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If a juror goes on vacation in the middle of the trial, does the trial stop until the juror returns from vacation?

What happens if a juror goes on vacation in the middle of a civil trial involving an accident matter, or a medical malpractice matter, or a wrongful death matter? Do they stop the trial in the middle and wait for the juror to return from vacation? Do you want to know the answer? 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. No, that's not going to happen. They're not going to stop the trial to accommodate a juror who has vacation plans, right smack in the middle of the trial. That would be impossible. You want to know why? It's because the attorneys have their witnesses lined up. We have schedules that we have to follow.

An expert may be coming in, in the morning. Now we have to schedule another witness following that. Then the next day we have another witness. Now, we have to know exactly when to bring our witnesses in. The defense does the same exact thing. The judge will want to know in the beginning of the case, how long we expect the case to take? How many witnesses do we have? What days are certain witnesses scheduled?

The judge has his own cases to deal with, and he also needs to know the scheduling. Plus, there may be one or two days out of that week, that the judge may not be available to participate in our trial, that he has to attend to his other matters. It is critical for the judge to know what the scheduling is. Now, during the course of jury selection, when we are deciding which jurors are right to sit in judgment on your particular case, we will ask the jurors, "Hey, does anybody have any problems sitting for this period of time? We expect the case to take about a week or two. Anybody have any problems?"

Now, there are people who do have problems, whether it's vacation, whether it's work. They will raise their hand and say, "Listen. I'm scheduled to go on vacation next week. I cannot participate if this is going into next week." Now, we talk about it. Now, we have an understanding of what's going on with their schedule. In all likelihood, we're not going to select a juror who is able to sit for the first few days, then has to go on vacation, and is available the following week.

Why? Because the judge is not going to stop the trial to allow the juror to go on vacation, and then resume the trial when by juror gets back. By the way, you should know, if a juror gets sick, or cannot return back to the trial, that's why we have alternative jurors. They call them alternates. Now, we have a couple of spare jurors, who are sitting, listening, and participating during the course of trial. So that if, God forbid, someone gets sick, or cannot make it into court the next day, now the judge will say, "Okay, juror number 3 is now out of this case. We're going to select one of the other alternate jurors to take their place." Now, the trial will continue on.

Why do I share this quick information with you? I share with you, just to give you an insight, and an understanding into what goes on in these civil law suits, here in New York. I recognize and acknowledge you've got questions, or concerns about your own particular matter. Well, if your matter did happen here in New York, and you're thinking about bringing a law suit, but you have questions that need answers, what I encourage you to do is, pick up phone and call me. I can answer your legal questions.

You know 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.