

## DIVISION XII

### Appeals to the Iowa Appellate Courts

*[Division XII rules are prospective only.]*

**Rule 16.1201 Effective date of appellate rules.** The rules in division XII of this chapter govern the filing of all documents in all appeals to the Iowa Appellate Courts commenced on or after initiation of electronic filing in the appellate courts.

**Rule 16.1202 Applicability of electronic filing requirements to cases before the appellate courts.**

**16.1202(1)** *Appeals commenced on or after initiation of electronic filing.* The rules in division XII of this chapter govern the filing of all documents in all appeals commenced on or after initiation of electronic filing in the appellate courts.

**16.1202(2)** *Appeals commenced prior to initiation of electronic filing—appendix not filed.* Appeals pending prior to initiation of electronic filing and in which the appendix has not yet been filed are not subject to the requirements of this chapter until it is time to file the appendix. See Iowa R. App. P. 6.905(11) (time for filing appendix). The appendix and all subsequently filed documents shall be filed and served electronically under the rules of this chapter. The parties, if not already registered to file documents in the electronic document management system, must register before the time the appendix is required to be filed and served. See rules 16.305 (registration), 16.1204(1) (if previously registered no additional registration required), 16.1204(2) (exceptions to electronic filing participation).

**16.1202(3)** *Appeals commenced prior to initiation of electronic*

*filing –appendix already filed.* Appeals pending prior to the initiation of electronic filing and in which the appendix has already been filed are not subject to the requirements of this chapter.

**16.1202(4)** *Conversion upon court approval.* The appellate court, upon its own motion or upon motion of a party, may order the conversion of a pending appeal to electronic filing at any stage of the proceedings.

**Rule 16.1203 Applicability of rules in divisions I through VI to appellate court cases.** Except for rules 16.101, 16.301(1), 16.302(2), and 16.304(2), the rules in divisions I through VI, including rules pertaining to the protection of personal privacy, apply in appellate court cases.

**Rule 16.1204 Mandatory use of electronic document management system for appellate cases.**

**16.1204(1)** *Mandatory electronic filing.* All lawyers authorized to practice law in Iowa, all lawyers admitted pro hac vice, see Iowa Ct. Rule 31.14, and all self-represented litigants must register under rule 16.305(1) to participate in the electronic document management system. If a lawyer or self-represented litigant has previously registered to participate at the district or appellate court level then no additional registration is required. As provided in this chapter, registered filers must electronically submit all documents to be filed with the court unless otherwise required or authorized by these rules.

**16.1204(2)** *Exemptions.*

*a. Good cause.* For good cause, the clerk of the supreme court, or the clerk's deputy, may authorize a filer to submit a document by

nonelectronic means to the clerk for filing. Upon a motion showing that exceptional circumstances make it unreasonable for a party to file documents electronically, the supreme court may exempt the party from electronic filing for purposes of the party's case on appeal. If a district court exempted a party from electronic filing in the underlying action, *see* rule 16.302(2), a copy of the district court order granting the exemption shall be attached to the party's request to be excused from electronic filing requirements for the case on appeal.

*b. Abortion notification appeals.* Abortion notification appeals may be filed electronically or nonelectronically.

*c. Nonelectronic filings by certain confined persons.* Any individual who is confined in an institution may nonelectronically submit pro se filings that the Iowa Rules of Appellate Procedure authorize in a criminal proceeding, postconviction relief proceeding, or proceeding under chapter 229A, unless otherwise ordered by the court.

**Rule 16.1205 Paper case files.** Except as these rules otherwise provided, *see, e.g.*, rule 16.315(1) (items not to be electronically filed), or as the supreme court directs, the clerk will not maintain paper case files in appeals initiated on or after the initiation of electronic filing in the appellate courts.

**Rules 16.1206 to 16.1208 Reserved.**

**Rule 16.1209 Certificate of confidentiality.** A party shall certify the confidential nature of an electronically filed document, *see* Iowa R. App. P. 6.110(2) and (3), by including a certificate of confidentiality as the first

page of the document. The certificate page shall contain only the caption of the case, the certificate of confidentiality, which includes the applicable statute or rule, and the signature of the party or counsel. See Iowa R. App. P. 6.110(2). When filing a document that contains a certificate of confidentiality, the filer must note that fact in the appropriate place on the electronic cover sheet. See rule 16.201 (definition of “cover sheet”).

