

FINAL REPORT

Amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct for Magisterial District Judges

GENERAL PROHIBITION ON PARTISAN POLITICAL ACTIVITY AND PERMITTED POLITICAL ACTIVITY PRIOR TO INITIATION OF CAMPAIGN

On December 29, 2010, effective immediately, upon recommendation of the Minor Court Rules Committee¹, the Supreme Court of Pennsylvania approved amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges.²

I. Background and Discussion

The Minor Court Rules Committee (“the Committee”) was contacted by the chair and vice-chair of the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania with a request to discuss possible amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges (“Rule 15”) to clarify the point in time at which magisterial district judges and candidates for such office may begin undertaking otherwise prohibited political activity prior to the formal start of campaign activities. While considering those amendments, the Committee also examined the undefined term “partisan political activity,” and drafted a non-inclusive definition to clarify the prohibition on such activity.

The Committee reviewed Rule 15C, which provides that “[m]agisterial district judges or candidates for such offices may *in the year they run for office*” engage in otherwise prohibited political activities. (Emphasis added.) The Committee found the phrase “in the year they run” ambiguous, and agreed that setting a date certain for the permissible initiation of political activities would clarify the matter for both incumbents and candidates.

During its discussion of Rule 15, the Committee examined the term “partisan political activity” as used in Rule 15B(2). The Committee noted that it was not a defined term, and endeavored to draft a non-inclusive definition of “partisan political activity” to aid magisterial district judges in identifying proscribed conduct.

¹ Minor Court Rules Committee Recommendation 1-2010.

² Supreme Court of Pennsylvania Order No. 270, Magisterial Docket, (December 29, 2010).

II. Approved Rule Changes

The Committee proposed (1) adding a definition of “partisan political activity” to Rule 15, and (2) amending the permitted period for engaging in political activities to “immediately following the General Election in the year prior to the calendar year in which they may become a candidate for such office.” Because the recommendation provides clarification to magisterial district judges and candidates for office, the Committee respectfully recommended that the Court make changes immediately effective upon adoption.