

## **Appellate Court Procedural Rules Committee**

The Appellate Court Procedural Rules Committee proposes to amend Pa.R.A.P. 2112. The amendments are being submitted for public comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is underlined and in bold faced type and deleted material is bracketed and in bold faced type.

All communications in reference to the proposed amendment should be sent no later than January 14, 2013 to:

**Dean R. Phillips, Counsel**  
**D. Alicia Hickok, Deputy Counsel**  
**Scot R. Withers, Deputy Counsel**  
**Appellate Court Procedural Rules Committee**  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P.O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to  
(717) 231-9551  
or E-Mail to  
**[appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)**

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court Procedural Rules Committee*

Honorable Renée Cohn Jubelirer  
Chair

## **EXPLANATORY COMMENT**

Chapter 21 of the Rules of Appellate Procedure establishes the content and form of briefs and reproduced records, the requirements of filing and serving these documents, and the penalties for noncompliance. Rule 2112, when read in conjunction with Rule 2111 (brief of the appellant) and Rule 2174 (tables of contents and citations) establishes the mandatory elements of an appellee's brief as including the Summary of Argument, addressed in Rule 2118, and the Argument, addressed in Rule 2119. Rule 2112 also provides that an appellee's brief may contain a counter-statement of the questions involved, addressed in Rule 2116, and a counter-statement of the case, addressed in Rule 2117.

To further aid the appellate courts in the task of appellate review, the Appellate Court Procedural Rules Committee recommends that the Supreme Court amend Rule 2112 to provide that an appellee's brief may also include counter-statements of any of the matters required in the appellant's brief as stated in Pa.R.A.P. 2111(a).

## **Rule 2112. Brief of the Appellee.**

The brief of the appellee, except as otherwise prescribed by these rules, need contain only a summary of argument and the complete argument for appellee **and may also include counter-statements of any of the matters required in the appellant's brief as stated in Pa.R.A.P. 2111(a).** [However, the appellee may add a counter-statement of the questions involved and a counter-statement of the case.] Unless the appellee does so, or the brief of the appellee otherwise challenges the questions involved or the statement of the case as stated by appellant, it will be assumed the appellee is satisfied with them, or with such parts of them as remain unchallenged.

Official Note: [Based on former Supreme Court Rule 48, former Superior Court Rule 40 and former Commonwealth Court Rule 91. See also *Cubitt v. New York Cent. R. Co.*, 278 Pa. 366, 370, 123 Atl. 308, 309 (1924).] **See Rules 2111 and 2114-2119.**