

2005 Membership:

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

* Term expired 4-1-05

** Appointed effective 4-26-05

Staff:

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

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.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.

2005 Activities

The committee held four meetings in 2005. 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 2005, including the following:

- a proposal to amend Rules 410 and 412 to make technical amendments concerning the **execution of judgments for money**. Published at Volume 35, *Pa.B.*, page 245 (January 8, 2005).
- a joint project with the Criminal Procedural Rules Committee to study the question of whether magisterial district judges may issue **subpoenas in blank**. The committee published a proposal to amend Rule 214 to provide, in certain circumstances, for the issuance of subpoenas in blank. The proposal was first published at Volume 35, *Pa.B.*, page 1560 (March 5, 2005). A revised version and a supplemental report were published at Volume 35, *Pa.B.*, page 5679 (October 15, 2005).
- a proposal to amend Rule 110 to increase the minimum amount of the **bond** each magisterial district judge must file in accordance with the rule. Published at Volume 35, *Pa.B.*, page 1974 (April 2, 2005).
- 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**. Published at Volume 35, *Pa.B.*, page 4306 (August 6, 2005).
- 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.

2005 Committee Action

The committee submitted three recommendations for consideration by the Supreme Court in 2005. 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 2005 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 4, Minor Court Rules 2004: Renaming of Chapter 400 and adoption of new rule 401.1 to further provide for

enforcement of judgments, assignment of judgments and parties. Adopted 5-17-05, effective 7-1-06. See Order and Final Report at 35 *Pa.B.* 3218 (June 4, 2005).

Recommendation No. 2, Minor Court Rules 2005: Amendment to Rule 13 to provide clarification regarding the application of Rule 13 to **constables** by removing the reference to constables from the rule. Adopted 11-1-05, effective immediately. See Order at 35 *Pa.B.* 6318 (November 19, 2005).

Recommendation No. 3, Minor Court Rules 2005: Amendment to Rule 110 to increase the minimum **bond** amount required for each magisterial district judge. Adopted 10-27-05, effective 1-1-06. See Order and Final Report at 35 *Pa.B.* 6228 (November 12, 2005).

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2003: Adoption of new rules to implement certain provisions of the Act of June 29, 2002 (P.L. 663, No. 100), which amended the **Right-to-Know Law**. Submitted 4-17-03.

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**. Submitted 8-10-04.

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. Originally submitted 7-21-05. Revised recommendation submitted 12-22-05.

Looking Ahead to 2006

In 2006 the committee will be devoting considerable time to a proposal to make comprehensive changes to the rules governing

appeals from district courts. 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
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; pending with Court
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; pending with Court
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
2, 2005	Amendment to Rule 13 to provide clarification regarding the application of Rule 13 to constables by removing the reference to constables from the rule	Submitted 7-25-07; adopted 11-1-05, effective immediately
3, 2005	Amendment to Rule 110 to increase the minimum bond amount required for each magisterial district judge	Submitted 7-25-05; adopted 10-27-05, effective 1-1-06

Table 3.12.1