

**1997 Membership:**

Robert L. Byer, Esq., *Chairman\**  
Gaele McLaughlin Barthold, Esq., *Chairman\*\**  
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**Staff:**

Dean R. Phillips, Esq., *Counsel*  
Tricia W. Nagel, *Executive Director*

- \* Term expired 6-30-98
- \*\* Appointed chairman effective 7-1-98
- + Appointed vice chairman effective 7-1-98

**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 updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

Committee members and staff counsel also respond to many informal inquiries from lawyers, trial judges and trial court officials. Questions and suggestions with potentially greater impact are studied by the committee as a whole and frequently result in recommendations for changes in the rules.

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

## 1997 Activities

The committee met twice in 1997, in June and December in Philadelphia. As a result of these sessions, a variety of recommendations were submitted to the Court.

In July the committee submitted to the Supreme Court Recommendation 28, which involves amendments to Rules 121, 123, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513-1515, 1532, 1571, 1734, 1751, 1782, 1911, 2132, 2136, 2140, 2153, 2154, 2185-2187, 2311, 2313, 2543, 2546, 3331, 5101, and 5102 of the Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.). It was adopted by the Court effective September 5, 1997.

Recommendation 29 represented the committee's response to the Court's request for amendments to Pa.R.A.P. 1925, **Opinion in Support of Order**, and 1931, **Transmission of**

**the Record**. It was submitted to the Court April 11, 1997; however, the committee was thereafter requested to hold this recommendation in abeyance.

Recommendation 30, pertaining to Pa.R.A.P. 1711, was published March 30, 1996, and adopted by the Court August 22, 1997, with an effective date of January 1, 1998. It contains amendments pertaining to **Effect of Appeal Generally**, and was published simultaneously with a proposal from the Criminal Procedural Rules Committee, viz., amendments to Rule 1410 and addition of new Rule 1411 of the Pennsylvania Rules of Criminal Procedure. These rules deal with the procedures for Commonwealth motions to modify **sentence**.

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 upcoming recommendations. Chairman Robert L. Byer actively participated in continuing legal education courses throughout Pennsylvania as an instructor on appellate practice and procedure. In addition, counsel for the committee has actively participated in court-related meetings regarding the Appellate 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 Administrative Office of Pennsylvania Courts. The site is located at <http://www.courts.state.pa.us/pub/appeals/rules/acprc/index.htm>. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

## 1998 Plans

Under its new chair, Gaele McLaughlin Barthold, and vice chair, Honorable Joseph M. Augello, the committee will meet regularly in 1998 and 1999. It will continue its work in reviewing Chapter 15, **Judicial Review of Governmental Determinations**, and will endeavor to identify other aspects of the rules to be considered for refinement and updating. Among the subjects presently on the committee's agenda are:

- submission of Recommendation 33 regarding **cross-appeal rules**
- submission of Recommendation 34 amending Pa.R.A.P. 903 (**Time for Appeal**)
- submission of Recommendation 35 regarding Pa.R.A.P. 2117(d) (**Appeals From Case Stated**)
- submission of Recommendation 36 concerning Pa.R.A.P. 1941, **Attorney Affidavit in Capital Cases**
- submission of Recommendation 37 amending Pa.R.A.P. 1301 (**Interlocutory Appeals by Permission**)
- submission of Recommendation 38 amending Pa.R.A.P. 2111(a), **Brief Of Appellant**, for submission and adoption by the Court
- finalization of Joint Recommendation 98-1 with the Orphans' Court Procedural Rules Committee affecting Pa.R.A.P. 341, **Final Orders; Generally**

- review of Pa.R.A.P. 2501 (**Post-Submission Communications**).

## Contact Person

Anyone wishing to speak to a member of the Advisory Committee can contact any of the following:

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