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**IN GENERAL**

**Rule 3301. Office of the Prothonotary.**

The Prothonotary shall maintain offices in the cities of Philadelphia, Pittsburgh and Harrisburg. All matters within the jurisdiction of the court may be initially filed in any such office. The Prothonotary may direct the parties to file documents in a specified office. A document thereafter filed in an improper office shall be

transferred to the proper office as if pursuant to Rule 751 (transfer of erroneously filed cases). See also Rule 2703 (erroneously filed cases).

**Official Note:** The amendments to this chapter abolish the division of the Commonwealth into Eastern, Middle and Western Districts and the related January, May and March Term system. The present offices will continue to exist and will be available for filings. The distribution of cases among the offices will be an administrative matter. If the Prothonotary determines to warehouse a case file in Philadelphia, for example, the Prothonotary may direct the lower court to send the record and related papers to, and the parties to file their briefs in, Philadelphia. The references in the rule to Rules 751 and 2703 are intended by analogy to permit the Prothonotary to enforce this requirement by imposing nonrecoverable costs in an amount equal to the filing fee for an appeal. Similarly, the scheduling of the location of oral argument will be an administrative decision, taken after consideration of such factors as the length of the lists in the respective cities, the age of the case, the preferences of the parties, etc.

Former Rule 3304 (form of papers) is now covered by Rule 124 (a) (size and other physical characteristics).

#### Source

The provisions of this Rule 3301 adopted May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740, amended May 24, 1979, effective September 21, 1979, 9 Pa.B. 1853; 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 (43089).

### Rule 3302. Seal of the Supreme Court.

The seal of the Supreme Court shall be in the following form:



**Official Note:** 42 Pa.C.S. § 322 (seal) provides that each court of this Commonwealth shall have a seal engraved with the name of the court and such other inscription as may be specified by general rule or rule of court, and that a facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

#### Source

The provisions of this Rule 3302 amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740. Immediately preceding text appears at serial page (39671).

**Rule 3303. [Rescinded].****Source**

The provisions of this Rule 3303 amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740. Immediately preceding text appears at serial page (39671).

**Rule 3304. [Reserved].****Explanatory Note**

Original Rule 3304 was rescinded May 24, 1979, effective 120 days after June 16, 1979. The original rule, which contained the Supreme Court “short paper” requirement, was rescinded as supplied by the revised and expanded Rule 124.

**Source**

The provisions of this Rule 3304 adopted July 16, 1976, 6 Pa.B. 1662; amended May 24, 1979, effective September 2, 1979, 9 Pa.B. 1853; amended June 22, 1995, effective immediately, 25 Pa.B. 2802; reserved January 7, 2020, effective May 1, 2020, 50 Pa.B. 535. Immediately preceding text appears at serial page (373425).

**Rule 3305. Administrative Motions.**

The Prothonotary, in the first instance, is authorized to dispose of motions relating to the preparation, printing and filing of appendix and briefs and those motions generally relating to calendar control, along with the authority to recommend the appropriate sanction for the violation of any applicable rule or order.

**DIRECTIVE**

It is expected that members of the bar will adhere to the rules of appellate procedure. Accordingly, to insure compliance with the rules, the court hereby promulgates the following directive.

Pursuant to Rule 3305, Pa.R.A.P., upon the failure to comply with the rules of appellate procedure, the court may impose sanction(s) which may include but are not limited to:

- 1.) Striking the brief or pleading;
- 2.) Loss of oral argument;
- 3.) Fine(s);
- 4.) Quashing the appeal, petition or motion;
- 5.) If the attorney is court-appointed, removal from the case, denial of fees for services performed and/or denial of further court appointments;
- 6.) If retained counsel, advising the client of the violation;
- 7.) Referral to the disciplinary board;
- 8.) Payment of opposing party’s reasonable attorney’s fees and/or court costs.

**Source**

The provisions of this Rule 3305 adopted September 25, 1992, effective immediately, 22 Pa.B. 5014; directive added August 28, 1998, effective immediately. Immediately preceding text appears at serial page (231733).

**Rule 3306. Procedures for Taxation of Costs.**

(a) The prevailing party to an appeal in the Supreme Court may file a verified bill of costs pursuant to Chapter 27 of the Rules of Appellate Procedure within 14 days after entry of the judgment or other final order. An opposing party may file objections within 14 days of service of the bill of costs.

