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An attorney who reads opening arguments loses credibility

You want to know why an attorney who stands in front of the jury and reads his opening argument is likely going to lose all credibility with the jury? You want to know why? Come join me for a moment as I share with you exactly what I'm talking about.

Hi, I'm Gerry Oginski of a New York medical malpractice and personal injury attorney practicing law in the state of New York. Let me tell you what I mean.

"Good morning, ladies and gentlemen of the jury. My name is Gerry Oginski. I represent this patient who is injured because of the carelessness of this doctor. Now, we are going to prove to you that we are more likely right than wrong."

Now, an attorney who tries to read his opening arguments during the course of trial is likely going to lose tremendous credibility with the jury. Instead, what should he do? He should take his notes, put it down. That's it. Now, have a conversation with the jury.

"Ladies and gentlemen, in just a few moments, you're going to hear from my client tell you in her own words exactly what happened to her and why. But first, you're going to hear from the doctor who we believe caused this problem, who we believe violated the basic standards of medical care. Let me take you back in time a few years and explain to you what happened when my client, Mrs. Jones, came to this doctor with the following complaint."

Now, I launch into the story. By making eye contact, by having a conversation with the jury, now they're interested, now they want to hear, now they want to learn what happened. What was the problem? Why did this doctor do something wrong? What injury did this person suffer as a result of what-ever occurred? The moment an attorney starts reading and taking his eyes away from the jury, he loses credibility. Somebody standing in front of you,

they're asking you a question, you don't turn your eyes away and talk to the wall to give an answer. Not only is that disrespectful, but you lose eye contact. The moment you do that, now you lose credibility. It's critical for any attorney when you're making opening remarks in a trial, whether it's an accident trial or medical malpractice case or a wrongful death case, to have a great conversation with the jury to let them know, "Here's the problem. Here's why we are here. Here's what should have been done. Now, here are the injuries that my client suffered as a result of this. We're going to show you that we are more likely right than wrong during the course of this entire case."

Why do I share this quick information with you? I share with you just to give you insight and understanding into what goes on in these civil lawsuits here in New York. I realize you're watching this video because you have questions or concerns about your own particular problem. Well, if your matter did happen here in New York and you're thinking about bringing a law suit, 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.

There's something I do every single day. 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.