

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

#### Amendment of Rule 220.1 Governing Voir Dire; Proposed Recommendation No. 225

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 220.1 governing voir dire 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 not later than August 31, 2007 to:

Harold K. Don, Jr.  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

##### Rule 220.1. Voir Dire.

(a) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

\* \* \* \* \*

(16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

**Official Note:** For example, in the context of *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc), petition for allowance of appeal denied, 916 A.2d 630 (Pa. 2006), voir dire should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regarding medical malpractice and tort reform."

\* \* \* \* \*

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing the addition of a note to Rule 220.1(a)(16) governing voir dire. Current subdivision (a) lists the information to which parties are entitled to obtain during voir dire. The list concludes with a catch-all provision in subparagraph (16).

The proposed note provides an example of the type of information that may be sought from potential jurors pursuant to subparagraph (16) to achieve a competent, fair and impartial jury in a particular case.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 07-1181. Filed for public inspection July 6, 2007, 9:00 a.m.]

### PART I. GENERAL

[231 PA. CODE CH. 200]

#### Amendment of Rule 226 Governing Points for Charge; Proposed Recommendation No. 226

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 226 governing the points for charge 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 not later than August 31, 2007 to:

Harold K. Don, Jr.  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

##### 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.

**Official Note:** As an appellate court cannot consider anything that is not part of the record in a case, an attorney submitting to the court a proposed point for charge must make certain that it

becomes part of the record by reading the point into the record, filing the point in the prothonotary's office, or attaching the point to a motion for post-trial relief.

A point for charge which may be filed with the prothonotary or attached to a motion for post-trial relief must have been presented to the trial court in accordance with the rule.

\* \* \* \* \*

**Explanatory Comment**

The Civil Procedural Rules Committee is proposing to amend Rule 226 governing points for charge by adding a note that is intended to cure the problem of making points for charge part of the record for appellate review. The proposed amendment is in response to the case of *Bennyhof 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 proposed note 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*

[Pa.B. Doc. No. 07-1182. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Title 237—JUVENILE RULES**

**PART I. RULES**

**[237 PA. CODE CH. 6]**

**Proposed Amendments to Rule 613 and Proposed New Rule 614**

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 613 and the new rule 614 be adopted and prescribed. The proposed modified Rule 613 provides that the juvenile court loses jurisdiction when the juvenile attains the age of twenty-one. Rule 614 sets forth the procedures for early termination of court supervision by motion. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of the rules. Please note that the Committee's Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.  
Staff Counsel  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than Monday, August 13, 2007.

*By the Juvenile Court  
Procedural Rules Committee*

FRANCIS BARRY MCCARTHY,  
*Chair*

**Annex A**

**TITLE 237. JUVENILE RULES**

**PART I. RULES**

**Subpart A. DELINQUENCY MATTERS**

**CHAPTER 6. POST-DISPOSITIONAL PROCEDURES**

**PART B. MODIFICATIONS, REVIEWS, AND APPEALS**

**Rule 613. Termination of Court Supervision.**

**A. *Aging Out.* When the juvenile has attained the age of twenty-one, the court shall enter an order terminating court supervision of the juvenile.**

**B. *Notice.* [When the juvenile has completed the terms of the dispositional order, the juvenile probation officer shall move for the termination of the court's supervision by filing a motion.] The juvenile probation officer shall promptly notify the court when the conditions of probation have been satisfied. The court shall decide if supervision should be terminated. The [motion] notice shall set forth:**

\* \* \* \* \*

**[B.] C. *Objection.* Any party may object to the [motion] notice under paragraph [(A)] (B) and request a hearing. Such objection shall be made within thirty days of receipt of the [motion] notice; otherwise, objections are deemed waived.**

**[C.] D. *Hearing.* If objections have been made under paragraph [(B)] (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.**

**[D.] E. *Termination.* When the requirements of paragraphs [(A)] (B) through [(C)] (D) have been met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, the court may discharge the juvenile from its supervision.**

**Comment**

For procedures on [motions] filing and service of the notice under paragraph (B)(2), see Rule [344 and] 345. For procedures on the dispositional order, see Rule 515. *See also*, 42 Pa.C.S. § 6352.

**[Under paragraph (A)(2)] For collection of restitution, see 42 Pa.C.S. § 9728 [for collection of outstanding restitution].**

**See Rule 614 for early termination of court supervision by motion.**

\* \* \* \* \*

**Rule 614. Early Termination of Court Supervision by Motion.**

A. *Motion.* Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 613 (A) have not been met.

B. *Notice.* In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion upon the juvenile probation officer.

C. *Objection.* A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the motion; otherwise, objections are deemed waived.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party and the juvenile probation officer an opportunity to be heard before the court enters its final order.

E. *Termination.* When the requirements of paragraphs (A) through (D) have been met and the court is satisfied that there are compelling reasons to discharge the juvenile prior to the completion of the requirements of Rule 613(B), the court may order an early discharge of the juvenile from its supervision.

**Comment**

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345. For procedures on the dispositional order, see Rule 515. *See also*, 42 Pa.C.S. § 6352.

See 42 Pa.C.S. § 9728 for collection of outstanding restitution regardless of court supervision status.

**Explanatory Report**

*Rule 613—Termination of Court Supervision*

The Committee is proposing that a new paragraph (A) be added to Rule 613. Pursuant to 42 Pa.C.S. § 6302, the juvenile court loses jurisdiction over a juvenile when the juvenile attains the age of twenty-one regardless of whether the terms of the court's dispositional order have been completed. This proposed addition requires the court to enter a court order terminating court supervision of the juvenile so cases may be properly closed when the juvenile turns twenty-one.

The Comment was also changed to reflect that restitution may be collected under 42 Pa.C.S. § 9728 when court supervision is terminated.

*Rule 614—Early Termination of Court Supervision by Motion*

This new rule allows for early termination of court supervision if all the requirements of Rule 613 have not been met.

During the Committee's survey of all the judicial districts, some counties asked the Committee to look into several reasons why a court may want to terminate court supervision prior to the fulfillment of the court's dispositional order. Some examples of reasons for early termination could be that the juvenile is serving time in an adult prison and dual supervision is unnecessary; the juvenile would like to enroll in the military; or other compelling reasons for early termination.

The court has the power to continually change the terms of its court order at commitment review or dispositional review hearings. See Pa.Rs.J.C.P. 610(B) and 612(C), and 42 Pa.C.S. § 6353. If the court can change the terms of its dispositional order, it may decide to terminate court supervision prior to the completion of those terms.

Once court supervision has been terminated, restitution may be collected pursuant to 42 Pa.C.S. § 9728.

[Pa.B. Doc. No. 07-1183. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James J. Gallo, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated October 31, 2006, the Supreme Court of Pennsylvania issued an Order on June 20, 2007, disbaring James J. Gallo, from the Bar of this Commonwealth, effective July 20, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-1184. Filed for public inspection July 6, 2007, 9:00 a.m.]

### Notice of Disbarment

Notice is hereby given that Richard R. Thomas, II, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated November 28, 2006, the Supreme Court of Pennsylvania issued an Order on June 20, 2007, disbaring Richard R. Thomas, II, from the Bar of this Commonwealth, effective July 20, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-1185. Filed for public inspection July 6, 2007, 9:00 a.m.]