(b) If objections are filed, the prevailing party may file a reply within 7 days of service. Thereafter, the Prothonotary shall enter an order taxing costs.

(c) The action of the Prothonotary may be reviewed by the Court if the party seeking review files an application within 7 days after entry of the order.

**Official Note:** The taxation of costs is not applicable to the granting or denial of Petitions for Allowance of Appeal under Chapter 11 of the Rules of Appellate Procedure. *Henmon v. Jewell L. Osterholm*, M.D., et. al., 156 E.D. Miscellaneous Docket 1992. The taxing of costs is to be guided by Rules 2741—2743.

**Source**

The provisions of this Rule 3306 adopted May 11, 1993, effective immediately, 23 Pa.B. 2527.

**ORIGINAL MATTERS****Rule 3307. Applications for Leave to File Original Process.**

(a) *Scope.*—This rule applies only to matters within the original jurisdiction of the Supreme Court under 42 Pa.C.S. § 721 which are not in the nature of mandamus or prohibition ancillary to matters within the appellate jurisdiction of the Supreme Court. Applications for relief pursuant to or ancillary to the appellate jurisdiction of the Supreme Court, including relief which may be obtained in the Supreme Court by petition for review or petition for specialized review, are governed by Article I and Article II and may be filed without an application under this rule. *See also* Pa.R.A.P. 3309 (applications for extraordinary relief).

(b) *General Rule.* The initial pleading in any original action or proceeding shall be prefaced by an application for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be filed as in other original actions. An adverse party may file an answer no later

than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the prothonotary to the Supreme Court for its consideration.

(c) *Disposition of application.*—The Supreme Court may thereafter grant or deny the application or set it down for argument. Additional pleadings may be filed, and subsequent proceedings had, as the Supreme Court may direct. If the application is denied, the matter shall be transferred to the appropriate court by the prothonotary in the same manner and with the same effect as matters are transferred under Pa.R.A.P. 751.

#### Source

The provisions of this Rule 3307 amended April 26, 1982, effective September 12, 1982, 12 Pa.B. 1536; amended December 30, 1987, effective January 16, 1988 and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending, 18 Pa.B. 245; amended September 10, 2008, effective December 1, 2008, 38 Pa.B. 5257; amended January 7, 2020, effective August 1, 2020, 50 Pa.B. 505; amended September 11, 2023, effective January 1, 2024, 53 Pa.B. 5877. Immediately preceding text appears at serial pages (401672) to (401673).

### KING'S BENCH MATTERS

#### Rule 3309. Applications for Extraordinary Relief.

(a) *General Rule.* An application for relief under 42 Pa.C.S. § 726 (extraordinary jurisdiction), or under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article, shall show service upon all persons who may be affected thereby, or their representatives, and upon the clerk of any court in which the subject matter of the application may be pending. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be governed by Pa.R.A.P. 1112 (entry of appearance) unless no appearances have been entered below, in which case appearances shall be filed as in original actions.

(b) *Answer*.—An adverse party may file an answer no later than fourteen days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer will not be filed.

(c) *Distribution and disposition*.—Upon receipt of the answer, or a letter stating that no answer will be filed, from each party entitled to file such, the application and answer, if any, shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter grant or deny the application or set it down for argument.

(d) *Stays and supersedeas*.—Where action is taken under this rule which has the effect of transferring jurisdiction of a matter to the Supreme Court, unless otherwise ordered by the Supreme Court such action shall be deemed the taking of an appeal as of right for the purposes of Chapter 17 (effect of appeals; supersedeas and stays), except that the lower court shall not have the power to grant reconsideration.

**Official Note:** Based on 42 Pa.C.S. § 502 (general powers of Supreme Court), 42 Pa.C.S. § 726 (extraordinary jurisdiction) and the first sentence of Section 1 of the Schedule to the Judiciary Article, which preserves inviolate the December 31, 1968 powers of the Supreme Court (principally the so-called King’s Bench powers) in the following language: “The Supreme Court shall exercise all the powers and until otherwise provided by law, jurisdiction now vested in the present Supreme Court ....” Former Supreme Court Rule 68 1/2 (416 Pa. xxv) contained a 30 day time limit for seeking review and the failure of Rule 3309 to set forth a specific time limit shall not be construed to enlarge the time permitted by law for the seeking of appellate review.

