

# NEW YORK INJURY TIMES



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twitter

## THE TIME HAS COME FOR ALL JURORS TO TWITTER

With the prevalent usage of twitter, the time has arrived for all litigants to know what jurors are thinking at any given time.

Think about it; in the Olympics we demand immediate information from the judges seeking the score of each contestant. The same is true for any contest. In baseball, when the call is questionable, we go to the video. The same thing in football. All sports now use and incorporate current technology to help viewers and fans.

In our antiquated justice system, attorneys who handle medical malpractice and accident cases in New York must present evidence in support of your claim without ever being able to talk to jurors during the trial. Jurors are prohibited from communicating with each other about the case as well as with attorneys or litigants. The only time a party conclusively knows what the jury is thinking is when the jury renders their verdict. Throughout history attorneys have strived to read jurors expressions and body language to give them an idea of what they are thinking as the testimony is presented.

With the recent controversy surrounding jurors who twitter during jury selection, and even during trial, the time is ripe to now allow all jurors to Twitter so that the litigants, the attorneys, and even the judge can see in real time what the jurors are thinking.

Think about how novel this idea would be to a trial attorney. It would allow the lawyer to see exactly what the juror pool is thinking about questions the attorney is asking. A lawyer could tailor his questions and the presentation of evidence in order

### IN THIS MONTH'S EDITION:

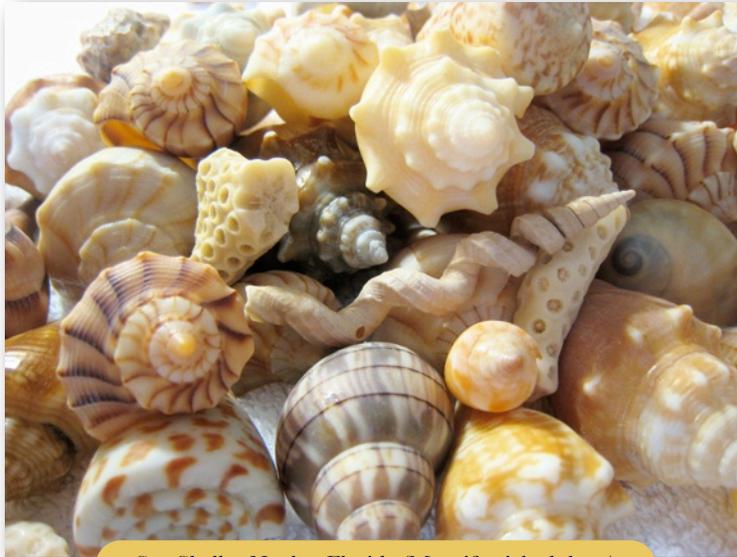
**SHOULD JURORS BE ALLOWED TO TWITTER?**

**GERRY'S TRIVIA GAME**

**A RETURN OF GERRY'S NEVER-ENDING (FICTIONAL) STORY**

*Photos of Sea Shells, Birds in Flight, and Flowers from Naples, Florida*

to answer jurors twittered questions. By allowing jurors the ability to message their thoughts instantaneously, a complete log would be available for judicial review, and available to all parties in the legal process.



Sea Shells, Naples, Florida (My wife picked these)

Instead of turning to the jury to see what their expression is when a damaging piece of evidence is revealed, jurors instead could simply twitter their immediate thoughts and a lawyer could continue presenting testimony or change tactics on the fly.

I recognize that many lawyers will resist this novel approach to trying cases, and some might even cite case law in support of the position that all lawyers must have no interaction whatsoever with the jurors. However, with today's instant messaging, social networking and Twittering, our world has changed.

No longer do we accept snail mail as our only means of communication. Instead, we have evolved into overnight FedEx delivery. We utilize fax machines to send documents across the world. Cell phones and Internet telephony allow us to communicate instantly with anyone throughout the world. Our blackberries and iPhones allow jurors, lawyers and people from all walks of life to instantly do research online and Google anyone and anything.

We are in the information age. There is no doubt in my mind that our legal process must change as well.

