

FINAL REPORT¹

Recommendation 4-2013, Minor Court Rules Committee

Amendment to Rule 207 of the Minor Court Civil Rules

VERIFICATION BY NON-LAWYER REPRESENTATIVE, EMPLOYEE OR AUTHORIZED AGENT

On September 6, 2013, effective October 7, 2013, upon recommendation of the Minor Court Rules Committee², the Supreme Court of Pennsylvania approved an amendment to Rule 207 of the Minor Court Civil Rules.³

I. Background and Discussion

The Minor Court Rules Committee (the “Committee”) recommended an amendment to the rules of procedure governing actions in magisterial district courts. The goal of this rule change is to ensure that a non-lawyer representative, employee or authorized agent representing a party in a magisterial district court proceeding has personal knowledge of the subject matter of the litigation as required by Pa.R.C.P.M.D.J. No. 207 (“Rule 207”).

In 2006, the Supreme Court of Pennsylvania amended Rule 207⁴, clarifying who may represent certain parties in magisterial district court proceedings, and establishing an authorization procedure for non-lawyer representatives, employees and authorized agents of parties. The amendments to Rule 207 permitted a non-lawyer representative, employee or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, so long as the authorized representative had “personal knowledge of the subject matter of the litigation.” Rule 207 requires the party to file a written authorization with the magisterial district court naming the non-lawyer representative, employee or authorized agent to act as the party’s authorized representative. The written authorization form is available on the website of the Unified Judicial System for use by the public.

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 Minor Court Rules Committee Recommendation 4-2013.

³ Supreme Court of Pennsylvania Order No. 363, Magisterial Docket (September 6, 2013).

⁴ Supreme Court of Pennsylvania Order No. 230, Magisterial Docket No. 1, (June 1, 2006).

In 2012, the Administrative Office of Pennsylvania Courts advised the Committee that it received a request from a magisterial district judge to modify the written authorization form to include the party's verification that the authorized representative has personal knowledge of the subject matter of the litigation. After reviewing and discussing the request, the Committee concluded that a more direct way of ensuring that the authorized representative has the requisite personal knowledge was to require the representative's written verification, rather than the party's.

II. Approved Rule Changes

To address the issues discussed above, the Committee proposed adding a provision to Pa.R.C.P.M.D.J. No. 207(B) requiring that the representative, employee or authorized agent provide written verification of personal knowledge of the subject matter of the litigation.