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IN GENERAL

Rule 501. Any Aggrieved Party May Appeal.

Except where the right of appeal is enlarged by statute, any party who is aggrieved by an appealable order, or a fiduciary whose estate or trust is so aggrieved, may appeal therefrom.

Note: Whether or not a party is aggrieved by the action below is a substantive question determined by the effect of the action on the party, etc.

Source

The provisions of this Rule 501 amended December 11, 1978, effective December 30, 1978, 8 Pa.B. 3802. Immediately preceding text appears at serial page (27906).

Rule 502. Substitution of Parties.

(a) *Death of a party.*—If a party dies after a notice of appeal or petition for review is filed or while a matter is otherwise pending in an appellate court, the personal representative of the deceased party may be substituted as a party on application filed by the representative or by any party with the prothonotary of the appellate court. The application of a party shall be served upon the representative in accordance with the provisions of Pa.R.A.P. 123. If the deceased party has no representative, any party may suggest the death on the record and proceedings shall then be had as the appellate court may direct. If a party against whom an appeal may be taken or a petition for review may be filed dies after entry of an order below but before a notice of appeal or petition for review is filed, an appellant may proceed as if death had not occurred. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this paragraph. If a party entitled to appeal or petition for review shall die before filing a notice of appeal or petition for review, the notice of appeal or petition for review may be filed by his personal representative, or, if he has no personal representative, by his counsel, within the time prescribed by these rules. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this paragraph.

(b) *Substitution in other cases or for other causes.*—If substitution of a party in an appellate court is necessary in connection with a petition for allowance of appeal, a petition for permission to appeal, a petition for specialized review, or in connection with any matter other than a notice of appeal or petition for review, or if substitution of a party in an appellate court is necessary for any reason other than death, substitution shall be effected in accordance with the procedure prescribed in paragraph (a) of this rule.

(c) *Death or separation from office of public officer.*—When a public officer is a party to an appeal or other matter in an appellate court in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the matter does not abate and his successor is automatically substituted as a party. Pro-

ceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

Official Note: Pa.R.C.P. 2351 to 2374 relate to substitution of parties in the courts of common pleas, but this rule, which is patterned after Fed. R. App. P. 43, covers the subject in the appellate courts for the first time.

Source

The provisions of this Rule 502 amended January 7, 2020, effective August 1, 2020, 50 Pa.B. 505. Immediately preceding text appears at serial pages (396214) to (396215).

Rule 503. Description of Public Officers.

When a public officer is a party to an appeal or other matter in his official capacity he may be described as a party by his official title rather than by name; but the appellate court may require his name to be added.

Official Note: Patterned after Fed. Rules App. Proc. 43(c)(2).

MULTIPLE APPEALS

Rule 511. Cross-Appeals.

The timely filing of an appeal shall extend the time for any other party to cross-appeal as set forth in Pa.R.A.P. 903(b) (cross-appeals), 1113(b) (cross-petitions for allowance of appeal), and 1512(a)(2) (cross-petitions for review). The discontinuance of an appeal by a party shall not affect the right of appeal or cross-appeal of any other party regardless of whether the parties are adverse.

Official Note: See also Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

An appellee should not be required to file a cross-appeal because the court below ruled against it on an issue, as long as the judgment granted appellee the relief it sought. *See Lebanon Valley Farmers Bank v. Commonwealth*, 83 A.3d 107, 112 (Pa. 2013); *Basile v. H & R Block, Inc.*, 973 A.2d 417, 421 (Pa. 2009).

If, however, an intermediate appellate court awards different relief than the trial court or other government unit, a party may wish to file a cross-petition for allowance of appeal under Pa.R.A.P. 1112. *See, e.g., Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 179 A.3d 1093, 1098 & n.5 (Pa. 2018); *Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 137 A.3d 1247 (Pa. 2016).

In deciding whether to cross-appeal, parties may also consider that appellate courts have discretion, but are not required, to affirm for any reason appearing in the record. *See Commonwealth v. Fant*, 146 A.3d 1254, 1265 n.13 (Pa. 2016); *Pa. Dept. of Banking v. NCAS of Del., LLC*, 948 A.2d 752, 762 (Pa. 2008); *Am. Future Sys., Inc. v. Better Bus. Bureau of E. Pa.*, 923 A.2d 389, 401 (Pa. 2007).

