

ORPHANS' COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.O.C.P. 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8

On January 6, 2022, the Supreme Court amended Pennsylvania Rules of Orphans' Court Procedure 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8, replacing the term "master" with "hearing officer." The Orphans' Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to these Rule amendments. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The purpose of the amendments is two-fold. First, while the term "master" has traditionally identified a quasi-judicial officer and is considered neutral in legal proceedings, a pejorative connotation has been ascribed to the term in modern parlance outside of court. The term has been used in the procedural rules and statutorily in both state and federal systems and is firmly rooted in the judicial process. However, the term has racially divisive and offensive connotations, as well.

Second, the term has been either already replaced or proposed to be replaced in other bodies of rules. See 47 Pa.B. 2313 (April 22, 2017) (amendments to the Rules of Juvenile Court Procedure); 51 Pa.B. 6764 (October 30, 2021) (amendments to the Rules of Civil Procedure governing domestic relations proceedings); and 51 Pa.B. 4262 (August 7, 2021) (proposed amendments to the Rules of Civil Procedure). In addition, the Committee observes that a number of judicial districts have also changed this terminology in their local rules.

The term "master" continues to be used in relevant statutes. See, e.g., 20 Pa.C.S. § 751(1) ("a master to investigate any issue of fact and to report his findings of fact, conclusions of law and recommendations to the court"). Rule 1.3 is amended to add a new definition of "hearing officer." The Comment to Rule 1.3 is amended to clarify that the new term, "hearing officer," is used in the Rules in the same manner as "master" in the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. §§ 101 *et seq.* Finally, the amendments to Rules 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8, replace the term "master" with "hearing officer" throughout the Rules.