

**HAPPY
NEW
YEAR!**

New York Medical Malpractice Attorney Gerry Oginski presents

NY INJURY TIMES

JAN. 2013

THE LAW OFFICE OF:
GERALD OGINSKI, LLC
25 Great Neck Rd., Suite 4
Great Neck, NY 11021
TELEPHONE 516-487-8207
FAX 516-487-8472

How Much Money are You Suing For in Your NY Medical Malpractice Case?

In New York, the answer is that you are not permitted to put an actual number down on the papers that start your medical malpractice lawsuit.

Although you may have significant injuries as a result of improper treatment by a doctor or a hospital, the law in New York prevents you from placing an actual number on the lawsuit papers.

You may have an idea in your own mind about the value of your injuries. Your attorney may have a clear understanding of what your injuries are worth compared to other similar cases that have been resolved by settlement or verdict in the state of New York. However, we do not put down that information in the complaint, which is the document that starts your lawsuit.

The reasoning behind that is that a jury is ultimately the one to determine how much compensation to award to you based upon what you have proven at trial.

In an accident case however, we are required to put down the amount of money that we believe you are entitled to. That is why you'll

continued on page 4

- MED MAL-WHAT'S IN THE NEWS?**
- DO YOU WANT AN EXPERIENCED ATTORNEY?**
- PHOTO GALLERY-A TRIP TO JAMAICA**
- NEW WORD SEARCH**

You Don't Really Want a New York Medical Malpractice or Accident Attorney with Experience-Instead You Want Something Totally Different

Every trial lawyer you speak to who handles medical malpractice, accident cases or wrongful death matters here in New York will tell you they have no hesitation to taking a verdict in a case that goes to trial.

A trial lawyer cannot be afraid to have a jury render a verdict. It doesn't matter whether you are a plaintiff's attorney or defense attorney-you cannot be afraid.

The nature of the civil justice system is that if the parties cannot resolve their dispute about who caused the injuries and the extent of the injuries, then we let a group of six

people in the community decide for us.

A jury will ultimately decide if the people you have sued are responsible for your injuries, and if they are, how much compensation to award to you as a result of those injuries.

The problem with taking a case to verdict is that the outcome is unknown.

I'm serious. I truly believe that most injured victims don't really care who their attorney is.

continued on page 2

continued from page 1

Most injured victims don't know an attorney.

Nor do they know someone who can refer them to a trusted attorney. Instead, they go online looking for information about which attorney might be right for them.

The problem is that most attorneys talk about their experience and their prior cases. While this is great, the fact is that **not every attorney has the same experience and not every attorney is right for every client.**

More importantly, when an injured victim goes looking for an attorney, what they really want, deep down in their heart, is not an attorney with experience. That should be a given.

What they want is someone who can get results.

That's the nitty-gritty of what every injured victim wants when they feel they suffered a wrong as a result of someone's carelessness. *They want an attorney who is going to be able to get them results and get them compensation.*

So here is where most consumers who are searching for an attorney mistake experience for results.

EXPERIENCE V. RESULTS

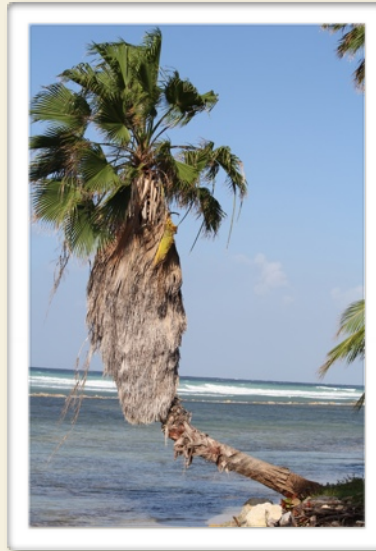
Every lawyer in New York who posts a message, a blog post or an article about a case they have handled in the past is supposed to remind the viewer somewhere on their website that past results do not guarantee future outcomes. You would think this is basic common sense. You would think that just because an attorney has handled a case successfully involving a failure to diagnose cancer case that does not automatically mean that they will be successful in your particular case, even if it is similar.

Think about it this way. An injured victim feels they have been violated. They are entitled to receive compensation if we can show that the wrongdoing was caused by someone else and that their injuries are significant or permanent. However, **since every case is different, there is no possible way for any lawyer in New York to ever guarantee what type of outcome you can get for your particular case.**

No lawyer can ever guarantee a result.

That's a fact. Any lawyer who ever guarantees you a result should be asked to put that in writing and you should hold onto that till the very end of your case.

continued on page 4



These trees took a little detour



They didn't get the memo. See sign.

THE THREAT OF GOING TO VERDICT IN A MEDICAL MALPRACTICE TRIAL HERE IN NEW YORK

It is unknown whether a jury will award you money.

