

Did you know that one of the goals for cross examination of a medical expert in a medical malpractice trial is to get him to agree with our position? You want to know what this is about? 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 trial lawyer practicing law here in the state of New York. It's a gorgeous day today here in Great Neck. It's almost Thanksgiving and it's a little cold today. My son took my winter coat so I grabbed his jacket. And by the way, it's a Fire Department coat and that's why you see the name embroidered on here. Now, during the course of trial in a medical malpractice case where I am now cross examining the defense's medical expert - they bring in a medical expert to dispute what it is that we are claiming. We're claiming that the doctor violated the basic standards of medical care and as a result of that you suffered significant harm and injury. So now when they call their medical expert to the witness stand and I now get up and have an opportunity to cross examine their witness, one of the key goals that I have is to get the doctor to acknowledge and accept one of the key issues in our case. So how do we do that? Well, I'll ask the doctor a series of questions. Doctor, would you agree that in this particular case it is critical, in fact it is the standard of care that you ask the patient what problems they have? And now would you also agree it's important to record and write down those particular problems? That's known as the chief complaint. And the reason it's important is because if you don't ask and record exactly what the chief complaint is, there's no way for you to fully evaluate what problems the patient has, true? "Yes." And that's the very first thing that you do and the basic thing that you learned back in medical school, isn't that true? "Yes." And you learned that in residency from senior residents and other attendings, true? "Yes." So now I take them through a series of steps to establish this is the standard of care. I want the doctor, the defense medical expert, to recognize and agree that the standard of care is exactly what our expert has described. So why do I do that? Because at the very end of the trial, I want to be able to turn to the jury and say "Ladies and gentlemen, the defense's own medical expert agreed with our expert. This is the standard of care. This is exactly what a doctor of this specialty should be doing in this particular situation." And now I'll use their medical expert to bolster our claims. Is the doctor going to agree with everything we said? Of course not. But if I can get him to agree with some of those things now I can use it to bolster our position to get the jury to recognize and acknowledge that even though he's coming in as an adversarial witness, disputing the things that our experts have said, I can now use those items that he has agreed with to now bolster our case. So 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 a medical malpractice trial during cross examination of a defense medical expert. You know, I realize you're watching this because you likely have questions or concerns about your own particular matter. Well, if you're contemplating bringing a lawsuit for care and treatment you received 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, that's something I do every single day and I'd love to talk to 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.