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What if juror needs to use bathroom during trial testimony?

Okay, I've got a great question for you today that nobody talks about. During the course of a medical malpractice trial, or wrongful death trial, or an accident trial, if a juror needs to go to the bathroom in the middle of the trial, can he raise his hand and say, "Excuse me, judge, can we take a break? I need to go to the bathroom." Do you want to know the answer? Come join me for a moment as I share with you some terrific information.

Hi, I'm Gerry Oginski, I'm a New York medical malpractice and personal injury lawyer practicing law here in the state of New York. The answer is, yes. That juror or jurors can raise their hand and say, "Excuse me, judge, can we take a bathroom break? We need to go." The judge will honor the juror's request, stop the trial, allow everybody to get a break for a few minutes, come back, and resume the trial. Why is it that nobody talk about this? It's not really on the minds of people except when you're on trial, and you're in the middle of it, and now you've got to go to the bathroom. Do you get up in the middle of trial and simply walk out? The answer is, if you're in the back of the courtroom, yes.

What about if you're the attorney? What if I'm questioning a witness and I've got to go to the men's room? "Judge, can we take a break for a few minutes?" Now, depending upon how the case is progressing, the judge may say, "Fine, go ahead, let's take a few minute break." If somebody in the back of the courtroom needs to take a bathroom break, they don't have to ask anybody. It's a public courtroom, you get up and walk out in the middle of testimony, and that's done all the time. Not just to go to the bathroom, but to leave the courtroom.

Why do I share this quick tidbit of information with you that nobody talks about? Because I wanted to show you what goes on during the

course of a trial, that you don't really think about until you're actually in it. Now you get the urge to go to the men's room, or the ladies room, and you're thinking, "What if the jury has the same problem? Can they get up and walk out?" No, they have to ask the judge for permission. I realize you're watching this because you have questions or concerns, and I'm sure you don't have questions about whether or not people can go to the bathroom. I wanted to put it out there to show you what actually goes on during the course of a trial in New York.

I realize you've got questions or concerns, and likely those questions don't involve whether the jury is going to go to the bathroom when they have an urge to. Instead, I know you have questions. That's why you're watching this video. If you're thinking about bringing a lawsuit, and your matter did happen here in New York, and you've got legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. This is 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. That's it for today's video. I'm Gerry Oginski, have a wonderful day.