#### Source

The provisions of this Rule 3309 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 December 30, 1987, effective January 16, 1988, and shall govern all matters commenced and, insofar as just and practicable, matters then pending, 18 Pa.B. 245; amended September 10, 2008, effective December 1, 2008, 38 Pa.B. 5257; amended September 11, 2023, effective January 1, 2024, 53 Pa.B. 5877. Immediately preceding text appears at serial pages (401673) to (401674).

### SUPERSEDEAS AND STAYS

#### Rule 3315. Review of Stay Orders of Appellate Courts.

Where the Superior Court or the Commonwealth Court in the exercise of its appellate jurisdiction has entered an order under Chapter 17 (effect of appeals;

supersedeas and stays), such order may be further reviewed by any justice of the Supreme Court in the manner prescribed by Chapter 17 with respect to appellate review of supersedeas and stay determinations of lower courts.

**Official Note:** After a party has applied for a stay, etc., in the trial court, and a further application has been acted on by the Superior Court or the Commonwealth Court, or by a judge thereof, a further application may be made under this rule to the Supreme Court or to a justice thereof. Under the prior practice a petition for allowance of appeal was required in the Supreme Court under Rule 1702(b) in order to maintain the validity of the Supreme Court action on the stay, etc. Rule 1702(c) (Supreme Court review of appellate court supersedeas and stay determinations) now provides that no appeal or petition need be filed to support jurisdiction under this rule. However, this rule does not invite routine reapplications in the Supreme Court, but only clarifies the procedure when the Court exercises its inherent supervisory powers in cases of egregious error below. See 42 Pa.C.S. § 726 (extraordinary jurisdiction).

**Source**

The provisions of this Rule 3315 adopted May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740.

**Rule 3316. Review of Stay of Execution Orders in Capital Cases.**

When a trial court has entered an order granting or denying a stay of execution in a capital case, such order may be reviewed by the Supreme Court in the manner prescribed in Pa.R.A.P. 1704.

**Source**

The provisions of this Rule 3316 adopted October 7, 2005, effective February 1, 2006, 35 Pa.B. 5768; amended May 31, 2013, effective immediately, 43 Pa.B. 3223. Immediately preceding text appears at serial page (338875).

**APPEALS FROM LEGISLATIVE REAPPORTIONMENT  
COMMISSION**

**Rule 3321. Appeals from Legislative Reapportionment Commission.**

Unless otherwise ordered, appeals under Section 17(d) of Article II of the Constitution of Pennsylvania shall be governed by Chapter 15 (judicial review of governmental determinations).

**REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS**

**Rule 3331. (Reserved).**

**Official Note:** Pa.R.A.P. 3331 formerly provided for a petition for review of orders relating to special prosecutions or investigations. The substance of the rule is now found in Pa.R.A.P. 1611.

**Source**

The provisions of this Rule 3331 amended through April 26, 1982, effective September 12, 1982, 12 Pa.B. 1536; amended July 7, 1997, effective in 60 days, 27 Pa.B. 3503; amended July 8, 2004, effective 60 days after adoption, 34 Pa.B. 3870; amended June 13, 2013, effective immediately, 43 Pa.B. 3470; reserved January 7, 2020, effective August 1, 2020, 50 Pa.B. 505. Immediately preceding text appears at serial pages (367354) to (367355).

**PETITIONS FOR CERTIFICATION OF QUESTIONS OF  
PENNSYLVANIA LAW****Rule 3341. Petitions for Certification of Questions of Pennsylvania Law.**

(a) *General Rule.*—On the motion of a party or sua sponte, any of the following courts may file a petition for certification with the Prothonotary of the Supreme Court:

- (1) The United States Supreme Court; or
- (2) Any United States Court of Appeals.

(b) *Content of the Petition for Certification.*—A petition for certification need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

- (1) A brief statement of the nature and stage of the proceedings in the petitioning court;
- (2) A brief statement of the material facts of the case;
- (3) A statement of the question or questions of Pennsylvania law to be determined;
- (4) A statement of the particular reasons why the Supreme Court should accept certification; and
- (5) A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with the Supreme Court.

There shall be appended to the petition for certification copies of any papers filed by the parties regarding certification, e.g., a motion for certification, a response thereto, a stipulation of facts, etc.

(c) *Standards.*—The Supreme 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. The Supreme 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 the Supreme 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.

**Source**

The provisions of this Rule 3341 adopted May 31, 2013, effective immediately, 43 Pa.B. 3223.

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