

Rule 214. Subpoena; Issuance; Service.

[A.] (A) Magisterial district judges may issue subpoenas throughout the Commonwealth. Magisterial district judges shall not issue subpoenas in blank.

[B.] (B) Upon the request of a party proceeding pro se, the authorized representative of a party, or an attorney of record, the magisterial district judge may issue a subpoena signed and under the seal of the magisterial district judge. The magisterial district judge shall specify in the subpoena the name and address for service of the person subpoenaed; the name of the party on whose behalf the person is being ordered to testify; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.

(1) The party, authorized representative, or attorney of record requesting the subpoena shall provide the magisterial district court with the information required in paragraph (B).

(2) If the subpoena is to be issued, the magisterial district court shall fill in the information provided and return it to the requestor for service.

[C.] (C) A subpoena may be served upon any person within the Commonwealth by a competent adult

(1) by handing a copy to the person; or

(2) by handing a copy

(a) at the residence of the person to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of such residence; or

(b) at the residence of the person to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging at which the person resides; or

(c) at any office or usual place of business of the person to the person's agent or other person for the time being in charge thereof.

(D) The person making service of a subpoena must file a return of service form in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.

(E) If a subpoenaed witness is under the age of 18, the parent or guardian of the witness shall be served with a copy of the subpoena in the same manner as prescribed in paragraph (C).

Note: [See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a).]

[The] When issuing a subpoena, the magisterial district judge has discretion to limit the scope of **[subpoenas] the subpoena** to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

[Magisterial district judges may not issue subpoenas in blank.]

Paragraph (D) provides for filing by facsimile transmission. It is the intent of these rules that filing documents by facsimile transmission is permitted only when expressly provided for in the rules. Paragraph D also provides for use of a form promulgated by the Court Administrator of Pennsylvania.

Paragraph (E) provides that parties choosing to subpoena witnesses under the age of 18 must alert the magisterial district court of the witness' age and are responsible for any additional service costs.

See Rule 202 for definitions of "subpoena" and "attorney of record." Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107. See also Rule 207 regarding representation by an authorized representative.

For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137. See also Pa.R.Crim.P. 140-142.

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