



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## Defense Lawyer doesn't show up to trial on time

Your civil trial has been going on now for an entire week, and now the defense attorney doesn't show up on time. Can the judge still direct testimony to go forward if the defense lawyer has not yet arrived in court? You want to know the answer? Come join me for a moment as I show you some terrific 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. Testimony cannot go forward if the defense lawyer has not shown up on time in court. The judge is going to be aggravated. He's going to be annoyed. Typically, what will happen if the attorney is going to be late, common courtesy is the attorney is now going to call the judge's secretary and say listen, please let the judge know I'm stuck in traffic or I've got a problem and I'm going to be delayed. I expect to be there at this time. That's the common courtesy, and now the judge is not going to be as angry, but if the attorney fails to do that and notify the court that he's stuck, he's delayed, now the judge is going to be sitting around waiting. The jury's going to be sitting around waiting. We're going to be waiting. All the litigants are waiting around.

Where's the defense attorney? The judge cannot go forward because now the defense is no longer represented, and now they have no opportunity to make objections, to listen to testimony, to question the witness, and he's going to have to wait. He's going to take it out on the defense lawyer for not letting him know that he's going to be delayed. But can the trial go forward? The answer is no. The judge is not going to proceed forward because all the litigants have to be represented by their attorneys in order to allow certain information and testimony and exhibits introduced into evidence, and that can only take place when all the parties are present and ready to proceed.

So why do I share this great information on a beautiful day today here in Great Neck? I share it with you just to give you an insight and an understanding about something that nobody talks about and nobody explains to the public about how these civil lawsuits work here in the state of New York. Yet, I recognize you're watching this because you have questions or concerns about your own particular matter. Well, if your matter involved an accident matter or medical malpractice or even, God forbid, wrongful death and you're thinking about bringing a lawsuit in New York but you've got questions, what I encourage 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 the opportunity to chat with you. You can reach me at 516-487-8207 or by e-mail at [Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com). That's it for today's video. I'm Gerry Oginski. Have a wonderful day.