It is unknown whether the jury will award you a lot of money.

It is unknown whether jury will decide your case has no merit not award you any money.

As a result of these unknown issues, there are significant risks involved with allowing a jury to ultimately render decision, known as a 'verdict'.

The risk is that there is a considerable investment of time, energy and resources to try your case all the way to verdict. The investment can be considerable depending upon the type of case you have. In medical malpractice cases it is common for the trial attorney to spend anywhere from \$30,000-\$100,000 just to try the case. Those costs involve preparation, transcripts, expert witness fees and more.

You might think applies only to lawyers who represent injured victims. Not true.

In fact, it applies the same to the defense lawyers and their insurance companies as well.

Defense attorneys must weigh the same risks, benefits and alternatives to proceeding to trial. They also run the risk of having an award rendered against them. There is also the risk that the amount awarded will be in excess of what the insurance policy covers. There is the likelihood that if a jury awards a substantial amount of money against them and their clients, they will then have to pay an attorney to appeal the case which will mean the case will drag on for two more years.

During course of a lawsuit, there may be an occasion where settlement negotiations will take place.

If a substantial offer is made and if I feel it is in my clients best interests to consider such an offer, they must weigh the risks, benefits and alternatives to accepting a significant offer compared to the risk of proceeding to trial and taking a verdict.

My goal, as an experienced trial attorney, is to provide guidance to you so you can make the best educated decision possible about what to do next.

How Much Money are You Suing For in Your NY Medical Malpractice Case?

continued from page 1

often hear about people who are bringing lawsuits suing for millions of dollars. The reality is that number is a fiction and has absolutely no rational relationship to the true extent of your damages or injuries.

If someone asks you "How much are you suing for in your medical malpractice lawsuit?" The answer is there is no specific number that you are requesting initially. During trial, your attorney will certainly ask the jury to make an award and will likely give the jury a range of what he believes your injuries are worth.



A scavenger looking for food
at the waterside restaurant.



You Don't Really Want a New York Medical Malpractice or Accident Attorney with Experience- Instead You Want Something Totally Different

PAGE 4

It is unethical for an attorney to be able to tell you that they can guarantee a result on your case. It is also impossible to guarantee any type of outcome or result.

Yet every single injured victim wants results.

They want the “best” attorney; they want the most “aggressive” attorney and they want an attorney who will fight for them till the bitter end. That, in my opinion, is what every injured victim truly wants.

However, if there are no attorneys in New York who can ever promise or guarantee a result, what can an injured victim expect from a New York Medical Malpractice or accident lawyer who has experience handling similar cases?

The only guarantee an attorney can make is that they will use their knowledge and experience to represent you to the best of their ability. They can guarantee that they will utilize similar strategies and tactics to maximize the chances that you may get compensation. But again, if your case goes to trial, there is never a guarantee of a favorable outcome.

A jury might determine that you don't have a valid case and turn you away without awarding a dime. On the

other hand, they may feel that you have a valid case and award you a very significant amount of money.

An experienced attorney can certainly guarantee that he will make attempts to question all the witnesses and then begin settlement negotiations, again trying to achieve the maximum type of settlement possible based upon his experience and knowledge.

THE BOTTOM LINE

The bottom line is that if no one can guarantee results, and that is truly what you are looking for, the real questions you need to ask yourself are:

"If all the attorneys have the same general level of experience, don't I really want to attorney who makes me feel good about myself and my case?"

"Don't I want an attorney who educates and teaches me about the lawsuit process?"

"Don't I want an attorney who makes me feel good as I go through the litigation process?"

Think about those questions when deciding which attorney is right for you.

HERE'S THE BACK STORY ON THE PHOTOS YOU ARE ABOUT TO SEE ON PAGES 5 AND 6...

Earlier this month I went to Jamaica with my wife for a little mini-vacation and legal marketing seminar. The images you see on the next two pages are a brief glimpse of the beautiful resort we stayed at. I took over 500 pictures on this little trip.

There is one photo on page 6 that has absolutely nothing to do with my trip to Jamaica.

In fact, when I returned from my weekend trip I had to appear in New York County Supreme Court, at 60 Centre St. downtown on Monday morning. After I finished my conference, while walking through the rotunda I glanced up and was amazed once again to see this magnificent image.

I took out my iPhone and snapped the picture and what you see is a beautifully restored ceiling that is magnificent to look at.

You'll also notice really cool shells that my wife picked while exploring the beaches of our resort.





A few shells and spiny sea urchins my wife found on the beach in Jamaica.



at Neck, NY 110

Watching the dolphins train and play at Half Moon resort. Using my telephoto lens 55mm-250mm and fast shutter speed.