**Rules 16.1210 to 16.1211 Reserved.**

**Rule 16.1212 Filings requiring expedited consideration.** If a filing requires expedited consideration, the filing party shall state the circumstances in the special filing instructions to the clerk, including the date of any impending district court trial or hearing.

**Rule 16.1213 Special signature requirements for notice of appeal or application for interlocutory appeal in termination-of-parental-rights or child-in-need-of-assistance cases under Iowa Code chapter 232.** A notice of appeal or an application for interlocutory appeal in Iowa Code chapter 232 termination-of-parental-rights or child-in-need-of-assistance cases shall follow the requirements of rule 16.306(5)(b)(1) for electronic filing of documents containing two or more signatures. The signature of the appellant shall be an original or an unaltered digitized signature. See Iowa Rs. App. P. 6.102(1)(a), 6.104(1)(b)(1); rule 16.201 (definition of “signature”).

**16.1214 Initiation of appeal from final orders or judgments appealable as a matter of right.**

**16.1214(1)** *Filing of notice of appeal in district court and service on other required parties.* The notice of appeal from a final order or judgment, see Iowa R. App. P. 6.102, shall be filed with the clerk of the district court where the order or judgment was entered. If the appeal is filed from a district court case governed by this chapter, see rules 16.101 and 16.102, the notice of appeal shall be filed and served on the other parties according to the rules of this chapter. See, e.g., Iowa R. App. P. 6.102(2)(b) (parties to be served); rules 16.317 (method of service), 16.318 (certificate of service). If the appeal is filed from a district court case not governed by the rules of this chapter, the notice of appeal shall be filed and served on the other parties in the conventional manner pursuant to Iowa Rule of Civil Procedure 1.442(2). See Iowa R. App. P. 6.102.

**16.1214(2)** *Service on the clerk of the supreme court.* Unless a filer is exempt from electronic filing pursuant to rule 16.1204(2), the notice of appeal must be served on the clerk of the supreme court through the electronic document management system. Service on the clerk of the supreme court is accomplished by following the instructions on the electronic document management system for filing a new notice of appeal. The filer must be registered for electronic filing before serving the notice of appeal on the clerk of the supreme court. See rules 16.305 (registration), 16.1204(1) (if previously registered no additional registration required).

**16.1214(3)** *Appearance.* If the appeal is from a district court case not subject to the rules of this chapter, all parties to the appeal, unless

exempt from electronic filing under rule 16.1204(2), shall electronically file an appearance in the appeal within seven days after the filing of the notice of appeal or within seven days after appointment or retention of appellate counsel, whichever is later. *See generally*, Iowa R. App. P. 6.109(4) – (5); rules 16.101, 16.102. A party must be registered to file documents in the electronic document management system before electronically filing an appearance. *See* rules 16.305, 16.1204(1) (if previously registered no additional registration required). A party will not receive electronic notification and service of filed documents until the party electronically files an appearance.

**Rule 16.1215 Applications for interlocutory appeal and applications for discretionary review, petitions for writ of certiorari, certification of questions of law, and other similar proceedings.**

**16.1215(1)** *Initiation.* Applications for interlocutory appeal and applications for discretionary review, petitions for writ of certiorari, and certification of questions of law, *see generally*, Iowa Rs. App. P. 6.104 (interlocutory), 6.106 (discretionary), 6.107 (certiorari), 6.302 (certification proceedings), 6.501 (other proceedings), shall be electronically filed with the clerk of the supreme court. The filer must be registered to file documents in the electronic document management system before electronically filing the document initiating the appellate court case with the clerk of the supreme court. *See* rules 16.305 (registration), 16.1204(1) (if previously registered no additional registration required).

**16.1215(2)** *Service.*

*a. Parties to be served.* The filer shall serve the required parties.

