

**Minor  
Court  
Rules  
Committee**

**1999 Membership:**

Honorable Fred A. Pierantoni, III, *Chairman*  
Honorable Dennis R. Joyce  
Honorable Alberta Thompson  
Honorable Linda Baumunk  
Honorable Kenneth E. Deatelhauser  
Honorable Christine Sereni-Massinger  
Honorable Peter P. Simoni  
Michael F. Krimmel, *ex officio*

**Staff:**

David S. Price, Esq., *Liaison, Statewide Automation Project*

**Legal Authorization:**

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

District Court 11-1-04  
35 Broad Street  
Pittston, PA 18640  
(570) 655-0552

## History/Background

In 1990, pursuant to Pennsylvania Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2), issued April 17, 1990, the Minor Court Civil Procedural Rules Committee was reestablished as the Minor Court Rules Committee. The committee was charged by the Supreme Court with examining and evaluating the rules and standards regarding district justices' conduct, the rules and standards pertaining to the offices of district justices, and the rules of civil and criminal procedures for district justices.

The committee is comprised of seven members who serve terms of three years. Members may serve a maximum of three full terms.

## 1999 Activities

Throughout 1999 the committee considered many requests for rules changes. In response to these requests, the committee has taken the following actions:

- The committee published for comment a proposal to amend the Rules Governing the Emergency Relief Under the **Protection from Abuse Act** (Rules 1201 through 1211). These proposed changes provide for both substantive changes and clarifications and related "housekeeping" amendments to bring the rules into conformity with the Protection from Abuse Act and the Rules of Civil Procedure.
- The committee published for comment a proposal to amend Rules 307, 403, 405, 506, 508, and 516, which would allow a district justice to use any certified **constable** in the Commonwealth to perform service of complaints, orders, notices, etc., in counties with no certified constables and the sheriff is unwillingly to perform service.
- The committee published for comment a proposal to amend **Rule 1002** so that the phrase "**date of judgment**" would be replaced with "date of entry of the judgment" to eliminate any confusion regarding the intent of the rule.
- Upon request by the Civil Procedural Rules Committee the committee reviewed/commented on the civil rules committee's proposal to amend the procedure for an **appeal from a district justice judgment**.
- Upon request by the Criminal Procedural Rules Committee the committee reviewed/commented on **video preliminary arraignments** being conducted by Advanced Communication Technology.

The Court adopted the committee's proposal to amend Rule 317 (Subpoena of Witnesses), which provides for **Subpoenas Duces Tecum**; amend Rule 313 (Service Outside the Commonwealth), which provides what **form of service** is required when service of a complaint is attempted by certified or registered mail but returned marked "unclaimed"; and to adopt Rule 113 (Use of **Facsimile Signature**).

## Looking Ahead to 2000

The committee will review any comments it receives regarding the proposals that it published. It also expects to forward those proposals to the Court for consideration. The committee has begun to consider whether a judgment creditor at the request of the judgment debtor should be allowed and/or required to file a Notice of Satisfaction of Judgment with a district justice. Lastly, the committee has begun its search to hire a full time chief staff counsel, which the committee hopes to have in place in early 2000.

## Contact Person

Anyone wishing to contact the Minor Court Rules Committee may call the chairman, District Justice Fred A. Pierantoni, III, at (570) 655-0552 or write to him at District Court 11-1-04; 35 Broad Street; Pittston, PA 18640.

