

**Minor
Court
Rules
Committee**

1997 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
(717) 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. It also recommends to the Court new rules it concludes should be adopted or current rules that should be amended.

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

1997 Activities

Throughout 1997 the committee considered many requests for rules changes. The following is to an overview of some of the rule changes that the committee is contemplating:

- Proposed Rule 113 would allow a district justice to use a **facsimile signature** in lieu of an original signature on certain documents. This would allow district justices to use signature stamps instead of their original signatures for routine clerical functions.
- The committee is reviewing a possible change to Rule 317 to allow for **individuals to be subpoenaed** to produce documents and/or items which are in their possession and/or under their control.
- The committee made a recommendation to the Court to adopt an amendment to the Note to Rule 1002 that would clarify the period a party may appeal from the money portion of

a judgment and/or an order of possession, in a landlord/tenant judgment involving a **residential lease**. This review was prompted by the decision of the Superior Court in *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa.Super. 1997).

- The committee is reviewing a proposal to amend Rule 402(d) to state that a **district justice's judgment** may be entered in the Court of Common Pleas after 30 days from the date the judgment is entered by the district justice, but no later than five years after the judgment is entered by the district justice. Moreover, a district justice's judgment could not be renewed or revived.
- Other issues the committee is considering are possible amendments to Rule 1104 regarding **appeal periods** in matters involving a cross-complaint and an amendment to Rule 313 involving **service of a complaint** outside of the Commonwealth.

Looking Ahead to 1998

The committee expects to make a recommendation to the Court to adopt the proposed facsimile signature rule, Rule 113, as well as the changes to Rule 317 regarding document subpoenas. In addition, the committee plans to review the Protection of Abuse Rules and to further review Rule 1002 (Time and Method of Appeal).

Contact Person

Anyone wishing to contact the Minor Court Rules Committee may call the chairman, District Justice Fred A. Pierantoni, III, at (717) 655-0552 or write to him at District Court 11-1-04; 35 Broad Street; Pittston, PA 18640.

