



**LAW OFFICE OF GERALD
OGINSKI, LLC**

67 Cutter Mill Road
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

Do I have to show trial exhibit to my adversary?

At trial I've got this great, big exhibit that I've made specifically for my witness. I don't want the defense attorney to see my exhibit until after I've introduced into evidence. Is this wishful thinking, or will I have to show this exhibit to my adversary in order to get it into evidence? You want to know the answer? 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 Attorney practicing law in the state of New York. Let's say it's a medical malpractice trial, and I've taken a page from the hospital record, and enlarged it really, really big, and put it up on poster-board. Now this is something that I want to show to the jury. I want my medical expert to go ahead, and talk about the information contained on this huge exhibit. Can I do that without showing it to my opponent?

The answer is no, I can't. I don't have to show it to him immediately, but the moment I want to introduce that exhibit into evidence I will always, always have to show it to my opponent for him to look at, and give him an opportunity to go ahead and make an objection. Maybe there's something on there that he feels is inappropriate for the jury to see. Maybe this exhibit itself, and how it was prepared is inappropriate, and there's some legal issue with it. Whatever it is I'm obligated to give my opponent the opportunity to object.

Guess what? I'm going to bring that exhibit into court, but I'm not going to simply turn to him before we start and say, "Hey, Mr. Defense Attorney. Here's my exhibit I'm going to be introducing into evidence. Do you have any problem with it?" Now I could do that, and learn from him at that point whether or not he's got an issue. That could certainly save time, so now when I have my expert on the stand, and

now I'm asking him questions that I move to introduce this into evidence, my opponent has already looked at it. Now he's simply going to stand up and say, "No objection." Now the judge will allow me to get that into evidence. I could do that.

On the other hand I may not want to give him the opportunity to look at it in detail before we get started that morning. I may put it to the side ... Turn it around so he can't see it. He'll see that I brought something in, but he won't know exactly what yet. Now when I use it to question my witness, and then I try and offer it into evidence, guess what? Now the judge is going to turn around to me and say, "Hey, Mr. Oginski. Show it to your opponent first. Any objection defense attorney?" Now he'll have to look at it, and then tell the judge whether he has an objection, and if so what is it, or whether he doesn't. You could do it either way. Which way is up to the trial attorney, and he's got to make that strategic decision at the time that he's going to do it.

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 goes on during the course of a trial here in New York involving accident cases, or medical malpractice matters, or even wrongful death matters. I realize you're watching this video, because you likely have questions, or concerns about your own particular matter. If your matter did happen here in New York, and you're thinking about bringing a lawsuit, but you have questions that you need to get answered, what I invite you to do is pick up the phone and call me. I can answer your legal questions. That's 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, gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a fantastic day.