Source

The provisions of this Rule 511 amended December 11, 1978, effective December 30, 1978, 8 Pa.B. 3802; amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740; amended October 16, 2002, effective immediately, 32 Pa.B. 5402; amended March 15, 2019, effective July 1, 2019, 49 Pa.B. 1510. Immediately preceding text appears at serial pages (366443) to (366444).

Rule 512. Joint Appeals.

Parties interested jointly, severally or otherwise in any order in the same matter or in joint matters or in matters consolidated for the purposes of trial or argument, may join as appellants or be joined as appellees in a single appeal where the grounds for appeal are similar, or any one or more of them may appeal separately or any two or more may join in an appeal.

Comment:

This describes who may join in a single notice of appeal. The rule does not address whether a single notice of appeal is adequate under the circumstances presented. Under Pa.R.A.P. 341, a single notice of appeal will not be adequate to take an appeal from orders entered on more than one trial court docket. *See* Pa.R.A.P. 341, Note (“Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed.”). Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.

Source

The provisions of this Rule 512 amended April 16, 2013, effective to appeals and petitions for review filed 30 days after adoption, 43 Pa.B. 2423; amended May 18, 2023, effective immediately, 53 Pa.B. 2940. Immediately preceding text appears at serial page (401612).

Rule 513. Consolidation of Multiple Appeals.

Where there is more than one appeal from the same order, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order them to be argued together in all particulars as if but a single appeal. Appeals may be consolidated by stipulation of the parties to the several appeals.

Note: The first sentence is substantially the same as former Supreme Court Rule 29, former Superior Court Rule 21 and former Commonwealth Court Rule 27. The second sentence is patterned after Fed. Rules App. Proc. 3(b).

OFFICIAL PARTICIPATION UPON CHALLENGE TO STATUTES OR RULES

Rule 521. Notice to Attorney General of Challenge to Constitutionality of Statute.

(a) *Notice.*—It shall be the duty of a party who draws in question the constitutionality of any statute in any matter in an appellate court to which the Commonwealth or any officer thereof, acting in his official capacity, is not a party, upon the filing of the record, or as soon thereafter as the question is raised in the appellate court, to give immediate notice in writing to the Attorney General of

Pennsylvania of the existence of the question; together with a copy of the pleadings or other portion of the record raising the issue, and to file proof of service of such notice.

(b) *Status of Attorney General.*—The Attorney General may be heard on the question of the constitutionality of the statute involved without formal intervention. If the Attorney General files a brief concerning the question the Commonwealth shall thereafter be deemed to be an intervening party in the matter.

Note: Based on Pa.R.Civ.P. 235 and Fed. Rules App. Proc. 44. The provisions of subdivision (b) are intended to place the Commonwealth in a position to obtain review in the Supreme Court of Pennsylvania or the Supreme Court of the United States of an adverse decision on the constitutional question.

Rule 522. Notice to Court Administrator of Pennsylvania of Challenge to Constitutionality of General Rules.

(a) *Notice.*—It shall be the duty of a party who draws in question the constitutionality of any general rule to give notice in writing to the Court Administrator of Pennsylvania in accordance with the procedure prescribed in Rule 521 (notice to Attorney General of challenge to constitutionality of statute).

(b) *Status of Court Administrator.*—The Court Administrator of Pennsylvania may be heard on the question of the constitutionality of the general rule involved without formal intervention. If the Court Administrator files a brief concerning

the question the Commonwealth, acting by and through the Court Administrator of Pennsylvania, shall thereafter be deemed to be an intervening party in the matter.

Official Note: The purpose of this rule is to prevent the recurrence of situations such as *Swarb v. Lennox*, 405 U.S. 191 (1972), where by reason of the withdrawal of the Attorney General of Pennsylvania, there was no official defense of the challenged rule of the Supreme Court of Pennsylvania. It is anticipated that the Court Administrator will coordinate with the appropriate rules committee.

AMICUS CURIAE

Rule 531. Participation by *Amicus curiae*.

(a) *General*.—An *amicus curiae* is a non-party interested in the questions involved in any matter pending in an appellate court.

(b) *Briefs*

(1) *Amicus curiae Briefs Authorized*.—An *amicus curiae* may file a brief (i) during merits briefing; (ii) in support of or against a petition for allowance of appeal, if the *amicus curiae* participated in the underlying proceeding as to which the petition for allowance of appeal seeks review; or (iii) by leave of court. An *amicus curiae* does not need to support the position of any party in its brief.