GERRY'S PHOTO GALLERY



The view from Half Moon resort in Jamaica



The ceiling in NY County Supreme Court at 60 Centre St., NYC



Shooting educational video in Jamaica



Lunch time in Jamaica



This was the villa where we stayed. 8 families per villa. We were in the top left unit.



Does this even need a caption?

Gerry's Trivia Game

New Word Search!

TEST YOUR KNOWLEDGE OF NY LAW

FIND ALL WORDS AND WIN A GIFT CARD!

TRUE OR FALSE?

1. You can settle your car accident case without hiring an attorney.
2. In a medical malpractice case, you are required to put down how much you are suing for in the summons & complaint.
3. A motion for judgment non-obstante verdicto means that it's time for the judge to order lunch.
4. A defense lawyer will always ask the judge to dismiss your case during your trial after you have put on all your evidence.
5. If you go to mediation, you cannot leave until you have settled your case.
6. When offering your MRI films into evidence we must lay a foundation first.
7. The likelihood of settling your medical malpractice case shortly after you start your case is really good.
8. If your treating doctor refuses to come into court and testify on your behalf, you can always subpoena him to come in.
9. A subpoena for medical records from a municipal hospital does not need a court order.
10. If an insurance company sends you a check to settle your case, without you asking for it, it's ok to cash that check.

F	I	N	V	E	S	T	I	G	A	T	O	R	C	Y
R	O	T	A	G	I	T	I	L	P	N	M	R	O	T
C	T	T	W	J	I	M	D	P	O	W	I	B	U	I
D	O	A	N	L	U	A	R	I	O	L	S	M	N	L
E	B	M	D	E	M	D	T	T	Y	X	S	H	S	I
O	L	S	M	A	G	A	I	B	C	N	I	Q	E	B
N	X	T	G	I	S	I	A	C	L	E	O	J	L	A
B	C	E	T	U	S	R	L	Z	I	W	N	G	O	I
U	S	G	A	E	R	S	C	G	U	A	X	C	R	L
O	Q	C	W	I	S	A	I	O	E	N	L	U	U	L
Q	K	B	S	M	I	G	B	O	W	N	D	Z	N	A
Y	Z	T	O	D	E	R	U	J	N	I	T	T	N	I
M	E	D	I	A	T	O	R	N	J	L	Z	T	E	R
R	S	E	H	I	G	V	Q	P	R	Z	E	F	M	T
W	W	O	O	U	F	L	M	N	L	K	S	V	B	L

BARRISTER	CAUSATION	COMMISSION
COUNSELOR	DAMAGES	INJURED
INVESTIGATOR	JUDICIAL	LIABILITY
LITIGATOR	MEDIATOR	NEGLIGENT
OMISSION	SETTLE	TRIAL

Word search challenge: Find all 15 words correctly, and fax it in with your name & address filled out for a \$10 gift card to Dunkin Donuts. ONLY 15 GIFT CARDS AVAILABLE...so fax it in quickly!

NAME: _____
 ADDRESS: _____
 CITY: _____ STATE: _____
 ZIP: _____
 EMAIL: _____
 PHONE: _____
FAX TO: 516-487-8472

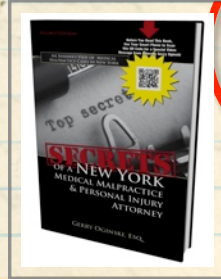


NEW YORK INJURY TIMES

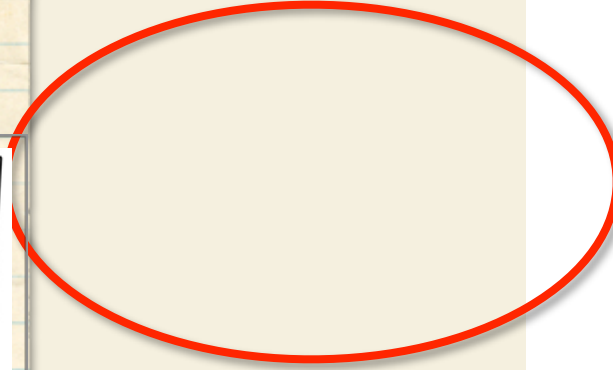
THE LAW OFFICE OF:
GERALD OGINSKI, LLC
25 Great Neck Rd., Suite 4
Great Neck, NY 11021



Attorney Gerry Oginski



MAIL TO:



NEED ANSWERS TO YOUR LEGAL QUESTIONS?

PICK UP THE PHONE AND CALL. IT'S THAT SIMPLE.

516-487-8207 OR BY EMAIL: LAWMED10@YAHOO.COM

NEW YORK INJURY TIMES

JAN. 2013

Give this newsletter to your best friend.
They'll thank you for it, and so will I.

----- *Answers to Trivia Game* -----

1. True, 2. False, 3. False, 4. True, 5. False, 6. True, 7. False, 8. True, 9. False, 10. False

**Call me right now 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