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Can juror get up anytime during trial and go to bathroom?

Come here for a second. Can a juror, in the middle of trial testimony, get up, on his own, and simply walk to the bathroom if he needs to go? You want to know the answer to this silly question? Come join me for a moment as I share with you some great information.

Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law in the state of New York. You might be asking yourself, why am I talking about such a silly question? The reality is, it's not a silly question, because you might be an observer in court. You might be a litigant, and now you're trying to decide, hey, if the jurors need to go to the bathroom, can they simply get up in the middle of trial testimony and go, without asking anybody's permission?

You know, it's not like school where you have to raise your hand and say, "Hey, teacher, can I go to the bathroom?" The reality is, when there's a witness on the stand and now he's being asked questions and the witness is giving testimony, if a juror needs to use the restroom, he simply can't get up and go to the bathroom in the middle of trial testimony. You want to know why? It's because, if he leaves, what's going to happen is, he's going to be missing information from that witness.

Now, the whole purpose of having a jury is so that they can take all the evidence, all the testimony that's been given, and at the end of the trial, reach a conclusion about whether we are more likely right than wrong, that our claim is true. If that's true, now they have to give us a verdict in our favor. Now if the juror is out in the restroom, he's going to be missing key pieces of information. Sure, the other jurors could fill him in, but guess what? The just doesn't want that to

happen. The attorneys don't want that to happen. We want everybody to be listening to the testimony together.

The reality is, if they really need to use the restroom, they're going to ask the judge. They're going to raise their hand or send a note to the court officer. Excuse me, we need to take a bathroom break. Is that okay? The judge will allow them to take a bathroom break. There's nothing wrong with that. They're not going to be able to get up on their own any time they want during the course of testimony, because then they'll be missing key information from this particular witness, and nobody wants that to happen.

Why do I share this silly little question with you? I share it with you because it's important to know, as you're sitting there observing or as a litigant, whether or not they can go to the men's room, to the ladies' room, any time they want.

You know, I realize you're watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit, but you have questions that need to be answered, what I invite you to do is, pick up the phone and call me. I answer questions just like yours every single day and I'd love to talk to you. You can reach me at 516-487-8207 or by e-mail at Gerry@oginski-law.com (gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a wonderful day.