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Gerry Oginski: It's a medical malpractice trial and the defense's medical expert has testified that he hasn't done this surgical procedure in ten years, where as our medical expert has come in and testified that he does this on a weekly basis. This is something he does every single week. Who do you think the jury is more likely to believe? Our expert who does this on a weekly basis or the defense's medical expert who hasn't done this surgery in ten years? You want to know the answer? 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 attorney practicing law in the state of New York. Now, when the medical expert gets up to testify, our expert says, "Yes, I'm fully aware and fully familiar with the surgery that was done in this case and I believe that this doctor who did this procedure violated the basic standards of medical care and as a direct result of that, this patient suffered significant injury." So now, later on, the defense puts on their own medical expert and it turns out that this medical expert used to do this exact procedure, but he hasn't done this procedure for the past ten years.

Who do you think the jury is more likely to believe? A doctor who does this procedure on a regular basis or somebody who's basically retired from doing this surgery and now he's coming in to testify, saying that everything was done properly? Here's the brutal reality. The brutal reality is that we would like to believe that because the doctor does this surgery on an every day basis or a weekly basis, that he is more up to date and familiar with what's going on and certainly, typically, will have more credibility than a doctor who hasn't done this procedure in many many years.

Let me share something really remarkable with you, there are doctors who are very credible, who are very believable. These doctors turn around to the jury and give great explanations about why, even though they haven't done the surgery in many many years, they are still fully qualified to explain why the doctor did everything correctly. Typically, what they'll say is, "Listen, I know exactly what happened. I did those procedures for 25 years. By the way, I go to these lectures, I go to continuing medical education classes and I learn about what's up to date. I'm telling you, everything was done correctly here."

If that doctor is very personable, if he's very likable, if he's believable, there is the possibility that the jury will like him better than our doctor who does this procedure on a regular basis. So, you don't know. Just because the doctor does the procedure on a regular basis, does not automatically mean that he has more credibility and is going to be more trustworthy with the jury than a doctor who hasn't done the procedure in many years, even though you'd expect just the opposite. I realize you're watching this video because you likely have questions or concerns about your own particular matter. Well, if your matter did happen 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 fantastic day.

How did Jordan do?



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