



**LAW OFFICE OF GERALD
OGINSKI, LLC**

67 Cutter Mill Road
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

Cross examination tip; Why would I stand between the doctor and his attorney at trial?

We're at trial. It's a medical malpractice trial. Now I'm cross-examining the doctor that you have sued. Now, why is it that sometimes I'm going to stand in between the doctor who's on the witness stand and his lawyer, who's somewhere behind me at counsel's table? You want to know the answer. Come join me as I share with you some traffic information. Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law in the State of New York.

The doctor will sometimes turn to his attorney for visual cues about whether he should go ahead and answer the question or not. Now is that appropriate? The reality is no, it's not appropriate. The attorney shouldn't be giving hidden signals to the witness about how to answer the question or whether he should be answering the question. It's not like a baseball game where the coach is now doing certain signals in order to try and tell the runner on the base whether he should run. It doesn't happen that actually.

If I think that the doctor on the witness stand is trying to get visual signals from the attorney, what I'm then going to do is now shift over gently so that now the jury doesn't recognize it, but that now I'm blocking the doctor's vision, his path to see and look at his lawyer. This does happen from time to time and it's remarkable. Some attorneys will go so far as to say, "Doctor, why are you looking to your attorney for the answer?" Now they call him out on it. Now the doctor will usually get all embarrassed and either acknowledge it or say, "No no, I'm not doing that."

The jury may have seen it. If they've seen it, now the attorney has brought it to their attention and it looks as if the doctor is trying to hide something. Why? Because he now needs the attorney to signal him to tell him whether he should or student answer the question. Or maybe even how to answer the question. That's why sometimes you'll see an attorney shift over and stand directly in the path between the doctor on the witness stand and the defense attorney who's now sitting at the defense attorney table.

Why do I share this quick little story with you? I share it with you just to give you an insight and an understanding that if you happen to be a litigant and see this happening, you'll know why. If you happen to be a witness, you'll know why this is happening. If you happen to be a bystander or an observer who simply wants to go into court and watch what's going on and you see this, chances are now you're going to know why.

I recognize you're watching this video because not only did you want to learn the answer to this question, but you likely have more questions about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit but you have questions that need to be answered, 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 chat with 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.