

**Rule 226. Points for Charge. Motion for Directed Verdict**

(a) Points upon which the trial judge is requested to charge the jury shall be so framed that each may be completely answered by a simple affirmation or negation. Attorneys shall hand copies of requested points for charge to the trial judge and to the opposing attorneys before the closing addresses to the jury are begun. A requested point for charge that was presented to the trial judge becomes part of the record when the point is read into the record, or filed in the office of the prothonotary prior to filing a motion for post-trial relief regarding the requested point for charge.

Note: An appellate court will not review an objection to a ruling of a trial court regarding a point for charge unless the point for charge was (1) presented to the court and (2) made a part of the record by either reading the point into the record or filing it in the office of the prothonotary prior to filing a motion for post-trial relief.

(b) At the close of all the evidence, the trial judge may direct a verdict upon the oral or written motion of any party.

[Note: Subdivision (b) changes the historic practice under the Act of April 22, 1905, P.L. 286, as amended, and the Act of April 20, 1911, P.L. 70, §1, as amended, repealed by JARA, requiring the filing of a written request for binding instructions as a condition precedent to the filing of a motion for judgment notwithstanding the verdict or after disagreement of a jury.]

## Explanatory Comment

Rule 226 governing points for charge has been amended to cure the problem of making points for charge part of the record for appellate review. The amendment is in response to the case of *Bennyhoff v. Pappert*, 790 A.2d 313 (Pa. Super. 2001), *petition for allowance of appeal denied*, 573 Pa. 682, 823 A.2d 143 (2003), in which the Superior Court concluded that although a point for charge had been raised by counsel and addressed by the trial court, the text of the point had not been made part of the certified record on appeal. The amendment specifies the methods by which points for charge may be placed on the record. It is important to note that all points for charge must be presented to the court in accordance with the rule regardless of the method by which they are made part of the record.

By the Civil Procedural  
Rules Committee

R. Stanton Wettick, Jr.  
Chair