

13-921. Special interrogatories.

(NOTE: The following is an example of a set of special interrogatories that can be used in an F.E.L.A. case.)

These interrogatories shall be answered only in the event your verdict is for the plaintiff.

(1) What was the total amount of damages which you determined to be due to the plaintiff by reason of the injury sustained, before considering any contributory negligence on the part of [plaintiff] [decedent]?
_____ (here state the amount).

(2) Did you find the [plaintiff] [decedent] guilty of any contributory negligence?
_____ (Yes) _____ (No)

If your answer to Interrogatory 2 is "no," you shall not answer Interrogatory 3. However, if your answer to Interrogatory 2 is "yes," then you should answer Interrogatory 3.

(3) If you found that the [plaintiff] [decedent] was guilty of contributory negligence, please state what proportion or percentage of the negligence on the part of the said [plaintiff] [decedent] contributed to the injuries of [plaintiff] [decedent].
_____ (here state the percentage).

Foreperson

USE NOTES

In F.E.L.A. cases special interrogatories have been commonly used, but the matter still rests in the discretion of the trial court.

[As amended, effective November 1, 1991.]