

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

**Proposed Amendment of Pa.R.A.P. 102, 120,
907, 1112, 1311, 1514, and 1602**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102, 120, 907, 1112, 1311, 1514, and 1602 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by **November 4, 2022**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Appellate Court Procedural Rules Committee,

Honorable J. Andrew Crompton
Chair

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Counsel of [record.—] Record. All attorneys who were counsel of record in the trial court at the time of the filing of the notice of appeal will be counsel of record in the appellate courts. For a criminal defendant, the representation extends up to and including the filing of a petition for allowance of appeal and the handling of such an appeal if granted, unless **[(1) substitute counsel has entered an appearance and is expressly identified in the *praecipe* as substitute, rather than additional, counsel; (2)]** the Court of Common Pleas has entered on the docket an order permitting the attorney to withdraw[; **or (3) an application for withdrawal is granted by the appellate court] or counsel is permitted to withdraw pursuant to Pa.R.A.P. 120.**

Rule 120. Entry and Withdrawal of Appearance.

[Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d). New counsel appearing for a party after docketing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d) shall file an entry of appearance simultaneously with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents, and whether the attorney is entering an appearance as substitute or additional counsel. The attorney shall file a certificate of service pursuant to paragraph (d) of Pa.R.A.P. 121 and to Pa.R.A.P. 122. If an attorney enters an appearance as substitute counsel for a party, the original counsel of record for that party may withdraw by *praecipe*, without filing an application for permission to withdraw.

Official Note: For admission *pro hac vice*, see Pa.B.A.R. 301.]

(This is entirely new text.)

(a) Entry of Appearance.

- (1) **Requirement.** Counsel's appearance shall be entered prior to or with the filing of any documents in the appellate court.
- (2) **Procedure.** Unless counsel has been noted as counsel of record pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), counsel shall file an entry of appearance by *praecipe*:
 - (i) designating the party or interest counsel represents; and
 - (ii) indicating whether counsel is new counsel, additional counsel, or substitute counsel.

(b) Withdrawal of Appearance – General Rule. Except as provided by subdivision (e), and subject to the additional requirements of subdivisions (c) and (d), counsel may withdraw from representation on appeal only with permission of court through an application for relief filed in the appellate court.

(c) Criminal Matters - Direct Appeals. Counsel seeking permission of court to withdraw from representation of an appellant in a direct appeal of a criminal matter on the basis that all issues that could be raised on appeal are frivolous shall:

- (1) file a brief prepared pursuant to Pa.R.A.P. 2111; and
 - (2) serve a copy of the application and brief on the appellant, accompanied by a notice informing the appellant that, within 60 days of service of the application and brief, the appellant has the right to:
 - (i) retain private counsel for representation; or
 - (ii) self-representation and to respond to the issues raised in the application or brief, or to bring any additional issues to the court's attention.
 - (3) Within 14 days after service of the appellant's response, the Commonwealth or appellant's counsel may file a reply to the appellant's response.
- (d) **Post Conviction Relief Act Appeals.** Counsel seeking permission of court to withdraw from representation of an appellant in a Post Conviction Relief Act appeal on the basis that all issues sought to be raised by the appellant on appeal are without merit shall:
- (1) file a letter detailing the nature and extent of counsel's review, listing each issue the appellant seeks to raise, and counsel's explanation of why the issues have no merit; and
 - (2) serve a copy of the application and letter on the appellant, accompanied by a notice informing the appellant that, within 60 days of service of the application and letter, the appellant has the right to:
 - (i) retain private counsel for representation; or
 - (ii) self-representation and to respond to the issues raised in the application or brief, or to bring any additional issues to the court's attention.
 - (3) Within 14 days after service of the appellant's response, the Commonwealth or appellant's counsel may file a reply to the appellant's response.
- (e) **Withdrawal of Appearance - Exception.** Counsel may withdraw by filing a *praecipe* in the appellate court in the following circumstances:

- (1) In civil matters where the party is not entitled by law to be represented by counsel on appeal and the *praecipe* is filed within 30 days of the notation of counsel on the docket pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d).
 - (2) Substitute counsel has entered an appearance or other counsel remains to represent a party or interest, and substitute counsel or remaining counsel assumes representation for all relevant appellate purposes.
- (f) **Additional Service.** In addition to any requirements set forth in Pa.R.A.P. 121(c)(1)-(4), counsel seeking to withdraw shall serve **[his or her] the** client with any application, *praecipe*, brief, or letter filed pursuant to this rule.

