

5 Common Legal Phrases You Always Hear in Court But Don't Really Know What They Mean Until Now

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Q: When a judge says "Objection Sustained," or "Objection Overruled" what does that mean?

A: It means that a lawyer has voiced an objection about a question or about some evidence that the lawyer wants to introduce. When the judge says "sustained" it means that the question is improper, or that the evidence cannot be used.

If you hear "Objection Overruled" it means that the lawyer can continue asking the question and get an answer, because the court has ruled that it's a proper question, or that the evidence is proper and can be admitted. The judge is overruling the lawyer who objected to the offending question, and permitting the question.

Q: What is hearsay?

A: Hearsay is a word used to describe what somebody said to somebody else. It arises when a witness is on the stand, and is asked about a conversation he heard from someone else. "Mr. Jones told me that he spoke to Donald, and Donald said..." or "Mr. Jones told me that he didn't have the photographs..."

Well why is this important? Because the lawyers for either side do not have the opportunity to question either Mr. Jones, or Donald, since they are not witnesses, and are not in court. Thus, it's what someone has heard someone else say, and now tries to repeat it in Court.

How do we know that the statement is reliable if we cannot cross-examine the person who made the statement? How can we search for the truth of the statement if that person isn't in Court? We can't. Therefore that, in a general sense, is called hearsay.

There are many exceptions in law that permit different types of hearsay to be spoken or discussed at trial, and this article will not touch on those exceptions.

Q: What is a plaintiff and a defendant?

A: The real question is "Who is a plaintiff?" A plaintiff is the term used to describe a person who brings a lawsuit (usually a civil suit, as opposed to a criminal lawsuit which is usually brought by a prosecutor).

A defendant is someone who has been sued.

Q: What is an examination before trial?

A: Although it sounds like a doctor's exam, it's not. It's really a question and answer session with all the lawyers present, usually in a conference room at a lawyers office. This allows both sides to question all the people involved in the lawsuit to find out what they know, and what they remember about the events surrounding the lawsuit.

An examination before trial, also known in shorthand as an EBT, is also called a deposition. These question and answer sessions are done well before trial. The testimony is preserved since there is a court reporter present to record all the questions and answers, and this is put into a booklet for all parties and lawyers to read.

Q: What does it mean when a lawyer asks for summary judgment?

A: It means that the lawyer feels his client's case should be decided immediately, without any further testimony or evidence. It means that the lawyer feels there is overwhelming evidence in that lawyer's favor to require the Court to short circuit the entire trial and render a decision at that time. Attorney Oginski has been in practice for almost 18 years as a trial lawyer practicing exclusively in the State of New York. Having his own law firm, he is able to provide the utmost in personalized, individualized attention to each and every client. In our office, a client is not a file number. Client's are always treated with the respect they deserve and expect from a professional. Mr. Oginski is always aware of every aspect of a client's case from start to finish.

Gerry represents injured people in injury cases and medical malpractice matters in Brooklyn, Queens, New York City, the Bronx, Staten Island, Nassau and Suffolk Counties. You can reach him at <http://www.oginski-law.com>, or 516-487-8207. All inquiries are free and totally confidential.