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Do the litigants have to be in court each and every day?

In a civil lawsuit in New York, do the litigating parties have to be in court each and every day? 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 here in the state of New York. The answer is no. The litigating parties do not have to be in court each and every day, but you will find that the best attorneys, the best trial attorneys tell their clients, "Listen, you have to be there each and every day, especially the injured victim." We want you there and we need you there each and every day. If you're not in court, the jury is going to look around, saying, "I don't understand. Isn't this an important thing to the injured victim? Isn't this important to them? If it's really so important, why aren't they here observing each and every day? We, the jury, have to be here each and every day listening to every part of the trial, listening to all the testimony and the judge's instructions. If we have to be here, why isn't the injured victim here?"

That's why you'll find that really smart trial attorneys tell their clients, "Listen, you, as the injured victim, must be in court each and every day." Now, about the defense? Do they have to be there each and every day. The answer is it may not physically be possible for the people you have sued to be there each and every day. For example, in a medical malpractice case where you have sued a doctor or a number of doctors, it is highly unlikely that you will find that those doctors are going to be in court each and every day. Why not? Because they're busy practicing medicine. They're still seeing patients. Maybe they're doing surgery. They'll tell the jury during jury selection, "Listen, my client is a doctor who's actively practicing and cannot be here each and every day. Mrs. Jones, are you going to hold it against him because he can't be here each and every day?" Then he'll reinforce that factor in opening arguments, as well as during closing arguments

to remind them that just because he's not here, doesn't mean he's not concerned and interested in the outcome.

That's why it's critical for the jury to understand, hey, where's the injured victim? The injured victim doesn't get that luxury of saying, "Hey, I'm going to be at home. You call me when the verdict is read." No, it doesn't work that way. Instead, the injured victim should be in court each and every day participating, so if the jury sees that they're concerned and paying attention, and that they're interested in the outcome, whereas the defense has the opportunity, if necessary, to be able to excuse themselves and say, "Listen, I'm sorry. I'd love to be here, but I still have other things that I have to do in addition to dealing with this trial."

Why do I share this great tidbit of information with you? I share it with you just to give you an insight and an understanding into what goes on at trial in a civil case involving an accident matter or a medical malpractice case, or even a wrongful death case here in New York. I recognize you got questions or concerns about your own particular matter. If you're thinking about bringing a lawsuit and your matter did happen here in New York, and you've got questions, what I invite you to do is pick up the phone and call me. You know, I answer questions just like yours every single day and I'd love to chat with you. You can reach me at 516-487-8207, or by e-mail at gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.