

Okay, I've got a great trivia question for you. If, on cross examination of the defense's medical expert I get their expert to agree with me on a key issue in the case, can I get him to repeat the answer so the jury hears it again? Do you want to know the answer? Come join me as I share with you some great information. Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal injury trial lawyer practicing law here in the State of New York. So now, let's say this is a medical malpractice case and I'm questioning the defense's medical expert. And one of the key things I want to establish with the defense's medical expert is I want him to agree with a couple of key issues in our case. "Doctor, would you agree that this was not done in this particular case? And would you agree that the standard of care requires that this, this and this be done?" And if I get the doctor to acknowledge that this would be a departure from good and accepted medical practice if this were not done, now I've established one of the key things I wanted to get across during this cross-examination. How can I best use that information to get the jury to hear it again? Well, there's one of two ways. I can ask the judge to have the court reporter read back the question and the answer that the witness just gave because I didn't hear what he said. Can I do that more than once? Can I do it twice? Three times? I will tell you that if you overdo it by asking it more than once that won't work. You know why? Because the jury will clearly get the sense of what you're trying to do. Instead, you'll do it in a key situation where something critical has just been admitted and acknowledged. Another way to do it is to clarify the question and to make sure that you heard the doctor's answer: "Doctor, I just want to make sure everybody here understood what you said. Isn't it true that if they did not do x, y and z that that would be a departure from good and accepted medical practice?" "Yes it would." So now, can you do it again? Don't do it again because now you're overusing it. So why do I share this quick titbit of information with you? I share it with you just to give an insight and an understanding into what goes on in a medical malpractice trial here in the State of New York. In all likelihood, you have questions or concerns about your own particular matter. Well, if you're contemplating bringing a law suit and your matter happened here in the state of New York, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know, 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 quick video. I'm Gerry Oginski. Have a great day.