

**Minor
Court
Rules
Committee**

2002 Membership:

Honorable Fred A. Pierantoni, III, *Chairman**
Honorable Thomas E. Martin, Jr., *Chairman***
Honorable Linda Baumunk*
Honorable Robert. S. Blasi+
Aileen Bowers, Esq., *ex officio*
Honorable Kenneth E. Deatelhauser*
Honorable M. Kay DuBree+
Honorable Robert V. Manlove+
Honorable Timothy Patrick O'Reilly
Honorable Henry J. Schireson+
Honorable Christine A. Sereni-Massinger*
Honorable Carla M. Swearingen
Honorable Alberta Thompson*

* Term expired 4-1-02

** Appointed chair effective 4-1-02

+ Effective 4-1-02

Staff:

Michael F. Krimmel, Esq., *Counsel*
Tricia D. Remmert, Administrative Assistant

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2) April
17, 1990

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History/Background

The Minor Court Rules Committee is an advisory body of the Supreme Court of Pennsylvania, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing practice and procedure in Pennsylvania's district justice courts.

The committee reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect district justice procedure and necessitate amendments to the rules or other action by the Court. The committee also reviews and responds to inquiries and suggestions raised by district justices; lawyers; court personnel; the public; and other court-related committees, boards and agencies. These inquiries and suggestions often become the basis for proposals developed by the committee.

Prior to submitting a recommendation to the Supreme Court, the committee publishes the proposal and an explanatory "Report" that describes the proposal and gives members of the bench, bar and public an opportunity to comment on it. The proposals and reports are published in the *Pennsylvania Bulletin* and West's *Atlantic Reporter* advance sheets. Comments are also solicited directly from various associations and court-related agencies, including the Special Court Judges Association of Pennsylvania, the Minor Judiciary Education Board and the Administrative Office of Pennsylvania Courts (AOPC).

All comments are considered and, when appropriate, proposals are modified before final submission to the Court. When the committee makes significant modifications to the initial draft of a proposal, the proposal may be republished for additional comments.

On occasion, proposals and reports may be submitted to the Court without publication, pursuant to Pennsylvania Rule of Judicial Administration 103(a)(3). This would occur in the interest of justice, when exigent circumstances

warrant prompt action or because the proposed changes are technical or perfunctory in nature.

If a recommendation is adopted by the Supreme Court, the committee prepares a final explanatory report for publication with the Court's order. While the Court does not adopt the contents of the report, the report is a useful source of information about the rule changes and the committee's considerations in developing the recommendation.

Web Site

The Minor Court Rules Committee publishes its rule proposals and explanatory reports, the Supreme Court's orders promulgating minor court rule changes, the text of the rule changes and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System Web site. These publications may be found on the Supreme Court Committees page at www.courts.state.pa.us. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available on this page.

Membership and Staff

Minor Court Rules Committee members are appointed by the Supreme Court to three-year terms and each may serve a maximum of two full terms. In 2002 the committee membership included both attorney and non-attorney district justices, a Common Pleas Court judge, a Philadelphia Municipal Court judge and an *ex officio* county special courts administrator, all from different geographical areas of the state.

A list of current committee members is also maintained on the Supreme Court Committees page of the Unified Judicial System Web site.

The committee maintains its office at the AOPC facility in Mechanicsburg.

2002 Activities

The committee held four meetings in 2002, in Hershey, Mechanicsburg, Pittsburgh and Kennett Square. At each meeting the committee conferred with AOPC staff on issues relating to the District Justice Automated System (DJS), the statewide computer system that links all of Pennsylvania's district justice courts. Counsel to the committee also participated in the educational programming at the conferences of the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

The committee reviewed and considered a number of new issues in 2002, descriptions of which follow.

Continuing Work

- Proposal to make uniform rules regarding the transfer of cases to and from other Pennsylvania courts, including the Philadelphia Municipal Court, when venue is found to be improper in the originating court. The proposal will now more broadly explore venue issues. Proposal and Report published at 32 *Pa.B.* 2318 (May 11, 2002).
- Working with the Administrative Office of Pennsylvania Courts on the design of certain "manual" forms, (i.e., forms not produced by the DJS), including the Notice of Appeal, Writ of Certiorari and Statement of Objection forms.
- Proposal to clarify the rules by expanding the list of defined terms in Rule 202 and consolidating the rules relating to subpoenas into one new rule.
- Proposal to further relax the rules of evidence in district justice proceedings to allow for the introduction of certain forms of documentary evidence without requiring the attendance of experts and other witnesses at civil and landlord-tenant hearings.

