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## Is a Wrongful Death Case Here in New York Can We Show Video of Person Before they Died?

In a death case in New York, can we show video of the person who died to the jury at the time of trial? You want to know the answer? Come join me for a moment as we 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. In a wrongful death case, we are claiming that the person you are suing or the company that you're suing was careless, and as a result of that carelessness, caused and contributed to this person's death. Now, at the time of trial, which will likely take place 2 or 3 years down the road, the jury will never have had an opportunity to meet the person who died. They'll never have an opportunity to know them, to hear them, to listen to them, to see what they looked like unless we show them. Now, how can we show them? We can show them in word pictures.

Obviously, the spouse can get up on the witness stand and explain to the jury who this person was, what they liked to do, what they enjoyed doing, what their hobbies were. That's word pictures, and that's great for the jury to understand a little bit behind the story of what went on with this person who died, but can we show them a photograph? Yes, we can. Can we show them a video of this person? In some instances, the answer is yes, we can. In all likelihood, that will be narrowly constrained so that we don't have free range showing anything. Home videos maybe for a free moments.

We want to be able to show the jury who this person was, what he sounded like, but in all likelihood, we're not going to be able to show him doing his daily activities if they were on video or if they were on film. Why not? Because the defense will argue that that will unduly and unfairly prejudice the jury in our favor. Would we like to be able to show the jury all that information? Of course, we would. Would the defense like to make sure that we don't get that information in front of that jury? Absolutely. Now, the judge

has to balance our interest, and in all likelihood he might allow us to get some of that information into the jury, so that they can see and hear who this person was.

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 in a wrongful death case here in the state of New York. 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 need answers, what I invite you to do is pick up the phone and call me. I answer questions just like yours 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.