

Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

“adult” means an individual eighteen years of age or older;

**“attorney at law” means an individual admitted to practice law by the Supreme Court of Pennsylvania;**

**“attorney of record” means an attorney at law who has filed a written document in accordance with Rule 207.1 as appearing for and representing a party in a legal proceeding;**

“competent adult” means an individual eighteen years of age or older who is (1) not an incapacitated person, (2) not a party to the action, and (3) not an employee or a relative of a party;

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*Official Note:*

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Rule 207. Representation in Magisterial District Court Proceedings.

**(A)** In magisterial district court proceedings [ , individuals ] :

**(1) Individuals** may be represented by themselves [ or by counsel and corporations may be represented by their officers or counsel ] , **by an attorney at law, or by a representative with personal knowledge of the subject matter of the litigation and written authorization from the individual to appear as the individual's representative.**

**(2) Partnerships may be represented by an attorney at law, a partner, or by an employee or authorized agent of the partnership with personal knowledge of the subject matter of the litigation and written authorization from a partner to appear as the partnership's representative.**

**(3) Corporations or similar entities and unincorporated associations may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, or association with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, or association to appear as its representative.**

**(B) A representative, employee, or authorized agent may take no action on behalf of a party until the written authorization required under paragraph (A)(1), (2), or (3) is filed with the court.**

*Official Note:* **This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, or unincorporated association, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.**

**It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.**

**As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.**

**A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).**

See rules in [ the 800 series ] **Chapter 800** as to representation of minors and [ incompetents ] **incapacitated persons** by guardians.

**{THIS IS AN ENTIRELY NEW RULE}**

Rule 207.1. Attorney of Record; Notices.

(A) An attorney at law shall be deemed the attorney of record for a party if and only if the attorney files with the magisterial district court a written statement acknowledging that he or she represents the party in the proceeding. The written statement must include the attorney's name, mailing address, and Supreme Court of Pennsylvania attorney identification number.

(B) An attorney of record for a party shall remain the attorney of record for that party until:

(1) the attorney of record gives written notice to the magisterial district court and the party that he or she is withdrawing as the attorney of record for the party, or;

(2) another attorney becomes the attorney of record for the party in accordance with paragraph (A).

(C) Except as otherwise provided in these rules, when a party has an attorney of record or is represented by a non-lawyer representative under Rule 207, and when a rule specifies that a notice is to be given or mailed to the party, a copy of the notice shall also be given or mailed to the attorney of record or the non-lawyer representative.

*Official Note:* Paragraph (B) provides for the withdrawal of an attorney of record. Nothing in this rule requires leave of court or that another attorney become the attorney of record before an attorney may withdraw. *But compare* Pa.R.C.P. No. 1012(b). Nothing in paragraph (B) is intended to affect an attorney's ethical duty to his or her client. See Pennsylvania Rules of Professional Conduct Rule 1.16.

Paragraph (C) makes clear that copies of all notices must be given or mailed to all parties of record as well as to all attorneys of record and non-lawyer representatives.

See Rule 207 regarding the designation and authorization of a non-lawyer representative.

Rule 315. Claim by Defendant.

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B. The rules governing the form, processing, and service of a plaintiff's complaint shall apply also to the defendant's complaint. The magisterial district judge shall set a date and time for the **consolidated** hearing of both complaints **[ together ]** that shall not be less than 12 or more than 30 days from the filing of the defendant's complaint. **The magisterial district court shall promptly notify the parties of the date and time set for the consolidated hearing of both complaints.**

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D. **[ If the defendant files a cross-complaint, the magisterial district judge shall promptly notify the plaintiff of the time and date set for the hearing of both complaints together. If the plaintiff has an attorney of record, the notice shall be given to the attorney of record instead of to the plaintiff. ] Rescinded.**

*Official Note:* **[ Subdivision ] Paragraph A** of this rule permits the defendant to file a cross-complaint against the plaintiff at least five days before the date originally set for the hearing, if it is for a claim cognizable by a magisterial district judge. See Section 1515(a)(3) of the Judicial Code, 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, a defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute. The requirement that a cross-complaint be filed at least five days before the hearing is intended to give the magisterial district judge time to notify the **[ plaintiff or the plaintiff's attorney, under subdivision D of the rule, of any new hearing time and date ] parties of any new hearing date and time.** Notice under **[ subdivision D ] paragraph B** is not a substitute for **[ the ] proper** service **[ required under subdivision B ]**. If the defendant does not file an action at least five days before the hearing, the defendant may still file a complaint against the plaintiff, but it will not be processed as a cross-complaint.

