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| Client | Gerry Oginski |
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Audio

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| Transcriptionist | Amy G. |

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Gerry Oginski: You went into the hospital for what was supposed to be a routine procedure. You come out with horrible, horrible injuries. You decide to go to a second doctor who now tells you, "I would never have done the procedure that way! I would have done it this way!" Is that enough to go ahead and go forward with a valid medical malpractice case here in New York? You want to know the answer? Come join me for a moment as I show 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. Now you go to a second doctor because you no longer trust the first doctor. You now have a significant problem: you suffered major complications from what should have been a routine procedure. You went into the hospital fine, you came out with horrible, horrible problems. Now you go to the second doctor and the doctor plays the hero; "I would never have done the procedure that way! I would have done it this way!" Is that enough to validate whether or not you have a good case? The answer is, in all likelihood, no. You want to know why not? When we bring a medical malpractice case we are required by law to have a qualified medical expert or a treating doctor tell us that they have reviewed your records or that they have treated you and they know exactly what happened to you. Now they determine that number one, there were clear violations from the basic standards of medical care and as a result of those violations, you suffered an injury and that those injuries are significant and/or permanent.

 Now, I get this question everyday. Somebody calls me and says, "That second doctor I went to said he would never have done it this way!" Now, I tell them, "Listen, you have to ask that second doctor. The way that the first doctor did that procedure, is that something that never, ever should have been done that way? Was it a violation from the basic standards of care for him to do it that way?" You know what he will say? He will likely either not want to get involved or he's going to say, "No, it was still acceptable to do it, but I wouldn't do it that way". Guess what? That's not enough for us to validate that you have a good case. When you have two procedures, as long as both procedures are medically acceptable, the mere fact that one doctor chose one procedure and the another doctor would have chosen a different one does not mean that the first one is wrong. As long as that procedure is still within acceptable medical standards, then it's not going to be enough for the second doctor to say, "I would never do it that way!"

 Why do I bring this up? I bring this up because this happens over and over again in these medical malpractice matters. Where now you go to another doctor to get another opinion to try and get treated because you no longer trust the first doctor, and the second one plays the hero and says, "I would never have done it that way. I would have chosen this way. You wouldn't have gotten hurt if you had this procedure done". Why do I share this 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 here in New York.

 I realize you're watching this video because you 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 questions that need answers, what I encourage 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.

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