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## Can Judge start trial without you being in court?

If you are stuck in traffic one day, as the injured victim bringing a lawsuit, can the judge still start trial testimony, even if you're not there? You want to know the answer? Come join me 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. The answer is yes. The judge is not going to wait for you to arrive, not knowing when you're going to arrive. Trial testimony is going to take place, regardless of whether you are there or not there.

Now, for example, in a medical malpractice case, where the doctor that you are suing is typically going to be the very first witness. The fact that you are not there, you're stuck in traffic, or maybe you're stuck in the security line downstairs, waiting to get into the courthouse. The judge wants to start on time. He wants to get this case going. Obviously, he wants you there to participate, and to listen, and to hear exactly what went on, but he can't wait all day.

He doesn't know when exactly, you're showing up. The judge has every right to control when testimony is going to start, and although he may give you a little bit of leeway and courtesy, the reality is, he's got to get this case moving forward. He doesn't want the jury sitting around, waiting, twiddling their thumbs, wondering what's going on. He wants to get this case moving. If you're there, excellent. If you're not there, he's still going to start the trial.

Now, what happens if you are schedule to testify, and, you're not there, you're stuck in traffic? Obviously now, the attorney, your attorney, is going to have to tell the judge, and apologize, and explain, that you're now stuck in traffic, you anticipate being there in a certain

amount of time, and now the judge has no choice but to sit around and wait for you to arrive.

Now you know the answer to whether or not the judge will allow testimony to go forward if, you come to court late, and have not yet arrived. Why do I share this great information with you? I share it with you just to give you an insight, and an understanding, and teach you something that most people don't even talk about, when talking to their clients, or talking to the public, about how these lawsuits work, here in New York.

I recognize 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've got questions, what I invite you to do, is, pick up the phone and call me. I can answer your legal questions. That's 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](mailto:gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a great day.