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## Staff:

Dean R. Phillips, Esq., *Counsel*  
Rebecca M. Darr, Esq., *Deputy Counsel*  
Elizabeth J. Knott, *Administrative Assistant*

- \* Term expired 6-30-04
- \*\* Effective 6-30-04
- + Resigned 10-04
- ++ Effective 10-6-04
- # Effective 11-3-04

## Legal Authorization:

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

## About the Committee

The principle function of the Appellate Court Procedural Rules Committee 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.

**Appellate**

**Court**

**Procedural**

**Rules**

**Committee**

Dean R. Phillips, Counsel  
P.O. Box 3010  
Blue Bell, PA 19422  
(215) 977-1067  
e-mail dean.phillips@  
pacourts.us  
www.courts.state.pa.us/  
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## 2004 Activities

The following recommendations were adopted by the to the Supreme Court in 2004:

**Recommendation 2 of 2004 (Internal Recommendation 47)** relating to *Thermoguard v. Cochran*, 596 A.2d 188 (Pa. Super. 1991): Proposed adoption of new Pa.R.A.P. 1316 (**Incorrect Use of Petition for Permission to Appeal or Petition for Review**). Submitted 3-12-03; adopted 12-8-04.

**Recommendation 4 of 2004 (Internal Recommendation 57)**: Proposed amendment to subdivision (a) of Pa.R.A.P. 2111 to reflect that the order or other determination in question should immediately follow the **statement of jurisdiction** as set forth in Pa.R.A.P. 2115. Submitted 8-23-04; adopted 10-15-04.

**Recommendation 5 of 2004 (Internal Recommendation 59)**: Proposed amendment of Pa.R.A.P. 1512 (**Time for Petitioning for Review**). Submitted 8-23-04; adopted 9-30-04.

**Recommendation 6 of 2003 (Internal Recommendation 36)**: Proposed adoption of Pa.R.A.P. 120 (**Entry of Appearance**) and 1703 (**Contents of Application for Stay**) and amendment to the Notes to Pa.R.A.P. 121, 907, 1112, 1311 and 1514. Submitted 4-14-03; adopted on 3-15-04.

**Recommendation 8 of 2003 (Internal Recommendation 54)**: Proposed amendment to Pa.R.A.P. 2117 (**Statement of the Case**). Submitted 11-18-03; adopted 2-19-04.

**Recommendation 9 of 2003 (Internal Recommendation 53)**: Proposed amendment to Pa.R.A.P. 1931 (**Transmission of the Record**). Submitted 11-18-03; adopted 4-1-04.

**Recommendation 10 of 2003 (Internal Recommendation 50)**: Proposed amendments to Pa.R.A.P. Chapter 15 (**Judicial Review of**

**Governmental Determinations**). Submitted 12-3-03; adopted 7-8-04.

**Recommendation 11 of 2003 (Internal Recommendation 52)**: Proposed amendments to Pa.R.A.P. 1762 (**Release in Criminal Matters**) and 3331 (**Review of Special Prosecutions or Investigations**). Submitted 12-3-03; adopted 7-8-04.

## 2005 Plans

Among the subjects on the committee's agenda for 2005 are the following:

- a proposed amendment to the Note to Pa.R.A.P. 311 referencing *Nationwide Mutual Insurance Company v. Wickett*, 763 A.2d 813 (Pa. 2000) and progeny, with regard to the potential "waiver trap" appeal problem that exists in declaratory judgment actions
- a joint recommendation with the Orphans' Court Procedural Rules Committee seeking to amend Pa.R.A.P. 342 and 311 concerning the immediate appeal of a determination of the validity of a will or trust
- an amendment to the rules to change references from "*decree nisi*" to "decision" based on the recent abolition of equity practice in the civil rules
- a potential amendment to the rules to permit some commercial carriers, such as Fed Ex or DHL, to be qualified as proper service
- a potential amendment of Pa.R.A.P. 903(a) in order to preclude any conflict with Pa.R. Crim.P. 720(A)(1)
- discussions regarding the interplay between Chapter 17 of the appellate rules and the Pennsylvania Probate, Estates and Fiduciaries Code, 20 Pa.C.S.A. §101 *et seq.* **AOPC**