Comment:

For admission *pro hac vice*, see Pa.B.A.R. 301.

The requirement of an entry of appearance pursuant to subdivision (a) includes counsel for *amicus curiae*. The entry of appearance for such counsel should indicate the interest, *i.e.*, name of *amicus curiae*, represented by counsel. For additional rules pertaining to *amicus curiae*, see Pa.R.A.P. 531.

Subdivision (c) addresses withdrawal in criminal cases where there is a right to counsel, and where there is governing decisional authority concerning the procedures for seeking withdrawal. For the substance of the brief filed pursuant to subdivision (c)(1) in criminal cases, see *Anders v. California*, 386 U.S. 738 (1967); *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). Briefs required by subdivision (c)(1) should comply with the content requirements of Pa.R.A.P. 2111 notwithstanding that such briefs are not advocating on behalf of an appellant. For the substance of the letter filed pursuant to subdivision (d)(1) in post conviction relief cases, see *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988).

For an appellant seeking to respond to counsel's letter in subdivisions (c)(2) and (d)(2), see Pa.R.A.P. 121(g) (Hybrid Representation).

In cases not subject to subdivisions (c) or (d), where a party is entitled by law to be represented by counsel on appeal (whether by decisional law, rule, or otherwise), the developing case law should be consulted to determine if a procedure or other guidance exists governing or limiting withdrawal.

New or substitute counsel is subject to all existing deadlines. Counsel seeking to withdraw in any case has a responsibility to continue to meet all deadlines and to comply

with all applicable law, rules, and orders of the trial and appellate court until the appellate court has granted the application to withdraw.

An entry of appearance immediately prior to oral argument may result in recusal or postponement if a conflict exists.

Rule 907. Docketing of Appeal.

(b) **[Entry of appearance] Notation of Counsel.**—Upon the docketing of the appeal, the prothonotary of the appellate court shall note on the **[record] docket:**

- (1)** as counsel for the appellant, the name of counsel, if any, set forth in or endorsed upon the notice of appeal;
- (2)** counsel of record; and
- (3)** any counsel named in the proof of service.

[The prothonotary of the appellate court shall upon *praecipe* of counsel filed within 30 days after the docketing of the notice of appeal correct the record of appearances. Also within 30 days after the docketing of the notice of appeal, counsel for a party may strike off his or her appearance by *praecipe*, unless that party is entitled by law to be represented by counsel on appeal. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.]

[Official Note]Comment:

Paragraph (a).—The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of paragraph (a) of this rule.

[A party may be entitled to the representation by counsel on appeal by constitution, statute, rule, and case law. For example, the Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P.

150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

If a party is entitled to representation on appeal, the appellate court will presume that counsel who represented the party in the trial court will also represent the party on appeal, and counsel will be entered on the appellate court docket. In order to withdraw in such cases, either (1) new counsel must enter an appearance in the appellate court prior to or at the time of withdrawal; (2) counsel must provide the appellate court with an order of the trial court authorizing withdrawal; or (3) counsel must petition the appellate court to withdraw as counsel. Counsel for parties entitled to representation on appeal are cautioned that if any critical filing in the appellate process is omitted because of an omission by counsel, and if the party ordinarily would lose appeal rights because of that omission, counsel may be subject to discipline.]

When an appeal is filed in a custody action, upon application of a party and for cause shown, the appellate court may make a determination that using the parties' initials in the caption is appropriate after considering the sensitive nature of the facts included in the case record and the child's best interest. See Pa.R.A.P. 904(b)(2).

Paragraph (b).—[With respect to appearances by new counsel following the initial docketing appearances, please note the requirements of Pa.R.A.P. 120.] For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

Rule 1112. Appeals by Allowance.

(f) **[Entry of appearance.] Notation of Counsel.** Upon the filing of the petition for allowance of appeal, the Prothonotary of the Supreme Court shall note on the **[record] docket:**

- (1)** as counsel for the petitioner, the name of his or her counsel, if any, set forth in or endorsed upon the petition for allowance of appeal[,]; and[,]
- (2)** as counsel for other parties, counsel, if any, named in the proof of service.

