

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1700]

Order Adopting New Rule 1716, Amending Rules 1701 and 1714 and Renumbering Rule 1716 as Rule 1717 of the Rules of Civil Procedure; No. 563 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 11th day of May, 2012, the proposal having been adopted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Pennsylvania Rules of Civil Procedure are amended as set forth in the following form as follows:

- (1) Pa.R.C.P. Nos. 1701 and 1714 are amended;
- (2) Pa.R.C.P. No. 1716 is renumbered as Pa.R.C.P. No. 1717; and
- (3) New Pa.R.C.P. No. 1716 is adopted.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1700. CLASS ACTIONS

Rule 1701. [**Definition**] **Definitions.** Conformity.

(a) As used in this chapter[.]

[**Class action—Any**] “**Class action**” means any action brought by or against parties as representatives of a class until the court by order refuses to certify it as such or revokes a prior certification under these rules.

“**Residual funds**” are funds that remain after the payment of all approved class member claims, ex-

penses, litigation costs, attorney’s fees, and other court approved disbursements to implement relief granted.

(b) Except as otherwise provided in this chapter, the procedure in a class action shall be in accordance with the rules governing the form of action in which relief is sought.

Rule 1714. Compromise. Settlement. Discontinuance.

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(d) Nothing in these rules is intended to limit the parties to a class action from suggesting, or the court from approving, a settlement that does not create residual funds.

Rule 1716. Residual Funds.

(a) Any order entering a judgment or approving a proposed compromise or settlement of a class action that establishes a process for the identification and compensation of members of the class shall provide for the disbursement of residual funds.

(b) Not less than fifty percent (50%) of residual funds in a given class action shall be disbursed to the Pennsylvania Interest on Lawyers Trust Account Board to support activities and programs which promote the delivery of civil legal assistance to the indigent in Pennsylvania by non-profit corporations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The order may provide for disbursement of the balance of any residual funds in excess of those payable to the Pennsylvania Interest on Lawyers Trust Account Board to the Pennsylvania Interest on Lawyers Trust Account Board, or to another entity for purposes that have a direct or indirect relationship to the objectives of the underlying class action, or which otherwise promote the substantive or procedural interests of the members of the class.

Rule [**1716**] **1717. Counsel Fees.**

In all cases where the court is authorized under applicable law to fix the amount of counsel fees it shall consider, among other things, the following factors:

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[Pa.B. Doc. No. 12-972. Filed for public inspection May 25, 2012, 9:00 a.m.]