

**¶ 4110.03. Employee of or stockholder in party to action.**

CPLR 4110(a) provides that a juror who is in the employ of a party to the action, or who is an employee or a shareholder of a corporation that is a party, is subject to a challenge to the favor. However, the juror will actually be excused for cause only if the court determines that his connection to a party has made him biased in favor of that party. See ¶ 4110.02.

**¶ 4110.04. Interest in insurance company.**

CPLR 4110(a), which is identical in this respect to section 452 of the former Civil Practice Act, provides that in an action for personal injury or property damage, a juror who has any employment, management, or ownership interest in any liability insurance company may be challenged for cause.<sup>7</sup> Under CPLR 4110(a), as with its predecessors, it is permissible to "inquire fully into all the facts bearing upon any interest which any prospective juror might have in any such insurance company."<sup>8</sup> Thus, counsel may ask about a juror's interest in a specific casualty company.<sup>9</sup> Moreover, the provision, like its predecessor, appears to be based upon the belief that jurors connected with liability insurance companies are likely to minimize the claims of plaintiffs. Accordingly,

<sup>7</sup> See generally Annot., Prospective Juror's Connection with Insurance Company as Ground of Challenge for Cause in Action for Personal Injuries or Damage to Property, 103 A.L.R. 511 (1936). See generally Vetter, *Voir Dire II—Liability Insurance*, 29 Mo. L. Rev. 305 (1964).

<sup>8</sup> *Wood v. New York State Elec. & Gas Corp.*, 257 A.D. 172, 12 N.Y.S.2d 947 (3d Dept. 1939), *aff'd mem.* 281 N.Y. 797, 24 N.E.2d 480 (1939).

<sup>9</sup> See *Rinklin v. Acker*, 125 A.D. 244, 245, 109 N.Y.S. 125, 126 (2d Dept. 1908) ("are any of you gentlemen stockholders in the Fidelity and Casualty Company?"); *Dulberger v. Gimbel Bros.*, 76 Misc. 225, 226, 134 N.Y.S. 574, 575 (App. Term Sup. Ct. 1912) (juror asked whether he was "interested in the Pacific Coast Casualty Company"). See generally 5A Moore's Federal Practice ¶ 47.06 (Matthew Bender 2d ed.); *Right of Counsel to Interrogate Jurors in Regard to Liability Insurance*, 102 N.Y.L.J. 28, 38 (1939).