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If one juror doesn't show up can Judge still proceed forward with trial?

It's a civil trial and there's six jurors listening to your trial. If one of the jurors don't show up to court on time, can the judge still go ahead and proceed forward with the trial without waiting for that particular juror? You want to know the answer? Come and join me as I show you some great information.

Hi! I'm Gerry Oginski, I'm a New York medical malpractice and personal injury attorney practicing law here in the State of New York. The answer is no, the judge is not going to go forward until that last juror arrives. There's six jurors sitting on this panel trying to decide who is more likely right than wrong.

Maybe it's an accident case or a medical malpractice case or a wrongful death case. There's six jurors who must sit and decide who's more likely right and wrong. Now, if there are only five that show up, the sixth one is late, the judge cannot and will not proceed forward until that juror arrives.

Now, if the juror has a significant problem and notifies the court that he cannot arrive that day, now the judge has an option. He can choose from one of the remaining alternate jurors, because there will be at least one, two, or three alternative jurors that will have been selected during the course of jury selection in this exact scenario.

If one of those jurors, the main six people were not able to arrive in court and are unable to appear each and every day, now the judge has the option of selecting one of those jurors to now take the place of that juror who is no longer able to be there. This way, you have a full panel of six people who are listening to the testimony.

To answer the question, is the judge going to proceed forward with the trial knowing that a juror is late and he'll come in and catch up later? The answer is no. Every juror has to be there to listen to all the testimony. To listen to all the witnesses. To see all the exhibits. Otherwise, one side or the other may be prejudiced because the jury does not have an opportunity to see and hear and learn of all the information related to the issues in this particular case.

Why do I share this great information with you? I share it with you because nobody talks about how these actual lawsuits work. This is really a behind the scenes look that you really wouldn't know unless you're a litigant and had to go through this and you experience this for yourself the very first time.

I realize you're watching this video because you have 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 lawsuit, but you have questions, what I encourage you to do is pick up the phone and call me.

I answer questions like yours every single day and I'd love to talk to you. You can reach me at 516-487-8207 or by at email at Gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.