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Do NY attorneys flip a coin to see who goes first at trial?

In a civil law suit here in New York, do the attorneys flip a coin to see who goes first at trial? You want to know the answer? Come join me 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 in the state of New York. The answer is no, the attorneys do not flip a coin to see who is going to go first at trial. So here's the actual process of who goes first. The judge will go first.

The judge gives the jury initial preliminary instructions on what's going to happen during the course of this trial. And now, he's going to say, "Mr. Oginski, the plaintiff's attorney, please say your opening remarks". So now, the person who represents the injured victim ... The person who is bringing the law suit ... Is the one who will make opening remarks first. And now, after I've had a chance to the jury about what we expect to prove in this case ... To show that we are more likely right than wrong ... I will then sit down, and now the defense attorney will then have an opportunity to get up and make their opening remarks. They don't have to make opening remarks, but in all likelihood, they will.

So that's the process and that's the procedure that will go on in every civil law suit involving an accident case, a medical malpractice case, and even a wrongful death case. So now you might be thinking, well what happens at the end of the case? Who actually gets the last word? Does the judge get the last word? Do I get the last word? Does the defense attorney get the last word? Okay, so here's how it works. At the end of the case, the reverse is true. The defense attorney is the one who makes the closing arguments first. Then, when he is done, I then have an opportunity to make my closing remarks. So, from an attorney's standpoint, I get the last word. But, who get's the last "last" word? That would be the judge. Because the judge has to give the jury specific legal instructions on what the law is in this particular case for the jury to evaluate, to decide. Who is more likely right than wrong?

So, to answer the original question, do we flip a coin to see who goes first? Absolutely not. It's not a football game. It's not a sports game. It's already set by law as to who goes first and who gets the last word.

So, why do I share this quick tidbit of information with you? I share it with you just to give you an insight and an understanding into what goes on in these civil law suits here in New York. I realize you're watching this video ... And I acknowledge you're watching it because you have questions or concerns about your own particular matter. Well, if your matter did happen here in New York and you're thinking about bringing me your law suit, but you have questions that need answers, what I invite you to do is pick up the phone and call me. I can answer your legal questions. You know, 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.

That's it for today's video. I'm Gerry Oginski. Have a great day.