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Karla M. Shultz, Esq., *Research Assistant*
Elizabeth J. Knott, *Administrative Assistant*

* Term expired 6-30-05

** Resigned 6-30-05

+ Appointed vice chair effective 6-30-05

++ Term expired 6-30-06

Legal Authorization:

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

About the Committee:

The Civil Procedural Rules Committee sets the rules of procedure and practice for civil actions in Pennsylvania's Courts of Common Pleas. This includes all aspects of civil matters, except those issues relating to the work of the orphans' court and

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Civil

Procedural

Rules

Committee

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family court divisions. It was first commissioned by the Supreme Court in 1937.

Committee members are appointed to three-year terms by the Court and each may serve a maximum of two full terms.

2005 Activities

The committee held four meetings in 2005 as follows:

March	Philadelphia
June	Pittsburgh
September	Pittsburgh
November	Philadelphia

2005 Amendments to the Rules of Civil Procedure

Descriptions of the various recommended rule changes are described below and are listed in the Status of Recommendations chart that follows this report.

Recommendations Promulgated by the Supreme Court

The Supreme Court promulgated the following recommendations in 2005:

Recommendation No. 188: Joinder of Additional Defendants Amendment of Rule 2253 to provide that only the plaintiff may raise the objection of a failure to show a reasonable justification for the delay. While the plaintiff may also raise the objection that it will be prejudiced by the late joinder, all parties other than the plaintiff are limited to raising an objection solely on the grounds of prejudice.

A provision was also added to govern the procedure by which a person not previously a party who has been joined as an additional defendant may object to his or her late joinder.

The person so joined may file preliminary objections raising the ground of prejudice and any other ground applicable under Rule 1028 governing preliminary objections.

Promulgated 1-6-05, effective immediately.

Recommendation No. 190: Wage Attachment in Residential Landlord-Tenant Actions Adds a new chapter of rules, 3301 *et seq.*, to govern the attachment of wages, salary and commissions pursuant to Section 8127(a)(3.1) of the Judicial Code in actions or proceedings for amounts awarded to a judgment creditor-landlord arising out of a residential lease. The rules balance the interests of the landlord (plaintiff), tenant (defendant) and employer garnishee. Promulgated 12-21-05, effective 1-1-06.

Recommendation No. 197: Title and Citation to Rules Amendment of note to Rule 51 to make clear that the rules of civil procedure do not govern actions and proceedings in magisterial district judge courts. Promulgated 7-8-05, effective 9-1-05.

Recommendation No. 198: Juror Note-Taking Amendment of Rule 223.2 to rescind subdivision (e), the sunset provision, thereby making the rule permanent. Promulgated 7-8-05, effective 9-1-05.

Recommendation No. 200: Certificate of Merit in Professional Liability Actions Revision of the note to Rule 1042.3(a)(2) to make clear that there is no requirement that the licensed professional supplying the statement that serves as the basis for the certificate of merit specifically identify the other licensed professionals who deviated from an acceptable professional standard. Promulgated 2-11-05, effective immediately.

Note: This is the first of two amendments to Rule 1042.3 in 2005. See Recommendation No. 207 on page 37 for the second amendment.

Recommendation No. 201: Arbitration Awards in Consumer Credit Transactions

New chapter of rules, 1326 *et seq.*, governing proceedings to compel arbitration and to confirm the award of arbitrators in collection claims in consumer credit transactions when arbitration is a common law or statutory arbitration under applicable provisions of the Judicial Code. Promulgated 12-30-05, effective 2-1-06.

Recommendation No. 202: Definitions

Amendment of the definition of "signature" provided by Rule 76 to authorize that the signature on such documents be an original signature, a copy of a signature, a computer-generated signature or an electronic signature. Promulgated 8-19-05, effective 10-1-05.