A informal survey of our civil trial courtrooms in New York County Supreme Court at 60 Center Street reveals that very few courtrooms have been retrofitted for the 21st century. Internet access is spotty, digital document presenters are sorely lacking, and

DVD players as well as instant stenographic transcription services in real time are also lacking in most courtrooms. There are innovative trial judges throughout New York who are currently using technologically advanced equipment in their courtrooms. This makes it easier to present cases and allows jurors to visualize the testimony and the evidence.

The time has come to allow jurors to Twitter. Not just during jury selection, but importantly during the trial. Give a keyboard to each juror and allow each attorney and the judge to see each Tweet entered. By doing so, trials will become more focused and the litigants will get true insight into what the jury is thinking as the case progresses.

While it is true that jurors are told not to finalize their opinions until given final jury instructions and only after talking with other jurors, the bottom line is that Twittering jurors will provide valuable insight and information into the validity, or lack thereof, of a particular claim.

The time for change is now. Let us not squander it.

## R E F E R R A L S - S E N D A B O O K !

If you know someone who would benefit from learning how medical malpractice lawsuits in New York work, just send me an email and I'll gladly email my book **DOCTORS GONE WILD** to them or mail them a hard copy, with a note letting them know that you were thinking of them. You can reach me by email at [lawmed10@yahoo.com](mailto:lawmed10@yahoo.com). They'll thank you for your thoughtfulness and so will I.

## GERRY'S TRIVIA GAME

TEST YOUR LEGAL KNOWLEDGE



1. A subpoena is used to compel someone to either testify at trial or produce documents that will be used at trial. TRUE OR FALSE?
2. Judges in the Supreme Court of the State of New York are appointed. TRUE OR FALSE?
3. Trials in civil court are often televised. TRUE OR FALSE?
4. All lawyers are trial lawyers. TRUE OR FALSE?
5. A document offered into evidence must be approved by the other lawyer before being accepted by the Judge. TRUE OR FALSE?
6. The attorney fee in a NY medical malpractice case is 1/3. TRUE OR FALSE?
7. Causation means that the accident or malpractice was a substantial factor in causing or bringing about your injury. TRUE OR FALSE?
8. An 'administrator' is the legal representative of the estate of someone who has died without a will. TRUE OR FALSE?
9. Failure to prove a prima facie case will result in dismissal of your lawsuit. TRUE OR FALSE?
10. If you were injured in a municipal hospital, you have only 90 days to file a claim against the municipality. TRUE OR FALSE?

### GERRY'S NEVER-ENDING FICTIONAL STORY MAKES A COMEBACK!

One year ago Jimmy was on a secret mission for the Israeli Secret Service. His job was to talk to each Arab leader to find out when they would die. Jimmy's only concern was to mingle with guests and gain as much information as possible about each one. The problem that no one had foreseen was how to correlate who Jimmy met with, and which person he was actually talking to since everyone would be in disguise.

Jimmy's answer was simple. He would be working

as a men's room attendant at the party and made sure to turn the heat up in the bathroom to 100 degrees. This way they'd be so hot they'd have to take off their mask in the bathroom. The problem though was how he could shake hands with each one without arousing suspicion.

His idea was simple. He congratulated each one on their costume and then handed them a towel to dry their hands.

By the end of the night, Jimmy knew when each of these Arab leaders would die.

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NEXT PAGE



Birds in flight, Naples, Florida

**GERRY'S NEVER-ENDING FICTIONAL STORY...continued**

By the end of the night Jimmy was so hot and thirsty that he had stripped down to his t-shirt and boxers while he talked to his men's room guests. He had never perspired so much and couldn't wait to get outside into the cold air.

When his contact came into the bathroom to take him home, he was shocked to see

Jimmy lounging in the men's room, with a tall, cold iced tea in one hand. The image of a stocking-clad, boxer-wearing, guinea t-shirt on the most important person the Israeli Secret Service had ever used brought hysterical laughter to the man who was to take Jimmy home.

Despite the heat, his mission was extremely successful.

***To be continued!***



Give this newsletter to your best friend.  
They'll thank you for it, and so will I.

Answers to Trivia Game: 1. True, 2. False, 3. False, 4. False, 5. False, 6. False, 7. True, 8. True, 9. True, 10. True

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