

RULE 2116. Statement of Questions Involved.

(a) General Rule. The statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. [the question or questions in the briefest and most general terms, without names, dates, amounts or particulars of any kind.] The statement shall be no more than two pages and will be deemed to include every subsidiary question fairly comprised therein. [It should not ordinarily exceed 15 lines, must never exceed one page, and must always be on a separate page, without any other matter appearing thereon. This rule is to be considered in the highest degree mandatory, admitting of no exception; ordinarily] N[n]o question [point] will be considered unless it [which] is [not set forth] stated in the statement of questions involved or is fairly suggested thereby. [Whenever possible] E[e]ach question shall [must] be followed [immediately] by an answer stating simply whether the court or government unit agreed, disagreed, did not answer, or did not address the question. [it was affirmed, negated, qualified or not answered by the court or government unit below.] If a qualified answer was given to the question, appellant shall indicate[, most briefly,] the nature of the qualification, or if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

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Note: * * * * *

The 2008 amendments are intended to reinforce the importance placed upon a party's statement of a limited number of concise questions that enable the court to understand the nature of the legal issue, and in a general way what points it will be called on to decide. Thus, a party should incorporate the pertinent terms and circumstances of the case, but without details such as names, dates, amounts or particulars that are irrelevant to the resolution of the issues presented to the court.

Previously, some practitioners violated Pa.R.A.P. 124 to avoid the 15-line and one-page restrictions of Pa.R.A.P. 2116 by adjusting fonts, spacing, and margins. Appellate courts may find issues to be waived when they are not set forth in compliance with the Rules of Appellate Procedure. The increase from one to two pages should provide ample space for most parties to articulate their questions in an informative yet concise manner. A party requiring more than two pages for a statement of questions should file an application under Pa.R.A.P. 123 asking for extra pages, explaining why additional pages are needed, and attaching the proposed questions to the application. See Pa.R.A.P. 105.

The current language of the Rule is consistent with the standard set forth in Pa.R.A.P. 1115(a)(3) for questions presented for review in a Petition for Allowance of Appeal to the Supreme Court.