

Voir Dire Questions: *Bushmaker v. Rapid American Corp.*, 09-cv-726-slc

- (1) **Statement of the case.** This is a civil lawsuit brought by the plaintiff, Gerald Bushmaker, against the defendant, Rapid American Corporation. Mr. Bushmaker used to work as a pipefitter for Consolidated Paper at its Consoweld Division in Wisconsin Rapids. Later, Mr. Bushmaker got lung cancer. Mr. Bushmaker contends that as a pipefitter for Consolidated Paper, he was exposed to various products containing the mineral asbestos that were manufactured by Philip Carey Manufacturing Company, a corporate predecessor of defendant Rapid American Corporation, and that this exposure was a cause of his lung cancer.

Mr. Bushmaker contends that Rapid American Corporation manufactured or supplied an unreasonably dangerous product without providing necessary warnings, and acted negligently by failing to warn him about the health hazards of asbestos, by failing to investigate or test for those health effects and by failing to instruct him or his employers on how to take precautionary measures.

Defendant Rapid American Corporation denies that it manufactured an unreasonably dangerous product, denies that it was negligent, denies that its products were a cause of Mr. Bushmaker's lung cancer and denies that it is liable for his injuries.

Have any of you heard of this particular case before today?

- (2) The trial of this case will begin today, March 4, 2013, and could last two weeks, through next Friday, March 15. Would any of you actually be unable to serve as a juror during this time?
- (3) Asbestos background questions: During this trial, you will hear evidence about the nature and properties of the mineral asbestos, the uses to which asbestos was put in the past, and the health risks that are now associated with exposure to [*certain amounts of*] asbestos.
- (a) Do any of you believe that all products containing any amount of asbestos are unsafe, or that any exposure to any amount of asbestos will cause injury or cancer?
 - (b) Do any of you believe that any and every company that at any time manufactured or sold products containing asbestos acted wrongfully and should be held responsible?
 - (c) Do any of you feel that big companies in general do not care enough about the safety of their products?
 - (d) Has anyone done research on the internet about asbestos disease?

- (e) Is there anything else about the nature of this case that would affect your ability to be fair and impartial to both sides?
- (4) Ask the lawyers for each side to tell the jury where they practice law and with whom. Ask panel whether anyone knows counsel or their law firms.
- (5) Ask plaintiff's lawyers to introduce their client briefly. Ask venire panel whether anyone knows Mr. Bushmaker.
- Ask defendant's lawyers to introduce their client, the nature of their client's business, its major subsidiaries or parent corporation and where it conducts business. Ask whether anyone on the panel owns stock, has had business dealings, or has been employed by any of these entities.
- (6) Ask whether anyone on the panel owns stock, has had business dealings, or has been employed by Consolidated Paper or Consoweld.
- (7) I am going to read a list of manufacturers, sellers and miners of asbestos whose products may be mentioned or involved in this case. If you own stock in any of these companies, or if you are aware of any relatives or close friends who work for these companies, please raise your hand and I will follow up with you:

ABB Lummus Global Construction Company	GAF
AC&S Incorporated	Garlock
Armstrong World Industries	HK Porter
A.W. Chesterton, Inc.	Johns-Manville
Babcock & Wilcox	Kaiser Aluminum & Chemical Corporation
Celotex Corporation	MH Detrick
Certainteed	National Gypsum Company
Combustion Engineering	Owens Corning
Crown Cork & Seal	Plibrico
General Electric	Raytech Industries
Halliburton	Rockwool Mfg Co.
Harbison Walker	Rutland Fire Clay Company
Eagle Picher	Taylor Insulation
Fibreboard Corporation	UNARCO
Flexitallic	Union Carbide
Flintkote	US Gypsum
Forty-eight Insulations	Westinghouse Electric

(8) Background questions to each prospective juror:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations, such as religious groups, labor unions, volunteer or civic organization.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly use the internet for purposes other than for personal business such as e-mail and banking, and if so, what types of sites you like to visit.

(9) Do any of you know any of the other people in the jury box from before today?

(10) Questions to panel regarding prior experience with court proceedings:

- a. Have any of you ever been a party to a lawsuit?
- b. Have any of you ever been a witness in a lawsuit?
- c. How many of you have served previously on a jury? If so, please tell us when, in what court, the type of case(s), the verdict(s) and whether you were foreperson.

(11) Other than what you already have told us, have you or any member of your family ever made a legal claim or had a legal claim made against them related to any of the following:

- a. Personal injury
- b. Workers compensation
- c. Product liability
- d. Asbestos

- (12) Other than what you already have told us, have any of you, members of your family or your close friends had training, experience or employment in any of these fields:
- a. Steamfitting
 - b. Pipefitting
 - c. Manufacture, sale, repair or removal of asbestos or asbestos-containing products
 - d. Health care
 - e. Law
 - f. Insuring companies against claims arising from their products, accidents on their property or employees hurt on the job
- (13) Other than what you already have told us, have any of you, members of your family or your close friends ever been a member of a labor union?
- (14) Have any of you, members of your family or your close friends ever smoked?
- (15) Have any of you, members of your family or your close friends ever been diagnosed with any of these illnesses:
- a. Any type of cancer
 - b. Any asbestos-related disease such as asbestosis
 - c. Asthma
 - d. Emphysema
 - e. Bronchitis
 - f. Mesothelioma
- (16) Do any of you have opinions, whether positive or negative, about people who go to court to obtain relief for wrongs they believe they have suffered?
- (17) At the end of the case I will give you instructions on the law that will govern your deliberations as a jury. If you are picked as a juror, then you are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow the instructions?
- (18) Do any of you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?

JUROR BACKGROUND INFORMATION

When asked to do so by the court, please stand and provide the following information:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations, such as religious groups, labor unions, volunteer or civic organizations.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly use the internet for purposes other than for personal business such as e-mail and banking, and if so, what types of sites you like to visit.