

2007 Membership

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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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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.pacourts.us, under the Supreme Court Committees tab. 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.

2007 Activities

The committee held four meetings in 2007. At each it conferred with AOPC staff on issues relating to the Magisterial District Judge System (MDJS), the statewide computer system that links all of Pennsylvania's district courts.

2007 Committee Action

The committee submitted one recommendation for consideration to the Supreme Court in 2007. The Court approved one recommendation and denied one. Several other recommendations were published for comment. A chart indicating the status of the recommendations in 2007 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 3 of 2006: Amendment to Rule 112 to provide for temporary assignment and availability of magisterial district judges in **civil and possessory matters**. Adopted 4-18-07, effective 5-18-07.

Recommendations Pending with the Supreme Court

Recommendation No. 1 of 2007: Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend in civil actions**. Submitted to the Court 5-07.

Recommendations Denied by the Supreme Court

Recommendation No. 4 of 2006: Amendment to Rule 214 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. Denied 6-25-07.

Recommendations Pending with the Committee

Recommendation No. 2 of 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 to the Court 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2007.

Recommendations Published for Comment

Rule 110: Amendment to require **bonding of assigned senior magisterial district judges**. Published at Volume 37, *Pennsylvania Bulletin*, page 6744 (December 22, 2007).

Rules 13, 14 and 15: Amendments to clarify that a **magisterial district judge who also is an attorney** cannot serve as a paid arbitrator. First published at Volume 33, *Pennsylvania Bulletin*, page 745 (February 8, 2003) and republished at Volume 37, *Pennsylvania Bulletin*, page 6902 (December 29, 2007).

Note to Rule 506: Amendments to create a reference to **wage garnishment**. Published at Volume 37, *Pennsylvania Bulletin*, page 6905 (December 29, 2007).

Notes to 341 & 342: Amendments to clarify that the person who is requesting entry of **satisfaction** is the individual responsible for payment of any costs associated with his or her request. Published at Volume 37, *Pennsylvania Bulletin*, page 6745 (December 22, 2007).

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.

Looking Ahead to 2008

In 2008 the committee plans to work on the following:

- amending the rules to more fully embrace modern technology in the magisterial district courts. Electronic signature of mail receipt and advanced communication technology are two issues in particular the committee will take up.
- consideration of including language in the rules granting continuances to military personnel who have cases before magisterial district judges
- working with the AOPC on issues related to the MDJS rewrite.

AOPC

Status of Recommendations		
Recommendation	Subject	Status
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 to Rule 112 to provide for temporary assignment and availability of magisterial district judges in civil and possessory matters	Submitted 5-26-06; adopted 4-18-07, effective 5-18-07
4, 2006	Amendment to Rule 214 to further provide for the issuance and service of subpoenas	Submitted 7-27-06; denied 6-25-07
1, 2007	Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of scheduling hearing dates and to further provide for notice of intention to defend in civil actions	Submitted 5-10-07; pending with Court

Table 3.12.1