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## Judge says I opened the door when I was told this topic was off- limits

It's a medical malpractice trial and the Defense Attorney is questioning his own Doctor on the witness stand. He asks him a question and I jump up and yell out, "Objection Judge." The Judge turns to me and says, "Counselor, you open the door. Objection over-ruled. Mr. Defense Attorney continue asking the question. Doctor, you can go ahead and answer that question." What just happened? You want to know what happened? Come join me for a moment as I share with you what it means to, "Open the door." 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. In this scenario in the medical malpractice case I will already have had an opportunity to question the Doctor that you are suing.

I can typically call the Doctor as my very first witness. I can conduct a cross-examination and ask leading questions of this Doctor. After I've had an opportunity to question this witness I will then sit down. The Defense Attorney has an opportunity to then get up and ask his own client questions. That's known as a direct examination. During the course of his questioning, he asks him something that the Judge has previously told us to stay away from. During my questioning of the Doctor, I went into an area where the Judge told me not to go there. That there's a specific legal issue that he's already ruled on, and he doesn't want us going there, but the Doctor's already inadvertently given me an answer before the judge had an opportunity to rule.

When that Defense Lawyer gets up he wants to go ahead and probe and explain to the jury what this issue was and why. He wants to give the jury an explanation. What does he do? He opens the door and tries to get the Doctor to come through it to explain to the jury what this was all about. If I try and object, what do you think happens? "Objection Judge, he can't ask that question." Now the Judge remembers the question that I asked, and he's ruling. Then the Judge says, "Counselor, if you remember when you were questioning the Doctor I told you to stay away from this area. Guess what,

you asked the question anyway and the Doctor answered it, so now the Defense Attorney has the opportunity to go ahead and get the Doctor to explain. Mr. Oginski, you already opened the door, now he's well within his rights to go right through it."

That's what it means when an Attorney inadvertently opens the door and now his opponent has the opportunity to walk right through it. Why do I share this quick information with you? I share it just to give you an insight and an understanding into what goes on in these Civil Lawsuits involving accident cases, medical malpractice cases, and wrongful debt cases here in New York. I realize you're watching this video because you have questions or concerns 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 answers 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 fantastic day.