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## **Orthopedic expert earned \$12,500 to testify in one morning at trial!**

You should have seen the look on the jurors faces when they learned that my orthopedic expert was earning \$12,500 for his time in court just for coming in for a morning at trial. You want to know what this is about? Come join me for a moment as I share you with a remarkable story.

Hi I'm Gerry Oginski. I'm a New York medical malpractice, and personal injury attorney practicing law here in the state of New York. This is an orthopedic malpractice case where we claim that an orthopedist violated the basic standards of medical care causing my client significant injury, and now during the course of litigation the defense refused to negotiate which meant we had to go to trial.

My orthopedic expert gets on the witness stand and as part of my questioning my expert I ask him, "Doctor, how much are you being paid by my office in order to take time off of your busy schedule to be here in court?" His answer with a deadpan face, a straight face, was, "\$12,500." You should have seen the look on every single one of these jurors. There was a collective gasp. They couldn't believe that this doctor was charging that much for his time.

So then I had to ask the next question, "Doctor, tell us why you're charging \$12,500 to be here in court today." He said, "I took the day off. Normally I would have three or four surgeries scheduled, and during those three or four surgeries I would earn more than \$25,000 just for a morning of my surgery and because I'm not in surgery doing these surgical procedures today I now am charging you the attorney \$12,500 to be here in court."

That gave the jury a little bit of an explanation about why this doctor had such an outrageous fee. Many times you'll here from the defense standpoint that a doctors charging like \$300 an hour, \$250 dollars an hour but some of these orthopedic experts turn around and say no my is seventy-five hundred, my fee is ten thousand dollars, my fee is twelve thousand five hundred dollars. For everybody else that's an outrageous number, and to hear it like that is outrageous and that was the collective gasp that we heard. Once he began to explain that hey I make so much more money not being in court but by being in surgery and helping my patients the jury had a better understanding about why his fee was so high.

So why do share this quick little story with you? I share it with you because this happened in an orthopedic case that I tried a number of years ago, and this was the reaction that the jury had which is a normal expected reaction. That's why it's so critical to give that follow up explanation, so the jury clearly understands why this doctors fee was so large.

I realize you're watching this video because you have questions or concerns about your own particular matter. Well if your matter did happen here in New York and your thinking about bringing a lawsuit, but you've got legal questions 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 chat with you. You can reach me at 516-487-8207 or by email at [Gerry@Oginski-law.com](mailto:Gerry@Oginski-law.com). That's it for today's video. I'm Gerry Oginski, have a wonderful day.