

NEW YORK INJURY TIMES



Gerry Oginski
Medical Malpractice &
Personal Injury Trial Lawyer

YOU'VE BEEN INJURED

5 REASONS WHY YOU
DON'T NEED AN ATTORNEY

Page 1

TRY OUR NEW TRIVIA GAME!

TEST YOUR
KNOWLEDGE OF
MALPRACTICE &
INJURY LAW

Page 2

GERRY'S FICTIONAL STORY CONTINUED...

Page 3

YOU'VE BEEN INJURED

5 REASONS WHY YOU DON'T NEED AN ATTORNEY

You've just been injured in an accident. Get ready for the onslaught of mail from lawyers at home. Be prepared for those ugly billboards showing pictures of crashed cars and wreckage with victims crawling away. Beware the yellow pages ads that proclaim quick and fast settlements for your injuries.

Do you need an attorney? No, and here's why:

1. You know it all.

By knowing it all you have more knowledge and experience than a New York

personal injury trial lawyer. That's good. You know what the law is and whether your injuries are serious enough to prevent you from getting thrown out of court. Knowing it all means you know how to negotiate with the insurance company. You are aware of the common tricks they use to get unsuspecting victims to settle cases, like sending a low-ball settlement check to the client with the appropriate closing papers, telling them all they have to do is sign here and the check is theirs. You must know how to find out what the insurance policy limits are, and whether there is any excess insurance available to pay for your injuries. Having all the information means you know how to say "No" to an insurance company offer and start a lawsuit on your own behalf. It also means knowing how much time you have to file a claim with the insurance company, and how much time you have before you need to start your lawsuit.

2. You know how disabling and permanent your injuries are.

Doesn't it feel good to know that you can convey how serious and permanent your injuries are? You can clearly and



Why being a lawyer is so fulfilling to me

When an injured victim comes to my office with their tale of woe, I am unable to physically alter what has happened to them. However, as an attorney with over 18 years of experience I have the potential ability to transform that injury into compensation. With full and fair compensation, I can try and make the injured victim 'whole' again. Being asked to represent an injured victim is truly an honor I take very seriously.

-Gerry

concisely express your frustrations and feelings to the insurance company. Just don't expect them to shed any tears for you.

3. You know the true value of your injuries in the county you live in and don't need a lawyer to tell you otherwise.

Knowing it all means that you know your injuries are worth more than the "McDonald's Lady" who won a large award. It means knowing that your injuries are worth more than the insurance company has ever seen before. It means knowing that in your town and in your county, the same type of injuries for the same age individual is similar or different than your own. Knowing it all means that you know where to search for information that you can use to show the insurance company that your injuries are worth more than a similar victim. It means that you know what medical records and documents the insurance company needs to confirm your injuries and permanent disability.

4. Why should you have to give part of your compensation to some lawyer you don't even know?

Why do you need to give up part of your award, when you can do it all yourself? You know that handling an accident claim and then a lawsuit is no different than reading a do-it-yourself book, similar to building a deck in your backyard. If your neighbor the lawyer can do it, so can you! Why pay someone to do it for you? Do you think they could possibly obtain more money for your injuries than you can? If you don't think so, then by all means, don't hire an attorney. But if you have that nagging suspicion that they just might be able to achieve a better result, then you owe it to yourself and your family to call a personal injury lawyer right away.

5. You have more experience than a New York personal injury trial lawyer and know that you can overcome any defense the insurance company throws at you.

You know that with every claim and every lawsuit, the insurance company and their lawyers will fight you tooth and nail on everything from liability, to causation, to the extent of your injuries. You must know all of those defenses and how to overcome them. You must surely know of how to contact witnesses and obtain their statements, and how to use them to your benefit. Of course, you also know how to try your case and achieve success- all the while trying to support your family and recover from your injuries.

Conclusion

So, do you need an attorney after you've been in an accident? I leave that question for you to ponder. If you know it all, then you don't need an attorney. However, if you think you might benefit from legal counsel and their experience, then don't wait. Call an experienced injury lawyer immediately to make sure you know and understand your legal options. Good luck in your quest for justice!



TRY OUR NEW TRIVIA GAME!

Test your knowledge of medical malpractice and personal injury law. Answers appear at the end of this newsletter.

1. NEW YORK STATE SUPREME COURT JUDGES ARE

- a. Appointed by a government official
- b. Elected

- c. Picked at random
- d. All members of the Elk Lodge

2. IN A MALPRACTICE CASE YOU MUST PROVE THAT YOUR VERSION OF THE EVENTS ARE MORE PROBABLY TRUE THAN NOT TRUE.

TRUE OR FALSE?

3. "OBJECTION OVERRULED" MEANS

- a. It's time to eat lunch
- b. I have a ruler and I'm going to use it on you if you don't hurry up
- c. The question is appropriate and you can answer the question
- d. The judge can't decide what to do

4. IN ORDER TO START A MALPRACTICE CASE IN NEW YORK YOUR ATTORNEY MUST FIRST

- a. Ask if you like to gamble
- b. Have your records reviewed by a medical expert who confirms malpractice and resulting injury
- c. Check to see if you have any moving violations on your license
- d. Tell you what to wear at trial

5. At trial your credibility

- a. Means everything
- b. Means nothing
- c. Is important only if you lie
- d. Is important only if you declare you're the most honest person in the world

6. When suing the driver of the car that hit you, it is important at your deposition

- a. Not to reach over and choke him
- b. Not to mutter curses under your breath

- c. That you don't give him the 'evil eye'
- d. That you don't promise that "he'll get his" once the deposition is over
- e. All of the above

7. AN ECONOMIST IS USED IN A TRIAL

- a. To show what the stock market will do in the future
- b. To show how much the injured victim would have earned over his lifetime and how that money would be affected by inflation
- c. To show the jury that he's smarter than they are
- d. To prove the value of the injured victim's pain and suffering

8. IN A SLIP & FALL CASE

- a. The type of shoes you were wearing is important
- b. The weather is important
- c. The lighting conditions in the area are important
- d. All of the above

9. THE AMOUNT YOU ARE AWARDED FOR PAIN & SUFFERING IS DECIDED BY

- a. Your lawyer
- b. The lawyer for the other side
- c. Members of the audience
- d. The jury

BONUS QUESTION:

If you have declared bankruptcy within one year of starting a lawsuit in New York, and you did not ask the Bankruptcy Court for permission to bring suit, your case will be dismissed.

