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## 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**

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## 2007 Activities

The following recommendations were promulgated by the Supreme Court in 2007:

**Recommendation 4 of 2006:** Amendments of Rules 108, 301 and 903 to conform them to the amendments to Pa.R.Crim.P. 462, 720 and 721 and their Notes. The Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee made these recommendations because of the lack of clarity as to when the **time for appeal** begins in a criminal matter in which no post-sentence motions are filed. Adopted 1-18-07, effective 8-1-07.

**Recommendation 1 of 2007:** Amendment of Rule 1925. **Opinion in Support of Order.** Adopted 5-10-07, effective 6-9-07.

**Recommendation 2 of 2007:** Amendment of Rule 1931 to extend the time a trial court has for **transmitting the record** to the intermediate appellate court. Adopted 5-10-07, effective 6-9-07.

**Recommendation 3 of 2007: Correction of references** to Rule 1762. Adopted 5-15-07, effective immediately.

**Recommendation 4 of 2007:** Amendment of Rule 2111 to reflect the **language** used in the recommended amendments to Pa.R.A.P. 1925. Adopted 5-10-07, effective 7-9-08.

**Recommendation 5 of 2007:** Amendment of Rules 1301 and 2187 to reduce the **numbers of copies** to be filed in the Superior and Commonwealth courts. Adopted 6-26-07, effective immediately.

The following recommendation was submitted to the Supreme Court in 2007:

**Rules of Appellate Procedure 102, 121, 122, 123, 905, 909, 911, 1101, 1102, 1112, 1116, 1123, 1311, 1314, 1321, 1514, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309:** Proposed amendments

pertaining to **filing and service of documents**. This recommendation was subsequently withdrawn by the committee to ensure internal consistency among the proposed amendments. The committee expects to resubmit it in 2008.

In addition, the committee formed a joint subcommittee with the Criminal Procedural Rules Committee to examine an issue that had been raised by court personnel about whether any court—and if so, which—had the authority to grant bail in a Post-Conviction Relief Act (PCRA) matter where the petitioner was denied relief in the PCRA trial court. The committee published a recommendation on bail, and the joint subcommittee is currently considering the comments received in response.

The joint subcommittee also considered a PCRA issue related to *Commonwealth v. Bennett*, 593 Pa. 382, 400 n.12, 930 A.2d 1264, 1274 n.12 (2007).

At the Supreme Court's request, the committee considered whether the appellate rules should be amended in light of the new civil *pro hac vice* rules; *Miller Elec. Co. v. DeWeese*, 589 Pa. 167, 907 A.2d 1051 (2006) and *Vaccone v. Syken*, 587 Pa. 380, 899 A.2d 1103 (2006).

## 2008 Plans

The committee will continue to study *Vaccone v. Syken* as pertains to the proper procedure for seeking Supreme Court consideration of an intermediate appellate court's quashing of an appeal.

The committee has reviewed new Rules of Civil Procedure governing *pro hac vice* admission and will be participating in an effort to develop a unified rule governing this issue, applicable in all trial and appellate proceedings.

The committee plans to examine the time required to process certain cases involving the rights and needs of children through the

appellate courts. In consultation with the Office of Children and Family in the Courts, the committee will focus on the critical need to reach a final decision in such cases so that children can be placed in stable environments.

The goal is to move these cases as quickly as possible from the trial court to the appellate court without impairing appellate review and without imposing unrealistic deadlines upon counsel or the courts.

**AOPC**