[Unless that party is entitled by law to be represented by counsel on allowance of appeal, the Prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. If entry of appearance in the trial court extends through appeals, counsel's appearance for a party may not be withdrawn without leave of court. Appearance cannot be withdrawn without leave of court for counsel who have not filed a *praecipe* to correct appearance within the first 30 days after the petition is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.]

[Official Note] Comment:

[The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.]

With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (f) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

Rule 1311. Interlocutory Appeals by Permission.

(d) **[Entry of appearance.—] Notation of Counsel.** Upon the acceptance for filing of the petition for permission to appeal, the prothonotary of the appellate court shall note on the **[record] docket:**

(1) as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal[,]; and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[Unless that party is entitled by law to be represented by counsel on a petition for permission to appeal, the prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. If entry of appearance in the trial court extends through appeals, counsel's appearance for a party may not be withdrawn without leave of court. Leave of court to withdraw is also required for any other counsel who have not filed a *praecipe* to correct appearance within the first 30 days after the petition is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.]

[Official Note] Comment:

[The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.]

With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

Rule 1514. Filing and Service of the Petition for Review.

- (d) **[Entry of appearance.—] Notation of Counsel.** Upon the filing of the petition for review, the prothonotary shall note on the **[record] docket:**
- (1)** as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for review~~[,]; and[,]~~
 - (2)** as counsel for other parties, counsel, if any, named in the proof of service.

[The prothonotary shall, upon *praecipe* of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.]

[Official Note] Comment:

See the Official Note to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

The petition for review must be served on the government unit that made the determination in question.

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

[With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of "counsel of record," see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

Rule 1602. Filing.

(d) **[Entry of appearance.—] Notation of Counsel.** Upon the filing of the petition for specialized review, the prothonotary of the appellate court shall note on the **[record] docket:**

(1) as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for specialized review[,]; and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[The prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.]

Comment: For the definition of "counsel of record," see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES COMMITTEE**

RE-PUBLICATION REPORT

**Proposed Amendment of Pa.R.A.P. 102, 120,
907, 1112, 1311, 1514, and 1602**

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rule of Appellate Procedure 120 to rescind and replace the current text governing the entry of appearance. This amendment, coupled with the amendment of Pa.R.A.P. 102, 907, 1112, 1311, 1514, and 1602, is intended to consolidate procedures for the entry, substitution, and withdrawal of appearance of counsel in the appellate courts.

The Committee previously published a proposal on this subject, see 51 Pa.B. 1780 (April 3, 2021), and received several comments. A comment questioned whether the prior proposal would authorize a previous entry of appearance in a trial court matter to apply again in subsequent or ancillary proceedings in the trial court after an appeal is final. The Committee refrained from addressing the continuity of representation in the trial court through the Rules of Appellate Procedure after an appeal has concluded. That matter is a subject for procedural rules governing the trial courts and the Pennsylvania Rules of Professional Conduct.

Another comment suggested that the phrase, “entitled by law to be represented by counsel,” used in the prior proposal may be overbroad and subject to misunderstanding by litigants who believe they are entitled to representation even though that entitlement cannot be traced to a constitution, statute, or rule. That comment prompted further deliberations and substantial revision of the proposal.

Another comment objected to a requirement of prior court approval before current counsel for a criminal defendant could withdraw through substituted counsel. That requirement was viewed as cumbersome, unnecessary, and an additional burden, which would result in fewer attorneys withdrawing from appeals despite substitute counsel’s representation. The Committee’s intention with this requirement was to ensure that substitute counsel will assume representation of the party for all relevant appellate purposes and to minimize delays or disruptions of scheduling. In response, the Committee has eliminated this requirement for prior approval in the present proposal.

Finally, AOPC/IT commented that the requirement for counsel to serve the client when seeking to withdraw cannot be accommodated through PACFile. Service, therefore, would need to be made by other means. The Committee agreed and noted that service would need to be made by the options available in Pa.R.A.P. 121(c).

In response to these comments and further deliberations, the Committee restructured Pa.R.A.P. 120 to set forth the general requirements for entering and withdrawing an appearance in subdivisions (a) and (b). Subdivisions (c) and (d) contain specific requirements for the withdrawal of appearance in criminal appeals and Post Conviction Relief Act (PCRA) appeals. Subdivision (e) creates an exception to the general requirement of subdivision (b). Subdivision (f) sets forth a requirement that counsel serve the client whenever seeking to withdraw.

