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DIVISION I

CASE INITIATION: CIVIL AND CRIMINAL; PARTIES AND ATTORNEYS;
PROTECTED INFORMATION; AND CONFIDENTIAL MATERIALS

Rule 6.101 Time for appealing final orders and judgments appealable as a matter of right.

6.101(1) *Time for filing a notice of appeal from final orders and judgments.*

a. Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. A notice of appeal from a final order or judgment entered in Iowa Code chapter 232 termination-of-parental-rights or child-in-need-of-assistance proceedings must be filed within 15 days after the filing of the order or judgment. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the notice of appeal must be filed within 15 days after the filing of the ruling on such motion.

b. All other cases. A notice of appeal must be filed within 30 days after the filing of the final order or judgment. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the notice of appeal must be filed within 30 days after the filing of the ruling on such motion.

c. Exception for final orders on partial dispositions. A final order dismissing some, but not all, of the parties or disposing of some, but not all, of the issues in an action may be appealed within the time for appealing from the judgment that finally disposes of all remaining parties and issues to an action, even if the parties' interests or the issues are severable.

6.101(2) *Time for filing a notice of cross-appeal.*

a. Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. In Iowa Code chapter 232 termination-of-parental-rights and child-in-need-of-assistance cases, any notice of cross-appeal must be filed within the 15-day limit for filing a notice of appeal, or within 10 days after the filing of a notice of appeal, whichever is later.

b. All other cases. In all other appeals, any notice of cross-appeal must be filed within the 30-day limit for filing a notice of appeal, or within 10 days after the filing of a notice of appeal, whichever is later.

6.101(3) *Appeal taken before order or judgment filed.* An appeal taken from an order or judgment of the district court shall be considered timely even though taken before the order or judgment has been filed by the clerk of the district court, if the order or judgment is filed within 30 days after the date on which the notice of appeal is filed.

6.101(4) *Tolling of filing deadline by timely service.* The time for filing a notice of appeal is tolled when the notice is served, provided the notice is filed with the district court clerk within a reasonable time. See Iowa R. Civ. P. 1.442(4).

1 **6.101(5)** *Extension where clerk fails to notify.* The supreme court
2 may extend the time for filing a notice of appeal if it determines the clerk
3 of the district court failed to notify the prospective appellant of the filing
4 of the appealable final order or judgment. A motion for an extension of
5 time must be filed with the clerk of the supreme court and served on all
6 parties and the clerk of the district court no later than 60 days after the
7 expiration of the original appeal deadline as prescribed in rule 6.101(1)(a)
8 or (b). The motion and any resistance shall be supported by copies of
9 relevant portions of the record and by affidavits. Any extension granted
10 shall not exceed 30 days after the date of the order granting the motion.
11

12 **Rule 6.102 Initiation of appeal from a final judgment.**

13 **6.102(1)** *From final orders in termination-of-parental-rights and*
14 *child-in-need-of-assistance cases under Iowa Code chapter 232.*

15 *a. Notice of appeal.* An appeal from a final order or judgment in a
16 termination-of-parental-rights or a child-in-need-of-assistance case
17 under Iowa Code chapter 232 is initiated by filing the notice of appeal
18 with the clerk of the district court where the order or judgment was
19 entered within the time provided in rule 6.101(1)(a). The notice of appeal
20 cannot be filed unless signed by both the appellant's counsel and the
21 appellant.

22 (1) *Contents of notice of appeal.* The notice of appeal shall specify
23 the parties taking the appeal and the decree, judgment, order, or part
24 thereof appealed from. The notice shall substantially comply with form 4
25 in rule 6.1401.

26 (2) *Service of the notice of appeal.* A copy of the notice of appeal
27 shall be served upon all counsel of record, all parties not represented by
28 counsel, the attorney general, and the clerk of the supreme court in the
29 manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal shall
30 include a certificate of service in the form provided in Iowa R. Civ. P.
31 1.442(7).

32 *b. Petition on appeal.* An appeal in a termination-of-parental-
33 rights or a child-in-need-of-assistance case will be dismissed unless a
34 petition on appeal is timely filed as set forth in rule 6.201(1)(b).

35 **6.102(2)** *From final orders appealable as a matter of right in all*
36 *other cases.* An appeal from a final order appealable as a matter of right
37 in all cases other than termination-of-parental-rights and child-in-need-
38 of-assistance cases under Iowa Code chapter 232 is taken by filing a
39 notice of appeal with the clerk of the district court where the order or
40 judgment was entered within the time provided in rule 6.101(1)(b). The
41 notice of appeal shall be signed by either the appellant's counsel or the
42 appellant.

43 *a. Contents of the notice of appeal.* The notice of appeal shall
44 specify the parties taking the appeal and the decree, judgment, order, or
45 part thereof appealed from. The notice shall substantially comply with
46 form 1 in rule 6.1401.

