

INTRODUCTION

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt an amendment to Rule 207 of the Minor Court Civil Rules. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9546
or email to: minorrules@pacourts.us

no later than June 20, 2013.

April 5, 2013

BY THE MINOR COURT RULES COMMITTEE:

Mary P. Murray, Chair

Pamela S. Walker
Counsel

REPORT

Proposed Amendment to Rule 207 of the Minor Court Civil Rules

VERIFICATION BY NON-LAWYER REPRESENTATIVE, EMPLOYEE OR AUTHORIZED AGENT

I. Introduction

The Minor Court Rules Committee (the “Committee”) is proposing 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.

II. Discussion

In 2006, the Supreme Court of Pennsylvania amended Pa.R.C.P.M.D.J. No. 207, 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. Specifically, Rule 207 was amended to permit a non-lawyer representative, employee or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity. Rule 207 requires that the authorized representative must have “personal knowledge of the subject matter of the litigation.” The rule 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. A written authorization form is available on the website of the Unified Judicial System for use by the public.

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 to ensure that the authorized representative has the requisite personal knowledge is to require the representative’s verification.

III. Proposed Rule Changes

The Committee proposes adding a provision to Pa.R.C.P.M.D.J. No. 207(B) requiring that the representative, employee or authorized agent provide verification of the subject matter of the litigation.