judge's

private chambers behind the courtroom.

The judge's private chambers were nothing more than a dimly lit back room with carpet. It had large desk and seating for five. The judge told us to sit in and began to ask questions from the plaintiff's attorney.

Two minutes later she turned to me and asked if there was anything we still needed in order to move this case along. I promptly pulled out my notes and rattled off a list of documents and authorizations still outstanding. I began to go into details of the case and the judge quickly put her hand up and said she didn't need to know the details right now. She wanted to know what was outstanding so that she could order the production of those items immediately.

Within a span of three minutes my first compliance conference was over.

I felt elated. I felt dejected.

I felt somehow I had let down my client.

Yet when I returned back outside this majestic courthouse and proceeded to walk back to my office at 120 Wall Street, I felt good about what I had actually accomplished. Although you would

not actually say what I did was legal work, I appeared in front of the court, stated our position and got what needed to be done on this personal injury case my law firm was defending.

## MY NEXT ASSIGNMENT

At the end of the day, the managing attorney gave me my next day's assignment. I was to return back to New York County Supreme Court for another compliance conference with a different judge on a different case. I grabbed the file with enthusiasm and headed back to my office to read the file from cover to cover. I couldn't wait till tomorrow.

## 24 YEARS LATER

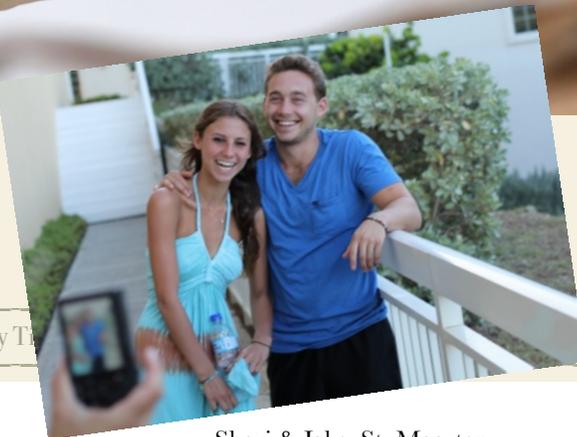
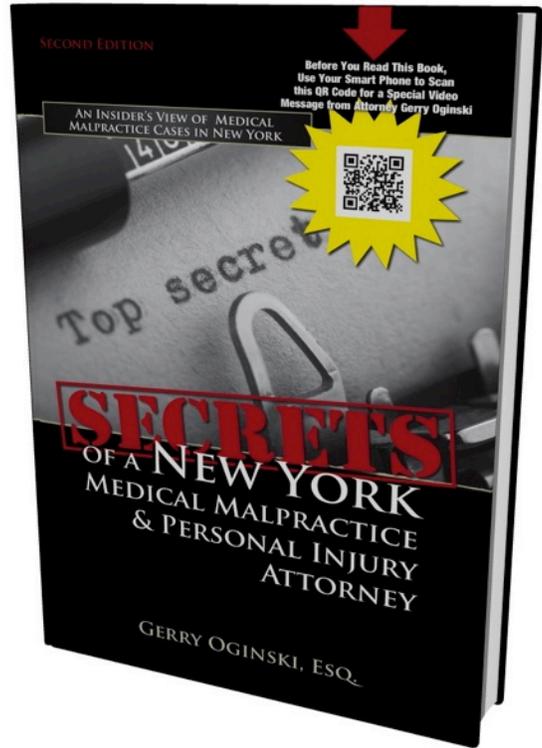
Twenty four years later, I now look back fondly on those experiences as the best training I could have ever received in New York City. I worked for that defense law firm for four years and it was truly the best training ground for a trial lawyer in the city.

Today, when I attend a court conference, I'm confident about what needs to be done. I'm privileged that my clients give me the opportunity to let me help them through the litigation process in their time of need.

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NY Injury T

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Shari & Jake, St. Maarten



Joseph & David, St. Maarten



Shari, Jake, David, Mia & Joseph at Le Galion beach in St. Maarten



Getting lunch in Baltimore Harbor with the family.



David hustling pool at Towson University



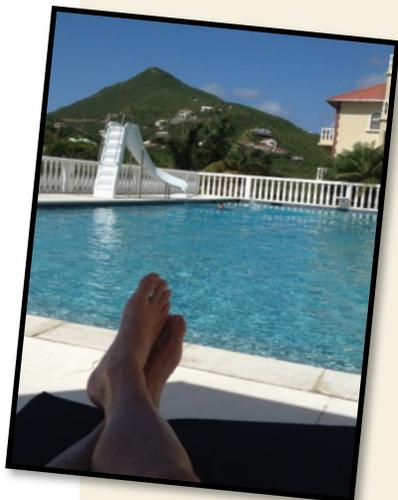
In the pool with David, in St. Maarten



Mia's birthday



At the airport, clowning around



Watching David go down the slide. Just look at those beautiful mountains.



