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## Do the best attorneys read from a script at trial?

Have you ever seen an attorney stand at a podium and read his notes during a press conference? Imagine if that were a trial attorney giving closing remarks? How do you think that would make the jury feel? What type of credibility do you think an attorney would have with a jury if he's standing there at the podium reading his notes word-for-word? 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.

It will be horrible. He will lose all credibility with the jury. If an attorney gets up to make his closing arguments, brings with him a stack of notes, stands at the podium and now begins to read his closing remarks word-for-word, "Ladies and gentlemen of the jury, I want to thank you so much for spending time with me learning about this case." He loses the ability to connect with the jury. He's not giving them eye contact, now there's no bond. Guess what happens when that occurs? Now the jury's not paying attention, they don't believe the attorney. He doesn't have the same conviction or believability in his own case. If the attorney doesn't truly believe in his own case, how does a jury believe in the case? The reality is that they don't, they can't.

Even though an attorney may be a great speaker and may have written everything out just to refresh his memory about what he needs to do, I will tell you that reading notes word-for-word during closing arguments is not the best way to connect with a jury.

Instead, you want to know what's great? You write an outline, the key ideas that you want to focus on. Then you take the outline, you put it down. Now you look at the jury, you talk to them, you have a conversation with them. If you're having a conversation with somebody, don't put up notes and read it word-for-word, "Ladies and gentlemen of the jury, I want to thank you so much. The case involves blah, blah, blah." You don't do that. You don't form

a great relationship with someone by putting your notes up and reading it word-for-word and that's why you will find that the best trial attorneys in New York are ones who do, in fact, have notes. Those notes and maybe a couple of words, a couple of outlines and they're going to leave it sitting on the podium or on their desk. They'll refer to it from time-to-time just to refresh their memory about what it is that they want to discuss with the jury.

You've got to have a natural conversation. You have to be able to communicate with the jury. They have to be able to follow you and understand you. If you're reading, it's going to be staccato, it's going to be stilted, it's going to be awkward.

Why do I share this quick information with you? I share it with you because this does happen from time-to-time where you have a young, novice attorney who has no choice because he's inexperienced, go ahead and create word-for-word, writes out word-for-word and sentence-for-sentence about what he's going to say during closings. Rather than putting it aside and talking from the heart and explaining what the jury needs to know, they sit and rely on those notes, they read it, their head down, they don't make any eye contact. That's a big problem.

I recognize and acknowledge you're watching this video because you likely have questions or concerns about your own particular problem. If your matter did happen here in New York and you're thinking about bringing a lawsuit but you have questions that need answers, what I invite you to do is pick up the phone call me. This is something I do every single day and I'd love to talk to 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 great day.