



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## **It felt like trial judge was biased against me from the start!**

All throughout trial the judge appeared to favor the defense. All of his rulings appeared to favor the defense, over and over and over again. If we lose the case, can we now ask an appellate court to review the verdict and the decisions made by the judge and argue that the judge was biased to begin with? 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 in the State of New York. I want to tell you something right off the bat. In these civil lawsuits involving accidents and medical malpractice and wrongful death, when a litigant brings that lawsuit that goes to trial, when the judge rules against us whether we're trying to get something into evidence or whether we're trying to ask a question and now over objection one objection after the next, after the next goes against us, you as the injured victim, as the litigant who is bringing the lawsuit are going to feel as if the judge is against us personally. You're going to feel as if the judge is biased and that he's favoring the defense. Is that true? Well, I'll tell you the reality.

The reality is that the judge is supposed to make these decisions without any regard to who he likes and who he doesn't like. The judge is supposed to be impartial, and make legal rulings of law based upon the law that he knows. Now, if it appears to you as the litigant that the judge is consistently ruling against us and in favor of the defense, it's certainly going to feel as if the judge is biased. But for the most part the judge may be correct in his rulings and if that's the case now you have a deeper issue. Why can't the attorney get in this evidence? Why is he having difficulty with certain questions for a particular witness? The judge may not be biased at all, but that may be the appearance that you see and feel when you're in the courtroom listening to the questions, listening to the defense attorney make the objection and now seeing the judge rule in the defense attorney's favor over and over again.

Then you have to look and see why. Why is your attorney having difficulty getting this document into evidence? Why is he having difficulty questioning this particular witness? Why? What's the issue here? Is the attorney not experienced? Is he having difficulty? Is he having a memory lapse, or whatever it is there may be something else going on here besides the impression you're getting that the judge is biased. When you see a judge making a ruling against one side over and over again it may not be because the judge is biased. It may be because there's a problem legally with what's been presented, how the questions are being asked.

I realize you're watching this video because you have questions or concerns about your own particular matter. Well, if your matter did happen here in New York and you're thinking about bringing a lawsuit but you have legal questions, 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 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. Have a wonderful day.