

Is There a Risk of Taking a Christmas Verdict?

by Gerry Oginski, Esq.

You were injured badly.
Maybe by a careless driver.
Maybe by a negligent doctor.

You've decided to bring a lawsuit here in New York.
You've found an attorney who is right for you.
You're off and running.

Seeking compensation for all the harms and injuries you suffered.

Your lawsuit drags on.
Endlessly.
For two grueling years.

From endless discovery to mindless pretrial testimony.

Finally, your lawyer tells you that your case is "ready" for trial.
That doesn't really mean it's ready.
It simply tells the court that you're technically ready.

From that point it will likely be nine months to a year before your case actually comes up for trial.

A month before your trial is scheduled, your lawyer begins to prepare your case for trial.
He has you come into his office to prepare for questioning and cross-examination.
That's brutal.

The defense refuses to negotiate.
You have no choice but to take your case to trial.
You know you're right.

You know the person who caused you harm was wrong.
You believe, in your heart of hearts that the jury will agree with you.

The call comes in.
Jury selection starts tomorrow.
It's mid December.

You're thankful that you've finally reached this milestone.
Your attorney is not so sure.

You ask why.

He tells you the obvious.

“We’re approaching Christmas time. It’s the holidays,” he says.

“So what?” you ask innocently.

Your lawyer begins to explain.

“Going to trial during the holiday time is a double-edged sword. There are instances where juries are in a gift-giving mood. However, there are other times when they can’t wait to get out of court to be with their families and go shopping for their family.”

It can also mean the juror’s attention is diverted.

They could be thinking about their family.

Maybe they’re thinking about the upcoming holidays and how they’re wasting their time in court dealing with your legal issues.

There are some really good lawyers who say taking a verdict at holiday time is great for an injured victim. Other equally great trial lawyers say just the opposite.

Every lawyer can give you a real world example of both scenarios.

Your lawyer tells you that if you can, it would be better to take a verdict after the holidays and not during Christmas week.