

Can aggressive cross-examination backfire on you during the course of trial? Do 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 trial lawyer practicing law in the state of New York. It's a gorgeous day today here in Great Neck. My son took my winter coat so I took his. It's a fire department jacket; it's got his name embroidered here. But I just wanted to share this great information with you. So now, at trial, if we are now cross-examining the defense's medical expert, let's say in a medical malpractice case, can we go too far? Well, the answer is our questioning, our tactics, might backfire on us if we are too aggressive, if we are constantly badgering, if we are going, going, going, headstrong. That can backfire. But for the most part, with a doctor who is combative, with a doctor who refuses to answer our questions just yes or no, with a doctor who fights with us over every little word and semantics, the jury will see through that sort of nonsense, and the fact that we are aggressive is not typically going to backfire. But let's turn this around a little bit. Let's say I'm questioning a grandma who witnessed an accident, and now, one side brings in Grandma to the witness stand to now explain what it was that she saw. If we're aggressive when questioning Grandma, do you think the jury's going to appreciate it? Absolutely not! They're going to hate us for it. If a little child is brought in to testify about something that they observed, someone who's seven, eight, nine, ten years old, and now we are aggressive and going after this child on cross-examination, do you think it could backfire? Absolutely. So, it all depends on the situation. It depends on the witness that we're questioning. It depends how aggressive they are in answering our questions. All of that is very fluid and varies from case to case, as well as from witness to witness. Are there aggressive cross-examinations? Absolutely. And we ask the jury at the very beginning, while we are trying to select the people who are going to sit in judgment of your case. "Listen, if we get a little aggressive or hot or hostile during the course of cross-examination, I hope you're not going to take it out on me or my client because you realize I have an important job to do to get to the truth of the issue, to find out and unearth what the real kernel of truth is." So why do I share this great information with you? I share it with you just to give you an insight and an understanding into what can occur during the course of a trial where cross-examination tends to be the culmination and the search for the truth of an opposing adversarial witness. You know, in all likelihood, you're watching this because you likely have questions or concerns about your own particular matter. Well, if your matter did happen here in the state of New York and you do have legal questions, what I encourage 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 quick video. I'm Gerry Oginski. Have a great day!