

**SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P.M.D.J. 214

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 214, pertaining to subpoenas, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 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 report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text 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 **June 17, 2025**. 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,

Hon. Alexandra Kokura Kravitz
Chair

Rule 214. Subpoena; Issuance; Service.

[(A) Magisterial district judges may issue subpoenas throughout the Commonwealth. Magisterial district judges shall not issue subpoenas in blank.

(B)](a) Generally.

(1) Upon the request of a self-represented party [proceeding *pro se*], the authorized representative of a party, or an attorney of record, the magisterial district judge may issue a subpoena signed and under the seal of the magisterial district judge.

(2) The request shall include the information required in subdivision (b), the address of the person being subpoenaed, and whether the person being subpoenaed is a minor.

(3) A magisterial district judge shall not issue a subpoena in blank.

(b) [The] Contents of Subpoena. If the subpoena is to be issued, the magisterial district judge shall specify in the subpoena:

(1) the name [and address for service] of the person [subpoenaed] being ordered to testify or being ordered to produce documents or things;

(2) the name of the party on whose behalf the person is being ordered to testify or being ordered to produce documents or things;

(3) the date, time, and place [at which] where the person is to appear; and

(4) a description of the documents or things that the person is to produce, if any.

[(1) The party, authorized representative, or attorney of record requesting the subpoena shall provide the magisterial district court with the information required in paragraph (B).]

[(2)](c) [If the subpoena is to be issued, the magisterial district court shall fill in the information provided and return it to the requestor for service.] Issuance. Upon issuance, the magisterial district judge shall return the subpoena to the requestor for service.

[(C)](d) [A subpoena may be served] Service Within Commonwealth. A competent adult may serve the subpoena upon any person within the Commonwealth by **[a competent adult]**:

(1) **[by]** handing a copy to the person; or

(2) **[by]** handing a copy:

[(a)](A) at the residence of the person to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of **[such] the** residence; **[or]**

[(b)] **at the residence of the person]** **(B)** to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging **[at which] where** the person resides; or

[(c)] **at any office or usual place of business of the person to the person's agent or other person for the time being in charge thereof.]** **(C)** **to the person's agent or other person for the time being in charge of any office or usual place of business of the person;**

(3) **mailing a copy to the person by certified or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show the signature of the person or those persons designated in subdivision (d)(2). If the signature on the return receipt is that of any persons designated in subdivision (d)(2), it shall be presumed, unless contrary evidence is shown, that the signer was an agent of the person subpoenaed.**

(4) **first class mail. In addition to the subpoena, the mail shall contain two copies of an acknowledgement of receipt on a form prescribed by the Court Administrator of Pennsylvania and a self-addressed stamped envelope. A subpoena delivered by first class mail is not enforceable unless the person subpoenaed acknowledges having received it.**

[(D)](e) Return of Service. The person making service of a subpoena **[must]** **shall** file a return of service **on a** form **promulgated by the Court Administrator of Pennsylvania** in the magisterial district court **[in which]** **where** the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. **The return of service shall identify, among other things, the method and location of service.** Filing under this **[paragraph] subdivision** may be accomplished by sending a copy by facsimile transmission.

[(E)](f) Minors. If **[a subpoenaed witness]** **the person subpoenaed** is under the age of 18, the parent or guardian of the **[witness] person subpoenaed** shall be served with a copy of the subpoena in the same manner as prescribed in **[paragraph (C).] subdivision (d).**

[Note:] Comment: When issuing a subpoena, the magisterial district judge has discretion to limit the scope of the subpoena to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

The request for a subpoena shall include the address of the person being subpoenaed in the event the magisterial district court must contact the person. However, the address is not included on the subpoena. Service may occur at a location other than the address of the person being subpoenaed. The location of service is reported on the return of service.

A subpoenaed person who resides outside the Commonwealth may be served while present in the Commonwealth pursuant to subdivision (d)(1) or (d)(2)(c).

The service of subpoenas outside the Commonwealth is beyond the scope of this rule. A party seeking the issuance of a subpoena for service outside the Commonwealth should consult the statutes and procedural rules of the jurisdiction where the subpoena is to be served. See, e.g., Unif. Interstate Depositions and Discovery Act (2007), if adopted in the jurisdiction where the subpoena will be served, and compare with 42 Pa.C.S. §§ 5331 et seq., pertaining to procedures for service of a subpoena issued by another jurisdiction upon a resident of the Commonwealth.

