

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

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of Pa.R.Civ.P. 241

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P. 241 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 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 report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be 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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Civil Procedural Rules Committee
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Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by **January 30, 2026**. 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 Civil Procedural Rules Committee,

Casey Alan Coyle
Chair

(This is an entirely new rule.)

Rule 241. Motion for Award of Counsel Fees and Expenses. Timing of Filing.

- (a) **General Rule.** Unless evidence of counsel fees and expenses were admitted at a hearing or trial and a ruling on that counsel fee award was made thereafter, a claim for an award of counsel fees and expenses shall be filed in a motion no later than 30 days after:
 - (1) the entry of a final order, including a discontinuance as to all claims and all parties pursuant to Rule 229; or
 - (2) the entry of judgment following trial in the trial court.
- (b) **Content.**
 - (1) The motion shall:
 - (i) itemize the requested counsel fees and expenses; and
 - (ii) set forth the basis for the award of counsel fees and expenses including:
 - (A) the authorizing statute, rule, or contract provision; or
 - (B) the reasons counsel fees and expenses should be awarded;
 - (2) The motion may include supporting evidence including, but not limited to, affidavits, depositions, transcripts, and other papers.
- (c) **Proceedings.** The motion for counsel fees and expenses may be decided based on the motion and any response, oral argument, or an evidentiary hearing.

Comment:

A “final order” includes a discontinuance. See Pa.R.A.P. 341(a). See Rules 208.1 *et seq.* for the procedure governing motions practice.

The trial court is permitted to act on a timely filed motion for counsel fees notwithstanding an appeal having been filed. See Pa.R.A.P. 1701(a); *Samuel-Bassett v. Kia Motors*, 34 A.3d 1 (Pa. 2011) (holding a trial court may act on a timely-filed counsel

fee motion even after an appeal has been taken); *Old Forge School Dist. v. Highmark, Inc.*, 924 A.2d 1205 (Pa. 2007) (holding the trial court properly addressed a motion for counsel fees even though an appeal from the underlying order was pending).

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

PUBLICATION REPORT

Proposed Adoption of Pa.R.Civ.P. 241

The Civil Procedural Rules Committee is considering recommending the adoption of Pennsylvania Rules of Civil Procedure 241 relating to the timing for filing a motion for counsel fees in the court of common pleas. The proposal is being published in conjunction with a proposal by the Appellate Court Procedural Rules Committee addressing the timing for filing an application for counsel fees in the appellate court.

The Committee previously published a proposal to adopt Pa.R.Civ.P. 241 to address the timing for filing counsel fees that may be imposed pursuant to 42 Pa.C.S. § 2503. See 47 Pa.B. 7676 (December 23, 2017). After further study, the Committee has broadened the proposal to address generally when a motion for counsel fees should be filed with the trial court.

Subdivision (a) of the proposal would require a party seeking counsel fees to file the motion no later than 30 days after the entry of a final order, including a discontinuance as to all parties and all claims, or the entry of judgment following trial in the trial court. Subdivision (b) of the rule requires the content of a motion for counsel fees to include an itemized accounting of the requested fees and expenses, and the basis for the award of those fees and expenses. In addition, the motion may also contain additional supporting evidence. Subdivision (c) acknowledges the discretion of the court to decide the motion based on the motion and any response, oral argument, or upon an evidentiary hearing.

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.