

## 2006 Membership

Honorable Thomas E. Martin, Jr., *Chair*\*  
Honorable M. Kay DuBree, *Chair*\*\*  
Honorable Robert S. Blasi  
Aileen Bowers, Esq., *ex officio*  
Honorable Mark A. Bruno++  
Honorable Blaise P. Larotonda++  
Honorable Timothy Patrick O'Reilly+  
Honorable Thomas A. Placey  
Honorable Henry J. Schireson  
Honorable Carla M. Swearingen

## Staff

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

- \* Term expired 8-9-06
- \*\* Appointed chair effective 8-9-06
- + Term expired 9-6-06
- ++ Appointed effective 9-20-06
- # Resigned 11-3-06

## Legal Authorization

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

## About the Committee

The Minor Court Rules Committee examines and evaluates the rules and standards governing practice and procedure in Pennsylvania's magisterial district judge courts. It reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect magisterial district judge procedure and necessitate amendments to the rules or other action by the Supreme Court.

**Minor**

**Court**

**Rules**

**Committee**

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Index/SupCtCmtes/mcrc/  
indexmcrc.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp)

## Reports

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 on the Unified Judicial System's Web site at [www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp). 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, the Pennsylvania Association of Court Management 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

In addition to its rule proposals and reports, the committee publishes the Supreme

Court's orders promulgating rule changes, the text of the rule changes and the "Final Reports" on the Unified Judicial System Web site. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available.

## 2006 Activities

The committee held four meetings in 2006. At each it conferred with AOPC staff on issues relating to the Magisterial District Judge System, the statewide computer system that links all of Pennsylvania's district courts.

The committee reviewed and considered a number of issues in 2006, including the following:

- a joint project with the Criminal Procedural Rules Committee to study the question of whether magisterial district judges may issue **subpoenas in blank**. In July 2006 the committee submitted a recommendation to the Court to amend Rule 214.
- a proposal to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend in civil actions**. The committee published a proposal to amend Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to, among other things, require that the defendant in a civil action file a simplified answer to the plaintiff's complaint before a hearing date is set. Published at Volume 35, *Pa.B.*, page 2258 (April 16, 2005).
- a proposal to amend Rule 112 to further provide for **availability and temporary assignments of magisterial district judges**. Submitted to the Court 5-06.
- a comprehensive review of issues surrounding **appeals from district courts**.

In addition, 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 dialog with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

## 2006 Committee Action

The committee submitted four recommendations for consideration by the Supreme Court in 2006. The Court approved three recommendations, and three others were pending at the end of the year. A chart indicating the status of the recommendations in 2006 follows this report.

### *Recommendations Adopted by the Supreme Court*

**Recommendation No. 3, Minor Court Rules 2004:** Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514 and adoption of new Rule 207.1 regarding **definitions, representation in district court proceedings, attorneys of record and notices.** Adopted 6-1-06, effective 10-1-06.

**Recommendation No. 1, Minor Court Rules 2005:** Amendments to Rules 19 and 21 to impose a two-year limitation on the certification of a person who has successfully completed the **course of training and instruction** and passed the examination, but has not served as a magisterial district judge, bail commissioner or judge of the Philadelphia Traffic Court. Adopted 3-8-06, effective 7-1-06.

**Recommendation No. 1, Minor Court Rules 2006:** Amendment to the Official Note to Rule 1201 to add a cross-reference to the **Older Adult Protective Services Act.** Amendment to

Rule 1202 to expand the **definition** of "hearing officer." Adopted 7-7-06, effective immediately.

### *Recommendations Pending with the Supreme Court*

**Recommendation No. 2, Minor Court Rules 2006:** Amendments to Rules 410, 412 and 418 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to provide for a **stay of execution** at the request of the plaintiff, for **limits on the amount of time property can be subject to levy**, and for additional posting of the **notice of sale.** Submitted to the Court on 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2006.

**Recommendation 3, Minor Court Rules 2006:** Amendment to Rule 112 of the Rules of Conduct for Magisterial District Judges to provide for temporary assignment and availability of magisterial district judges in **civil and possessory matters.** Submitted to the Court 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2006.

**Recommendation 4, Minor Court Rules 2006:** Amendment to Rule 214 of the Rules of Conduct for Magisterial District Judges to further provide for the issuance and service of **subpoenas** allowing, in certain circumstances, for the issuance of a subpoena by the attorney of record for a party. Submitted 7-27-06.

## Looking Ahead to 2007

In 2007 the committee will finalize a proposal to require the defendant in a civil action to file a simplified answer to the plaintiff's complaint and to file any counterclaim before an initial hearing date is set in the case. The committee will also continue to work with the Civil and Criminal Procedural Rules committees on a number of matters of mutual concern.

<b>Status of Recommendations</b>		
<b>Recommendation</b>	<b>Subject</b>	<b>Status</b>
2, 2003	Implementation of the provisions of the Act of June 29, 2002 (P.L. 663, No. 100), the Right-to-Know Law	Submitted 4-17-03; per Supreme Court order of 5-16-06, all right-to-know actions are assigned to the Common Pleas courts
3, 2004	Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514, new Rule 207.1 regarding definitions, representation in district court proceedings, attorneys of record and notices	Submitted 8-10-04; adopted 6-1-06, effective 10-1-06
4, 2004	Renaming Chapter 400, new rule 401.1 to further provide for enforcement of judgments, assignment of judgments and parties	Submitted 12-22-04; adopted 5-17-05, effective 7-1-06
1, 2005	Amendments to Rules 19 and 21 regarding certification of a person who has successfully completed training and passed the examination, but has not served as a magisterial district judge, bail commissioner or Philadelphia Traffic Court judge	Submitted 7-21-05; revised recommendation submitted 12-22-05; adopted 3-8-06, effective 7-1-06
1, 2006	Amendment to the Official Note to Rule 1201 and to Rule 1202 to cross reference the Older Adult Protective Services Act and add an expanded definition of "hearing officer"	Submitted 5-9-06; adopted 7-7-06, effective immediately
2, 2006	Amendments to Rules 410, 412 and 418 to provide for a stay of execution at the request of the plaintiff, for limits on the amount of time property can be subject to levy and for additional posting of the notice of sale	Submitted 5-26-06; returned to committee for further work
3, 2006	Amendment Rule 112 to provide for temporary assignment and availability of magisterial district judges in civil and possessory matters	Submitted 5-26-06; returned to committee for further work
4, 2006	Amendment to Rule 214 to further provide for the issuance and service of subpoenas	Submitted 7-27-06

**Table 3.12.1**