Recommendation No. 203: Execution upon Real Property

Amendments to Rule 3135(a) governing the sheriff's deed to real property to increase the time in which the sheriff must execute and deliver the deed from ten to 20 days and make it applicable to all execution sales. Promulgated 11-2-05, effective 1-1-06.

Recommendation No. 205: Magisterial District Judges

Amendments to Rules 205.4, 216 and 237.1, changing the title of "district justice" to "magisterial district judge," pursuant to Act No. 207 of 2004. Promulgated 5-19-05, effective immediately.

Recommendation No. 206: Local Motion Practice

Amendment to Rule 239.8(b) to refer to the Web site at which the rules are published, the Pennsylvania Judiciary's Web Application Portal at <http://ujportal.pacourts.us>. Notes to Rule 239.8 and several additional rules were similarly amended. Promulgated 11-2-05, effective immediately.

Recommendation No. 207: Certificate of Merit

Addition of new subdivision (b)(2) to Rule

1042.3 governing the certificate of merit to be filed in professional liability actions to advise the plaintiff who files a complaint raising claims against one defendant under both subdivisions (a)(1) and (a)(2) that either a separate certificate must be filed for each claim or one certificate must be filed stating that claims are raised under both subdivisions. The form of the certificate set forth in Rule 1042.8 has been amended to conform to new subdivision (b)(2). Promulgated 12-5-05, effective immediately.

Note: This is the second of two amendments to Rule 1042.3 in 2005. See Recommendation No. 200 on the previous page for the first amendment of the rule.

Recommendations Pending

The following recommendation remains pending before the Supreme Court:

Recommendation No. 204: Appeals from Awards in Compulsory Arbitration

Amendment to Rule 1311.1 to increase the maximum amount of recoverable damages from \$15,000 to \$25,000 in appeals from awards made in compulsory arbitration.

Continuing Responsibilities

The committee continued to furnish assistance to the Supreme Court and to act as a clearinghouse for numerous amendments suggested by members of the bench and bar. The chair and counsel answered countless inquiries regarding the Rules of Civil Procedure from local courts and attorneys and from courts and attorneys in sister states. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
188	Amendment of Rule 2253 governing late joinder of an additional defendant	Promulgated 1-6-05, effective immediately
189	New Rule 1042.66 governing remittitur in medical professional liability actions	Superseded by promulgation of Rule 1042.72
190	New Rule 3301 <i>et seq.</i> governing wage attachment pursuant to Section 8127(a)(3.1) of the Judicial Code	Promulgated 12-21-05, effective 1-21-06
197	Amendment of Rule 51 governing scope of the rules	Promulgated 7-8-05, effective 9-1-05
198	Rescission of Rule 223.2(e) (sunset provision) governing juror note-taking	Promulgated 7-8-05, effective 9-1-05
200	Amendment of note to Rule 1042.3(a)(2) governing the certificate of merit	Promulgated 2-11-05, effective immediately
201	New Rule 1326 <i>et seq.</i> governing compelling arbitration and confirmation of arbitration award in consumer credit transactions	Promulgated 12-30-05, effective 2-1-06
202	Amendment of Rule 76 revising the definition of the term “signature”	Promulgated 8-19-05, effective 10-1-05
203	Amendment of Rule 3135 and note to Rule 3132 governing execution sales	Promulgated 11-2-05, effective 1-1-06
204	Amendment of Rule 1311.1 governing an appeal from an award in compulsory arbitration	Pending with Court
205	Technical amendments of Rules 205.4, 216 and 237.1 to refer to “magisterial district judges”	Promulgated 5-19-05, effective immediately
206	Technical amendments to Rule 206.1 <i>et seq.</i> , Rule 208.1 <i>et seq.</i> and Rule 239.1 <i>et seq.</i> to refer to the UJS Web Application Portal	Promulgated 11-2-05, effective immediately
207	Amendment of Rules 1042.3(b) and 1042.8 governing the certificate of merit	Promulgated 12-5-05, effective immediately

Table 3.3.1