

Appellate

Court

Procedural

Rules

Committee

2000 Membership:

Honorable Joseph M. Augello, *Chair*
Marvin L. Wilenzik, Esq., *Vice Chair*
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Honorable Joseph A. Hudock
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Honorable Cynthia M. Rufe

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Dean R. Phillips, Esq., *Counsel*
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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.

2000 Activities

The committee met twice in 2000, 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, Personalty and Status of Individuals or Entities**). This Recommendation was submitted jointly with the Orphans' Court Procedural Rules Committee and will become effective January 2, 2001.

The committee has submitted to the Supreme Court the following two proposals:

- amendment to Pa.R.A.P. 2541 (**Form of Papers; Number of Copies**). The Court is expected to adopt this recommendation early in 2001.

- 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.

2001 Plans

Among the subjects on the committee's agenda for 2001 are:

- finalization of its work in revising Chapter 15 (**Judicial Review of Governmental Determinations**) and amendments to Pa.R.A.P. 511 (**Multiple Appeals**), 903 (**Time for Appeal**), 1113 (**Time for Petitioning for Allowance of**

Appeal), 1512 (**Time for Petitioning for Review**), 2113 (**Reply Brief**), 2136 (**Briefs in Cases Involving Cross Appeals**) and 2185 (**Time for Serving and Filing Briefs**) and the Notes to the cited rules

- preparation of a recommendation regarding Pa.R.A.P. 124 (**Form of Papers; Number of Copies**) and 2135 (**Length of Briefs**)
- proposal of new Pa.R.A.P. 1316 (**Incorrect Use of Petition for Permission to Appeal**)

The committee will also continue its review of issues related to Pa.R.A.P. 1925 (**Opinion in Support of Order**); Pa.R.A.P. 1931 (**Transmission of the Record**); Pa.R.A.P. 311(c) (**Interlocutory Appeals as of Right**); and, Pa.R.A.P. 512 (**Joint Appeals**).

The committee expects to be able to submit to the Court for adoption a recommendation regarding Pa.R.A.P. 1702(d) (**Stay Ancillary to Appeal**) prior to the end of 2001.

Contact Person

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

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