



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

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

## Can I give 2 Hour Opening Argument at Trial?

In a medical malpractice trial here in New York where there a lots of details and facts that the jury needs to know. Can I go give a 2 hour opening argument at the beginning of the trial? 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 here in the State of New York. It's a gorgeous day today. This tent is still setup from my son's Bar Mitzvah yesterday and I thought I'd take advantage of it shooting outdoors so the sun isn't directly beating down on me.

The answer is no. I don't want to give a 2 hour opening argument. You want to know why not? It's because I need to distill the facts down into two sentences. I need to condense the entire case into one or two paragraphs. The jury doesn't want to sit and listen to me for two hours telling them every single detail that we are going to prove during the course of this trial. They are going to get bored out of their mind. They want testimony. They want evidence. They want to see the drama. They want to hear what's going on. They don't want me droning on and on about what's needed and what's going to happen during the course of this trial. Besides the judge at the very beginning before I have a chance to get up and make my opening remarks.

He is going to give the jury preliminary instructions just letting them know what's going to happen and what's going to occur throughout the course of this trial. Now when I get up to speak to the jury within the first few moments I want them to know exactly what this case is about and I want to delve right into the story. Why? Because it's interesting, because it's compelling, because it gets them engaged in what's going on and I want them to know immediately what the issue is, what's the clear dispute here.

Every case like this has a dispute. We claim the doctor violated the basic standards of medical care. The doctors says no I didn't. That's a dispute and now they need to know about it and they also need to know why we believe we are more likely right than wrong, than what we are claiming is true and now I have to tell the jury immediately exactly what happened.

I may start my opening arguments by saying, "Jenny was 22 years old when she went to the doctor complaining of a lump in her breast." And now the doctor looked at it and said, "No big deal." Now all I am doing is launching in to the story to tell them exactly what happened and within a few moments they are going to know exactly what the dispute is and why we believe the doctor departed and violated from good medical care.

Why do I share this quick tidbit of information with you? I share it with you just to give you a sense and an idea of what goes on behind the scenes in a medical malpractice trial here in the state of New York. I recognize you're watching this because you have likely questions or concerns about your own particular matter. Well if your matter did happen here in New York and you are thinking about bringing the lawsuit but you have legal questions. What I encourage you to do is pick up the phone and call me. I can answer your legal question. You know that is something I do every single day and I'd love to chat 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 wonderful day.