

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

**Proposed Amendment of the Official Notes to
Pa.R.C.P.M.D.J. Nos. 316, 322, 324, 509 and 514**

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 316, 322, 324, 509 and 514, addressing correction of data errors, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by April 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,

Bradley K. Moss
Chair

REPORT

Proposed Amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 316, 322, 324, 509 and 514

CORRECTION OF DATA ERRORS

I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 316, 322, 324, 509 and 514. These rules address amendment of the complaint, as well as entry of judgment by the magisterial district court. The Committee is proposing to add a reference to the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania to the Official Notes of the above referenced rules in order to clarify the procedure for seeking correction of data errors.

II. Discussion

The Committee received correspondence from an attorney who expressed concern at the difficulties he encountered in magisterial district courts in correcting what he characterized as typographical errors made by the courts. The attorney indicated that the problem arose when a suffix (*e.g.*, Sr. or Jr.) is in the party’s name, and is reflected on the complaint, but court staff entered the party name into the Magisterial District Justice System (“MDJS”) without the suffix. Likewise, the misspelling of a party’s name when entering it into the MDJS could create a similar problem. The attorney reported that some magisterial district judges did not think that they had the authority to correct a record when advised of a data entry error.

The Committee discussed the correspondence, and agreed that magisterial district courts have the authority to correct their own typographical errors. The Committee further agreed that a request for such a correction should not fall under the general prohibition on seeking an amendment to a complaint. See Pa.R.C.P.M.D.J. Nos. 316, 509. While considering various options, the Committee was reminded of the Court’s adoption of the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”)¹, and, specifically, of the section of the Policy addressing data errors. The Committee agreed that referencing the Policy, and the procedures for requesting data error correction, in the Rules would be helpful to the bench, bar and litigants.

¹ Electronic Case Record Public Access Policy of the Unified Judicial System, 204 Pa. Code §§ 213.71 - 213.79.

Additionally, the Committee is concurrently seeking comments on a proposal that would rescind the rules governing writs of certiorari and making correlative rule changes, including changes to Rules 514. The Committee has not reprinted those proposed changes in this publication, but will ensure that any final recommendation to the Court on this matter conforms to the current status of that proposal.

III. Proposed Changes

The Committee identified Rules 316, 322, 324, 509 and 514 as rules that would benefit from a reference to the Policy. Rules 316 and 509 generally prohibit amendment of the complaint, except at the hearing in the presence of the adverse party. The Committee agreed that a reference to the Policy in the Official Notes to Rules 316 and 509 would establish the procedure to follow in the event a court makes a data error while entering a complaint or other document related to a case. The Committee also agreed to add language to the Official Notes to Rules 316 and 509, clarifying that the general prohibition on amendments to the complaint was not intended to preclude correction of a court's own typographical or data entry errors. The Committee also agreed to add a reference to the Policy in the Official Notes to Rules 322, 324 and 514 to assist the bench, bar and litigants in the event a data error is made while entering the judgment. The proposed language regarding the Policy is as follows:

A party seeking to correct a data error in an electronic case record shall submit a written request for correction to the magisterial district court that made the data error. See Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania, Section 6.00, Correcting Data Errors, 204 Pa. Code § 213.78.

Additionally, in Rule 509, addressing amendments to the complaint, the current Official Note simply directs the reader to Rule 316, providing that “[t]his rule is the same as Rule 316 of the civil rules.” The Committee agreed that it would be clearer to delete the current note, and, instead, insert the note language from Rule 316 that explains why amendments to the complaint are generally prohibited.