

1 **13-901. Special F.E.L.A. voir dire of jurors by court.**

2 Plaintiff brings this action under a law known as the Federal Employers['] Liability Act.  
3 The title only identifies the law and does not imply that the defendant railroad is liable.

4 This case involves . . .

5 (NOTE: The court will here briefly summarize the facts to state something equivalent to  
6 this example:

7 An accident occurred on \_\_\_\_\_ (date) at \_\_\_\_\_ (name of  
8 location) while the plaintiff [deceased] was an employee of the defendant railroad and was then  
9 engaged in \_\_\_\_\_ (here briefly describe the work that plaintiff or deceased was  
10 doing at the time of the accident).)

11 [The plaintiff in this case is the personal representative of \_\_\_\_\_ (name of  
12 ~~workman~~deceased plaintiff), deceased. The plaintiff brings this action for the benefit of  
13 \_\_\_\_\_ (name of survivors or dependents)].

14 At this time I will introduce the parties and their attorneys.

15 (The court then introduces the plaintiff and ~~his~~plaintiff's attorneys, followed by the  
16 defendant representative and the defense attorneys.

17 NOTE: At this point, the court will pursue the voir dire examination of jurors as set forth  
18 in Chapter 1 concerning the general voir dire of jurors by the court.)

19 USE NOTES

20 The above portion of voir dire is to supplement the general voir dire under Chapter 1.

21 The paragraph relating to the personal representative and with reference to the deceased  
22 and survivors is only to be used where the injury to the ~~workman~~plaintiff resulted in ~~his~~their  
23 death.

1 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending  
2 or filed on or after December 31, 2025.]

3 **Committee commentary.** — The above quoted portion of a voir dire examination in F.E.L.A.  
4 cases is only to help the jury better understand the type of action involved. The probabilities are  
5 that at some point during the trial, even with reasonable precautions, there is going to be some  
6 reference to an F.E.L.A. or federal employers['] liability case and, therefore, it is better that the  
7 court explain this right at the outset of the lawsuit.

8 45 U.S.C.A. § 51 provides that, in case of death of the employee, the liability of the carrier shall  
9 be to ~~[his or her]~~employee's personal representative, ["]“for the benefit of the surviving [~~widow~~  
10 ~~or husband~~][spouse] and children of such employee; and, if none, then of such employee[']s  
11 parents; and, if none, then of the next-of-kin dependent upon such employee[...]. . . .”.

12 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]