

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:

[(1) “District justice” means the district justice before whom the action or proceeding is pending.

(2) “Sheriff” includes a deputy sheriff.

(3) “Constable” means a certified constable or a certified deputy constable.

(4) “Prothonotary” includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary.]

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

“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;

“constable” means a certified constable or a certified deputy constable;

“district justice” means the district justice before whom the action or proceeding is pending;

“incapacitated person” means an incapacitated person as that term is defined under 20 Pa.C.S. § 5501 (relating to meaning of incapacitated person);

“prothonotary” includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary;

“sheriff” includes a deputy sheriff;

“subpoena” means an order of the district justice commanding a person to attend and testify at a particular time and place; it may also require the person to produce documents or things which are under the possession, custody, or control of that person;

“verified,” when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Official Note:

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Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001; **amended September 3, 2003, effective January 1, 2004.**

[THIS IS AN ENTIRELY NEW RULE]

Rule 213. Subpoena to Attend and Testify.

A. A subpoena may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the district justice.

B. A subpoena may not be used to compel a person to appear or to produce documents or things ex parte before an attorney, a party, or a representative of the party.

Official Note: See Rule 202 for definition of “subpoena.” Compare Pa.R.C.P. No. 234.1. The district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the district justice. As to Subdivision B, see Rule 210.

Adopted September 3, 2003, effective January 1, 2004.

[THIS IS AN ENTIRELY NEW RULE]

Rule 214. Subpoena; Issuance; Service.

A. District justices may issue subpoenas throughout the Commonwealth.

B. Upon the request of a party, the district justice may issue a subpoena signed and under the seal of the district justice. The district justice shall specify in the subpoena the name and address for service of the person subpoenaed; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.

C. A subpoena may be served upon any person within the Commonwealth by a competent adult

(1) by handing a copy to the person; or

(2) by handing a copy

(a) at the residence of the person to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of such residence; or

(b) at the residence of the person to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging at which the person resides; or

(c) at any office or usual place of business of the person to the person's agent or other person for the time being in charge thereof.

Official Note: See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a).

The district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the district justice.

District justices may not issue subpoenas in blank.

Adopted September 3, 2003, effective January 1, 2004.

Rule 317. [Subpoena of Witnesses.] Rescinded.

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Official Note: See Rule 213 governing subpoenas.

[Amended] Former Rule 317 amended June 30, 1982, effective 30 days after July 17, 1982; May 3, 1999, imd. effective; rescinded September 3, 2003, effective January 1, 2004.

[Explanatory Comment – 1999]

[DELETE ENTIRELY]

Rule 421. Time for Hearing and Determination; [**Subpoenas;**] Effective Date of Orders and Determination.

A. The district justice shall hold hearings on matters to be determined [**by him**] under Rule 420 not later than five [**(5)**] days after they are filed [**in his office**], and [**he**] shall notify all parties in interest of the date and time of the hearing by telephone or other timely means of communication. [**He**] **The district justice** shall [**make his**] enter a determination not later than three [**(3)**] days after the hearing.

B. [**At the time of the entry of the determination, the**] **The** district justice 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.

C. [**The district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses.**] Rescinded.

D. Any stay of the whole or part of the execution proceedings ordered by the district justice shall be effective immediately. All other orders and determinations with respect to the whole or part of the execution proceedings shall not take effect until after the expiration of ten [**(10)**] days from [**their**] the date of entry of the order or determination.

Official Note:

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Subdivision [**C**] **D** provides that, except for stays, determinations and orders of the district justice concerning the execution proceedings shall not take effect until after the expiration of ten days from [**their**] 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 1016B.**] See Rule 1016.

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Amended June 1, 1971; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [**The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line";** amended September 3, 2003, effective January 1, 2004.

Rule 510. [Subpoena of Witnesses.] Rescinded.

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Official Note: [This rule is the same as Rule 317 governing subpoenas in civil actions.] See Rule 213 governing subpoenas.

[Amended] Former Rule 510 amended June 30, 1982, effective 30 days after July 17, 1982; amended December 15, 2000, effective January 1, 2001; rescinded September 3, 2003, effective January 1, 2004.