



**LAW OFFICE OF GERALD
OGINSKI, LLC**

35 South Drive
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginiski-Law.com

Juror Refuses to Follow Judge's In- structions. Will Judge Find Out?

At the end of a trial, if a juror refuse to follow the judges instructions, will the judge ever find out? Will he ever know what went on? You want to know the answer? Come join me for a moment as I share with you some terrific information.

Hi, I'm Gerry Oginiski, I'm a New York medical malpractice and personal injury attorney, practicing law here in the state of New York. Welcome. The answer is yes, the judge is going to find out. You might be asking yourself, how can the judge find out? The jury deliberates in private, in secret. The judge isn't in there, the attorneys aren't in there, the litigants aren't in there. The door is closed, there are no cameras. Nobody's allowed to record what goes on. How could it be possible that the judge would know whether or not a juror is not following his instructions? Want to know how? It's really actually very simple. At the very beginning of the case, it might be an accident case, might be a medical malpractice case, might be a wrongful death case.

When we go ahead and select a jury, one of the things that we do is we tell the jury that at the end of the trial the judge will be giving them very specific legal instructions that they are required to follow. Now we ask these jurors, "Listen, this is the law of the land. The judge gives it to you." If for whatever reason a juror is not following the judges law and following the judges instructions, will you have any hesitation whatsoever in notifying the judge, notifying the court officer that you have to speak to the judge because one of the jurors is not following the law? Everyone of these jurors acknowledges and accepts the fact that they will notify the judge if one of their fellow jurors is not following the law.

In reality, the jurors police themselves to make sure that each one of these jurors are following the judges legal instructions. We might get a renegade juror who decides, you know what, I don't give a damn what the judge says, the judge is wrong, I think the verdict should be this way regardless of what the law says. Well guess what, that's a problem. Now juror number 2 writes

a note to the court officer who hands it to the judge who now brings in the juror who wrote that note. He says, "Tell me what you saw. Tell me what you heard." Now they bring in the juror who was not going ahead and going along with the judges instructions. Now the judge will interview that juror. The attorneys will be present for that interview and now the judge will make a determination about whether or not this juror can continue the deliberation process or whether he has to be removed from the jury and now an alternate juror has to come in. That's how the judge is going to know whether or not the jurors or one juror is not following his specific legal instructions.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in these civil trials here in the state of New York. I realize you're watching this video because you'll likely have questions and concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a law suit but you have questions that need answer first. 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.