



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

35 South Drive  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## Judge Tells Me to Rephrase My Question at Trial. Why Would He Do That?

Why would a judge tell me at trial that I have to rephrase my question? You want to know the answer? Come join me as I show you some terrific 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. It could be an accident trial, or a medical malpractice trial, or even a wrongful death trial, I get up to ask a witness a question and now as I ask the question the defense lawyer jumps up, yells out "Objection judge, that's an improper question." The judge looks at him, he looks at me and says "Counselor, please rephrase your question." Why would the judge do that?

There's some instances where I might ask let's say a compound question where I'm now asking the witness to give me an answer for one thing, but I ask 2 or more things in the question. Let's say for example it's an accident case and now I've got the driver on the stand, on the witness stand. I say "Mr. Jones, isn't it true you were speeding and you went through the red light at the same time?" "Objection judge, that's a compound question." Now the judge says "Rephrase it." "Mr. Jones, isn't it true you went through the red light?" That's either yes or no. "Mr. Jones, isn't it true that you were speeding at the time of the impact?" That's either yes or no. Now I'm going to ask an entire series of questions to determine whether or not this driver was in fact speeding. There are different ways to do that, different strategies, different tactics.

Same thing with the red light. "How far away were you from the traffic light when you first saw the other driver? What was your speed? Was it a straight and narrow area? Was it on an incline? Was it on a decline? Did you maintain your speed throughout the entire distance? What distance did you travel from the time you first saw the car until the impact? How long did it take you to go from the time you first saw the car until the impact?" Using things such as speed, time, and distance we can plug those numbers into a formula to determine whether or not this person really was speeding. About the issue about whether or not he went through a red light, now we're going to have to rely on other eye witnesses, other witnesses to the incident. If

I ask a compound question the judge will tell me "Mr. Oginski, please rephrase your question."

You know what? I'll be happy to do so. I can ask the same question 20 different ways, any good experienced trial attorney will be able to do that. You'll find that some novice, young attorneys get so flustered and so upset when the judge turns around and says "Counselor, rephrase your question." Some attorneys will say "Judge, what's wrong with my question?" That's a wrong response, you don't want to say that because that shows your naivety, it shows that you're inexperienced. Instead, the better practice is "Sure, no problem judge." Now ask then question a different way. 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 during these civil lawsuits, these civil trials here in the state of New York.

I realize you're watching this video and I acknowledge you're watching it because you'll likely have questions or concerns about your own particular problem. If your matter happened here in New York and you're think about bringing a lawsuit, but you have questions that need to be answered first, what I invite 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](mailto:Gerry@Oginski-Law.com). That's it for today's video, I'm Gerry Oginski, have a great day.