

ADMONITION TO THE TRIAL JUDGE ON STATING THE EVIDENCE AND RELATING THE LAW TO THE EVIDENCE. G.S. 1A-1, Rule 51.

N.C.G.S. § 1A-1, Rule 51(a) was amended effective July 1, 1985 to read as follows:

"In charging the jury in any action governed by these rules, a judge shall not give an opinion as to whether or not a fact is fully or sufficiently proved and shall not be required to state, summarize or recapitulate the evidence, or to explain the application of the law to the evidence. If the judge undertakes to state the contentions of the parties, he shall give equal stress to the contentions of each party."

No future pattern charge or replacment will direct the trial judge to state, summarize or recapitulate the evidence. Nor will any future pattern charge or replacement direct the trial judge to explain the application of the law to the evidence. It is the opinion of the Civil Subcommittee that, in view of the recent amendment to Rule 51(a), the mandate should be limited to a summary of the elements of the applicable law. Of course, there may be occasions when the evidence should be stated or the application of the law to the evidence should be explained. These instances are left to the reasoned judgment of the trial judge.

