

**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

**PUBLICATION REPORT**

**RECOMMENDATION 142**

The Committee is proposing the amendment to Pa.R.C.P. No. 1915.4-4, Pre-Trial Procedures, as the rule relates to the preparation and filing of a pre-trial statement. The Committee received input from members of the bar that the current rule is being misinterpreted, specifically subdivision (b)(2) relating to witnesses a party identifies on the pre-trial statement, which has hindered the ability to have meaningful pre-trial conferences with the goal of reaching settlement. The proposed amendment is intended to clarify the rule.

The current rule states under (b)(2) "...and a statement by the party or the party's counsel that he or she has communicated with each listed witness...." The information received by the Committee suggested some parties or their counsel were merely indicating in the pre-trial statement whether or not they had communicated with the witness. The intent of the rule is for the party or their counsel to **actually** communicate with the witness prior to including the name of the witness on the pre-trial statement.

The Committee believes the proposed language clarifies the intent of the rule requiring a party or their counsel to communicate with the witness as a prerequisite to inclusion of the witness on the pre-trial statement. Rule 1915.4-4(c) authorizes the court to impose sanctions for failure to comply with the requirements of subdivision (b).