

**Minor  
Court  
Rules  
Committee**

**2000 Membership:**

Honorable Fred A. Pierantoni, III, *Chairman*  
Honorable Linda Baumunk  
Honorable Kenneth E. Deatelhauser  
Honorable Dennis R. Joyce\*  
Michael F. Krimmel, Esq., *ex officio*\*\*  
Honorable Thomas E. Martin, Jr.+  
Honorable Timothy Patrick O'Reilly++  
Honorable Christine Sereni-Massinger  
Honorable Peter P. Simoni\*  
Honorable Alberta Thompson

\* Term expired 7-6-00

\*\* Served as *ex officio* until appointed counsel 10-16-00

+ Effective 8-9-00

++ Effective 9-6-00

**Staff:**

Michael F. Krimmel, Esq., *Counsel*\*

\* Appointed counsel effective 10-16-00

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2) April  
17, 1990

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## History/Background

The Minor Court Rules Committee is an advisory body of the Supreme Court of Pennsylvania, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing practice and procedure in Pennsylvania's district justice courts.

The committee 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 Court. The committee also reviews and responds to inquiries and suggestions raised by district justices; lawyers; court personnel; the public; and other court-related committees, boards and agencies. These inquiries and suggestions often become the basis for proposals developed by the committee.

Prior to completing a rule proposal for submission as 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 (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 No. 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 explanatory reports, as well as the Supreme Court's orders promulgating minor court rule changes, the text of the rule changes, and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System Web site. These publications may be found on the Supreme Court Committees page at [www.courts.state.pa.us](http://www.courts.state.pa.us).

## Membership and Staff

Minor Court Rules Committee members are appointed by the Supreme Court to three-year terms and each may serve a maximum of two full terms. The Court also designates one member as chair. In 2000 the committee had eight members, including both attorney and non-attorney district justices, a Common Pleas Court judge, an attorney in private practice and an *ex officio* county special courts administrator, all from different geographical areas of the state.

A list of current committee members is maintained on the Supreme Court Committees page of the Unified Judicial System Web site.

In 2000 a staff attorney was appointed for the first time as full-time counsel to the committee.

The committee maintains its office at the AOPC facility in Mechanicsburg.

## 2000 Activities

The committee held four meetings in 2000 at the AOPC Mechanicsburg site. At each meeting the committee conferred with AOPC Statewide Automation staff on issues relating to the District Justice Automated System, the statewide computer system that links all of Pennsylvania's district justice courts.

The committee reviewed and considered a number of new issues in 2000 including the following:

- The committee considered a proposal to clarify in the rules that default judgments are prohibited in actions for the recovery of possession of real property (landlord/tenant actions). The committee published a proposal and report concerning this issue in December 2000.
- The committee began work on a proposal to provide for a procedural mechanism in the rules for the entry of satisfaction of money judgments rendered by district justices.
- The committee began work on a proposal to clarify the rules concerning the issuance and reissuance of orders of execution and orders for possession, specifically after a *superseedeas* has been terminated or a stay has been lifted.
- The committee considered a number of issues related to the procedures for appeal from judgments rendered by district justices. Specifically, the committee began work on a proposal to clarify the procedures on appeal in cases involving cross complaints. Also, the committee interacted with the Civil Procedural Rules Committee regarding that committee's Recommendation No. 160, relating to pleadings in appeals from district justice courts.

- The committee considered and commented on issues relating to the termination of inactive cases in district justice courts vis-à-vis Pennsylvania Rule of Judicial Administration No. 1901.
- The committee began consideration of a proposal to make uniform rules regarding the transfer of cases to and from other Pennsylvania courts, including the Philadelphia Municipal Court, when venue is found to be improper in the originating court.
- The committee responded to an inquiry about and considered a proposal to clarify the rules concerning the appropriate use of dismissals as a disposition in civil and landlord/tenant cases.
- The committee began a comprehensive effort to address gender neutrality in the wording of all rules.
- The committee monitored pending legislation in the General Assembly, including a bill that would have provided for district justice jurisdiction in actions in replevin.

The committee communicated regularly with the Administrative Office of Pennsylvania Courts 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 dialogue with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

## 2000 Committee Action

The Supreme Court adopted one committee recommendation in 2000. A number of other recommendations remained pending with

the Court. A chart indicating the status of the recommendations pending in 2000 follows this report.

*Recommendation Adopted by the Supreme Court*

**Recommendation No. 3, Minor Court Rules 2000:** Miscellaneous **clarifying amendments** to Rules 315, 402, 510, 1002 and 1004. Adopted 12-15-2000, effective 1-1-2001. (See order and “Final Report” at 30 *Pa.B.* 6882 (12-30-2000).)

*Recommendations Pending with the Supreme Court*

**Recommendation No. 1, Minor Court Rules 2000:** Proposed amendments to Rules 1201-1211 relating to emergency relief under the **Protection From Abuse Act**. These amendments would make comprehensive changes to the emergency PFA rules to bring the rules into conformity with the Protection From Abuse Act and the Rules of Civil Procedure. (See “Report” at 29 *Pa.B.* 6331 (12-18-1999).)

**Recommendation No. 2, Minor Court Rules 2000:** Proposed amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified **constables** or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is situated in cases where the district justice has no certified constables in the county. (See “Report” at 29 *Pa.B.* 6331 (12-18-1999).)

**Recommendation No. 4, Minor Court Rules 2000:** Proposed amendment to Rule 113 to further provide for the use of a **facsimile**


**signature** on certain documents. Specifically, this amendment would remove from the rule the list of documents that are required to have an original signature on them. (See “Report” at 30 *Pa.B.* 3265 (7-1-2000).)

**Proposed Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2:** This proposed amendatory order would **correct a typographical error** in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000). Submitted to Court without publication pursuant to Pa.R.J.A. No. 103(a)(3).

**Looking Ahead to 2001**

The committee plans to continue considering proposals relating to default judgments in landlord/tenant proceedings, entry of satisfaction of money judgments, orders of execution and orders for possession, appellate procedure, and transfer of cases for improper venue. The committee also plans a comprehensive review of the 200 Series rules to consider possible amendments to consolidate certain rules that pertain to both civil actions and landlord/tenant actions.

**Contact Person**

Anyone wanting additional information about the Minor Court Rules Committee or having questions about the Rules of Conduct, Office Standards and Civil Procedure for District Justices may contact the committee through its staff counsel, Michael F. Krimmel, Esq., by calling (717) 795-2018; writing to the committee at 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055; or e-mailing to [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us). 

<b>Status of Recommendations</b>		
<b>Recommendation</b>	<b>Subject</b>	<b>Status</b>
1, 2000	Proposed amendments to Rules 1201-1211 relating to emergency relief under the Protection From Abuse Act	Submitted 6-22-00; pending before Court
2, 000	Proposed amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified constables or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is situated in cases where the district justice has no certified constables in the county	Submitted 6-22-00; pending before Court
3, 2000	Miscellaneous clarifying amendments to Rules 315, 402, 510, 1002, and 1004	Adopted 12-15-2000, effective 1-1-2001.
4, 2000	Proposed amendment to Rule 113 to further provide for the use of a facsimile signature on certain documents	Submitted 11-8-00; pending before Court
Proposed Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2	Corrects a typographical error in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000)	Submitted 11-8-00; pending before Court

**Table 3.11.1**