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## Can jury ask judge to clarify legal instructions?

It's the end of the trial. The attorneys have made their closing arguments, and now the judge locks the courtroom door and gives the jury an hour's worth of legal instructions that they have to follow in order to reach a decision on this case. What happens, though, if the jury doesn't truly understand all of the judge's instructions? Can they ask the judge to clarify some of those instructions? 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. The answer is yes. The jury can raise their hand. They can ask the judge to clarify certain instructions that he just gave them. Will the judge do it? Yes, he will. He will then go ahead and focus on that specific instruction that they didn't understand. He will likely reread it to them, and then, he will likely explain in plain English, in layman's terms, what that instruction really means. Then he will tell the jury to go back and start deliberating, to decide who is more likely right than wrong.

Now the jury takes that information, they go back, they reach a verdict. What happens if the losing party believes that they lost the case because of the judge's clarification on the issue of law that they were confused about? Well then, the appellate court, the higher court will now look to see, number one, whether that legal instruction was appropriate for this case. Then, they will look to see whether or not the judge's clarifications, the exact words that he used to try and make it simple for the jury to understand, whether that was legally appropriate. If the answer is no, then there's a possibility they will overturn the verdict, and now the number of options available to the court.

It is critically important that the jury understand the legal instructions that they are given by the judge, and if they don't understand it, they have an absolute right to raise their hand, saying, "Excuse me, judge, we didn't understand what you meant by preponderance of proof. Judge, we didn't understand what causation meant or why the standard of care for a physician in this medical malpractice case is different than the standard of care for ordinary negligence in a car accident case. Can you explain to us the difference?" The judge will go ahead and explain it. Why do I share this great information with you? I share it with you just to give you an inside look of what goes in a medical malpractice case, in an accident case, and even in a wrongful death case here in the state of New York when the judge gives the jury legal instructions, and now, they have questions about what these instructions really mean.

I realize you got questions of your own, about your own particular matter. If you're thinking about bringing a lawsuit and your matter happened in the state of New York, and you've got questions, 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 fantastic day.