

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

JOINT GENERAL COURT REGULATION
COURT OF COMMON PLEAS
TRIAL AND ORPHANS' COURT DIVISIONS

No. 2000-03

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Distribution of Business Within the Court of Common Pleas:
Nonprofit Corporations

The Pennsylvania Rules of Judicial Administration provide that the Orphans' Court Division of the Court of Common Pleas shall hear and determine certain matters dealing with nonprofit corporations. See Pa. R.J.A. No. 2156. This Joint General Court Regulation is designed to implement Pa. R.J.A. No. 2156 in the Court of Common Pleas of Philadelphia County and to provide for the efficient and timely transfer of cases between the Trial and Orphans' Court Divisions.

1. Matters To Be Heard By The Orphans' Court Division. All matters concerning the following shall be heard by the Orphans' Court Division:

a. The administration and proper application of property committed to charitable purposes, as defined below, held or controlled by any domestic or foreign nonprofit corporation;

b. Matters arising under Title 15 of the Pennsylvania Consolidated Statutes (involving corporations and unincorporated associations) which hold or control any property committed to charitable purposes;

c. Any other matter which involves the application, interpretation or

enforcement of any law regulating the affairs of nonprofit corporations holding or controlling any property committed to charitable purposes or regulating the affairs of members, security holders, directors, officers, employees or agents of nonprofit corporations holding or controlling any property committed to charitable purposes.

2. Definition of “Property Committed to Charitable Purposes”. For the purposes of this regulation, “property committed to charitable purposes” means all property committed to the relief of poverty, the advancement of education, the advancement of religion, the promotion of health, governmental or municipal purposes and other purposes, the accomplishment of which is beneficial to the community, except that the term does not include the property of any inter vivos trust jurisdiction of which was acquired by the Court of Common Pleas prior to January 1, 1969 unless the President Judge of the Court orders the matter to be heard and determined in the Orphans’ Court Division.

3. Matters To Be Heard By The Trial Division. All other matters involving a nonprofit corporation shall be heard in the Trial Division.

4. Transfers. All matters filed in, or assigned to, the incorrect division shall be reassigned.

Comment: The assignment of matters under this rule will depend on the nature of the underlying action. For example, an action involving one or more nonprofit corporations concerning an ordinary tort or contract claim will be assigned to the Trial Division. An action involving one or more nonprofit corporations concerning the proper application of property committed to charitable purposes, or the rights and obligations of members, directors or officers of such nonprofit corporations, will be assigned to the Orphans’ Court. The mere possibility that

an ordinary tort or contract claim could result in a judgment for or against a nonprofit corporation will not cause a matter to be assigned to the Orphans' Court.

BY THE COURT:

John W. Herron
Administrative Judge
Trial Division

Joseph D. O'Keefe
Administrative Judge
Orphans' Court Division

Dated: 05/24/2001

This Joint General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for Joint General Court Regulations and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Joint General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Joint General Court Regulation is also available on the Court's website at <http://courts.phila.gov>.