

FINAL REPORT¹

Amendment to Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

FACSIMILE SEAL

On April 15, 2003, effective January 1, 2004, upon the recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania amended Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.³

I. Background

The Committee reviewed Rule 111 at the request of the Special Court Judges Association of Pennsylvania (SCJAP), and in response to the passage of Act 2002-86.⁴ Act 86, *inter alia*, amended Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512, to provide for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice.⁵

In 2001, the SCJAP had contacted the Committee and suggested that Rule 111 of the Rules and Standards with Respect to Offices of District Justices be amended to provide for the use of a facsimile seal on documents produced by the District Justice Automated System (DJS), similar to the automated facsimile signature provided for in Rule 113. The SCJAP noted that facsimile or preprinted seals are routinely used on documents originating in the courts of common pleas. In addition, the SCJAP asserted that the use of a facsimile seal would increase the efficiency of the district justice courts and would save money by reducing the number of costly engraved seals needed in the courts. While the Committee saw merit in the SCJAP's suggestion, the Committee, at that time, declined to propose such an amendment to Rule 111 because the statutory scheme relating to judicial seals did not appear to allow the use of a facsimile seal at the district justice level.

Specifically, the Committee noted that district justice seals are governed by statute, Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512 (Seal), and by court rule,

¹ The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

² Recommendation No. 1 Minor Court Rules 2003.

³ Supreme Court of Pennsylvania Order No. 194, Magisterial Docket No. 1, Book No. 2 (April 15, 2003).

⁴ The Act of June 28, 2002 (P.L. 518, No. 86) [hereinafter Act 86].

⁵ *Id.* §1.

Rule 111 of the Rules and Standards with Respect to Offices of District Justices (Seal). Section 1512, *at that time*, stated, “[e]ach magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be **engraved** on the seal such inscription as may be specified by general rule.” 42 Pa.C.S. § 1512 (West 1981) (emphasis added).

Rule 111 is based on the statute, and prior to the April 15, 2003 amendment stated:

Each magisterial district shall have and use a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of said district justice shall be authenticated therewith. There shall be **engraved** on such seal the same device as is engraved on the great seal of the State, and the words “Commonwealth of Pennsylvania,” the name of the county, the number of the magisterial district, and the words “District Justice.”

Rule 111 of the Rules and Standards with Respect to Offices of District Justices (emphasis added).

The Committee believed that the use of the word “engraved” in both the statute and the rule suggested that the legislature and the Supreme Court contemplated the use of only an engraved, embossed seal.

As noted above, however, the legislature subsequently amended Section 1512 by adding the language, “[a] facsimile or preprinted seal may be used for all purposes in lieu of the original seal.” 42 Pa.C.S. § 1512, as amended by Act 86.

Accordingly, the Committee recommended that the Supreme Court amend Rule 111 to provide for the use of a facsimile or preprinted seal in lieu of an original seal.

The Committee’s proposal was published for public comment at 32 Pa.B. 5875 (November 30, 2002). The Committee carefully considered all public comments received in formulating its final recommendation. In addition, the Committee sought comment from the Civil Procedural Rules Committee and the Criminal Procedural Rules Committee. Neither committee objected to the proposal.

II. Discussion of Rule Changes

To provide for the use of a facsimile or preprinted seal, Rule 111 has been divided in two subdivisions. Subdivision A contains the pre-amendment language of the rule, with only minor editorial changes. The new subdivision B incorporates into the

Rule the language from Section 1512 allowing the use of the facsimile or preprinted seal “for all purposes in lieu of the original seal.” Finally, an official Committee Note has been added to the Rule to explain the 2003 amendment and to cross-reference Section 1512.

It is contemplated that the Administrative Office of Pennsylvania Courts (AOPC) will program the District Justice Automated System (DJS) to automatically print a facsimile seal on all DJS-generated documents requiring a seal.⁶ This will eliminate the need for an embossed seal on all DJS-generated documents. The district justice courts might, however, need to continue to use an embossed seal on “manual” forms or documents not generated by the DJS.

⁶ The January 1, 2004 effective date of this rule change was established to allow sufficient time for the AOPC to make necessary programming changes and revisions to DJS-generated documents to accommodate the facsimile seal.