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Rule 318. Informing Plaintiff of Notice of Intention to Defend.

If the defendant gives the magisterial district [ **judge** ] **court** notice of [ **his** ] intention to defend [ **under** ] **in accordance with** Rule 305(4)(a), the magisterial district [ **judge** ] **court** shall promptly **give the plaintiff written notice that the defendant intends to enter a defense** [ **inform the plaintiff in writing that he has received such a notice by mailing to the plaintiff a copy of the completed Notice of Intent to Defend form. If the plaintiff has an attorney of record named in the complaint form, this information shall be given to the attorney of record instead of to the plaintiff** ].

*Official Note:* No specific form of notification **from the defendant to the magisterial district court** is required by this rule, but entries on the [ **complaint form** ] **docket** will show that the defendant gave notice of [ **his** ] intention to defend and that the magisterial district [ **judge informed** ] **court gave written notice to** the plaintiff [ **or his attorney of record thereof, when these events have occurred. A notation that a copy of the Notice of Intent to Defend form was sent to the plaintiff or his attorney of record shall be made on the complaint maintained in the magisterial district judge's files** ].

Rule 324. Notice of Judgment [ , ] or Dismissal [ **or Continuance**, ] and the Right to Appeal.

A. [ **The** ] Upon the entry of the judgment, the magisterial district [ **judge** ] court shall promptly give or mail to the parties written notice of judgment [ , ] or dismissal [ **or continuance**. **The written notice shall be given or mailed to all parties, but if any party has an attorney of record, the written notice shall be given or mailed to the attorney of record instead of to the party** ].

B. The written notice of judgment or dismissal shall contain:

(1) [ **advice as to** ] notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

(2) [ **a statement advising** ] notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and

(3) [ **a statement advising** ] notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

*Official Note:* As to [ **subdivision** ] paragraph B(2), see Rule 402D and Note. As to [ **subdivision** ] paragraph B(3), see Rule 341.

Rule 421. Time for Hearing and Determination; Effective Date of Orders and Determination.

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B. The magisterial district **[ judge ] court** shall promptly give or mail to the parties written notice of the determination. **[ If a party has an attorney of record the written notice shall be given or mailed to the attorney of record instead of to the party. ]** Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

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*Official Note:* **[ Subdivision ] Paragraph** A of this rule provides a time schedule within which the matters mentioned in Rule 420 must be heard and determined. These matters should be dealt with expeditiously.

**[ Subdivision ] Paragraph** D provides that, except for stays, determinations and orders of the magisterial district judge concerning the execution proceedings shall not take effect until after the expiration of ten days from the date of entry of the determination or order. This will give any aggrieved party in interest a chance to obtain a stay by filing a statement of objection in the court of common pleas during that period of time. See Rule 1016.

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Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

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C. **(1)** Judgment shall be given at the conclusion of the hearing or within three **[(3)]** days thereafter **[ and shall be entered upon the form prescribed for the entry of judgment by the State Court Administrator ]**.

**(2)** Upon the entry of the judgment, **[ copies of the prescribed form shall be given or mailed to all parties, but if any party has an attorney of record named in the complaint form the written notice shall be given to the attorney instead of to the party ]** **the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.** **[ Notice of judgment shall inform the parties of the right to appeal, the time within which the appeal must be taken and that the appeal is to the court of common pleas. ]**

**D. The written notice of judgment or dismissal shall contain:**

**(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,**

**(2) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and**

**(3) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.**

*Official Note:* **[ Subdivision ] Paragraph** A of this rule requires that the plaintiff appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the defendant, even when the defendant fails to appear for the hearing. The magisterial district judge may not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the defendant in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the amount found to constitute the monthly rental, and; the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of The Landlord and Tenant Act of 1951, 68 P. S. § 250.501. See also *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in [ **Subdivision** ] **paragraph** A are made necessary as a result of the rental deposit provisions for appeal or certiorari contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

**As to paragraph D(2), see Rule 402D and Note. As to paragraph D(3), see Rule 341.**