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Staff:

Dean R. Phillips, Esq., *Counsel*
Tricia W. Nagel, *Executive Director*

- * Term expired 6-30-98
- ** Appointed chair effective 7-1-98
- + Appointed vice chair effective 7-1-98

Legal Authorization:

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

Appellate

Court

Procedural

Rules

Committee

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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.

1998 Activities

The committee met twice in 1998, in May and October in Philadelphia. As a result of these sessions, the committee prepared, re-viewed and revised numerous recommendations for submission to the Court.

Recommendation 33 amends Pa.R.A.P. 511 (Cross 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). These proposed rules provide a comprehensive approach to **cross-appeals** and clarify existing ambiguities in cross-appeal practice.

Recommendation 38 rescinds Pa.R.A.P. 3518 (Statement of the Scope and Standard of Review) and amends Pa.R.A.P. 2111(a) (Brief of the Appellant) so that a statement regarding scope and standard of review is now required in

appellate briefs. This recommendation was accepted by the Court on January 14, 1999.

The committee reviewed Pa.R.A.P. 1925(b) (Opinion in Support of Order) and 1931 (Transmission of the Record) in an effort to address the timing problems that have developed following adoption of Pa.R.Crim.P. 1410 making **post-sentence motions** optional.

The committee has studied the Note to Pa.R.A.P. 903 (**Time for Appeal**). This matter is pending.

The committee has considered a possible amendment of Pa.R.A.P. 2117(d) (Appeals From Case Stated), which would abolish the procedural device of "**case stated**" and to provide for "**submission of a case on stipulated facts.**" This matter remains under review.

The committee has also studied Pa.R.A.P. 1941 (**Review of Death Sentences**). This matter likewise remains under consideration.

The committee has recommended amending Pa.R.A.P. 1301 (**Interlocutory Appeals** – Number of Copies) so that the rule will conform to current practice. This matter remains pending.

The committee continued to work diligently throughout all of 1998 with the Orphans' Court Procedural Rules Committee to finalize its Joint Recommendation 98-1 to amend Pa.R.A.P. 341 (Final Orders). This recommendation would amend Pa.R.A.P. 341 by redefining **final orders in orphans' court proceedings** to include orders determining an interest in realty or personalty or determining the status of an individual without regard to whether the order ends the case as to all claims or parties. This recommendation remains under consideration.

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 upcoming recommendations. In addition, counsel for the committee has actively participated in court-related meetings regarding the appellate 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 Administrative Office of Pennsylvania Courts. The site is located at www.courts.state.pa.us/pub/appeals/rules/acprc/index.htm. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

1999 Plans

The committee will meet regularly in 1999 to continue its work in reviewing Chapter 15, **Judicial Review of Governmental Determinations**, and to identify other aspects of the rules to be considered for refinement and updating. Among subjects on the committee's agenda for 1999:

- recommendation 39 regarding amendment of Pa.R.A.P. 2501 pertaining to **Post-Submission Communications**
- recommendation 40 amending Pa.R.J.A. 5000, *et seq.*, which authorizes the use of condensed **transcripts** except in capital cases

- recommendation 41 amending Pa.R.A.P. 3901 relating to **confidentiality** of appellate proceedings under the Adoption Act
- completion and submission of **Joint Recommendation 98-1** in conjunction with the Orphans' Court Procedural Rules Committee.

Contact Person

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

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