



The **Magisterial District Courts** are the first tier of the Unified Judicial System of the Commonwealth of Pennsylvania. There are more than 550 courts operating in local jurisdictions to provide service to local constituents.

**Magisterial District Judges** in these courts have authority to:

- conduct non-jury trials in
  - summary traffic, criminal, and ordinance cases
  - landlord tenant actions
  - civil cases \$8,000.00 and under
- conduct preliminary arraignments and set bail
- preside over preliminary hearings
- issue criminal warrants and search warrants
- issue Emergency Protection From Abuse orders (Emergency PFA's)
- perform weddings

The minor courts, also called special courts or courts of limited jurisdiction, constitute the "grass roots" level of Pennsylvania's court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter.

For more information about Pennsylvania's Unified Judiciary, visit:  
<http://www.pacourts.us/>

## S.C.J.A.P.

### Special Court Judges Association of Pennsylvania



Magisterial District Judges in the Commonwealth of Pennsylvania are all members of the S.C.J.A.P.

#### Purpose of the S.C.J.A.P.

The purpose of the organization is to foster, promote and advance, without becoming involved in partisan politics of any kind, the study and application of the laws pertaining to, administered by and affecting Special Court Judges, the proper observance of judicial ethics and moral obligations by and among such officers and members, the dissemination of legal and other information for the better performance of the duties of such offices, and for social purposes provided in the non-profit corporation law.

*This information is provided as a service of the  
**Public Relations Committee of the  
 Special Court Judges Association  
 of Pennsylvania***

*and has been issued to inform and not to advise.*

**<http://www.scjap.org/>**

*Compliments of:*



# Going to Court



Procedural information provided by

## S.C.J.A.P.

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<http://www.scjap.org/>

# Court Cases

## CRIMINAL

### Traffic

Traffic cases are summary offenses initiated by a traffic citation issued by a law enforcement officer, handed to the defendant (when possible), and then filed in the court.

### Non Traffic

Non-traffic criminal cases are summary offenses initiated by a law enforcement officer. Non-traffic citations are issued for violations of State criminal statutes and municipal ordinances.

### Private Criminal Complaint\*

A complaint can be filed privately by anyone other than law enforcement. While filed in Magisterial District Court, it may need approval by the District Attorney.

## CIVIL

### Civil / Small Claims\*

Civil claims seeking a monetary judgment not to exceed \$8,000.00 can be filed in the magisterial district court. Defendants are entitled to file a cross-complaint to be heard at the same time.

### Landlord/Tenant\*

A Landlord seeking possession of a property, and/or rent and damages not to exceed \$8,000.00, can file the cases in the district court.

\*Forms are available at the Magisterial District Court or online at <http://origin-www.aopc.org/Forms/Default.htm>. Contact the court regarding civil filing costs. **Note:** Plaintiff is responsible for filling out all information.

# Court Proceedings

## THE JUDGE

A Magisterial District Judge cannot provide any guidance to a plaintiff or defendant in a case. The Judge's role is to maintain a neutral and detached position.

It is the responsibility of each litigant to present to the court the information to be considered in rendering a fair decision. The standard for judgment in criminal cases is "beyond a reasonable doubt", and in civil cases, the standard is the "preponderance of the evidence."

## PLAINTIFF / AFFIANT

When presenting a case in court, the affiant (criminal) or plaintiff (civil) always proceeds first. This is done by means of testimony, presenting evidence and/or witnesses. Witnesses are subject to cross examination by the defendant. All parties are subject to the Pennsylvania Rules of Civil and Criminal Procedure.

## DEFENDANT

When presenting a case in court, the defendant always proceeds second. This is done by means of testimony, presenting evidence and/or witnesses. Witnesses are subject to cross-examination by the Plaintiff / Affiant. All parties are subject to the Pennsylvania Rules of Civil and Criminal Procedure.

# Be Prepared

## RESPONDING TO A CITATION

Defendants have 10 days after receiving a citation from an officer or summons from the court to enter a plea of guilty or not guilty. Failure to respond will result in the issuance of an arrest warrant.

## RESPONDING TO A CIVIL COMPLAINT

Carefully read and follow all instructions that come from the court, and respond with your intent to defend or cross-complaint within the time frames permitted.

## ATTORNEY SERVICES

If you are a plaintiff or a defendant in any of these cases before a magisterial district court, it is not required that you be represented by an attorney. However, if you feel it is your best interest to be represented, you may hire an attorney. If you need assistance, you can call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375, or check your local Bar Association or yellow pages.

## COURTROOM DEMEANOR

Magisterial District Court is often referred to as "the people's court," and it is typically less formal than the higher courts. If you are coming to court to attend or participate in a hearing, proper attire is recommended, and respectful conduct is expected.