

FINAL REPORT¹

Amendment to the Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District

On June 9, 2008, effective immediately, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania approved an amendment to the Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.³

I. Background

On its own initiative, the Minor Court Rules Committee (the Committee) recommended a change to the Note to Rule 509. The current language provides: “This rule is the same as Rule 316 of the *trespass and assumpsit* rules.” (emphasis added).

The Note to Rule 301 explains that the outdated terms “trespass” and “assumpsit” were replaced by a more universal and modern phrase -- “civil action.” (“Civil action includes actions formerly denominated ‘assumpsit’ or ‘trespass.’”) Since “civil action” replaced “assumpsit” and “trespass,” the Committee has routinely recommended that the Court replace the older terms wherever they appear and substitute the more modern phrase.

II. Approved Rule Change

Accordingly, the Committee proposed that the Note to Rule 509 be amended to delete the words “trespass” and “assumpsit” and replace them with “civil.”

The Committee believes this amendment to be of a perfunctory nature. Therefore, the Committee respectfully recommended that the Court adopt this recommendation in accordance with Pa.R.J.A. No. 103(a)(3), without prior publication for public comment.

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

² Minor Court Rules Committee Recommendation 6-2008.

³ Supreme Court of Pennsylvania Order No. 244, Magisterial Docket No. 1 (June 9, 2008).