

2003 Membership

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Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee

The Committee on Rules of Evidence was created by the Supreme Court of Pennsylvania as an advisory body to assist the Court in its constitutional and statutory responsibility to prescribe general rules governing court proceedings in Pennsylvania's Unified Judicial System. The committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. It monitors the practical application of the new rules as well as developments in evidence law in Pennsylvania and in other jurisdictions as reflected in case law and statutory changes that have occurred since the rules' adoption.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Committee on Rules of Evidence

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Publication

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory “Report” describing the committee’s proposal. This process gives members of the bench, bar and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), in various local bar publications and also on the Unified Judicial System’s home page at www.courts.state.pa.us, under Supreme Court Committees. (Note: Some proposals are submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, because exigent circumstances exist that warrant prompt action or because the proposed changes are technical or perfunctory in nature.)

The committee considers all publication comments and, when appropriate, will modify a proposal before a final recommendation is submitted to the Court.

When the court adopts a recommendation, the committee prepares a “Final Report” explaining the recommendation, including any post-publication modifications. These “Final Reports,” which are published with the Court’s orders, are useful sources of information about

the rule changes and the committee’s considerations in developing the proposal.

2003 Committee Action

Two amendments were approved by the Court in 2003 and one proposal was submitted for consideration as follows:

Amendment to Pa.R.E. 407 and Revision of Comment in light of the decision of the Supreme Court in *Duchess v. Langston Corp.*, 769 A.2d 1131, ruling that evidence of subsequent remedial measures is not admissible in **products liability cases**. Adopted 6-12-03, effective 7-1-03.

Revision of Comment to Pa.R.E. 703 to alert the bench and bar that **Pa.R.E. 703 no longer is identical to F.R.E. 703**. Adopted 9-11-03, effective 9-30-03.

Amendment to Pa.R.E. 902(12) and Revision of Comment to correct an anomaly in the rule. In its present form, in a criminal case, a **foreign business record** cannot be qualified by certification unlike a domestic business record. The amendment and revision correct this anomaly. Submitted to the Court. AOPC