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Juror has same injury as my client; is that grounds for automatic dismissal from the jury?

It's an accident case. My client suffered a significant fracture of her femur. The biggest bone in her body. During jury selection, one of the potential jurors tells me they suffered the same exact type of injury but she doesn't have any permanent long term injury. Well, good for her but does that automatically disqualify her from serving as a juror on our case? You want to know the answer? Come and 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 in the state of New York. So, now in this accident case where my client suffered a significant fracture, a significant broken bone to the largest bone in her body, a femur fracture and now has significant disability and long term permanent injury. We are trying to find a jury of six people, six members of the community, who can judge the evidence in this case to determine whether or not we are more likely right than wrong that what we are claiming is true. Now, if a potential juror tells me they suffered the same type of injury, a fractured femur, is that an automatic disqualification? The answer is no, it's not automatic. Now I'm probing and I'm asking this potential juror additional questions. "Well, how did this accident happen? How did you suffer your injury? What problems did you have after you had received treatment?"

Now, if she doesn't have any long term injury or long term disability, I will come right out and tell her, "Thank God. That's great" but in our case, my client did and she had the following problems and she still has and the doctors and witnesses are going to come in and talk about it and testify about those things she can no longer do. The mere fact that this potential juror's injury was not as significant as my

client's injury, does that mean that she's not qualified to sit as a juror? The answer is no, it's not. Does that mean that she won't understand the type of pain that my client went through? No. She likely will clearly understand the pain but I do have a concern. I have a concern that she may think that everybody who has this type of injury, clearly it can't be as permanent or as bad as the injured victim is claiming it would be. That's my big concern.

The defense attorney is also going to have a concern. Why? He may think that this potential juror is now going to bond with my client because they've had similar injuries. Now, the defense attorney may think that she's going to favor my client simply because they suffered similar injuries even though the final extent of their injuries are different. Why do I share this great information with you? I share it with you just to give you a sense of what goes on during jury selection in an accident case here in the state of New York. I realize that you've got questions or concerns about your own particular matter. Well, if you're thinking about bringing a case and your matter did happen here in New York and you've got legal questions, what I encourage 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 email at gerry@Oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.