

**Rule 205.1. Filing Legal Papers. Mailing. Personal Presentation by Attorney Not Necessary**

Any legal paper not requiring the signature of, or action by, a judge prior to filing may be delivered or mailed to the prothonotary, sheriff or other appropriate officer accompanied by the filing fee, if any. Neither the party nor the party's attorney need appear personally and present such paper to the officer. The signature of an attorney on a paper constitutes a certification of authorization to file it. The endorsement of an address [within the Commonwealth] where papers may be served in the manner provided by Rule 440(a) shall constitute a sufficient registration of address. The notation on the paper of the attorney's current [certificate] Supreme Court identification number issued by the Court Administrator of Pennsylvania shall constitute proof of the right to practice in the [county] Commonwealth. A paper sent by mail shall not be deemed filed until received by the appropriate officer.

NOTE: The address endorsed on the legal paper must be one where the paper may be handed to or mailed to the attorney. See Rule 440(a)(1).

The filing of legal documents prepared on recycled paper of good quality is encouraged.

**Rule 236. Notice by Prothonotary of Entry of Order, Decree or Judgment**

(a) \*\*\*

(1) \*\*\*

NOTE: \*\*\*

(2) \*\*\*

NOTE: See Rules 1012 and 1025 as to the requirement of an address [within the Commonwealth] on an appearance and a pleading.

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**Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice**

(a) A party may enter a written appearance which shall state an address [within the Commonwealth] at which pleadings and other legal papers may be served in the manner provided by Rule 440(a)(1) and a telephone number. The appearance may also include a telephone facsimile number as provided in Rule 440(d). Such appearance shall not constitute a waiver of the right to raise any defense including questions of jurisdiction or venue. Written notice of entry of an appearance shall be given forthwith to all parties.

NOTE: Entry of a written appearance is not mandatory.

The address endorsed on the entry of appearance must be one where the paper may be handed to or mailed to the attorney. See Rule 440(a)(1).

The inclusion of a telephone number for facsimile transmission constitutes an agreement to accept service of pleadings or other legal papers by that means. See Rule 440(d).

[(b) An attorney's appearance for a party may not be withdrawn without leave of court [unless another attorney has entered or simultaneously enters an appearance for the party and the change of attorneys does not delay any stage of the litigation.]

(b)(1) Except as provided in paragraph (2), an attorney may not withdraw his or her appearance without leave of court.

(2) An attorney may withdraw his or her appearance without leave of court if another attorney (i) has previously entered or (ii) is simultaneously entering an appearance on behalf of the party, and the change of attorneys does not delay any stage of the litigation.

(c) Leave of court to withdraw an appearance shall be sought by petition pursuant to subdivision (d) or subdivision (e) as may be applicable.

NOTE: Copies of the petition shall be served upon all other parties to the action pursuant to Rule 440.

(d)(1) If the whereabouts of the party on whose behalf the appearance was entered are known, the attorney shall

- (i) set forth the address of that party in the petition,
- (ii) serve notice of the petition on the party in the manner provided by Rule 440,
- (iii) file a certificate of service of the notice with the petition, and
- (iv) immediately notify the party by ordinary mail of the entry of an order granting leave to withdraw. The notice shall include a copy of the order.

(2) Other parties may use the address of the party set forth in the petition for the purpose of further proceedings in the action.

(e)(1) If the whereabouts of the party on whose behalf the appearance was entered are unknown, the attorney shall

(i) set forth the last known address of that party in the petition,

(ii) serve notice of the petition on the party by mail to the last known address set forth in the petition,

(iii) file a certificate of service of the notice with the petition. The certificate shall set forth with particularity the efforts made to locate the party and to effect service of the notice, and

(iv) shall immediately notify the party by ordinary mail to the last known address or by such other means as the court may direct of the entry of an order granting leave to withdraw. The notice shall include a copy of the order.

(2) Other parties may use the last known address of the party for the purpose of further proceedings in the action.

(f)(1) The entry of appearance under subdivision (a) shall be substantially in the following form:

**Caption**

**Praecipe for Entry of Appearance**

To the Prothonotary:

Enter my appearance on behalf of \_\_\_\_\_  
(Plaintiff/Defendant/Additional Defendant)

Papers may be served at the address set forth below.

\_\_\_\_\_  
Attorney for Party Named Above and  
Identification Number

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number for Service of Papers  
(Optional)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

(2) A praecipe for withdrawal of appearance without leave of court pursuant to subdivision (b)(2)(i) shall be substantially in the following form:

**Praecipe for Withdrawal of Appearance  
Without Leave of Court  
(Rule 1012(b)(2)(i))**

To the Prothonotary:

Withdraw my appearance on behalf of \_\_\_\_\_.  
(Plaintiff/Defendant/Additional Defendant)

\_\_\_\_\_ has entered his/her appearance for the  
aforementioned party.

