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## **Juror stops to speak to me-Do I have to tell the judge and my opponent about this?**

Okay, I've got another trial trivia question for you. If a juror stops me in the hallway as we're taking a break and stops to speak to me, do I have to report that interaction to the judge and importantly, to the defense lawyer? Do you want to know the answer? Do you think you 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 here in the State of New York. At the very beginning of the trial the judge gives the jury preliminary instructions and one of those instructions is, "Jurors, you are not to talk to the attorneys in this case, even if it means you see them in the hallway. Even if it means saying hello to them in the morning. You are not to do it." The judge tells them straight out, "Don't do it."

Now what happens during the course of a break if a juror is walking past me in the hallway and he turns and says something to me? Well, what does he say? "Have a nice day, Mr. Oginski." Or what if he says, "Hi. How are you?" Do I have an obligation as an officer of the court to tell the judge that this juror has said hello to me? It sounds kind of basic, right? Sounds common sense. You don't do it. You don't have any interaction. Well, what happens if this exchange occurs? Do I have an obligation to tell the defense attorney? Do I have an obligation to tell the judge about this harmless interaction which really is insignificant and is meaningless?

What if the defense attorney is at the other end of the hall and he happens to glance down the hall and he sees this juror pass me and say something to me? How does the defense lawyer know what it

was that he and I said? Do you think he's going to believe what I tell him? He's going to have to tell the judge, "Judge, I just saw the juror speaking to Mr. Oginski. I want to know what was said." Now he's not going to believe me. Now the judge is going to have to bring in this juror to talk to him privately.

He's going to ask him, "Mr. Juror, what did you say to Mr. Oginski?" He's going to say, "What do you mean? I didn't say anything. I said hello." Now the judge is going to turn to him and say, "I told you not to talk to the attorneys. Not to say hello, not to say good morning. Didn't you hear that? Didn't you hear what I said?" And he'll say, yes, but it was natural. He didn't think about it. The answer is, yes, I have an obligation to tell the judge. I have an obligation to tell the defense attorney even if it's harmless, even if that moment of conversation was meaningless.

Why? Because if someone saw us, they may have perceived something differently. They may have thought that they said something to me or that I said something to them that could in some way affect this case or affect the outcome of the case. Why do I share this quick trivia information with you? I share it with you just to give you a sense of what goes on in these civil lawsuits involving an accident case or a medical malpractice case or even a wrongful death case here in the State of New York.

You know, I realize and recognize that 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 that need to be answered before you make that decision, what I invite you to do is 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 e-mail 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.