

Rule 3.9. [Incompatible Practices.] Rescinded

[A. Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage. Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator.

B. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.]

Comment:

The provisions of former Rule 3.9 were added to Rule 3.10 to reflect limitations on outside activities applicable to all magisterial district judges.

**Rule 3.10. [Prohibited Practice of Attorney Magisterial District Judges]
Incompatible Practices and Limitations**

[A.](A) [Attorneys who are magisterial district judges shall not practice before any magisterial district judge in the Commonwealth, nor shall they act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto. Nor shall they practice criminal law in the county within which their magisterial district is located. An employer, employee, partner or office associate of such magisterial district judges shall not appear or practice before them.] Magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper, and impartial discharge of their duties, including, but not limited to, any of the following:

(1) any activity prohibited by law;

(2) any activity related to the collection of a claim or judgment for money; or

(3) in the acceptance of any premium or fee for any judicial bond.

[B.](B) [Attorneys who are magisterial district judges shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasi governmental agency, board, authority or commission operating within the Commonwealth.] Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage.

(C) Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

(D) Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator or a mediator.

(E) Magisterial district judges who are attorneys shall not practice law:

(1) before any magisterial district judge in the Commonwealth;

(2) in any proceeding in which they have served as a magisterial district judge;

(3) in any proceeding related to a proceeding in which they served as a magisterial district judge; or

(4) in any criminal proceeding in the county within which their magisterial district is located. Magisterial district judges who are attorneys shall neither practice before nor act as an attorney or solicitor for any county or local

municipal, governmental or quasi-governmental agency, board, authority or commission operating within the Commonwealth.

(F) Magisterial district judges who are attorneys shall not permit their employers, employees, partners or legal associates to appear or practice before them.

Comment:

[1] Paragraphs (A)-(D) of this rule apply to all magisterial district judges, including magisterial district judges who are attorneys, and are derived from former Rule 3.9.

[2] Magisterial district judges are prohibited from receiving any fee or emolument for performing the duties of an arbitrator or mediator. See 42 Pa.C.S. § 3304(b). Mediation was added to this rule in recognition of the growth of alternative dispute resolution after the statute and rule were originally promulgated.

Rule 3.11. Financial Activities

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(B) Except as provided in Rule **[3.9 and Rule]** 3.10, a magisterial district judge may serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

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Rule 3.12. Compensation for Extrajudicial Activities.

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Comment:

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(3) The provisions of this rule are subject to the restrictions imposed by Rule**[s 3.9 and]** 3.10.

Rule 323. Judgment--Payment in Installments

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Official Note: Since many of the defendants coming before magisterial district judges are apt to be in financial difficulties, it was thought advisable to provide for payment in installments. The payments are to be made to the plaintiff and not to the magisterial district judge. See Rule **[3.9] 3.10** of the Rules Governing Standards of Conduct of Magisterial District Judges.