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Is It Possible Judge Doesn't Know Which Way to Rule on an Objection During Trial?

It's a medical malpractice trial. Now, I'm questioning the doctor that you have sued at trial. I ask the doctor a critical question. The defense attorney jumps up, yells objection judge! He can't ask that question! It is possible that the judge doesn't know which way to rule? In who's favor. In the favor of me or the defense attorney. If so, what does he do about it? Do you want to know the answer? Come join with me, as I share with you this great information. Hi, I'm Gerry Oginiski, I'm the New York Medical Malpractice and Personal Injury Attorney, practicing law in the state of New York.

Now when an attorney makes an objection at trial, the trial judge will typically have to make a snap decision, about whether he agrees with the objection, or not. If he agrees with it, he will say objection sustained. Which means I can't ask that question, or I can't get in that evidence. If the judge disagrees with the attorney, He will say objection overruled, and now I can go ahead and ask the question, and the witness will have to answer the question, or I can go ahead and get that exhibit or that record into evidence. Now what happens though if the defense attorney makes an objection, and they're compelling arguments, legal arguments, on both sides?

Now the judge can't figure out and make a snap decision, about what to do. Do I allow this question to be asked? Do I allow this document to be admitted into evidence? He's not sure. Now he takes oral argument from the attorneys, separately aside, so that the jury doesn't hear this because now the judge has to make a legal ruling. The judge can tell the attorneys listen, I'm not sure which way to rule. I want you both to present to me, legal argument, written legal argument, which means go prepare legal briefs, with case law that explains your position, either for or against, and submit it to me tomorrow morning. Now the judge will be able to review those documents and the cases, that we refer to in support of each of our positions.

Then, the judge will have to do his own research together with his law clerk, to determine which is correct. Is it our position that's correct? Is it the defense's position that's correct? Based upon doing that legal research, he can come to a conclusion. There's some instances where the judge will turn around and say listen, I can't make a decision right now, I want to reserve my decision until I've read your legal arguments, and until I've done my legal research, then we will go ahead and revisit this issues. Until then, you are not going to be talking about this issue, move on to the next topic.

Why do I share this quick information with you? I share it with you because this situation comes up in almost every single case involving an accident matter. Involving a wrongful death matter. Involving a medical malpractice matter. Where one attorney raises a legal objection, the judge may not be sure about who's right and who's wrong, and rather than making a snap legal judgement, and deciding right then and there, he says you know what, I need some time to evaluate this issue. We're going to come back to it, once I have all the legal arguments.

I realize your watching this video because you likely have questions or concerns, about your own particular matter. Well if your matter did happen here in New York, and your 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. You know 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 great day.