(2) *Content*.—An *amicus curiae* brief must contain a statement of the interest of *amicus curiae*. The statement of interest shall disclose the identity of any person or entity other than the *amicus curiae*, its members, or counsel who (i) paid in whole or in part for the preparation of the *amicus curiae* brief or (ii) authored in whole or in part the *amicus curiae* brief. It does not need to contain a Statement of the Case and does not need to address jurisdiction or the order or other determinations in question. An *amicus curiae* brief shall contain the certificate of compliance required by Pa.R.A.P. 127.

(3) *Length*.—An *amicus curiae* brief under subparagraph (b)(1)(i) is limited to 7,000 words. An *amicus curiae* brief under subparagraph (b)(1)(ii) is limited to 4,500 words. An *amicus curiae* brief under subparagraph (b)(1)(iii) is limited to the length specified by the court in approving the motion or, if no length is specified, to half the length that a party would be permitted under the rules of appellate procedure. Any *amicus curiae* brief must comply with the technical requirements for briefs, including certificates of compliance, set forth in Pa.R.A.P. 1115, 2135(b)—(d), 2171—2174, and 2187, or other pertinent rules.

(4) *Time for filing briefs*.—An *amicus curiae* brief must be filed on or before the date of the filing of the party whose position as to affirmance or reversal the *amicus curiae* will support. If the *amicus curiae* will not support the position of any party, the *amicus curiae* brief must be filed on or before the date of the appellant's filing. In an appeal proceeding under Pa.R.A.P. 2154(b),

2185(c), and 2187(b), the *amicus curiae* must file on or before the date of service of the advance text by the party whose position as to affirmance or reversal the *amicus curiae* supports or, if the *amicus curiae* does not support the position of any party, on or before the date of service of the advance text of the appellant.

(c) *Oral argument.*—Oral argument may be presented by *amicus curiae* only as the appellate court may direct. Requests for leave to present oral argument shall be by application and will be granted only for extraordinary reasons.

Official Note: The Pennsylvania Supreme Court has held that “[a]n *amicus curiae* is not a party and cannot raise issues that have not been preserved by the parties.” *Commonwealth v. Cotto*, 753 A.2d 217, 224 n.6 (Pa. 2000). In addition, the Court shares the view of the United States Supreme Court that “[a]n *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored.” See U.S. Supreme Ct. R. 37.1.

The rule allows interested persons to be *amicus curiae* as to one or more questions during the merits briefing on that question. An *amicus curiae* can file a brief of right in support of or against a petition for allowance of appeal only if the *amicus curiae* participated in the underlying proceedings giving rise to the order for which further review is sought. Any persons wishing to file *amicus curiae* briefs in any other circumstance must seek leave of court.

The 2016 amendment to the rule set forth content and length requirements for *amicus curiae* briefs. The amendment also established a requirement that all *amicus curiae* briefs include a statement of interest disclosing whether any party to the appeal has paid in whole or in part for the preparation of the brief.

The 2011 amendment to the rule clarified when those filing *amicus curiae* briefs should serve and file their briefs when the appellant has chosen or the parties have been directed to proceed under the rules related to large records (Pa.R.A.P. 2154(b)), advance text (Pa.R.A.P. 2187(b)) and definitive copies (Pa.R.A.P. 2185(c)). Under those rules, the appellant may defer preparation of the reproduced record until after the briefs have been served. The parties serve on one another (but do not file) advance texts of their briefs within the times required by Pa.R.A.P. 2185(c). At the time they file their advance texts, each party includes certified record designations for inclusion in the reproduced record. The appellant must then prepare and file the reproduced record within 21 days of service of the appellee’s advance text (Pa.R.A.P. 2186(a)(2)). Within 14 days of the filing of the reproduced record, each party that served a brief in advance text may file and serve definitive copies of their briefs. The definitive copy must include references to the pages of the reproduced record, but it may not otherwise include changes from the advance text other than correction of typographical errors. Those filing *amicus curiae* briefs may choose to serve an advance text and then file and serve definitive copies according to the procedure required of the parties or they may choose to file a definitive brief without citations to the reproduced record.

Source

The provisions of this Rule 531 amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740; amended February 27, 1980, 10 Pa.B. 1038, effective date as set forth at 10 Pa.B. 1038; amended September 25, 1992, effective immediately, 22 Pa.B. 5014; amended October 3, 2011, effective in thirty days, 41 Pa.B. 5620; amended June 7, 2016, effective October 1, 2016, 46 Pa.B. 3231; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 461. Immediately preceding text appears at serial pages (382065) to (382066).

