

# TITLE 246

## MINOR COURT CIVIL RULES

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### PART I. GENERAL

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#### Authority

The provisions of this Part I issued under Article V, § 10(a) and (c), of the Constitution of Pennsylvania, unless otherwise noted.

#### Source

The provisions of this Part I adopted October 15, 1969, effective January 1, 1970, unless otherwise noted.

#### Per Curiam:

And Now, this 6th day of January, 2005, in accordance with Act 207 of 2004 which changes the title of "district justice" to "magisterial district judge," it is hereby Ordered: Pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and the general supervisory and administrative authority of the Supreme Court of Pennsylvania set forth by 42 Pa.C.S. Section 1701, et seq., (Judicial Code), that all references in any court rule, court order, court form (including citation), automated statewide court case management system (i.e. PACMS, CPCMS and DJS) or any other legal authority, except as provided for in Act 207, to "district justice" shall be deemed a reference to "magisterial district judge." This Order is effective January 29, 2005. Published at 34 Pa.B. 518 (January 22, 2005)

**CHAPTER 100. RULES AND STANDARDS WITH RESPECT  
TO OFFICES OF MAGISTERIAL DISTRICT JUDGES**

- 101. Establishment of Offices. Minimum Office Standards.
- 102. Implementation Committees.
- 103. Office Schedules.
- 110. Bonds of Magisterial District Judges.
- 111. Seal.
- 112. Availability and Temporary Assignments of Magisterial District Judges.
- 113. Use of Facsimile Signature.

**Rule 101. Establishment of Offices. Minimum Office Standards.**

The governing body of the county shall establish an office or offices for each magisterial district judge whose magisterial district is situated in the county at such locations within the county as may be approved by the president judge of the court of common pleas of the judicial district which includes the county. The governing body shall insofar as possible insure that each office meets the following minimum standards:

- (1) The principal office should be located in a place convenient to the public and which will allow the business of the office to be conducted with dignity, decorum and dispatch.
- (2) Such office shall not be located in or appurtenant to the residence or place of business of the magisterial district judge. It shall have a hearing room and such other rooms as may be necessary, and shall be provided with necessary furniture and equipment.
- (3) A magisterial district judge shall be provided with such staff, forms, supplies and equipment as shall be necessary for the proper performance of his duties. To maintain the dignity of his office, he shall be provided with judicial robes.

**Source**

The provisions of this Rule 101 amended November 21, 1975, 5 Pa.B. 3020; amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499. Immediately preceding text appears at serial page (31593).

**Rule 102. Implementation Committees.**

The president judge of the court of common pleas of each judicial district may establish one or more continuing committees to make recommendations concerning the implementation of these rules.

**Source**

The provisions of this Rule 102 amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499. Immediately preceding text appears at serial page (31593).

**Rule 103. Office Schedules.**

The magisterial district judge of each magisterial district shall establish a schedule of regular sessions and hours during which his office or offices will be open for the conduct of business. The schedule will be submitted for approval to the president judge of the court of common pleas of the judicial district in which the office is located, and upon approval shall be posted in a conspicuous place on the premises in which the office is located. The schedules of all magisterial district judges located within a judicial district shall be posted in such place within the court house of that district as the president judge shall designate.

**Rule 110. Bonds of Magisterial District Judges.**

Each magisterial district judge is required to give bond in such sum, not less than \$25,000, as shall be directed by the president judge of the court of common pleas of the judicial district in which is located the magisterial district of the magisterial district judge, with one or more sufficient sureties. The bond shall be lodged with the prothonotary of the court of common pleas, be conditioned on the faithful application of all moneys that come into the hands of the magisterial district judge as an officer, and be for the benefit of the Commonwealth and its political subdivisions and all persons who may sustain injury from the magisterial district judge in his or her official capacity.

**Official Note:** This rule sets forth only the minimum bond amount for each magisterial district judge. The amount of money collected by the district courts varies greatly however, and the president judge is free to require higher bond amounts for some or all of the courts in the judicial district.

**Source**

The provisions of this Rule 110 amended December 3, 1973, 4 Pa.B. 37, effective immediately; amended October 27, 2005, effective January 1, 2006, 35 Pa.B. 6228. Immediately preceding text appears at serial page (309505).

