

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 4000]

Technical Amendment of Rules 4001, 4023 and 4025; No. 254; Doc. No. 5

Order

Per Curiam:

And Now, this 27th day of December, 1995, Pennsylvania Rules of Civil Procedure 4001, 4023 and 4025 are amended as follows:

I. Rule 4025 is amended to read as follows.

II. The notes to Rules 4001(b) and 4023 are amended to read as follows.

This Order shall be effective January 1, 1996 and shall be processed in accordance with Rule of Judicial Administration 103(b).

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4001. Scope. Definitions.

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(b) ***

Official Note: These rules apply to an action pending in the court of common pleas and referred to compulsory arbitration under [**the Act of June 16, 1836, P. L. 715, § 8.1, added January 14, 1952, P. L. (1951) 2087, § 1, as amended, 5 P. S. § 30**] **Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361.**

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Rule 4023. Acts of Assembly not Suspended.

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(3) ***

Official Note: This subdivision includes the following statutes relating to shareholder actions, [**act of May 5, 1933, P. L. 364, § 308, amended July 20, 1968, P. L. 549, No. 216, § 11, 15 P. S. § 1308**] **Section 1508 of the Associations Code, 15 Pa.C.S. § 1508**; insolvency proceedings, act of June 16, 1836, P. L. 729, § 12, 39 P. S. § 252; election contests, act of June 3, 1937, P. L. 1333, § 1765, 25 P. S. § 3465; and appeals from registration commissions, act of March 30, 1937, P. L. 115, § 43, as amended July 31, 1941, P. L. 710, § 32, 25 P. S. § 623-43 (cities of the first class); act of April 29, 1937, P. L. 487, § 42 as amended May 31, 1955, P. L. 62, § 33, 25 P. S. § 951-42 (cities of the second class, cities of the second class A, cities of the third class, boroughs, towns and townships).

Rule 4025. [**Suspension of Acts of Assembly.**] Abolition of Practice and Procedure under Repealed Statutes.

[**After the effective date of these rules,**

(a) **all acts or parts of Acts of Assembly inconsistent with these rules are suspended to the extent of such inconsistency unless saved from suspension by Rule 4023; and**

(b)(1) **the] The practice and procedure provided in all former Acts of Assembly governing depositions and discovery, which have been repealed [effective June 27, 1978] by the Judiciary Act Repealer Act (JARA), act of April 28, 1978, No. 53 and which are now part of the common law of the Commonwealth by virtue of Section 3(b) of JARA, are hereby abolished and shall not continue as part of the common law of the Commonwealth[, and**

(2) **with respect to all Acts of Assembly relating to such practice and procedure, repeal of which will become effective June 27, 1979 or June 27, 1980 pursuant to Sections 4(a) and 4(b) of JARA, this is a general rule within the meaning of Section 3(b) of JARA and the practice and procedure provided in those Acts of Assembly shall not continue as part of the common law of the Commonwealth] .**

Explanatory Comment

Rule 4001. Scope. Definitions.

The act of June 16, 1836, P. L. 715 mentioned in the note to Rule 4001(b) was repealed by Section 2(a)[149] of the Judiciary Act Repealer Act (JARA). The reference to the 1836 statute has been replaced by a reference to Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361, which now governs compulsory arbitration.

Rule 4023. Acts of Assembly Not Suspended.

The note to paragraph (3) of Rule 4023 has been revised by deleting the reference to the repealed act of May 5, 1933, P. L. 364, as amended, 15 P. S. § 1308 and substituting the reference to the successor provision, Section 1508 of the Associations Code, 15 Pa.C.S. § 1508.

Rule 4025. Suspension of Acts of Assembly. Abolition of Practice and Procedure under Repealed Statutes.

Rule 4025(a) suspended all Acts of Assembly inconsistent with the discovery rules. Rule 133 is a general provision restating the same principle in the language of the Constitution of 1968 and the Judicial Code. In view of the duplication, Rule 4025(a) has been deleted as unnecessary.

Rule 4025(b)(2) referred to the future repeal by JARA in 1979 and 1980 of certain Acts of Assembly. Since the effective date of the repeal of those statutes passed, subdivision (b)(2) became obsolete and has been deleted.

Revisions to Explanatory Comments

I. The Explanatory Comment—1978 to Rule 4003.4 is revised to read as follows:

Rule 4003.4. Scope of Discovery. Trial Preparation Material. Statements.

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EXPLANATORY COMMENT—1978

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Two statutes are relevant. [**The act of June 9, 1972, P. L. 359, 12 P. S. § 1630**] **Section 7101 of the Judicial Code, 42 Pa.C.S. § 7101**, prohibits the use of

statements obtained from an injured person within fifteen days of admission to a hospital or sanitarium, unless he acknowledges before an independent notary public his willingness to give the statement.

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II. The Explanatory Comment to Rule 4023 is deleted.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 96-71. Filed for public inspection January 19, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

The following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 28, 1995, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 28, 1995 to Compliance Group 3 due December 31, 1994.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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