TRUE OR FALSE?

GERRY'S FICTIONAL STORY

Continued...

You will advise each client that my fee is 10% of their net worth. That includes the value of their house, paintings, artwork, and anything else that has value. If they have stocks or bonds, they need not sell them. They can transfer those to me as well. Life is worth much more than material items. Besides, it's only 10% of their worth. I need to earn a living too, to put food on my table and put my kids through school. Only after all assets have been identified and confirmed, and 10% of those assets have been transferred or paid to me, will they be allowed to make an appointment."

"For every client that sees me, I want a letter sent to their treating cancer doctor letting them know that I saw them on a particular date, and thank him or her for their thoughtful consideration. Also, every letter that goes out must have your name and signature on it. There will be no anonymous letters going out. Remember, you are accountable for your actions. Live up to your potential and then exceed that potential. Oh yes, one more thing. I will also be giving clients a guarantee that they will be cured and that their cancer will not return within one year. If it does return, I will refund their entire fee- but we must first verify that it has returned. We will send them out to other cancer specialists to confirm that their cancer has come back. If it has, we will immediately issue a full refund to them, and then we will immediately notify Dr. Vinny Basta of this finding."

Checking accounts had to be set up, tax ID numbers had to be obtained, credit cards needed to be gotten, phones had to be purchased, computers, office equipment...all the little things he left to his team of assistants. In his

new office was a large open living room in soft brown earthy colors. Very light interior, light beige, lots of windows overlooking acres of lush green grass and trees. Very soothing, relaxing, with classical music usually playing in background. No phone. Each 'patient' would get 2-3 minutes alone. In one door, out another. Pleasantries, greetings and well wishes.

After one month of buying and setting up the new office, he called Dr. Basta to let him know he was ready for his first group of patients. From that day on, the phone never stopped ringing. Jimmy had to hire 5 more assistants to answer the phones 24 hours a day and handle requests from referring physicians. It seems that once Vinny Basta put the word out that there was a cure for cancer, every cancer specialist wanted their patient to see Jimmy Changa, *the man, the miracle worker*.

The first patient he saw was a 50 year-old man from Roslyn, Long Island. He traveled to see Jimmy, at Dr. Basta's request. He had \$10,000 in savings. Jimmy's fee was \$1,000 and he spent 3 minutes with him wishing him well. The next patient was Joanne, a 63 year-old housewife who had cervical cancer. She had \$400,000 in assets. Jimmy's fee: \$40,000. And so it continued. The first day alone, he earned \$125,000. As more and more people came to see him, and as his team of professionals tracked assets, his income grew dramatically. By the end of the first month, Jimmy had seen an average of 30 people a day, with a total income for the month at \$875,000!

Lawrence the accountant couldn't believe how much money was pouring in. He thought if this much money was being handled, he'd have to give serious consideration to creating

and opening their own bank to handle this much money. Why give it to a local bank to handle when they could do it themselves and earn the interest, and then invest it? He called his friend over at We Cheatem & Howe brokerage company in Manhattan for assistance and information about setting up a bank. He then called the FDIC to find out about their regulations. He also called a few tax attorneys to steer him in the right direction. What he learned was that it wasn't that hard to open your own bank, especially when you've got this kind of money, and expect more of the same to come in.

For every client that walked into Jimmy's office, they were always told to return back to their cancer doctor to follow up to make sure the cancer did

not return. Each client was eternally grateful. Jimmy made sure to tell each patient that he could not accept any gifts, and if they were really inclined to give a gift, to give money to their favorite charity, in Jimmy's name. The ironic thing is that every client took him up on his advice. Soon thereafter, Jimmy's office was inundated with notices from different charities not just advising him of donations made in his name, but asking for money as well. As a result, he needed a full time secretary to call each charity to let them know that he wished to be removed from their mailing lists.

A veil of secrecy covered Jimmy's new organization. No news stories, no interviews, and a secrecy agreement for every employee. If breached they would be immediately

fired and lose their pension plan and health benefits. A legal team would begin immediate legal action to prevent them from disclosing any information about the foundation and seek money damages for the harm they could cause. So far, no one had breached. But it was inevitable that one day it would happen. Lots of rumors began to develop in the media about the miracle man. All patients had signed confidentiality clauses too. The same was true for doctors at all the hospitals in the country in exchange for the opportunity to send their cancer patients to Jimmy, and for an exclusive arrangement to get him to come to their hospital one time per month to see as many people as possible that day.

To be continued... ☆

The Law Office of Gerald M. Oginski, LLC
25 Great Neck Rd., Suite. 4,
Great Neck, NY 11021

516-487-8207

ANSWERS TO TRIVIA GAME
1. B, 2. TRUE, 3. C, 4. B, 5. A, 6. E, 7. B, 8. D,
9. D, Bonus: TRUE



Call me with any legal questions about injuries from any accident or medical care. I promise to give you a straightforward and honest answer.

That's my guarantee. 516-487-8207