**Rule 111. Seal.**

A. Each magisterial district shall have and use a seal, which shall be in the custody of the magisterial district judge elected or appointed for the magisterial district. The official acts of the magisterial district judge shall be authenticated therewith. There shall be engraved on the seal the same device as is engraved on the great seal of the State, and the words "Commonwealth of Pennsylvania," the name of the county, the number of the magisterial district, and the words "Magisterial District Judge."

B. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

**Official Note:** This rule was amended in 2003 to provide for the use of a facsimile or preprinted seal for all purposes in lieu of an original seal. See 42 Pa.C.S. § 1512.

**Source**

The provisions of this Rule 111 adopted November 28, 1969, effective January 1, 1970; amended April 15, 2003, effective January 1, 2004, 33 Pa.B. 2167. Immediately preceding text appears at serial page (281645).

**Rule 112. Availability and Temporary Assignments of Magisterial District Judges.**

(A) The president judge of each judicial district shall be responsible for ensuring the availability during regular business hours within the judicial district of at least one magisterial district judge to handle matters requiring attention in civil and possessory actions.

(B)(1) The president judge or his or her designee may assign temporarily the magisterial district judge of any magisterial district to serve another magisterial district whenever such assignment is needed:

- (a) To satisfy the requirements of paragraph (A).
- (b) When a magisterial district judge has disqualified himself or herself either at the request of a party or sua sponte.
- (c) To otherwise provide for the efficient administration of justice.

(2) Whenever a temporary assignment is made under this rule, notice of such assignment shall be conspicuously posted in all magisterial district courts affected by the temporary assignment.

(3) A magisterial district judge temporarily assigned under this rule shall have the jurisdiction and authority of the office the duties of which he or she is temporarily performing and may continue to exercise jurisdiction and authority in his or her own magisterial district.

**Official Note:** This rule was amended in 2007 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in criminal matters. See Pa.R.Crim.P. 117. Nothing in this rule is intended to affect or conflict with the temporary assignment or coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, paragraph (A) of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under paragraph (A) would require after-hours coverage.

This rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act. See Pa. R.C.P.M.D.J. Nos. 1201—1211. In addition, the court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P. S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

Examples of matters contemplated under paragraph (A) that may require the attention of a magisterial district judge include the issuance of orders of execution under Pa. R.C.P.M.D.J. No. 403, stays of execution under Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under Pa. R.C.P.M.D.J. No. 516, so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. Litigants may be required to wait a reasonable period of time for a magisterial district judge to

complete an arraignment, hearing, or trial. It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of magisterial district judges consistent with paragraph (A).

Under paragraph (B), one or more magisterial district judges may be temporarily assigned to serve one or more magisterial districts.

Paragraph (B)(1)(b) makes explicit the authority of the president judge to temporarily assign a magisterial district judge when another magisterial district judge has disqualified himself or herself from hearing a matter. Disqualification may occur upon the request of a party or sua sponte. See Rule 8 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 8. As with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.

See Pa. Const. art. V, § 10(a). This rule does not provide for temporary assignments of senior magisterial district judges by president judges. See also Rule 17 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 17. Nothing in this rule is intended to conflict with Rule 17.

#### Source

The provisions of this Rule 112 amended November 21, 1975, 5 Pa.B. 3020; amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended March 6, 2001, effective April 1, 2001, 31 Pa.B. 1556; amended April 18, 2007, effective May 18, 2007, 37 Pa.B. 2092. Immediately preceding text appears at serial page (314936).

### **Rule 113. Use of Facsimile Signature.**

A magisterial district judge may authorize the use of a facsimile signature in lieu of an original signature on certain documents listed by the Administrative Office of Pennsylvania Courts. Such list shall be maintained by the Administrative Office of Pennsylvania Courts. All documents not so designated and maintained by the Administrative Office of Pennsylvania Courts shall require an original signature.

#### Source

The provisions of this Rule 113 adopted May 3, 1999, effective immediately, 29 Pa.B. 3198; amended July 23, 2001, effective September 1, 2001, 31 Pa.B. 4391. Immediately preceding text appears at serial pages (276431) to (276432)

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