I hereby certify that this change is not intended to, nor will it, delay this proceeding to  
the best of my knowledge, information and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

(3) The substitution of counsel under subdivision (b)(2)(ii) shall be substantially in  
the following form:

**Caption**

**Substitution of Counsel Without Leave of Court  
(Rule 1012(b)(2)(ii))**

**Praeipice for Entry of Appearance**

To the Prothonotary:

Enter my appearance on behalf of \_\_\_\_\_.  
(Plaintiff/Defendant/Additional Defendant)

I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

Papers may be served at the address set forth below.

\_\_\_\_\_  
Attorney for Party Named Above and  
Identification Number

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number for Service of Papers (Optional)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**Praeipice for Withdrawal of Appearance**

To the Prothonotary:

Withdraw my appearance on behalf of \_\_\_\_\_.  
(Plaintiff/Defendant/Additional Defendant)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

## **Rule 1025. Endorsement**

Every pleading or other legal paper of a party represented by an attorney shall be endorsed with the name of the attorney, and every pleading or other legal paper of a party not represented by an attorney shall be endorsed with the name of the party, together in each case with an address [within the Commonwealth] where pleadings and other legal papers may be served in the manner provided by Rule 440(a) and a telephone number. The appearance may state a telephone facsimile number.

NOTE: The address endorsed on the legal paper must be one where the paper may be handed to or mailed to the attorney or party. See Rule 440(a).

The inclusion of a telephone number for facsimile transmission on an appearance or prior legal paper is an agreement to accept service of pleadings or other legal papers by that means. See Rule 440(d)(1).

## **Explanatory Comment**

### **I. Address within the Commonwealth**

Three rules previously required pleadings and other legal papers to include an address within the Commonwealth where papers may be served upon a party or the party's attorney: Rule 205.1 governing the filing of legal papers by mail, Rule 1012(a) governing the entry of appearance and Rule 1025 governing the endorsement of pleadings and other legal papers. In addition, the note to Rule 236(a)(2) contained a cross-reference to this requirement in Rules 1012 and 1025. The requirement of "an address within the Commonwealth" which dates from the promulgation of Rules 1012 and 1025 in 1946 has become obsolete in view of modern transportation and communication.

The former requirement is replaced by "an address where papers may be served in the manner provided by Rule 440(a)". This language establishes the requisites for the address where papers may be served upon the attorney or party entering his or her appearance or filing another legal paper. By cross-referencing Rule 440(a), the address must be one where legal papers may be handed to or mailed to the attorney or party. The new language achieves a consistency between the rules governing the filing and service of legal papers. The amended rules require the inclusion of a telephone number; however, a facsimile transmission number is optional.

### **II. Entry of Appearance**

Rule 1012 governs entry and withdrawal of appearance. The revisions to subdivision (a) were described above.

New subdivision (b) consisting of two paragraphs has been substituted in place of the former provision. . The new subdivision represents a change in the format of the rule rather than a change in procedure. Subdivision (b)(1) states the general rule that, except as provided by subdivision (b)(2), an attorney may not withdraw his or her appearance

without leave of court. New subdivision (b)(2) sets forth the two instances when leave of court is not required for an attorney to withdraw an appearance: (1) another attorney has previously entered an appearance for the party or (2) another attorney simultaneously enters an appearance for the party. The change of attorneys without leave of court in both of these instances is conditioned on the requirement that the change not delay the litigation.

New subdivisions (c), (d) and (e) contain the procedural requirements for withdrawal of appearance when leave of court must be obtained. Subdivision (c) requires that leave of court be sought by petition. The proceedings will then follow subdivision (d) if the whereabouts of the party are known and subdivision (e) if the whereabouts of the party are not known. These provisions emphasize the need to notify the represented party of the proposed withdrawal of appearance by the attorney. When leave has been granted an attorney to withdraw his or her appearance, subdivisions (d)(2) and (e)(2) authorize other parties to use the address of the party set forth in the petition or the last known address, as may be appropriate, for further proceedings in the action.

New subdivision (f) provides three forms. The first form set forth in Subdivision (f)(1) is an entry of appearance. The other two forms are withdrawals of appearance to be used when leave of court is not required. Subdivision (f)(2) contains the form for withdrawal of appearance when the new attorney has already entered an appearance on behalf of the party. Subdivision (f)(3) contains the form for substitution of counsel when appearances are being simultaneously withdrawn and entered.

By the Civil Procedural  
Rules Committee

R. Stanton Wettick, Jr.  
Chair