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## Can I speak over attorney's objection during trial and keep going?

It's a civil lawsuit here in New York. It might be an accident case. It might be a medical malpractice case. Or, it might even be a wrongful death case. I'm now making opening arguments, and during the course of my opening arguments, my opponent all of a sudden gets up, yells, and says, "Judge, I object to Mr. Oginski's argument." Can I speak over my adversary and simply ignore him? Or do I have to stop and wait for the judge to make a ruling? You want to know the answer? Come join me for a moment as I share with you some terrific information.

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. It's a beautiful day today, here in Great Neck, and I'm getting bitten up by some mosquitoes, but I wanted to share this great information with you for a moment.

So now, in a civil lawsuit here in New York, when I get up to make my opening argument, the defense will be listening very carefully. If he believes that I've said something that's improper, he may jump up out of his seat, yell out, "Objection, Judge, that's improper." Now, can I ignore my adversary and simply keep going? Or, do I have to stop and wait for the judge to make a ruling? The answer is, I'm going to try and ignore his argument.

Here's the reality: The moment the defense attorney jumps up and makes an objection, now the judge has to intervene, and make a decision about whether or not his objection is appropriate. Now I'll tell you, traditionally, during the course of these civil lawsuits, we typically try not to make objections during opening arguments and clos-

ing arguments. We want the jury to pay attention and focus on the arguments that we're actually making. So it's traditionally not done. But there are some instances where something that an attorney is saying clearly is improper, and you have no choice but to preserve your client's rights, and you have to stand up, and you have to yell, "Objection."

At that point, even though I want to keep going, even though I want to ignore the defense's objection, the judge is now going to stop me and make a ruling on the objection. He may even say, "Counsel, you know you should not be objecting during opening arguments." Well, traditionally, that's not done, but if the attorney feels it's important, then he's got a legal obligation to his client to stand up, make that objection, and put it on the record to preserve his client's right. And then the judge will have to decide whether he agrees with me, or agrees with the opponent.

So why do I share with you this quick information? I share with you just to give you an insight, and an understanding, into what goes on in these civil lawsuits here in New York. I recognize that you're watching this video because you likely have questions or concerns about your own matter. Well, if your matter did happen here in New York, and you're thinking about bringing a lawsuit, but you have questions that need to be answered, what I invite 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 video, I'm Gerry Oginski. Have a wonderful day.