

CHAPTER 17. JUDGES AS WITNESSES

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Rule
1701. Appearance of judge or district justice as character witness.

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Rule 1701. Appearance of judge or district justice as character witness.

(a) For purposes of this rule, judge and district justice includes those judicial officers in active judicial service or senior status.

(b) No subpoena to compel a judge or district justice to testify as a character witness shall be issued or enforced unless the issuance of the subpoena shall have been specially allowed by the Supreme Court pursuant to this rule.

(c) Petitions for allowance of a subpoena shall be filed in the office of the Prothonotary of the Supreme Court for the Eastern District, shall be verified and shall set forth:

(1) The name of the court and the term and number of the proceeding in which the witness is to appear, together with a brief description of the nature of the proceeding.

(2) The name and judicial office of the witness.

(3) Facts demonstrating that the character testimony to be given by the witness will not be merely cumulative and that the rights of petitioner will be unduly prejudiced by the application of the general rule prohibiting the appearance of judicial officers as character witnesses.

(4) A copy of the desired form of subpoena.

(5) A certificate of service showing service of the petition upon the witness and upon all parties to the proceedings below.

(d) Within ten days after service of the petition the witness or any party to the proceedings below may file in the office of the Prothonotary of the Supreme Court a verified answer setting forth, if desired, a counter-statement of the facts and any argument in support of or in opposition to the petition.

(e) No judge or district justice shall testify voluntarily as a character witness. The provisions of this subdivision shall constitute a canon of ethics for the purposes of Section 17 of the Judiciary Article.

Source

The provisions of this Rule 1701 adopted September 27, 1972, effective October 7, 1972; amended April 2, 2003, effective immediately, 33 Pa.B. 1926. Immediately preceding text appears at serial page (260327).

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