

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

Proposed Recommendation No. 247

Proposed Amendment of Rule 223.1

Governing Conduct of the Trial

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 223.1 governing conduct of the trial be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than **December 31, 2010** to:

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Rule 223.1. Conduct of the Trial. Trial by Jury

(a) In conducting a trial by jury, the court may use one or more of the procedures provided in subdivisions (b) and (c) as may be appropriate in the particular case.

Note: This rule catalogs certain procedures which may be utilized in the conduct of a jury trial. Since the court has broad power and discretion in the manner in which it conducts a jury trial, it is not intended that this rule be construed as enlarging, restricting or in any way affecting that power and discretion.

See Rule 223.2 for juror note taking in civil cases.

(b) The court may permit jurors to view a premises or a thing in or on a premises.

Note: See Rule 219 governing view of premises.

(c) The court may

(1) permit specified testimony to be read back to the jury upon the jury's request,

(2) charge the jury at any time during the trial, **[and]**

Note: The court is not limited to charging the jury after the closing argument by the attorneys,

(3) make exhibits available to the jury during its deliberations, **and**

(4) make a written copy of the charge or instructions, or a portion thereof, available to the jury following the oral charge or instructions at the conclusion of evidence for use during its deliberations.

Explanatory Comment

Current Rule 223.1 governing the conduct of a jury trial does not contain a provision for the trial court to give the jury a written copy of the oral charge or instructions. With the Court's recent adoption of amendments to Pa.R.Crim.P. 646, which permits a trial judge to allow the jury to have written copies of the judge's charge during deliberations, the Civil Procedural Rules Committee is proposing a similar amendment to Rule 223.1. The amendment to subdivision (c)(4) will permit the trial court to provide the jury with a written copy of the oral charge or instructions at the conclusion of evidence.

By the Civil Procedural
Rules Committee

Robert C. Daniels
Chair