

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

Proposed Recommendation No. 258

Proposed Rescission of Rule 211

Governing Oral Argument

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 211 governing oral argument be rescinded as set forth herein.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 **February 28, 2014** to:

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Rule 211. Oral Arguments

Rescinded. [Any party or the party's attorney shall have the right to argue any motion and the court shall have the right to require oral argument. With the approval of the court oral argument may be dispensed with by agreement of the attorneys and the matter submitted to the court either on the papers filed of record, or on such briefs as may be filed by the parties. The person seeking the order applied for shall argue first and may also argue in reply, but such reply shall be limited to answering arguments advanced by the respondent. In matters where there may be more than one respondent, the order of argument by the respondents shall be as directed by the court.]

Explanatory Comment

Current Rule 211, if read literally, confers on a party the right to argue any motion before the trial court. In practice, however, the trial court, in its discretion, determines those matters before it that will be decided with or without an oral argument. The Civil Procedural Rules Committee is proposing the rescission of Rule 211 because the interests of justice are best served by the current practice of the trial judge determining whether issues raised by the parties can be resolved by a review of written documents, including briefs, and/or by oral argument with or without briefs. See Pa. R.C.P. Nos. 208.1 et seq.

By the Civil Procedural
Rules Committee

Diane W. Perer
Chair