

THE COURTS

Title 210—APPELLATE PROCEDURE

[210 PA. CODE CH. 63]

Certification of Questions of Law; No. 197 Judicial
Administration Doc. No. 1

Order

Per Curiam:

And Now, this 12th day of January, 2000, the Order of the Court dated October 28, 1998, is herewith amended so as to delete paragraph one thereof.

1. Any of the following courts may file a Certification Petition with this Court:

- a. The United States Supreme Court; or
- b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or *sua sponte*.

3. A Certification Petition shall contain the following:

- a. A brief statement of the nature and stage of the proceedings in the petitioning court;
- b. A brief statement of the material facts of the case;
- c. A statement of the question or questions of Pennsylvania law to be determined;
- d. A statement of the particular reasons why this Court should accept certification; and
- e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

§ 63.10. Certification of Questions of Law.

A. *Court limitation.* This Court will accept Certification Petitions from any of the following courts:

1. The United States Supreme Court; or
2. United States Courts of Appeal.

B. *Standards.* Like granting allocatur, acceptance of certification is a matter of judicial discretion. This Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefor, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;
2. The question of law is one with respect to which there are conflicting decisions in other courts; or

3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

4. This Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.

5. This Court shall decide whether to accept or refuse certification without hearing oral argument.

C. *Assignment and Disposition.* The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;
2. Establish a briefing schedule;
3. If oral argument is granted, list the matter for oral argument; and
4. Take such further action as this Court directs.

D. *Reconsideration.* A vote of the majority is required to grant reconsideration.

[Pa.B. Doc. No. 00-163. Filed for public inspection January 28, 2000, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Damages for Delay

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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Addendum to Explanatory Comment

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as

revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>	<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 1980	15 to 15 1/2	January 2, 1991	9 1/2 to 10
January 2, 1981	20 1/2 to 21 1/2	January 2, 1992	6 1/2
January 4, 1982	15 3/4	January 4, 1993	6
January 3, 1983	11 to 11 1/2	January 3, 1994	6
January 3, 1984	11	January 3, 1995	8 1/2
January 2, 1985	10 3/4	January 2, 1996	8 1/2
January 2, 1986	9 1/2	January 2, 1997	8 1/4
January 2, 1987	7 1/2	January 2, 1998	8 1/2
January 4, 1988	8 3/4	January 4, 1999	7 3/4
January 3, 1989	10 1/2	January 3, 2000	8 1/2
January 2, 1990	10 1/2		

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chairperson

[Pa.B. Doc. No. 00-164. Filed for public inspection January 28, 2000, 9:00 a.m.]

SUPREME COURT

Certification of Questions of Law; No. 197 Judicial Administration; Doc. No. 1

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f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

[Pa.B. Doc. No. 00-165. Filed for public inspection January 28, 2000, 9:00 a.m.]