

The defense attorney keeps objecting while I'm questioning my medical expert. Up and down like a yo-yo. Do you want to know why he's doing it? 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 trial lawyer practicing law here in the State of New York. Now I'm in the middle of questioning my medical expert in a medical malpractice trial. The defense attorney is going up and down like a yo-yo: "Objection, judge! He's leading the witness. Objection, judge! That's hearsay. Objection judge! That's irrelevant." And now why is he doing that? Well, there are a couple of key reasons why he would do that. The first is that he wants to interrupt my pattern, he wants to interrupt my line of thinking so now I'm going to get all confused and that can be a very effective strategy; it's known as a 'pattern interrupt'. The second reason he might be doing that is to preserve his right to appeal so that if there's a key legal issue that he believes the judge has ruled incorrectly now if he loses the case he can then take this issue up to a higher court and now they can review that particular issue. The third reason he's doing that is because he doesn't want the medical expert to get information out to the jury that's going to harm his particular position and his client. Now, what do you think the drawback is if he does this over and over and over again? What do you think the jury is thinking? Well, one of the things that could happen is that this whole strategy could backfire on him and what will wind up happening is that the jury will think, hey why does he keep objecting? Why doesn't he want this medical expert to get this information out? Is he trying to hide something? And if that's the conclusion the jury reaches, then this whole strategy will backfire on him and it'll do him much more harm than good. Now I have to share something very important with you. If the attorney does not object during the course of trial to something that he believes is a key legal issue and now he tries to appeal that particular problem later on, the appellate court looks to see at the transcript whether or not the attorney objected. If the attorney did not object they believe that the attorney has waived his right, his legal right, to go ahead and appeal that issue. That's why you will see and hear an attorney object quite often during the course of trial to an issue that he believes is critically important. There's a fine line, there's a fine balancing act, an attorney has to go through in order to make sure that he's not overdoing it but at same time protecting his legal right so that if he does have to appeal now he's protected his right to go ahead and raise that issue at the time of appeal. So why do I share this quick information with you? I share it with you just to give you an insight and an understanding into what goes on in the litigation process in a case involving medical malpractice, involving a car accident or even a wrongful death matter. You know, in all likelihood you're watching this video because you have questions or concerns about your own particular matter. Well, if your matter happened here in the state of New York and you're contemplating bringing a lawsuit, what I encourage you to do if you have legal questions 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 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 quick video. I'm Gerry Oginski, have a great day.