

1999 Membership:

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Legal Authorization:

Pa. Constitution Article V, § 10(c)
42 Pa. C.S., § 1722

Appellate

Court

Procedural

Rules

Committee

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History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function is to make recommendations to the Supreme Court for refining and updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

The committee also responds, when and as appropriate, to inquiries made by lawyers, trial judges and trial court officials. Questions from and suggestions by these parties are often studied in depth by the committee and can result in recommendations for rule changes.

The committee's name was changed to its present one by Supreme Court order on March 31, 1994.

1999 Activities

The committee met twice in 1999, in April and October in Philadelphia. As a result of these sessions, the committee prepared, reviewed and revised numerous recommendations for submission to the Court.

Recommendation 33 amends the following Pa.R.A.P.:

- 511 (Cross Appeals)
- 903 (Time for Appeal)
- 1113 (Time for Petitioning for Allowance of Appeal)
- 512 (Time for Petitioning for Review)
- 2113 (Reply Brief)
- 2136 (Briefs in Cases Involving Cross Appeals)
- 2185 (Time for Serving and Filing Briefs).

These proposed rules provide a comprehensive approach to **cross appeals** and clarify existing ambiguities in cross appeal practice.

Recommendation 34 seeks to rescind a portion of the Note to Pa.R.A.P. 903 (**Time for Appeal**). Originally submitted to the Court in February 1998, the committee was requested to reconsider this recommendation's 30-day appellate time limit in view of *City of York v. Ismond*, 700 A.2d 559 (Pa.Cmwlth. 1997). Additional modifications to the recommendation have been made and the revised recommendation is pending.

The committee has recommended amending Pa.R.A.P. 1301 (**Interlocutory Appeals – Number of Copies**) so that the rule will conform to current practice.

January 14, 1999, the Supreme Court adopted Recommendation 38, which recommended the adoption of Pa.R.A.P. 2111(a) (**Brief of Appellant**) and the rescission of Pa.R.A.P. 3518 (**Statement of Scope and Standard of Review**).

The Supreme Court, by order dated March 17, 1999, adopted the committee's recommendation to amend Pa.R.J.A. 5000, *et seq.* to permit the use of condensed transcripts in **appellate filings**.

By Supreme Court order dated March 3, 1999, the Court adopted Recommendation 41, promulgating new Pa.R.A.P. 3901 (**Appeals Pursuant to Adoption Act**).

The committee has also considered issues related to Rules 1925 (**Opinion in Support of Order**), 1931 (**Transmission of Record**) and 1941 (**Review of Death Sentences**).

The committee continues to review Pa.R.A.P. 1925(b) (**Direction to File Statement of Matters Complained of**) and Pa.R.A.P. 1931 (**Transmission of the Record**) to determine if matters arising under these appellate rules could be clarified.

In addition to the aforementioned matters, the committee chair, vice chair and counsel have responded to various inquiries and

requests, many of which have become topics for discussion at the committee's meetings and have formed the basis for further recommendations.

Counsel for the committee has actively participated in court-related meetings regarding the appellate rules, statewide rules and the Rules of Judicial Administration and has responded to various requests from the Administrative Office of Pennsylvania Courts and practitioners throughout the Commonwealth.

Web Site

The Appellate Court Procedural Rules Committee maintains a site on the home page of the Unified Judicial System. The site is located at www.courts.state.pa.us/Index/SupCtCmtes/AppCtRulesCmte/IndexAppCtRulesCmte.asp. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

2000 Plans

During the coming year, the committee will continue its work in revising Chapter 15 (**Judicial Review of Governmental Determinations**) and will identify other aspects of the rules to be considered for refinement and updating.

Among the subjects on the committee's agenda for 2000:

- finalization and submission of Joint Recommendation 98-1 in conjunction with the Orphans' Court Procedural Rules Committee. This joint recommendation was republished and, following receipt of comments, has been revised for submission to the Supreme Court.

- finalization of Recommendation 33 (Cross Appeals) as well as finalization of work on Recommendation 42, which encompasses a proposed amendment to Pa.R.A.P. 3012 (Quorum and Action) and adoption of new Pa.R.A.P. 3761 (Enforcement Proceedings).
- completion of Recommendation 43 involving the revision of Pa.R.A.P. 2541 (Number of Copies of Application for Reargument).

Contact Person

Anyone wishing to speak to a member of the advisory committee can contact any of the following:

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