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You said you were never sued before. Actually, you were. Will that lie come back to haunt you?

During your pretrial testimony, the defense lawyer asks you whether you've ever brought a lawsuit before, and you think, hey, he's never going to find out about that car accident case that you brought, so you decide to tell him, "No, I've never brought a lawsuit before." Let me share with you why telling that lie can actually destroy your entire current case. Come join me for a moment as I share with you this fantastic information.

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.

You've decided to bring a lawsuit against the doctor claiming that he violated the basic standards of medical care. This is a medical malpractice case, and now during the course of your lawsuit, the defense has an opportunity to question you. It's part of pretrial testimony known as a deposition. That's a question answer session that's given in your lawyer's office.

Now, during the course of this question and answer session in your attorney's conference room, the defense lawyer asks very innocently, "Hey, by the way, Mr. Jones, have you ever brought a lawsuit before," and you're thinking, hey, if he finds out about my case, this one's going to be destroyed, so you immediately answer, "No. I've never brought a lawsuit before." He says, "Are you sure?" You say, "Absolutely, I'm sure." Now, your attorney doesn't know what just went on. You continue answering the defense attorney's questions, and now, let me share with you how that's going to come back to bite you in the butt.

Your thinking, your mindset is, hey, this defense lawyer is never going to know. I brought this case years ago. There's no possible way he'd ever know that I brought a lawsuit. Let me share something with you that should open your eyes. One of the first things the defense does when you bring a lawsuit is they look to see if you've ever brought a lawsuit before. They do a com-

puter database search to see whether you've ever brought a lawsuit before, and if so, what kind of case. Did you testify? Now, they will try and get transcripts of that testimony.

Why would they do that? Because they want to read it. They want to see what you're were claiming. They want to see what injuries you were claiming, and importantly, they're going to see if there are any contradictions between what you said there and what you've said in this case about your injuries. Very, very important, so that's part of the basic research that a defense attorney is going to do.

He will be armed with that information when he comes in to question you during your pretrial testimony. It's almost like a trick question because he already knows the information, so now, "Yes, Mr. Jones, have you ever brought a lawsuit before?" You're thinking there's no way I'm going to tell him and you say, "No!" Guess what? That just destroyed your credibility. Why? Because you now have just lied.

Now, when your case gets to trial, do you know what the defense attorney is going to do? He's going to use that lie to show that your testimony is not credible, that you cannot be believed under any circumstance. He's going to argue to the jury, "How can you believe this person? He lied about something so simple, so innocent, so obvious, and if he's lying about something so simple and obvious, about a case that he brought, which he had every right to bring, but he lied about it, so how can you believe any of his testimony here in court today?"

That's a very compelling argument. In addition, at the end of the trial, the judge is going to give the jury a specific legal instruction that says, "Ladies and gentlemen, if you find that a witness has testified falsely about one little thing, you have every right to disregard all of their testimony." Now, that's a very powerful legal instruction coming from the judge, so theoretically, the jury can disregard all of your testimony, which means that you're going to lose your case. Why? All because you thought in your mind the defense attorney is never going to find this out, when reality, he already knew the answer before he asked you the question.

Why do I share this great information with you? I share with you just to give you an insight and an understanding into what goes on in these civil lawsuits here in New York. I recognize and I acknowledge you're watching this video because you likely have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking or contemplating about bringing your own lawsuit, but you have questions that need answers first, 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 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 video. I'm Gerry Oginski. Have a fantastic day.