FORMA PAUPERIS**Rule 551. Continuation of *In Forma Pauperis* Status for Purposes of Appeal.**

(a) *General rule.*—A party who has been granted leave by a trial court to proceed *in forma pauperis* may proceed *in forma pauperis* in an appellate court upon filing with the clerk of the trial court two copies of a verified statement stating:

(1) The date on which the trial court entered the order granting leave to proceed *in forma pauperis*.

(2) That there has been no substantial change in the financial condition of the party since such date.

(3) That the party is unable to pay the fees and costs on appeal.

(b) *Effect on filing fees.*—A verified statement conforming to paragraph (a) of this rule, papers transmitted therewith, and papers subsequently tendered by a party which has filed such a verified statement, shall be filed by any clerk who has notice of such filing without the payment of any fee required under Chapter 27 (fees and costs in appellate courts and on appeal).

Official Note: Ordinarily the copies of the verified statement under this rule would be filed with the clerk of the trial court at the time copies of the notice of appeal are filed under Pa.R.A.P. 905 (filing of notice of appeal).

Source

The provisions of this Rule 551 amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740; amended October 28, 2021, effective April 1, 2022, 51 Pa.B. 7050. Immediately preceding text appears at serial page (401613).

Rule 552. Application to Trial Court for Leave to Appeal *In Forma Pauperis*.

(a) *General rule.*—A party who is not eligible to file a verified statement under Pa.R.A.P. 551 (continuation of *in forma pauperis* status for purposes of appeal) may apply to the trial court for leave to proceed on appeal *in forma pauperis*. The application may be filed before or after the taking of the appeal, but if filed before the taking of the appeal, the application shall not extend the time for the taking of the appeal.

(b) *Accompanying verified statement.*—Except as prescribed in paragraph (d) of this rule, the application shall be accompanied by a verified statement substantially conforming to the requirements of Pa.R.A.P. 561 (form of IFP verified statement) showing in detail the inability of the party to pay the fees and costs provided for in Chapter 27 (fees and costs in appellate courts and on appeal).

(c) *No filing fee required.*—The clerk of the trial court shall file an application under this rule without the payment of any filing fee.

(d) *Automatic approval in certain cases.*—If the applicant is represented by counsel who certifies on the application or by separate document that the applicant is indigent and that such counsel is providing free legal service to the applicant, the clerk of the trial court shall forthwith enter an order granting the application. The clerk may accept and act on an application under this paragraph without an accompanying verified statement by the party.

(e) *Consideration and action by the court.*—Except as prescribed in paragraph (d) of this rule, the application and verified statement shall be submitted to the court, which shall enter its order thereon within 20 days from the date of the filing of the application. If the application is denied, in whole or in part, the court shall briefly state its reasons.

(f) *Certificate of compliance with Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.*—An application filed under this Rule shall contain the certificate of compliance required by Pa.R.A.P. 127.

Official Note: Extends the substance of former Supreme Court Rule 61(b) (part) and 61(c) (part) to the Superior and Commonwealth Courts and provides for action by the clerk in lieu of the court. It is anticipated that an application under this rule ordinarily would be acted upon prior to the docketing of the appeal in the appellate court and the transmission of the record.

Relief from requirements for posting a supersedeas bond in civil matters must be sought under Pa.R.A.P. 1732 (application for stay or injunction pending appeal) and relief from bail requirements in criminal matters must be sought as prescribed by Pa.R.A.P. 1762 (release in criminal matters), but under Pa.R.A.P. 123 (applications for relief) and applications under Pa.R.A.P. 552 (or 553) and other rules may be combined into a single document.

Source

The provisions of this Rule 552 amended through December 22, 1983, effective January 1, 1984, 14 Pa.B. 43; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 461; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3517. Immediately preceding text appears at serial pages (389935) to (389936).

Rule 553. Application in Appellate Court.

(a) *General rule.*—A party who has been denied relief under Pa.R.A.P. 552, or who has been unable to file an application under such rule because the matter is an original action in the appellate court, or a petition for review or petition for specialized review proceeding relating to a government unit other than a court, or for any other reason, may apply to the appellate court for leave to proceed *in forma pauperis* in the appellate court.

(b) *Form and procedure.*—An application under this rule shall be governed by Pa.R.A.P. 552 so far as it may be applied.

Official Note: Unlike the prior rule, this rule makes clear that an application may be made in the appellate court even if it has been denied in the trial court.

