

**Minor  
Court  
Rules  
Committee**

**2001 Membership:**

Honorable Fred A. Pierantoni, III, *Chairman*  
Honorable Linda Baumunk  
Aileen Bowers, Esq., *ex officio*\*  
Honorable Kenneth E. Deatelhauser  
Honorable Thomas E. Martin, Jr.  
Honorable Timothy Patrick O'Reilly  
Honorable Christine A. Sereni-Massinger  
Honorable Carla M. Swearingen\*\*  
Honorable Alberta Thompson

\* Effective 5-8-01

\*\* Effective 8-28-01

**Staff:**

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

\* Effective 6-4-01

**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 completing a rule proposal for submission as 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 No. 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](http://www.courts.state.pa.us).

## 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 2001 the committee had as members both attorney and non-attorney district justices, a Common Pleas 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 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.

## 2001 Activities

The committee held four meetings in 2001, in Hershey, Seven Springs, State College and Erwinna. At each meeting the committee conferred with AOPC staff on issues relating to the District Justice Automated System, 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 2001 including the following:

- a general rule to provide for the design of forms used in district justice civil and landlord/tenant proceedings. The committee published a proposal and Report concerning this issue in December 2001. In addition, it worked with AOPC staff to develop new automated forms and to review and update other forms used in district justice proceedings.
- a 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. The committee published a proposal and Report concerning this issue in December 2001.
- amendments to Rule 206 to clarify that parties proceeding *in forma pauperis* are not required to pay service costs and to make additional improvements to that rule. The committee published a proposal and Report concerning this issue in October 2001.
- a 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.

- The committee broadened the scope of its ongoing 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. The committee expects to publish this proposal for comment in 2002.
- The committee also broadened the scope of its ongoing consideration of issues related to the procedures for appeal from judgments rendered by district justices. The committee hopes to publish one or more proposals related to these issues in 2002.

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.

## 2001 Committee Action

The Supreme Court adopted five committee recommendations in 2001. A number of other recommendations remained pending with the Court. A chart indicating the status of the recommendations pending in 2001 follows this report.

### *Recommendations Adopted by the Supreme Court*

**Recommendation No. 1, Minor Court Rules 2000:** Amendments to Rules 1201-1211 relating to **emergency relief** under the Protection From Abuse Act. Adopted 11-2-01, effective

2-1-02. (See order and “Final Report” at 31 *Pa.B.* 6385 (November 24, 2001).)

**Recommendation No. 2, Minor Court Rules 2000:** Amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516, and 811 to provide for service of process by certified **constables** or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is located in cases where the district justice has no certified constables in the county. Adopted 7-16-01, effective 8-1-01. (See order and Final Report at 31 *Pa.B.* 4166 (August 4, 2001).)

**Recommendation No. 4, Minor Court Rules 2000:** Amendment to Rule 113 to further provide for the use of a **facsimile signature** on certain documents. Adopted 7-23-01, effective 9-1-01. (See order and Final Report at 31 *Pa.B.* 4391 (August 11, 2001).)

**Amendatory Order to Correct Order No. 121, Magisterial Docket No. 1, Book No. 2:** Correction of a typographical error in Rule 213 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted 12-6-99, effective 7-1-00). Amendatory order entered 2-5-01, effective immediately.

**Recommendation No. 1, Minor Court Rules 2001:** Amendments to Rules 7 and 112 to correct cross-references to the newly renumbered Rules of Criminal Procedure. Adopted 3-6-01, effective 4-1-02. (See order and Final Report at 31 *Pa.B.* 1556 (March 24, 2001).)

*Recommendations Pending with the Supreme Court*

**Recommendation No. 2, Minor Court Rules 2001:** Proposed amendments to Rules 314, 504, 512, and 514 to clarify that the entry of a **default judgment** is prohibited in actions for the recovery of real property (landlord and tenant actions) and make clarifications regarding

the dismissal and reinstatement of complaints. (See Report at 30 *Pa.B.* 6547 (December 23, 2000).)

**Recommendation No. 3, Minor Court Rules 2001:** Proposed 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 and make other related changes. (See Report at 31 *Pa.B.* 1319 (March 10, 2001) and revised Report 31 *Pa.B.* 4528 (August 18, 2001).)

**Recommendation No. 4, Minor Court Rules 2001:** Proposed amendment to Rules 403, 515, 516 and 519 to further provide for the issuance and reissuance of orders of execution and orders for possession and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from **residential leases**. (See Report at 31 *Pa.B.* 4392 (August 11, 2001).)

**Recommendation No. 5, Minor Court Rules 2001:** Proposed amendment to Rule 305 to remove the implication in the rule that parties can obtain **legal advice** from district justices or court staff. (See Report at 31 *Pa.B.* 5794 (October 20, 2001).)

## Looking Ahead to 2002

The committee plans to continue considering proposals relating to appellate procedure, venue, evidence, subpoenas, and the design and updating of forms. The committee also plans a comprehensive review of the 200 series rules to consider possible amendments to consolidate certain rules that pertain to both civil actions and landlord/tenant actions. In addition, the committee plans a comprehensive review of the 800 series rules to recommend needed updates and possibly to provide rules to deal with deceased litigants.

**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@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us). **AOPC**

Recommendation	Status of Recommendations Subject	Status
1, 2000	Amendments to Rules 1201-1211 relating to emergency relief under the Protection From Abuse Act	Adopted 11-2-01, effective 2-1-02
2, 2000	Amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified constables or certified deputy constables	Adopted 7-16-01, effective 8-1-01
4, 2000	Amendment to Rule 113 to further provide for use of a facsimile signature on certain documents	Adopted 7-23-01, effective 9-1-2001
Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2	Corrects a typographical error in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000)	Entered 2-5-01, effective immediately
1, 2001	Amendments to Rules 7 and 112 to correct cross-references to the newly renumbered Rules of Criminal Procedure	Adopted 3-6-01, effective 4-1-01
2, 2001	Proposed amendments to Rules 314, 504, 512, and 514 to clarify that entry of a default judgment is prohibited in actions for the recovery of real property (landlord and tenant actions) and make clarifications regarding dismissal and reinstatement of complaints	Submitted 5-22-01; pending before Court
3, 2001	Proposed renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments to 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 and make other related changes	Submitted 12-20-01; pending before Court

continued...

Table 3.11.1

<b>Status of Recommendations, continued</b>		
<b>Recommendation</b>	<b>Subject</b>	<b>Status</b>
4,001	Proposed amendments to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession 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; pending before Court
5,2001	Proposed 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; pending before Court

**Table 3.11.1, cont'd.**