

Explanatory Comment

Current Rule 211, if read literally, confers on a party the right to argue any motion before the trial court. However, the Superior Court and the Commonwealth Court have both held that any right to oral argument conferred by Rule 211 is only a qualified right subject to judicial discretion. See *Gerace v. Holmes Protection of Philadelphia*, 516 A.2d 354 (Pa. Super. 1986); *City of Philadelphia v. Kenny*, 369 A.2d 1343 (Pa. Cmwlth. 1977). To remedy any confusion between the text of the rule and actual practice supported by appellate precedent, Rule 211 has been amended to provide that a party has the right to request oral argument, and gives discretion to the trial court to require oral argument, whether requested or not, or to dispose of any motion without oral argument.

By the Civil Procedural
Rules Committee

Peter J. Hoffman
Chair