

FINAL REPORT¹

Amendment to Pa. R.C.P.D.J. No. 314

CLARIFICATION REGARDING COSTS FOR REINSTATING A COMPLAINT; TECHNICAL AMENDMENTS

On April 22, 2004, effective July 1, 2004, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania amended Rule 314 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.³

The Committee reviewed the Note to Pa. R.C.P.D.J. No. 314 in response to an inquiry. It was reported to the Committee that there may be confusion among the district justice courts as to what costs, if any, are to be charged when a civil complaint is reinstated pursuant to Rule 314E. The Committee recognized that the Official Note to Rule 314, prior to this amendment, provided that, “[s]ince a reinstated complaint is merely a continuation of the original action, there is no filing fee for reinstating a complaint.” Pa. R.C.P.D.J. No. 314, Official Note. While this statement is technically correct, the Committee further recognized that Section 1725.1(a)(10) of the Judicial Code, 42 Pa.C.S. § 1725.1(a)(10), specifies costs for the reinstatement of a complaint.⁴

Accordingly, the Committee recommended that the Official Note to Rule 314 be revised to remove any confusion about the costs for reinstatement of a civil complaint. The revised Official Note will now read, in pertinent part, “[t]he cost for reinstating a complaint is specified in Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.”

In addition, the Committee recommended several technical or “housekeeping” amendments to subdivisions A and B of the rule. Specifically, in subdivision A, the Committee recommended that the list of contents of the return of service be enumerated to enhance readability. Also, in subdivisions A and B, the Committee recommended that the requirement that items be “attached to” the original complaint be deleted. This requirement is unnecessary and not in keeping with actual practice in the district justice courts.

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

² Recommendation No. 5 Minor Court Rules 2003.

³ Supreme Court of Pennsylvania Order No. 207, Magisterial Docket No. 1, (April 22, 2004).

⁴ The cost for reinstating a complaint is currently \$7.00. Under current law, the costs are adjusted annually pursuant to Section 1725.1(f) of the Judicial Code, 42 Pa.C.S. § 1725.1(f).