

**Minor  
Court  
Rules  
Committee**

**2004 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:**

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

**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.

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](http://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.

## 2004 Activities

The committee held four meetings in 2004.

The committee considered a number of issues in 2004 as follows:

- a proposal to amend Rule 209 and rescind Rules 320 and 511 to simplify and consolidate the rules relating to **continuances**. Published at 34 *Pa.B.*, page 480 (January 24, 2004).
- a proposal to amend or revise the Official Notes to Rules 1006, 1007, 1008, 1011 and 1013 to clarify that if an **award or judgment** has been entered in the Court of Common Pleas following *de novo* appellate proceedings, the case shall remain in the Court of Common Pleas and no further process, including orders of execution and orders for possession, may be issued by the district justice. Published at 34 *Pa.B.*, page 1933 (April 10, 2004).
- a proposal to rename Chapter 400 and adopt a new Rule 401.1 to provide for the **assignment of civil judgments**. Published at 34 *Pa.B.*, page 4022 (July 31, 2004).
- continued work on a joint project with the Criminal Procedural Rules Committee to study the question of whether district justices may issue **subpoenas** in blank.
- a review, in conjunction with the Civil Procedural Rules Committee (CPRC), of issues surrounding **appeals from district courts**.

- a proposal to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend** in civil actions.
- correspondence with the CPRC regarding the CPRC's proposed Recommendation No. 190 governing the **attachment of wages, salary, and commissions** to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code.
- three recommendations of the 2001 Inter-governmental Task Force to Study the District Justice System that were referred to the committee by the Supreme Court.
- revisions to the rules in response to the passage of Act 207-2004 (SB904, PN1905), which changed the title "district justice" to "magisterial district judge" effective 1-29-05.

## 2004 Committee Action

The committee submitted four recommendations to the Supreme Court in 2004. The Court approved four recommendations. Three others were pending at the end of the year. A chart indicating the status of the recommendations in 2004 follows this report.

### *Recommendations Adopted by the Supreme Court*

**Recommendation No. 5, Minor Court Rules 2003:** Amendment to Rule 314 to provide clarification regarding costs for **reinstating a complaint** and to make other technical amendments. Adopted 4-22-04, effective 7-1-04. See Order and Final Report at 34 *Pa.B.* 2464 (May 8, 2004).

**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.

Adopted 4-22-04, effective 7-1-04. See Order and Final Report at 34 *Pa.B.* 2465 (May 8, 2004).

**Recommendation No. 1, Minor Court Rules 2004:** Amendment to Rule 209 and rescinding Rules 320 and 511 to further provide for and consolidate the rules regarding **continuances**. Submitted 4-24-04. Adopted 12-16-04, effective 7-1-05. See Order and Final Report at 35 *Pa.B.* 10 (January 1, 2005).

**Recommendation No. 2, Minor Court Rules 2004:** Amendment to Rule 416 to provide clarification regarding distribution of **proceeds of sale**. Submitted 8-4-04. Adopted 10-26-04, effective 1-1-05. See Order and Final Report at 35 *Pa.B.* 10 (January 1, 2005).

### *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. 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. 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**. Submitted 12-22-04.

## Looking Ahead to 2005

The committee's main focus at the beginning of 2005 will be continued revisions to the rules in response to the passage of Act

207-2004. In addition, the committee will be devoting considerable time to its proposal to change the method of scheduling hearing dates and to further provide for notice of intention to

defend in civil actions. It will also continue to work with the Civil and Criminal Procedural Rules Committees on a number of matters of mutual concern. AOPC

<b>Status of Recommendations</b>		
<b>Recommendation</b>	<b>Subject</b>	<b>Status</b>
2, 2003	Implementation of Act 100 of 2002, the Right-to-Know Law	Submitted 4-17-03
5, 2003	Amendment to Rule 314 to provide clarification regarding costs for reinstating a civil complaint; other technical changes	Adopted 4-22-04, effective 7-1-04
6, 2003	Amendment to Rule 420 to provide clarification regarding relief a district justice may grant in connection with objections to levy; technical changes	Adopted 4-22-04, effective 7-1-04
1, 2004	Amendment to Rule 209, rescission of Rules 320 and 511 to further provide for and consolidate the rules regarding continuances	Adopted 12-16-04, effective 7-1-05
2, 2004	Amendment to Rule 416 to provide clarification regarding distribution of proceeds of sale	Adopted 10-26-04, effective 1-1-05
3, 2004	Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514, adoption of new Rule 207.1 regarding definitions, representation in district court proceedings, attorneys of record and notices	Submitted 8-10-04
4, 2004	Renaming of Chapter 400, adoption of new rule 401.1 to further provide for enforcement of judgments, assignment of judgments and parties	Submitted 12-22-04

**Table 3.12.1**