Source

The provisions of this Rule 553 amended December 22, 1983, effective January 1, 1984, 14 Pa.B. 43; amended January 7, 2020, effective August 1, 2020, 50 Pa.B. 505. Immediately preceding text appears at serial pages (392570) and (389937).

Rule 554. Effect of Application and Approval Thereof.

(a) *Appeal taken before application filed.*—If an application under Rule 552 (application to lower court for leave to appeal in forma pauperis) or Rule 553 (application in appellate court) is not filed before an appeal is taken, all applicable filing fees which are due before such an application is filed shall be treated as unpaid for purposes of Chapter 27 (fees and costs in appellate courts and on appeal).

(b) *Appeal taken before application acted upon.*—If an application under Rule 552 or Rule 553 has been filed but has not been acted upon any clerk who has notice of such filing shall accept any papers relating to the appeal without the payment of any fees required under Chapter 27. Transmission of a copy of the application under Rule 552 pursuant to Rule 905(b) (transmission to appellate court) or otherwise shall constitute notice to an appellate prothonotary of the pendency thereof for the purposes of this rule. If the application under Rule 552 or Rule 553 is thereafter denied the applicant shall pay all applicable filing fees required under Chapter 27.

(c) *Appeal taken after application granted.*—If an appeal is taken after an application under Rule 552 has been granted, the party shall proceed under Rule 551 (continuation of in forma pauperis status for purposes of appeal), except that a copy of the order granting the application may be substituted for the verified statement required by Rule 551.

Official Note: In addition to its elimination of the requirement for the payment of fees, IFP status eliminates the requirement of reproducing the record, see Rule 2151(b) (in forma pauperis), and reduces the number of copies of the brief required to be served and filed. See Rule 2187(c) (in forma pauperis).

Source

The provisions of this Rule 554 amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740. Immediately preceding text appears at serial page (27907).

Rule 555. Obligation to Inform of Improved Financial Circumstances.

A party permitted to proceed in forma pauperis has a continuing obligation to inform the appellate court of improvement in the financial circumstances of the party. Counsel for a party shall likewise be under a continuing obligation to inform the appellate court of such improvement within a reasonable time after counsel learns of it.

Note: Extends former Supreme Court Rule 61(e) to the Superior and the Commonwealth Courts.

Rule 556. Unemployment Compensation Cases.

A claimant-appellant in an unemployment compensation matter may proceed in forma pauperis without applying for leave to do so. The petition for review, papers transmitted therewith and papers subsequently tendered by the party in such a matter shall be filed by the clerk without the payment of any fee required under Chapter 27 (fees and costs in appellate courts and on appeal).

Note: A claimant-appellant in a workers' compensation matter, who was within the scope of the former version of this Rule, remains free to apply for leave to proceed in forma pauperis pursuant to Rule 553.

Source

The provisions of this Rule 556 amended December 22, 1983, effective January 1, 1984, 14 Pa.B. 43. Immediately preceding text appears at serial page (50288).

Rule 561. Form of IFP Verified Statement.

A verified statement under this chapter in support of an application for leave to proceed in forma pauperis shall be in substantially the following form:

[Caption]

_____ states under the penalties provided by
(Insert name of applicant)

18 Pa.C.S. 4904 (unsworn falsification to authorities) that:

1. I am the _____ in the above action and because of
(plaintiff or defendant)

my financial condition am unable to pay the following fees and costs:

(state with particularity the relief requested, e.g., appellate filing fees, costs of reproducing records or briefs, or filing of supersedeas security if irreparable harm would result if not waived.)

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true and correct.

(a) Are you presently employed?

(1) If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

(2) If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

(b) Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, pensions, annuities, social security benefits, support payments or other source?

If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.

(c) Do you own any cash or checking or savings account?

If the answer is yes, state the total amount of the items owned.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

If the answer is yes, describe the property and state its approximate value and the amount of any encumbrances.

(e) List the persons, if any, who are dependent upon you for support and state your relationship to those persons.

(f) List all your debts and obligations.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law (misdemeanor of the second degree).

Signature of Applicant

Note: :Extends former Supreme Court Rule 61 (form) to the Superior and Commonwealth Courts and makes no change in substance other than the substitution of the statutory verification for an affidavit.

Source

The provisions of this Rule 561 amended February 27, 1980, 10 Pa.B. 1038, effective date as set forth at 10 Pa.B. 1038. Immediately preceding text appears at serial page (25387).

[Next page is 7-1.]

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