

NORTH CAROLINA REPORTS

VOLUME 303

SUPREME COURT OF NORTH CAROLINA



SPRING TERM 1981

RALEIGH

1982

tion out of the hearing of the jury and, on request of any party, out of the presence of the jury. In the record on appeal an exception to instructions given the jury shall identify the portion in question by setting it within brackets or by any other clear means of reference. An exception to the failure to give particular instructions to the jury, or to make a particular finding of fact or conclusion of law which finding or conclusion was not specifically requested of the trial judge, shall identify the omitted instruction, finding or conclusion by setting out its substance immediately following the instructions given, or findings or conclusions made. A separate exception shall be set out to the making or omission of each finding of fact or conclusion of law which is to be assigned as error.

This amendment shall apply to every case the trial of which begins on or after 1 October 1981.

By order of the Court in conference, this 10th day of June, 1981.

MEYER, J.
For the Court

Commentary: This amendment will make North Carolina's procedure for reviewing alleged errors in the jury charge similar to that of the federal courts and many, if not most, of the other states including Connecticut, Florida, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Texas and South Carolina.

Rule 30 of the Rules of Appellate Procedure is amended by rewriting subdivision (f) to read as follows:

Pre-argument Review; Decision of Appeal Without Oral Argument.

(1) At anytime that the Supreme Court concludes that oral argument in any case pending before it will not be of assistance to the Court, it may dispose of the case on the record and briefs. In those cases, counsel will be notified not to appear for oral argument.

(2) The Chief Judge of the Court of Appeals may from time to time designate a panel to review any pending case, after all briefs are filed but before argument, for decision

under this rule. If all of the judges of the panel to which a pending appeal has been referred conclude that oral argument will not be of assistance to the Court, the case may be disposed of on record and briefs. Counsel will be notified not to appear for oral argument.

This amendment will become effective 1 July 1981.

By order of the Court in conference, this 10th day of June, 1981.

MEYER, J.

For the Court

Commentary: Rule 30(f) now provides that the Court of Appeals may dispense with oral arguments in certain cases. This amendment merely extends the rule to cases heard by the Supreme Court.