

Rule 13. [Incompatible Practices] Rescinded.

[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.]

Official Note

[The next to the last sentence of this rule is derived in part from Canon 5C(1) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct.

Pursuant to the authority granted by Article V, Section 10 of the Pennsylvania Constitution, the Supreme Court adopted the Rules Governing Standards of Conduct of Magisterial District Judges as the exclusive means of regulating the conduct of magisterial district judges under the supervision of the Supreme Court. Disqualification from proceedings is the most appropriate means of ensuring judicial integrity and impartiality in proceedings, including, but not limited to, those arising from the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.).

No magisterial district judge shall have a financial interest, as defined by Section 1512(B) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.), in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company thereof or any such applicant, or engage in the active ownership or participate in the management of any such entities and related companies.

Rule 8(A) of the Rules Governing Standards of Conduct of Magisterial District Judges continues to govern the disqualification of magisterial district judges where the interest in or relationship with a licensed racing or licensed gaming entity or related company thereto, or any such applicant therefor, of the magisterial district judge or a family member is at issue.] The provisions of former Rule 13 were added to Rule 14 to reflect limitations on outside activities applicable to all magisterial district judges.

Rule 14. [Prohibited Practice of Attorney Magisterial District Judges] Limitations Relating to Outside Activities.

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, employe, 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) any activity related to judicial bonds.

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 perform the duties of an arbitrator or mediator in any of the following situations in which they receive a fee or emolument: (1) in any proceeding in which venue would have been proper in the magisterial district in which they serve pursuant to Rule 302 and (2) in any proceedings in which venue would have been proper in the county within which their magisterial district is located unless serving as a neutral arbitrator, or in a non-binding arbitration or mediation proceeding.

D. 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; and (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.

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

Official Note

[Subdivision A of this rule is derived from former Rule 3A and Compliance Exception A(2), American Bar Association Code of Judicial Conduct. Subdivision B is derived from former Rule 3B. This rule contains all the prohibitions upon the practice of law by attorney magisterial district judges that were thought necessary.] Subdivisions A, B and C of this rule apply to all magisterial district judges, including magisterial district judges who are attorneys.

Magisterial district judges are permitted to supplement their income as long as it does not interfere with their judicial responsibilities. Rule 14C permits magisterial district judges to receive fees and emoluments for serving as an arbitrator or mediator in certain circumstances. There is no prohibition against any active judge serving as an arbitrator or mediator without compensation so long as the judge follows the guidelines of Canon 3B of the Code of Judicial Conduct and that such an arbitration or mediation does not interfere with the prompt and efficient management of that judge's own court docket. Subdivision C of this rule applies to all types of alternative dispute resolution, including but not limited to, arbitration and mediation.

In Subdivision C, mediation was added to this rule in recognition of the growth of alternative dispute resolution after the rule was originally promulgated, and the fact that there should not be a distinction between a magisterial district judge serving as an arbitrator or mediator.

Subdivision D of this rule is derived from former Rule 13A and Compliance Exception A(2), American bar Association Code of Judicial Conduct.

Subdivision E of this Rule is derived from former Rule 13B.