See Iowa R. App. P. 6.104(1)(c) (interlocutory), 6.106(1)(c) (discretionary), 6.107(1)(c) (certiorari), 6.302(3) (certified questions of law).

*b. Method of service.* The filer shall electronically serve registered filers pursuant to rule 16.317(1)(a)(2). The filer shall serve nonregistered (exempted) filers and not-yet-registered filers pursuant to rule 16.317(1)(b).

**16.1215(3) Appearance.** All parties shall, within seven days after the filing of the application or petition, electronically file an appearance with the clerk of the supreme court. See generally Iowa R. Crim. P. 2.29(6); Iowa Rs. App. P. 6.107(5), 6.109(4) – (5). A party must be registered to file documents in the electronic document management system before electronically filing an appearance. See rules 16.305, 16.1204(1)(if previously registered no additional registration required). A party will not receive electronic notification and service of filed documents until the party electronically files an appearance.

**Rules 16.1216 to 16.1218 Reserved.**

**Rule 16.1219 Facsimile (fax) transmission or email transmission does not constitute filing.** Transmitting a document to the clerk of the supreme court or to an appellate court by fax or email will not generate a notice of electronic filing and does not constitute electronic filing of the document. See rules 16.201 (definition “notice of electronic filing”), 16.307 (electronic filing). Documents transmitted to the clerk of the supreme court or to an appellate court by fax or email will only be filed if the party is authorized to submit the document in that manner under rule 16.1204(2) (exemptions to mandatory use of electronic document

management system).

**Rule 16.1220 Service of documents subsequent to notice of appeal, application for interlocutory review, or similar initiating document.**

Service of documents filed subsequent to the notice of appeal, application for interlocutory review, or similar initiating document shall follow rules 16.317 and 16.320(2). However, when serving a paper document on a nonregistered filer client, counsel is not required to include a copy of the notice of electronic filing. Until a party electronically files an entry of appearance, whether pro se or through counsel, that party cannot be served through the electronic document management system and must be served as if that party were a nonregistered filer. See rule 16.317(1)(b).

**Rule 16.1221 Number of copies filed or served.**

**16.1221(1)** *Number of copies to be filed.* Except as the appellate court otherwise orders in a particular case, when the Iowa Rules of Appellate Procedure require multiple copies of any document be filed, see, e.g., Iowa Rs. App. P. 6.901(7), 6.905(11), 6.906(5), 6.908(5), 6.1103(5), the party shall electronically file only one copy of the document. Nonregistered parties shall file only one paper copy of the document. See rules 16.201 (definition of “nonregistered filer”), 16.1204(2) (exceptions to electronic filing).

**16.1221(2)** *Number of copies to be served.* When the Iowa Rules of Appellate Procedure require service of a document upon counsel or a party, service shall be accomplished pursuant to rule 16.1220. When a document is served through the electronic document management system, no additional service is required. Nonregistered parties to an

appeal shall be served one paper copy by the filer.

**Rules 16.1222 to 16.1224 Reserved.**

**Rule 16.1225 Transmission of record.**

**16.1225(1)** *Transmission of notice of appeal and docket entries.*

The clerk of the district court shall electronically transmit certified copies of the notice of appeal, the notice of cross-appeal, if any, and the docket entries in the district court proceeding to the clerk of the supreme court within four days after the filing of the notice of appeal or the notice of cross appeal, if any. See Iowa R. App. P. 6.802(1).

**16.1225(2)** *Transmission of remaining record.* Within the time

required by Iowa Rules of Appellate Procedure 6.204 or 6.802(3), the appellant shall request the clerk of the district court to transmit to the clerk of the supreme court any remaining record. Any nonelectronic document or exhibits, unless otherwise ordered by the supreme court, shall be transmitted to the clerk of the supreme court nonelectronically. See Iowa Rs. App. P. 6.204(1) (record in child-in-need-of-assistance appeals), 6.204(3) (record in termination-of-parental-rights appeals), 6.801 (composition of record on appeal), 6.802(3) (transmission of remaining record).

