



**LAW OFFICE OF GERALD
OGINSKI, LLC**

35 South Drive
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

“Judge, What’s Wrong With My Question?” Attorney asks during his cross-examination

You're at trial. The judge refuses to allow your attorney to ask a particular question. Your attorney asks it over and over and over again and the judge each time refuses to allow the witness to answer that question. Can your attorney turn to the judge and say, "Judge, what's wrong with my question? Can you give me a better question to ask?" You want to know the answer? Come join me for a moment as I show you some great 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. The answer is no, the judge is not going to help you ask the question. Your attorney has an obligation to ask a witness specific questions. Now if he's having difficulty asking the appropriate question to a witness, the defense attorney's going to jump up, say, "Objection judge," and now the judge has to make an immediate ruling about whether or not to allow this question to be asked or whether to allow the witness to answer the question.

If the judge refuses to allow the witness to answer the question, the judge will say, "Objection sustained," which means that the attorney cannot ask the question and now the witness cannot answer the question. Now the lawyer has to ask another question. He might want to rephrase it, he might want to go into a different topic, but if the attorney keeps asking the same question with slight variations and the judge keeps saying, "Objection sustained," now he can't get that information that he needs. He's getting so frustrated you can see the frustration. He finally turns to the judge and says, "Judge, what's wrong with my question? Tell me what's wrong and I'll change it."

In most instances, the judge is not going to help the attorney ask the correct question. Why not? It's because the judge is supposed to be impartial. If he gives help to one attorney, he might have to give help to the other attorney. Judges are not supposed to do that. The judge is there to decide which questions are appropriate, which are not, what documents and exhibits get admitted into evidence, the judge is not there to help out one attorney or the other. If he continues to ask those questions that the

judge thinks is inappropriate, well guess what? It is not the judge's obligation to help out the attorney because the lawyer can't ask a proper question.

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding into what goes on in a civil lawsuit here in New York involving accident cases and medical malpractice cases and wrongful death cases. I acknowledge you're watching this video because you likely have questions or concerns about your own particular problem. If your matter happened 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 can answer your legal questions. 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. That's it for today's video. I'm Gerry Oginski, have a wonderful day.