

“Objection judge! He’s putting words in the witnesses’ mouth!” Do you really know what that means and why the attorney is objecting to that? Come join me for a moment as I share with you exactly why the attorney is objecting. Hi, I’m Gerry Oginski. I’m a New York medical malpractice and personal injury trial attorney practicing law here in the state of New York. It’s a gorgeous day today, my son actually took my winter coat, so I grabbed his coat. It’s a fire department coat and it’s got his name embroidered here and I want to share this with you for a few moments. So now, during the course of trial, the defense attorney jumps up and says “Objection judge! He’s putting words into the witnesses’ mouth!” Now, the proper legal term for this objection is “Objection judge! He’s leading the witness!” What does that mean? It means he’s putting words into the witnesses’ mouth! Okay, so what does that mean? It means that instead of asking open-ended questions - “Mr. Jones, tell us who did this? Where did it happen? When did it happen? Tell us how it happened.” Now, rather than giving the witness the opportunity to explain in his own words to the jury what exactly occurred, instead he’s using direct leading questions that typically will only call for a “yes” or a “no” or a “I don’t know” answer. “Mr. Jones, isn’t it true that you were standing on the corner of First Street and Main when this happened?” It’s either yes or no. “Isn’t it true that the weather was a beautiful day, yes or no?” In many cases, it’s permissible to get the witness to go ahead and answer some leading questions just to put the frame of reference of where this witness was so that the jury understands what he’s going to be talking about in just a few moments. But what happens if now we continue asking this witness direct leading questions of our own witness? Somebody we want the jury to tell and explain what happened in their own words? The defense attorney will likely get up and object say “Judge! He’s putting words into the witnesses’ mouth!” Usually when we put on a witness, the whole point is to have that witness explain to the jury in their own words exactly what their thoughts are, what their opinions are, what their conclusions are on what happened. If we go ahead and ask leading questions, we don’t give the witness the opportunity to do that. Instead, we are the ones telling the story and we’re simply getting the witness to either agree, disagree or say that they can’t remember. Now, that’s totally different than cross-examination. Cross-examination, I am allowed and I will ask leading questions each and every time because my goal on cross-examination is totally different. So why do I share this quick information with you? I share it with you just to show you the differences between cross-examination and direct examination. And that’s what it means when the attorney jumps up and makes this particular objection. You know, I realize you’re watching this because you have questions or concerns about your own particular matter. Well, if your matter did happen here in New York and you’re contemplating bringing a lawsuit and you’ve got 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 chat with 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 quick video. I'm Gerry Oginski, have a wonderful day.