

**Minor
Court
Rules
Committee**

2003 Membership:

Honorable Thomas E. Martin, Jr., *Chairman*
Honorable Robert S. Blasi
Aileen Bowers, Esq., *ex officio*
Honorable M. Kay DuBree
Honorable Robert V. Manlove
Honorable Timothy Patrick O'Reilly
Honorable Henry J. Schireson
Honorable Carla M. Swearingen

Staff:

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Legal Authorization:

Pa. Constitution, Article V, § 10(c)
Supreme Court 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 district justice courts. It 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 Supreme Court.

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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 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 reports, 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. These documents 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.

2003 Activities

The committee held five meetings in 2003 (one having been rescheduled from December 2002 because of inclement weather): in Farmington (two meetings), State College, Wilkes-Barre and Philadelphia.

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 considered a number of issues in 2003 as follows:

- a proposal to clarify the conduct rules regarding **attorney district justices** serving as arbitrators in contractual arbitration cases, and to enhance the readability of Rules 13, 14 and 15. Published at Volume 33, *Pennsylvania Bulletin*, page 745 (February 8, 2003).
- a proposal regarding Rule 416 and the distribution of **proceeds of a sale**. Published at Volume 33, *Pennsylvania Bulletin*, page 5076 (October 11, 2003).
- continued work on a 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. In addition, the committee expanded the proposal to address issues related to Rule 207 and **representation** in district justice proceedings. Published at Volume 33, *Pennsylvania Bulletin*, page 4892 (October 4, 2003).

- beginning work, at the direction of the Supreme Court, on a joint project with the Criminal Procedural Rules Committee to study the question of whether district justices may issue **subpoenas** in blank.
- the start of a **review of local rules** governing practice before district justices
- correspondence with the Civil Procedural Rules Committee regarding 42 Pa.C.S., § 8127 (Act 215-2002) and attachment of wages for damages resulting from residential **landlord-tenant** cases.

2003 Committee Action

The committee submitted six recommendations to the Supreme Court in 2003. The Court approved three recommendations, and three were pending at the end of the year. A chart indicating the status of the recommendations in 2003 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 1, Minor Court Rules 2003: Amendment to Rule 111 to provide for the use of a facsimile or preprinted **seal** in lieu of an original seal on documents signed by a district justice. Adopted 4-15-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 2167 (May 3, 2003).

Recommendation No. 3, Minor Court Rules 2003: Amendment to Rules 302 and 314 to provide clarification regarding **venue** and transfer of cases to and from other courts when venue is found to be improper in the originating court. Adopted 7-3-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 3491 (July 19, 2003).

Recommendation No. 4, Minor Court Rules 2003: Amendment to Rules 202 and 421, adoption of new Rules 213 and 214, and rescinding of Rules 317 and 510 to add definitions and provide for **subpoenas** to attend and testify in civil and landlord-tenant proceedings before district justices. Adopted 9-3-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 4663 (September 20, 2003).

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2003: New rules to implement the provisions of Act 100 of 2002, which amended the **Right-to-Know Law**. Submitted to the Court 4-17-03.

Recommendation No. 5, Minor Court Rules 2003: Amendment to Rule 314 to provide clarification regarding the costs for **reinstating a civil complaint** and to make other technical changes to the rule. Submitted to the Court 5-1-03.

Recommendation No. 6, Minor Court Rules 2003: Amendment to Rule 420 to provide clarification regarding the relief a district justice may grant in connection with objections to **levy** and to make other technical changes. Submitted to the Court 5-1-03.

Looking Ahead to 2004

The committee's main focus at the beginning of 2004 will be on its proposal regarding attorneys of record and representation in district justice proceedings. The committee will also continue to work with the Civil and Criminal Procedural Rules Committees on a number of matters of mutual concern. AOPC

| Status of Recommendations | | |
|----------------------------------|---|-----------------------------------|
| Recommendation | Subject | Status |
| 1, 2003 | Amendment to Rule 111 to provide for use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice | Adopted 4-15-03, effective 1-1-04 |
| 2, 2003 | Recommendation to implement Act 100 of 2002, the Right-to-Know Law | Submitted 4-17-03 |
| 3, 2003 | Amendment to Rules 302 and 314 to provide clarification regarding venue and transfer of cases to and from other courts when venue is found to be improper in the originating court | Adopted 7-3-03, effective 1-1-04 |
| 4, 2003 | Amendment to Rules 202 and 421, adoption of new Rules 213 and 214, and rescission of Rules 317 and 510 to add definitions and provide for subpoenas to attend and testify in civil and landlord-tenant proceedings before district justices | Adopted 9-3-03, effective 1-1-04 |
| 5, 2003 | Recommendation to amend Rule 314 to provide clarification regarding costs for reinstating a civil complaint; other technical changes | Submitted 5-1-03 |
| 6, 2003 | Recommendation to amend Rule 420 to provide clarification regarding relief a district justice may grant in connection with objections to levy; technical changes | Submitted 5-1-03 |

Table 3.12.1