

Appellate

Court

Procedural

Rules

Committee

1996 Membership:

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Jane Campbell Moriarty, Esq., *Vice Chairman*
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Honorable Joseph M. Augello

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Legal Authorization:

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

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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 by Supreme Court order on March 31, 1994.

1996 Activities

The committee met twice in 1996, in Pittsburgh in March and in Philadelphia in October.

The committee finalized its work on Recommendation 28, which involves amendments to Rules 121, 123, 311, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513-1515, 1532, 1571, 1734, 1751, 1782, 2132, 2136, 2140, 2153, 2154, 2185-2187, 2311, 2313, 2315, 2542, 2543, 2546, 5101 and 5102 of the Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.).

Much of the recommendation as originally published contained amendments to conform with previous rules changes regarding **finality**. Following comment and further committee discussion, it was expanded to include **technical changes** to eliminate out of date references and citations and to simplify and clarify the rules and notes.

Because of the numerous revisions after the recommendation was originally published, the recommendation was published again for comment and will be resubmitted to the Court in April 1997. Revisions to Pa.R.J.A. 5000.5(b), consistent with the proposed rule changes contained in Recommendation 27 will be submitted at the same time.

Recommendation 30 was published on March 30, 1996. It contains amendments to Pa.R.A.P. 1701, **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 also completed review of recent criminal legislation and made recommendations to the Court concerning such legislation.

Counsel for the Appellate Court Procedural Rules Committee continues to actively participate in various court-related meetings regarding appellate rules and rules of judicial administration as well as responding to numerous requests from the Administrative Office of Pennsylvania Courts. The committee's chairman and counsel have also responded to numerous telephone and written requests. Chairman Robert L. Byer actively participates in continuing legal education courses throughout Pennsylvania as an instructor on appellate practice and procedure.

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.

1996 Plans

The committee plans to meet twice in 1997. During these meetings it will continue to review the work of its subcommittee specifically created to review Chapter 15, **Judicial Review of Governmental Determinations**.

Also on the agenda are:

- review of **cross-appeal rules**
- review of Pa.R.A.P. 3306, Procedures for **Taxation of Costs**
- review of Pa.R.A.P. 3518, statement of the **Scope and Standard of Review**
- review of Pa.R.A.P. 1301, **Form of Papers; Number of Copies**
- consideration of the effect of the Local Government Unit Debt Act upon Pa.R.A.P. 903, 1113 and 1512
- joint review with the Orphans' Court Rules Committee of **post-trial practice in orphans' courts** and its relationship to recent amendments of Rule 341 governing finality.

Contact Person

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