- Consideration of issues related to the procedures for appeal from judgments rendered by district justices. The committee is broadening the scope of its work.

New Issues

- Review of the Note to Rule 314 after it was reported to the committee that confusion may exist among the district justice courts as to what costs, if any, are to be charged when a civil complaint is reinstated pursuant to Rule 314E. Proposal and Report published at 32 *Pa.B.* 4032 (August 17, 2002).
- Review of Rule 420 when, in the course of designing and revising forms relating to other rule changes, it was brought to the committee's attention that the language in Rule 420B(2) was causing confusion about the relief a district justice may grant in connection with an objection to levy. Proposal and Report at 32 *Pa.B.* 5046 (October 12, 2002).
- Review of Rule 111 at the request of the Special Court Judges Association of Pennsylvania and in response to the passage of Act 2002-86. Act 86, *inter alia*, amended 42 Pa.C.S., §1512, to provide for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice. Proposal and Report published at 32 *Pa.B.* 5875 (November 30, 2002).
- Review of the Act of June 29, 2002 (P.L. 663, No. 100), which amended the Right-to-Know Law. Section 5 of the new act provides for bringing "an action in the local magisterial district" when a non-commonwealth agency has denied a request to provide public records. The committee noted that this provision essentially creates a new form of action in the district justice courts; however, the act provides no guidance as to how these actions are to be filed or how they are to proceed in the district justice courts. The committee believed, therefore, that new

procedural rules and the design of new forms would be necessary to implement the provision and to give district justices sufficient procedural guidance in handling these actions.

Section 5 of the act also provides that “[a] requester is entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached.” Because district justices do not routinely issue written decisions or opinions, the committee believed that implementation of this provision also would require new procedural rules and the design of new forms.

In the meantime, on December 12, 2002, the Supreme Court of Pennsylvania issued an order directing that proceedings under the act that would otherwise be filed before district justices “are hereby ASSIGNED TO AND SHALL BE COMMENCED IN the courts of common pleas, pending promulgation of necessary rules of practice and procedure to govern actions in local magisterial districts as provided for in said statute.” (Supreme Court of Pennsylvania Order No. 141, Magisterial Docket No. 1, Book No. 2 (December 12, 2002).) This temporary reassignment of these proceedings was intended to give the committee and the Court sufficient time to formulate and consider procedural rules while still making the relief available to requestors.

At the end of 2002, the committee was actively working on a proposal regarding this issue and planned to publish the proposal in early 2003.

- Proposal to clarify the definition of “attorney of record,” to establish procedures for an attorney to become the attorney of record in a matter and to create consistency in the

rules as to how various notices are to be sent to parties and their attorneys.

- Proposal to create a standardized civil case cover sheet to provide general procedural information to parties at the time a civil complaint is served. The committee learned that many district justices use such a cover sheet, but there is no standard format or content among the district justice courts.

In preparation for this project, the committee surveyed the Commonwealth’s district justices to gather samples of cover sheets currently in use. The committee received more than 115 responses to the survey. It will continue to work on this project into 2003.

- At the request of the Supreme Court, the committee reviewed and commented on the proposal to amend Rule 17, Supervision of District Justice Courts by President Judges, prepared by the Special Courts Administration Subcommittee of the Intergovernmental Task Force to Study the District Justice System.

The committee communicated regularly with the AOPC and with the Supreme Court’s other committees concerning various procedural matters in an ongoing effort to achieve uniformity and consistency among interrelated procedural and administrative matters. When appropriate, the committee formally commented on proposals put forth by other Supreme Court rules committees. The committee also maintained an ongoing dialogue with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

2002 Committee Action

The Supreme Court adopted seven committee recommendations in 2002. A chart indicating the status of the recommendations pending in 2002 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 2, Minor Court Rules 2001: Amendments to notes to Rules 314 and 504 to provide clarification regarding **dismissal and reinstatement of complaints** in civil and landlord-tenant matters. Approved in part and remanded in part. (Remanded portion resubmitted as Recommendation No. 1, Minor Court Rules 2002, discussed below.) Approved portion adopted 2-12-02, effective immediately. See Order and Final Report at 32 *Pa.B.* 1176 (March 2, 2002).