Concerning subdivision (a), the requirements are largely carried over from the current Pa.R.A.P. 120 with one addition. Through subdivision (a)(2)(i), the *praecipe* for entry of appearance must designate the party or interest counsel represents. As for the latter, that requirement is intended to include counsel for *amicus curiae*. The commentary accompanying the rule explains this requirement.

Subdivision (b) states the general requirement that counsel must apply to the appellate court for permission to withdraw as counsel in a pending appellate matter.

Subdivisions (c) and (d) codify the procedural requirements for compliance with *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) for the withdrawal of counsel in direct criminal appeals, and *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988) for the withdrawal of counsel in PCRA appeals. These subdivisions are narrower in scope than previously proposed. Previously, the Committee proposed applying these procedures based on whether a party was “entitled by law” to be represented by counsel and whether the basis for withdrawal was frivolity or lack of merit.

During the time between proposals, the Supreme Court of Pennsylvania amended Pa.R.A.P. 1925(c)(4) regarding counsel’s stated intent to withdraw as counsel in a criminal or Post Conviction Relief Act (PCRA) appeal, and subsequent remand for counsel to file a statement of matters complained of on appeal if withdrawal was denied. The scope of amended Pa.R.A.P. 1925(c)(4) informed the Committee, which recalibrated the scope of proposed Pa.R.A.P. 120(c) and (d) to bring those subdivisions in alignment with Pa.R.A.P. 1925(c)(4).

The Committee acknowledges that there may be cases other than a criminal or PCRA appeal when a party is entitled by law to counsel. However, the Committee was reluctant to codify withdrawal procedures without Supreme Court of Pennsylvania precedent. Instead, the commentary accompanying the rules advises readers to consult developing case law.

Similarly, the Committee discussed whether the differences in withdrawal of counsel procedures, namely the requirement of a brief in criminal appeals and the requirement of a letter in PCRA appeals, should be maintained. The Committee

considered a proposal to require a brief in both instances but with fewer briefing requirements than those required by Pa.R.A.P. 2111(a) to lessen the burden. Ultimately, the Committee was not inclined to propose altering the requirements set forth in the case law.

Subdivision (e)(1) is intended to incorporate and preserve the current provisions of Pa.R.A.P. 907(b) (notice of appeal), 1112(f) (petition for allowance of appeal), 1311(d) (petition for permission to appeal), 1514(d) (petition for review), or 1602(d) (petition for specialized review), permitting the withdrawal of counsel by *praecipe* in civil matters where the party is not entitled to representation by law, provided the *praecipe* is filed within 30 days of noting counsel on the record. Subdivision (e)(2) reflects the existing permissibility of counsel to withdraw by *praecipe* through the substitution of counsel with the added condition that substitute counsel assumes complete representation for appellate matters. This condition is intended to guard against limited representation that may result in the client being unrepresented in further proceedings. Added to this subdivision is the permissibility of “surplus” counsel to withdraw by *praecipe* provided other counsel remains.

Additional amendments are proposed to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), and 1602(d). The titles within these subdivisions have been changed from “Entry of Appearance” to “Notation of Counsel” to indicate that the subdivisions only address the responsibility of the prothonotary to note trial counsel on the appellate docket. As noted above, the current language on the entry of appearance by action of counsel and withdrawal of counsel will be removed and governed by new Pa.R.A.P. 120.

As for the mechanism currently contained in these rules for “correcting the record upon *praecipe* of counsel,” this was understood to allow for counsel to withdraw because counsel was not supposed to be in the appeal in the first place. That aspect is addressed by proposed Pa.R.A.P. 120(e)(1). Another aspect of correction may occur when counsel is not withdrawing, but there is some error in noting on the docket the name, address, or party represented by counsel. Upon consultation with the appellate court prothonotaries, it appears that the prothonotary’s office is able to correct these aspects of the record upon written communication by counsel. A formal *praecipe* is not necessary to accomplish it.

Additionally, “counsel of record,” as defined in Pa.R.A.P. 102, was reviewed. The definition was modified regarding representation of criminal defendants to remove provisions that would be incorporated into Pa.R.A.P. 120. The modified definition indicates that such representation extends to filing a petition for allowance of appeal and the handling of the appeal unless the court of common pleas enters an order permitting withdrawal of counsel, or counsel is permitted to withdraw pursuant to Pa.R.A.P. 120.

All comments, concerns, and suggestions concerning this proposal are welcome.