

Explanatory Comment

The Supreme Court of Pennsylvania has amended Rule 234.1 governing subpoenas to attend and testify. The amendment remedies a discrepancy between service of a subpoena on a non-party witness and service of a notice to attend on a party. Current Rule 234.3 provides that a party shall be served a notice to attend reasonably in advance of the date the party is required to attend and testify. Current Rule 234.1, on the other hand, is silent as to when a non-party witness should be served a subpoena before attendance is required. The result is that a party who is aware of and involved in litigation is entitled to reasonable notice, but a non-party witness who has no prior knowledge of a trial and no forewarning that he or she may be called to testify can be subpoenaed with no notice. The amendment of Rule 234.1 requires that a non-party witness be served a subpoena reasonably in advance of the date the witness is required to attend and testify.

By the Civil Procedural
Rules Committee

Peter J. Hoffman
Chair