

FILED
DEC 18 2009
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

**IN THE MATTER
OF APPOINTMENTS TO
THE TASK FORCE FOR
CIVIL JUSTICE REFORM**

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ORDER

Each year, Iowa's trial courts typically handle approximately 150,000 non-domestic civil cases such as tort claims and contract, property, and commercial disputes. These lawsuits constitute nearly 46% of the state's trial court docket (not including scheduled violations). While Iowa's civil justice system is designed to effectively resolve many of these cases, it is not problem free. For some cases, especially cases involving smaller to medium sized claims for damages, the civil justice system is unnecessarily complicated and slow. Also, the substantial costs of civil litigation, including the cost of legal representation, expert witnesses, and transcripts, are a concern for all litigants—for Iowans of ordinary means, for small businesses, and for Fortune-500 corporations. In addition, the system's "one size fits all" approach may not be the most effective method for resolving certain types of cases such as complex commercial litigation and medical malpractice claims. These problems deter some litigants from pursuing valid claims and prompt others to settle claims of questionable merit. So in reality, the hassles, handicaps, and high cost of civil litigation impede access to justice.

The foundation of our civil justice system is sound: providing for fair and impartial justice for all. Nonetheless, it is time to redesign our civil procedures so they are straightforward, flexible, tailored for certain types of cases, expeditious, and affordable for all litigants. Civil justice system reforms in other jurisdictions show that these improvements are attainable. Iowa can learn from these examples.

To this end, the court establishes the Task Force for Civil Justice Reform to develop a plan for a multi-option civil justice system. This plan shall include proposals for new court processes and improvements in current processes that will foster prompt, affordable and high-quality resolution of non-domestic civil cases. To accomplish its mission, the Task Force shall:

- Identify the strengths and weaknesses of the present processes for resolving non-domestic civil cases.
- Examine innovative civil litigation procedures and programs used in other jurisdictions or recommended by other civil justice reform groups,