Recommendation No. 3, Minor Court Rules 2001: Renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments or revisions to the notes of Rules 306, 315, 324, 402, 514, 518, 1001 and 1007 to provide a procedural mechanism for the entry of **satisfaction** of money judgments. Adopted 4-5-02, effective 1-1-03. See Order and Final Report at 32 *Pa.B.* 2199 (May 4, 2002))

Recommendation No. 4, Minor Court Rules 2001: Amendment to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession after a *supersedeas* is terminated or a stay is lifted and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from **residential leases**. Adopted 4-5-02, effective 7-1-02. (See Order and Final Report at 32 *Pa.B.* 2207 (May 4, 2002).)

Recommendation No. 5, Minor Court Rules 2001: Amendment to Rule 305 to remove the implication in the rule that parties can obtain **legal advice** from district justices or court staff. Adopted 4-5-02, effective 7-1-02. (See Order and Final Report at 32 *Pa.B.* 2206 (May 4, 2002).)

Recommendation No. 1 Minor Court Rules 2002: Amendment to Rule 512 and revision of the note to Rule 514 to clarify that the plaintiff/landlord in a landlord-tenant case must appear

and give testimony, and that a district justice may not enter a default judgment in a **landlord-tenant case**. (See Recommendation No. 2 Minor Court Rules 2001, above.) Adopted 11-25-02, effective 7-1-03. (See Order and Final Report at 32 *Pa.B.* 6080 (December 14, 2002).)

Recommendation No. 2 Minor Court Rules 2002: Adoption of new Rule 212 to provide for the **design of forms**. Adopted 11-25-02, effective 1-1-03. (See Order and Final Report at 32 *Pa.B.* 6080 (December 14, 2002).)

Recommendation No. 3 Minor Court Rules 2002: Amendment to Rule 206 to clarify that a party who has been allowed to proceed *in forma pauperis* pursuant to Rule 206 is not required to pay service costs. Adopted 11-25-02, effective 1-1-03. (See Order and Final Report at 32 *Pa.B.* 6078 (December 14, 2002).)

Looking Ahead to 2003

The committee's top priority at the end of 2002 is to finalize its proposal to implement the provisions of the amended Right-to-Know Law regarding hearings before district justices. Also, the committee will place a high priority on its proposal to implement Act 2002-86 regarding the facsimile seal. Finally, it plans to continue considering proposals relating to appellate procedure and will also continue consideration of a standardized civil case cover sheet.

Contact Person

Anyone wanting additional information about the Minor Court Rules Committee or having questions about the Rules of Conduct, Office Standards and Civil Procedure for District Justices may contact the committee through its staff counsel, Michael F. Krimmel, Esq., by calling (717) 795-2018; writing to the committee at 5035 Ritter Road, Suite 700; Mechanicsburg, PA 17055; or e-mailing to minorcourt.rules@pacourts.us. AOPC

Recommendation	Status of Recommendations Subject	Status
2, 2001	Amendments to notes to Rules 314 and 504 to provide clarification regarding dismissal and reinstatement of complaints in civil and landlord-tenant matters	Submitted 5-22-01; approved in part and remanded in part. (Remanded portion resubmitted as Recommendation No. 1, 2002.) Approved portion adopted 2-12-02, effective immediately
3, 2001	Renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments to the notes of Rules 306, 315, 324, 402, 514, 518, 1001 and 1007 to provide a procedural mechanism for the entry of satisfaction of money judgments	Submitted 12-20-01; adopted 4-5-02, effective 1-1-03
4, 2001	Amendments to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession after a <i>supersedeas</i> is terminated or a stay is lifted and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from residential leases	Submitted 12-20-01; adopted 4-5-02, effective 7-1-02
5, 2001	Amendment to Rule 305 to remove the implication in the rule that parties can obtain legal advice from district justices or court staff	Submitted 12-20-01; adopted 4-5-02, effective 7-1-02
1, 2002	Amendment to Rule 512 and revision of note to Rule 514 to clarify that the plaintiff/landlord in a landlord-tenant case must appear and give testimony and that a district justice may not enter a default judgment in a landlord-tenant case (See Recommendation No. 2, 2001.)	Submitted 5-31-02; adopted 11-25-02, effective 7-1-03
2, 2002	Adoption of new Rule 212 to provide for the design of forms	Submitted 5-31-02; adopted 11-25-02, effective 1-1-03
3, 2002	Amendment to Rule 206 to clarify that a party who has been allowed to proceed <i>in forma pauperis</i> pursuant to Rule 206 is not required to pay service costs	Submitted 5-31-02; adopted 11-25-02, effective 1-1-03

Table 3.12.1