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NY Judge is Going on Vacation. Can we still start the trial?

Your case has come up for trial. Now, the judge tells us when we meet with him privately, a day before we're starting the actual trial, that he's planning on going on vacation next week. Is the judge going to go ahead, start your lawsuit, start your trial, and let it go for a few days, then go on vacation, and then continue your trial? You want to know the answer? Come join me for a moment as I share with you some great information.

Hi, I'm Gerry Oginiski. I'm a New York Medical Malpractice and Personal Injury Attorney, practicing law in the state of New York. Now, your case, whether it's a malpractice case, whether it's an accident case or a wrongful death case, comes up for trial. Now, the attorneys have to meet with the judge immediately before going ahead and starting the trial. The judge tells us, "Listen, I'm scheduled to go on vacation on Monday." Meaning a few days from now. What are going to do? Are we going to go ahead and start the trial, and then, take a one week break? Then after the judge returns, come back and continue the trial?

I have to tell you, that is not the ideal scenario. Ideally, the judge wants to go from start to finish without any interruptions. Why is that? For the key reason ... Actually there're two reasons. Number one, the judge doesn't want the jury to forget what has gone on in the days before he took his vacation. Secondly, the judge wants to have the case go from start to finish continually, doesn't want to have a break. The big reason is, he's afraid that there's the possibility that one or more of the jurors are not going to be able to return, to continue serving jury duty, if there's an extended break in between the trial.

For that reason, either the judge or the attorneys are going to suggest that we change something up. If the judge is going on vacation next week, we may turn around and say, "Judge, if it's okay with you, we'd like to start the trial the day after you return back from vacation. This way, there's no gap in time from when we start, until we finish." In all likelihood, the judge is going to agree. Now, if, for whatever reason, the judge does not want to do that,

then, he may actually send the case back to the trial assignment judge, to give us another judge, who is able to go ahead and try the case continuously, so we don't have that gap in time.

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 these medical malpractice cases, these accident cases, and these wrongful death cases here in New York. I recognize and I acknowledge you've got 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 can answer your legal questions. I answer questions just like yours 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. That's it for today's video. I'm Gerry Oginski, have a wonderful day.