David getting pumped at Towson, Maryland.



St. Maarten

# Gerry's Trivia Game

# New Word Search!

TEST YOUR KNOWLEDGE OF NY LAW

FIND ALL WORDS AND WIN A GIFT CARD!

## TRUE OR FALSE?

1. In a large law firm, the lawyer you first meet with will be the one who tries your case.
2. A personal injury lawsuit involving a child in NY cannot be settled without Court approval.
3. A "Charge Conference" is when the attorneys discuss what to charge the client for their fee.
4. A "Preliminary Conference" is a scheduling conference to determine when discovery will occur.
5. A "Pre-trial conference" is when the judge wants to know whether the attorneys are available to play a round of golf.
6. A 'post-trial motion' is when an attorney formally asks the judge to take action on the jury verdict.
7. An 'appeal as of right' means that the losing party can automatically ask to have the lower court decision reviewed, without the need to get permission.
8. To start a lawsuit in NY, you must first purchase an index number.
9. If your lawyer fails to show up in court for a scheduled conference, the judge can dismiss your lawsuit.
10. The ethics rules require that an attorney be available to their clients 24 hrs/day.

T S I M O N O C E D D T X H O  
 G T U W Y G M L L R N N E U B  
 A M N F R O H E G E G D U J J  
 N C T A T O V X M O X A Q O E  
 P H C I D W R E C H A I V T C  
 H R O I I N S U R A N C E F T  
 G N E V D R E O J A D S R F I  
 D Y I T U E L F I P T Y D I O  
 S F Z B R E N U E I J E I T N  
 W G S W S I A T M D F Q C N N  
 X I I N O M A O S E M E T I H  
 D U U N O Z N L T A G U X A A  
 G O V V E Y D L J S L C W L A  
 C H M L I T I G A N T D I P I  
 U I R U I I B X K C Y Q G S Y

ACCIDENTS  
 COUNSELOR  
 DEFENDANT  
 DISBURSEMENT  
 ECONOMIST  
 INSURANCE  
 JUDGE

JUROR  
 LITIGANT  
 MOTION  
 OBJECTION  
 PLAINTIFF  
 PRETRIAL  
 TESTIMONY  
 VERDICT

**Word search challenge: Find all 15 words correctly, and fax it in with your name & address filled out for a \$10 gift card to Dunkin Donuts. ONLY 15 GIFT CARDS AVAILABLE...so send it in quickly!**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 ZIP: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 FAX TO: 516-487-8472



# NEW YORK INJURY TIMES

THE LAW OFFICE OF:  
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GET YOUR **FREE**  
BOOK

2nd Edition!

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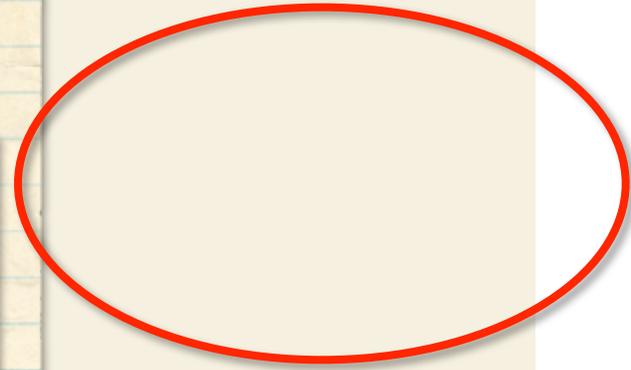
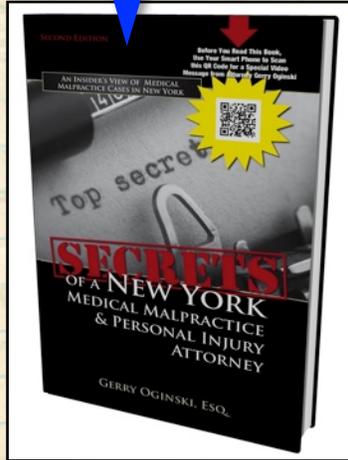
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**HAVE LEGAL  
QUESTIONS?**

Pick up the phone  
and call. That's  
what I'm here for.  
You can reach me  
at **516-487-8207** or  
email me:

[Lawmed10@Yahoo.com](mailto:Lawmed10@Yahoo.com)

I welcome your  
call.



# NEW YORK INJURY TIMES

AUGUST-SEPTEMBER 2012

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

----- *Answers to Trivia Game* -----

1. False, 2. True, 3. False, 4. True, 5. False, 6. True, 7. True, 8. True, 9. True, 10. False

**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.**

**516-487-8207**