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Which Way Should Judge Rule When an Attorney Objects During Trial?

During a civil trial here in New York, is it possible that the judge doesn't know which way to rule on an attorney's objection? You want to know the answer? Come and join me 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 here in the State of New York. The answer is yes, that's a possibility. Now, what a smart attorney is going to do at the very beginning of the case, if he knows that there's a particularly thorny issue, a particularly thorny legal issue that's going to arise during the course of trial, the best thing that he can do is prior to trial give the judge a legal brief on this exact issue. It means that the attorney has come prepared. He's done the research. He now has given the judge case law to show this particular issue is related to other issues that have already been decided.

Now, when the issue comes up during the trial and an attorney makes an objection, instead of the judge trying to figure out which way he should rule, now the judge will already have had an opportunity to read the attorney's legal brief and now will have a better understanding of the issue and then can go ahead and make a proper legal ruling. Now, at the time of the objection, the attorney may say, "Objection, Judge," and now the judge is going to say, "Mr. Oginski, you gave me a legal brief on that, didn't you?" "Yes, Judge. I gave that to you at the beginning of the case." "Okay, great. Objection overruled," meaning I can go ahead and ask the question and now the witness can answer the question. Why? Because I gave him sufficient research. I did the work for him so that now he had the information. The defense had every opportunity to do the same thing, but they, for whatever reason, chose not to in this particular instance.

Is it possible? Yes, it is possible, but you'll find that the best trial attorneys already have this issue briefed, have legal research ready to go, give it to the judge before or when it happens. There's one drawback to giving that legal research to the judge when it happens. Now you've got five, ten, fifteen pages worth of legal cases, now the judge isn't going to have the ability to

make an instant, snap decision about who's right and who's wrong. The better practice is give it to the judge before the case starts.

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 these civil lawsuits involving accident cases and medical malpractice cases and even wrongful death cases here in New York. I acknowledge and I recognize 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 first, 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.