**16.1225(3)** *Request to transmit record in Iowa Rule of Appellate*

*Procedure 6.1005 cases.* Within fourteen days after filing a motion to withdraw pursuant to Iowa Rule of Appellate Procedure 6.1005(2), counsel shall request the clerk of the district court to transmit to the clerk of the supreme court any remaining record. See Iowa R. App. P. 6.1005(4) (request to transmit record). Any documents or exhibits not

created or stored in the electronic document management system, unless otherwise ordered by the supreme court, shall be transmitted to the clerk of the supreme court nonelectronically.

**Rule 16.1226** *Transcripts of proceedings.* The reporter shall electronically file the original of the transcript with the clerk of the supreme court. The format of the transcript shall comply with the requirements of Iowa Rule of Appellate Procedure 6.803(2).

**Rules 16.1227 to 16.1229 Reserved.**

**Rule 16.1230 Pro se supplemental briefs.**

**16.1230(1)** *Pro se supplemental proof briefs, reply briefs, or supplemental designations.* Any criminal defendant, applicant for postconviction relief, or respondent committed under Iowa Code chapter 229A, who is a nonregistered filer, may submit a pro se supplemental proof brief, proof reply brief, or supplemental designation of appendix to the clerk of the supreme court to be scanned and electronically filed. See Iowa R. App. P. 6.901(2) (pro se supplemental proof briefs); rules 16.201 (definition of “nonregistered filer”), 16.303 (submission of paper documents), 16.1204(2) (exemption from mandatory electronic filing).

**16.1230(2)** *Pro se supplemental final briefs.* Counsel for the defendant, applicant, or respondent shall electronically file the final copies of the pro se supplemental briefs and ensure service is accomplished pursuant to rule 16.1220. See Iowa R. App. P. 6.901(2)(d).

**Rule 16.1231 References in briefs, motions, and other documents submitted to the court.**

**16.1231(1)** *Hyperlinks and other electronic navigational aids.*

a. Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court. Each hyperlink or other electronic navigational aid must contain a text reference to the target of the link.

b. Material linked by a hyperlink or other electronic navigational aid is not considered part of the document being filed.

c. Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

d. A party may not use hyperlinks or other electronic navigational aids to circumvent the page limitations in Iowa Rule of Appellate Procedure 6.903(1)(g).

**16.1231(2)** *References to the record in briefs.* All briefs shall comply with the requirements of Iowa Rules of Appellate Procedure 6.903 (briefs) and 6.904(4) (references in briefs to the record). However, references made in the final brief to a part of the record shall include a citation to the page or pages of the appendix at which those parts appear. The final brief shall also contain a reference to the page of the actual transcript. See rule 16.1232(2), (3).

**Rule 16.1232 Appendix.**

**16.1232(1)** *Appendix required.* An appendix is required in appeals governed by this chapter. An appendix shall comply with the requirements of Iowa Rule of Appellate Procedure 6.905 except as

otherwise provided by these rules.

**16.1232(2)** *Transcripts filed electronically.* No portion of a transcript filed electronically shall be included in the appendix. See rules 16.402 and 16.1226.

**16.1232(3)** *Nonelectronic transcripts.* Relevant portions of transcripts that have not been filed or stored in the electronic document management system shall be included in the appendix. See Iowa R. App. P. 6.905(2)(b). Examples of these types of transcripts include a paper copy of a criminal trial proceeding admitted as an exhibit in a postconviction relief action or a paper copy of a transcript from an administrative proceeding submitted to the court in a judicial review proceeding. See, e.g., rule 16.315(1)(a), (b).

**Rule 16.1233 Color of front covers.** Rules requiring colored front covers shall no longer apply to filings in appeals subject to these rules. See, e.g., Iowa Rs. App. P. 6.903(1)(c), 6.905(3)(a).

**Rule 16.1234 Attachments to motions.** The supporting documents to a motion shall be electronically attached as an “attachment” to the motion. See Iowa R. App. P. 6.1002, rule 16.313. A party may not use hyperlinks or other electronic navigational aids to circumvent the page limitations in Iowa Rule of Appellate Procedure 6.1002.