



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

67 Cutter Mill Road  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## **Juror knows doctor we're suing. Does it automatically disqualify her from sitting as a juror?**

I'm picking a jury in a medical malpractice case and now one of the jurors, one of the potential jurors raised their hand and says that they know the doctor that we are suing. Does that automatically disqualify her from serving as a juror in this case? Do you want to know the answer? Come join me for a moment as I share with you some terrific 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. It does not automatically disqualify this juror, the mere fact that she knows this doctor. Now I have to probe and ask certain questions. "Well, Mrs. Jones, how do you know this doctor? Are you a patient of his? Do you know the doctor socially? Does his kid play on the same team as your kid? How is it that you actually know him? Okay. Now that you know him, what has your experience been with your interactions? Have you had good experiences? Have you had bad experiences? Tell us about them."

Now I want to probe and identify whether or not her experience may be good or bad. If she was a patient and she didn't like the way the doctor treated her, now she might be ideal for my case. Why? Because now I have somebody on my side who also believes that this doctor may not have done something appropriately and that's the very beginning before we even start the trial. If that happened, the defense attorney is not going to like her and not going to want her to sit as a juror and he's probably going to do everything he can to get her excused from this jury. That's why during the course of jury selection we will ask these potential jurors, 25 or 30 people who are sitting in a room where we are now questioning the first six and ask them, "Hey, by the way, do you know any of the people who are being sued here?" Because we want to identify, if they do know, how do you

know them? If you do know them, what's your relationship with them and has your interaction with them been good, bad, or indifferent?

Just because somebody knows one of the people being sued does not automatically mean that they are going to be disqualified from this case however after probing further, further information may come out that clearly shows that this person has a bias or may be prejudging this case simply because of their experience with somebody in the past. 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 during jury selection here in a civil trial in New York. 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, what I encourage you to do, in fact I invite you to do is to pick up the 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](mailto:Gerry@Oginski-Law.com). That's it for today's video, I'm Gerry Oginski, have a wonderful day.