

Appellate

Court

Procedural

Rules

Committee

2001 Membership:

Honorable Joseph M. Augello, *Chair*
Marvin L. Wilenzik, *Vice Chair*
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Frederick N. Frank, Esq.
Charles E. Gutshall, Esq.
Sarah V. Hart, Esq.
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Dionysios G. Rassias, Esq.
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Honorable Cynthia M. Rufe
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Staff:

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Legal Authorization:

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

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History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function is to make recommendations to the Supreme Court for refining and updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

The committee also responds, when and as appropriate, to inquiries made by lawyers, trial judges and trial court officials. Questions from and suggestions by these parties are often studied in depth by the committee and can result in recommendations for rule changes.

The committee's name was changed to its present one by Supreme Court order on March 31, 1994.

2001 Activities

The committee met twice in 2001, in April in Philadelphia and in October in Harrisburg. As a result of these sessions, the committee prepared, reviewed and revised numerous recommendations for submission to the Court.

The Supreme Court, by order dated December 20, 2000, adopted Joint Recommendation 98-1 amending Pa.R.A.P. 341 (**Orphans' Court Orders Determining Realty, Personality and Status of Individuals or Entities**). This recommendation was submitted jointly with the Orphans' Court Procedural Rules Committee and became effective January 2, 2001.

In 2001 the Supreme Court adopted one recommendation, an amendment to Pa.R.A.P. 2541 (**Form of Papers; Number of Copies**). This recommendation becomes effective July 1, 2002.

The following recommendations are expected to be approved by the Supreme Court early in 2002:

- amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**)
- amendment to Pa.R.A.P. 3102 (**Quorum and Action**)
- new Pa.R.A.P. 3761 (**Enforcement Proceedings**).

The following recommendations were considered by the committee in 2001 and early 2002:

Recommendation 29: Pa.R.A.P. 1925 (**Opinion in Support of Order**)

Recommendation 33: **Cross Appeals**

Recommendation 36: **Entries of Appearance**

Recommendation 46: Pa.R.A.P. 1702 (**Stay Ancillary to Appeal**)

Recommendation 47: Incorrect use of **Permission to Appeal**

Recommendation 48: Pa.R.A.P. 2135 (**Length of Briefs**)

Recommendation 49: Pa.R.A.P. 3520 (**Brief of Appellant**) and Pa.R.A.P. 2111 (**Brief of Appellant**)

Recommendation 50: Amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**).

The committee is also recommending amendment of Pa.R.A.P. 3102 (**Quorum and Action**) and adoption of new Pa.R.A.P. 3761 (**Enforcement Proceedings**). These proposals have been published.

In addition to the aforementioned matters, the committee chair, vice chair and

counsel have responded to various inquiries and requests, many of which have become topics for discussion at the committee's meetings and have formed the basis for further recommendations.

Counsel for the committee has actively participated in court-related meetings regarding the appellate rules, statewide rules and the Rules of Judicial Administration and has responded to various requests from the Administrative Office of Pennsylvania Courts and practitioners throughout the Commonwealth.

Web Site

The Appellate Court Procedural Rules Committee maintains a site on the home page of the Unified Judicial System. The site is located at www.courts.state.pa.us/Index/SupCtCmtes/AppCtRulesCmte/IndexAppCtRulesCmte.asp. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

2002 Plans

Among the subjects on the committee's agenda for 2002 are completion of the above-named recommendations.

Contact Person

Anyone wishing to speak to a member of the advisory committee can contact either of the following:

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