[Paragraph (D)] Subdivision (e) provides for filing **the return of service** by facsimile transmission. It is **[the intent of these rules]** **intended** that filing documents by facsimile transmission is permitted only **[when]** **as** expressly provided for in the rules. **[Paragraph (D) also provides for use of a form promulgated by the Court Administrator of Pennsylvania.]**

[Paragraph (E) provides that parties choosing to subpoena witnesses under the age of 18 must alert the magisterial district court of the witness' age and are responsible for any additional service costs.] Regarding subdivision (f), the person requesting the subpoena is responsible for any additional service costs resulting from service of a copy the subpoena on the parent or guardian of a subpoenaed person under the age of 18.

[See Rule 202] See Pa.R.Civ.P.M.D.J. 202 for definitions of “subpoena” and “attorney of record.” [Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107.] Compare Pa.R.Civ.P. 234.2 and Pa.R.Crim.P. 107 (pertaining to the use of subpoenas in the court of common pleas and in criminal matters). [See also Rule 207] See also Pa.R.Civ.P.M.D.J. 207 regarding representation by an authorized representative.

[For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137.] See 42 Pa.C.S. § 4137 for the contempt powers of a magisterial district judge. [See also] See also Pa.R.Crim.P. 140-142.

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 214

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 214, pertaining to the issuance and service of subpoenas in magisterial district court proceedings.

The Committee received an inquiry from an individual concerning the denial of a request for the issuance of a subpoena. The Committee was advised that the request was denied because the individual intended to serve the subpoena on a corporation at its location in another state. This inquiry caused the Committee to examine Pa.R.Civ.P.M.D.J. 214 to determine if revisions were warranted.

The Committee observes that Pennsylvania residents, particularly those living near the Commonwealth’s borders with neighboring states, regularly do business with or have contact with out-of-state persons and businesses. A Pennsylvanian may bring a civil action in a magisterial district court that requires the testimony of or documents in the possession of a person residing outside the state.

Currently, the rule provides that “[m]agisterial district judges may issue subpoenas throughout the Commonwealth.” See Pa.R.Civ.P.M.D.J. 214(A). However, upon further review, the Committee believes that the provision oversimplifies the subpoena process and focuses on the issuance of the subpoena rather than its service. For example, an out-of-state corporation will have a registered agent in the Commonwealth to accept service of process. See 15 Pa.C.S. § 411(f) (“every registered foreign association shall have, and continuously maintain, in this Commonwealth a registered office”). Similarly, a nonresident can be served while present in the Commonwealth by being handed a copy of the subpoena. See Pa.R.Civ.P.M.D.J. 214(C)(1) (“any person within the Commonwealth”). The Committee explored ways to clarify that the rule permits service of a subpoena on an out-of-state person when within the Commonwealth.

First, the Committee is considering recommending the deletion of subdivision (A), pertaining in part to magisterial district judges’ authority to issue subpoenas throughout the Commonwealth. This phrase may confuse readers if they do not understand that it is intended to relate to the issuance of subpoenas for service throughout the Commonwealth and not the residency of the intended recipient. The existing prohibition on magisterial district judges issuing subpoenas in blank would be moved to new subdivision (a).

Second, the Committee observes that while Pa.R.Civ.P.M.D.J. 214 identifies the contents of the subpoena, it is silent as to the contents of the subpoena request. Therefore, the Committee is proposing a new provision in subdivision (a) to require that the subpoena request include the items set forth in subdivision (b), pertaining to contents of the subpoena, as well as the address of the person being subpoenaed. The address of the person subpoenaed will be included in the request but not the issued subpoena. It is hoped that removing the subpoenaed person's address from the subpoena will help avoid conflation between a person's residence and the location for service of the subpoena. Having the address available to the magisterial district court will be useful if it is necessary to contact the subpoenaed person. The subpoena request must also indicate whether the person to be subpoenaed is under the age of 18 so the court can confirm whether service on a parent or guardian was also effectuated, as required by subdivision (f).

Third, subdivision (d) sets forth the methods of serving a subpoena within the Commonwealth. As proposed, service within the Commonwealth can be accomplished by personal service, as well as two new options: certified mail and first-class mail. Adding new options for service by mail is consistent with practice in the courts of common pleas. See Pa.R.Civ.P. 234.2(b)(2)-(b)(3). Proof of mail service will be accomplished by a signed return receipt or a new acknowledgment of receipt.

Fourth, the Committee proposes the revision of subdivision (e) to reflect that the return of service form is promulgated by the Court Administrator of Pennsylvania. The person making service will be required to identify the method and location of service to ensure that it comports with subdivision (d).

Finally, the Committee is considering adding new commentary to Pa.R.Civ.P.M.D.J. 214. It will clarify that service of a subpoena may be made at a location other than the recipient's residence. Additionally, the commentary explains that Rule 214 does not address service of a subpoena outside the Commonwealth because out-of-state service is subject to the statutes and procedural rules of the jurisdiction where the subpoena is to be served. Stylistic changes were made through the rule, including, but not limited to the addition of subdivision titles.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.