



**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)

## **Hung jury. Judge tells jury to go back and make a decision!**

It's a hung jury. The jury can't make up their mind as to who is more likely right than wrong. How many times does the judge go in to tell them, "Go back and continue deliberating until you actually reach a verdict." You want to know the answer? Come join me as I show 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. The judge is not going to tell them once or twice, and in fact there's no set definable number of times the judge will tell the jury, "Go back and keep deliberating." Some judges may do it a few times, some judges may say, "You know what? I want you to go back, keep deliberating, find out what the real issues are and see if you can come to some decision." And why is that? Because the judge doesn't want to have wasted everybody's time, the jury doesn't want to waste everybody's time. If the jury can't come to a decision about who is more likely right than wrong, now if they can't reach a decision, now there's a problem.

Now it means the judge has to decide whether or not to disband the jury, to tell the jury to go home, the trial is over, and now send the attorneys back and start picking a jury all over again from the beginning. That is a total waste of time. The judge is going to try and encourage the jury to go back and continue deliberating. Talk it out, see if you can resolve the issues, see if you can convince one side or the other to change sides, change positions. If you can, terrific. If you can't, come back and let us know. There is no set, definable number of times that the judge is going to turn to the jury and say, "Listen, you have only one more chance, you have only two more hours, you've got to come back with a decision." No, there is not set, definable time period in which the jury has to come to a conclusion. But you should know, the jury is going to get fed up if they haven't reached a decision within a certain period of time and now they're

arguing over the same exact issues. Now the question becomes, is it still worthwhile to continue deliberating know that nobody is changing any of their positions.

As much as I'd like to tell you the judge is going to say five times, "Go back and deliberate," the reality is that there is not set, definable time period. The judge may tell them, "Come back tomorrow, continue deliberating. Come back in a few hours, continue deliberating." It all depends on what's going on with the jury, what issues they're having and whether or not the judge feels that they can come to a decision by sending them back again to continue their deliberations. So 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 during the jury process now when the jury is out deliberating and they can't reach a decision on a civil case involving an accident matter or medical malpractice matter, or even a wrongful death matter here in New York.

And I realize you're watching this because 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 what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know that's 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.