



April 28, 2023

VIA EMAIL: criminalrules@pacourts.us

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P.O. Box 62635
Harrisburg, PA 17106-2635

Re: Proposed Adoption of Pa.R.Crim.P. 124 [new]

Dear Mr. Yohe and Committee Members:

As President of the Pennsylvania Bar Association (“PBA”), I wrote on June 28, 2022, and again on December 5, 2022, offering our comments to and expressing our appreciation for the work on the proposed rules for waiving filing fees and other costs for the neediest among us. I write now in response to the pending proposal to adopt a new Rule of Criminal Procedure that would address the Waiver of Fees and Costs.

Consistent with the comments we have earlier submitted, our Association supports the new Rule 124 as proposed. However, since its title appears to suggest, inaccurately, that it is the single rule on the point, we urge the Committee to include this additional language in the Comment section:

Fees, costs, or any other financial assessments imposed as a result of conviction may be reduced or waived pursuant to 42 Pa.C.S. § 9730, 42 Pa.C.S. § 9721, Rule 706, or other authority. Nothing in the Rule is intended to supersede such authority or processes set forth in other rules, statutes, or case law.

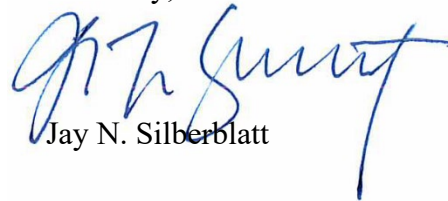
This recommendation arises from the unanimous recommendation of our Criminal Justice Committee, our Committee on Legal Services to the Public, and our Civil and Equal Rights Committee. We urge the Committee to include this language to ensure that all who read them – including but not limited to defendants representing themselves and attorneys representing indigent defendants pro bono who may not practice regularly in the criminal courts – will know that there are additional avenues to seek relief beyond just this one Rule.

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In concluding this letter, I wish to note that the policy of the Pennsylvania Bar Association since September 17, 2020, when we first submitted comments on proposed rules currently under consideration, has been and will remain strongly in favor of expanding to all litigants the In Forma Pauperis protections that are available to the indigent in civil proceedings. With the greatest respect, we urge all the Procedural Rules Committees considering those proposals and the Supreme Court to conclude their work and adopt the revised rules that are so clearly needed. Justice delayed is justice denied.

Thank you again for your kind consideration of these suggestions and for the important work you are doing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay N. Silberblatt", is written over the typed name.

Jay N. Silberblatt

c: Matthew M. Holliday, Executive Director
David Keller Trevaskis, Esq