IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

IN RE: APPLICATION BY THE 45TH : No. 32 MM 2020
JUDICIAL DISTRICT TO SUSPEND OR :
MODIFY STATE RULE 221 :

ORDER

PER CURIAM

    AND NOW, this 4th day of November, 2020, the Application by the 45th Judicial District to Suspend or Modify State Rule 221, seeking permission to reduce or eliminate the number of peremptory challenges permitted in civil matters, *see* Pa.R.C.P. No. 221, is GRANTED, subject to the following qualifications:

    1. The judge presiding over the jury selection process is to announce his or her intent to reduce or eliminate the number of peremptory challenges authorized by Rule of Civil Procedure 221 at the beginning of *voir dire*; such announcement shall specify the number of peremptory challenges the parties will be permitted to exercise with respect to that *venire*;

    2. The judge presiding over the jury selection process is to memorialize, via a written order, any reduction or elimination of the number of peremptory challenges; that written order shall be placed on the docket of that particular case; and

3. The reduction or elimination of the number of peremptory challenges shall be effectuated in a manner designed to achieve fairness between or among the parties. *See Leaphart v. Whiting Corp.*, 564 A.2d 165, 169 (Pa.Super. 1989) ("[O]nly when the trial court's allocation of strikes failed to result in a fair distribution of challenges, will we find an abuse of discretion and, consequently, reversible error.") (quotation omitted); *cf.* Pa.R.C.P. No. 221 (providing that peremptory challenges are to be exercised in alternating turns, so that "a fair distribution of challenges" is achieved).

This order shall remain in effect no longer than the duration of the judicial emergency in the 45th Judicial District. Interested parties may object to this Court's order no later than noon on November 12, 2020. Objections shall be filed at the above docket number and served on the District Court Administrator of the Forty-Fifth Judicial District.