

PHILADELPHIA MUNICIPAL COURT

CIVIL PROCEDURAL RULES COMMITTEE

Proposed Amendment to Local Rule 102 Definitions

Proposed Repeal and Replacement of Local Rule 131 Self Representation

The Philadelphia Municipal Court Civil Procedural Rules Committee is proposing the amendment of Rule 102 Definitions and the repeal and replacement of Rule 131 Self Representation. The proposed changes are being submitted to the bench and bar for comments and suggestions.

All communications in reference to the proposed changes should be sent not later than **July 30, 2007** to:

The Honorable Barbara S. Gilbert
Chair
Municipal Court Civil Procedural Rules Committee
1301 Filbert Street
Suite 1305
Philadelphia, PA 19107

Rule 102 of the Philadelphia Municipal Court Civil Procedure Rules is amended to include the following:

Rule 102 Definitions.

Authorized Representative – An authorized representative is an individual who is an agent of a party, has personal knowledge of the subject matter of litigation, and files a written authorization with the Court prior to the commencement of trial. A written authorization shall be signed by a party and specify the nature and extent of the authority that the party has given to the authorized agent. A valid written authorization must be filed with the Court before an authorized representative may take any actions on behalf of a party. An approved written authorization form is attached to these rules.

Rule 131 of the Philadelphia Municipal Court Civil Procedure Rules is repealed and replaced by the following:

Rule 131 Representations.

- a. An individual or sole proprietor may be represented by himself or herself, by an attorney at law, or by an authorized representative.
- b. A corporation as defined in Part II of Title 15 of Pennsylvania Consolidated Statutes may be represented by an officer, an attorney at law, or by an authorized representative.
- c. A general partnership as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a partner, an attorney at law, or by an authorized representative. A limited partnership as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a general partner, an attorney at law, or by an authorized representative. A limited liability company as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a manager, an attorney at law, or by an authorized representative.
- d. A professional association as defined in Part IV of Title 15 of Pennsylvania Consolidated Statutes may be represented by an officer of its board of governors, an attorney at law, or by an authorized representative.
- e. A business trust as defined in Part V of Title 15 of Pennsylvania Consolidated Statutes may be represented by a trustee, an attorney at law, or by an authorized representative.
- f. If authorized by a party, an authorized representative may take any action that a party may take, including, but not limited to, filing a statement of claim, filing a landlord tenant complaint, testifying, submitting documents into evidence, and

making filings and appearing in court after the adjudication of a small claims or landlord tenant action. A party shall always have the right to file a document limiting or rescinding a person's right to act as an authorized representative.

- g. Notwithstanding the above, a party may not use an authorized representative in any action in which the City of Philadelphia is seeking fines, penalties, unpaid taxes, or unpaid water/sewer charges.

Official Note: An authorized representative is defined in Rule 102. The addition of an authorized representative as a person who may be a representative of a party is intended to permit a party to select and authorize an individual who has knowledge of the subject matter of litigation to represent it in all court proceedings. As noted in the definition of an authorized representative, a person must file an appropriate authorization form prior to the commencement of trial in order to act as an authorized representative. This rule is not intended to allow a non-lawyer to establish a business for the purpose of representing others in Court proceedings.