47 *b. Service of the notice of appeal.* A copy of the notice of appeal
48 shall be served upon all counsel of record, all parties not represented by
49 counsel, and the clerk of the supreme court in the manner stated in Iowa

1 R. Civ. P. 1.442(2). If the State is a party to the case, a copy of the notice
2 of appeal shall also be served upon the attorney general in the manner
3 stated in Iowa R. Civ. P. 1.442(2). The notice of appeal shall include a
4 certificate of service in the form provided in Iowa R. Civ. P. 1.442(7).

5 **6.102(3) Filing fee.** Within seven days of filing the notice of
6 appeal, the appellant shall pay to the clerk of the supreme court a filing
7 fee or file a motion to waive or defer the fee as provided in rule 6.702.
8

9 **Rule 6.103 Review of final orders and judgments.**

10 **6.103(1) Final order and judgment defined.** All final orders and
11 judgments of the district court involving the merits or materially affecting
12 the final decision may be appealed to the supreme court, except as
13 provided in this rule, rule 6.105, and Iowa Code sections 814.5 and
14 814.6. An order granting or denying a new trial is a final order. An
15 order setting aside a default judgment in an action for dissolution of
16 marriage or annulment is a final order. An order setting aside a default
17 judgment in any other action is not a final order.

18 **6.103(2) Attorney fee order entered after final judgment.** A final
19 order or judgment on an application for attorney fees entered after the
20 final order or judgment in the underlying action is separately appealable.
21 The district court retains jurisdiction to consider an application for
22 attorney fees notwithstanding the appeal of a final order or judgment in
23 the action. If the final order or judgment in the underlying case is also
24 appealed, the party appealing the attorney fee order or judgment shall
25 file a motion to consolidate the two appeals.

26 **6.103(3) Interlocutory order included in appeal of final order or**
27 **judgment.** No interlocutory order may be appealed until after the final
28 judgment or order is entered except as provided in rule 6.104. Error in
29 an interlocutory order is not waived by pleading over or proceeding to
30 trial. If no appeal was taken from an interlocutory order or a final
31 adjudication in the district court under Iowa R. Civ. P. 1.444 that
32 substantially affected the rights of the complaining party, the appellant
33 may challenge such order or final adjudication on appeal of the final
34 order or judgment.
35

36 **Rule 6.104 Review of interlocutory rulings or orders.**

37 **6.104(1) Application for interlocutory appeal.**

38 *a. Applicability.* Any party aggrieved by an interlocutory ruling or
39 order of the district court may apply to the supreme court for permission
40 to appeal in advance of final judgment.

41 *b. Time for filing.*

42 (1) *Termination-of-parental rights and child-in-need-of-assistance*
43 *cases under Iowa Code chapter 232.* An application for interlocutory
44 appeal in an Iowa Code chapter 232 termination-of-parental-rights or a
45 child-in-need-of-assistance case must be filed within 15 days after entry
46 of the challenged ruling or order. However, if a motion is timely filed
47 under Iowa R. Civ. P. 1.904(2), the application must be filed within 15
48 days after the filing of the ruling on such motion. The application for
49 interlocutory appeal cannot be filed unless signed by both the appellant's

1 counsel and the appellant. If the application is granted, the appellant
2 must file a petition on appeal as set forth in rule 6.201(1)(b). The failure
3 to file a timely petition on appeal will result in the dismissal of the
4 appeal.

5 (2) *All other cases.* An application for interlocutory appeal must be
6 filed within 30 days after entry of the challenged ruling or order.
7 However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the
8 application must be filed within 30 days after the filing of the ruling on
9 such motion.

10 (3) *Extensions of time.* No extension of the filing deadlines in this
11 rule will be allowed except upon a showing that the failure to file the
12 application within the time provided was due to a failure of the clerk of
13 the district court to notify the applicant of the ruling or order. A motion
14 for an extension of time must be filed with the clerk of the supreme court
15 and served on all parties and the clerk of the district court no later than
16 60 days after the expiration of the time for filing an application for
17 interlocutory appeal. The motion and any resistance shall be supported
18 by copies of relevant portions of the record and by affidavits. An
19 extension granted under this rule shall not exceed 30 days after the date
20 of the order granting the motion.

21 *c. Filing and serving application.* The original application and
22 three copies shall be filed with the clerk of the supreme court. The
23 application shall be served as provided in rule 6.701 upon all counsel of
24 record, all parties not represented by counsel, and the attorney general if
25 the State is a party.

26 *d. Content and form of application.* The application shall follow the
27 content and form requirements of rules 6.1002(1) and 6.1007. In
28 addition, the applicant shall state with particularity the substantial
29 rights affected by the ruling or order, why the ruling or order will
30 materially affect the final decision, and why a determination of its
31 correctness before trial on the merits will better serve the interests of
32 justice. The date of any impending hearing, trial, or matter needing
33 immediate attention of the court shall be prominently displayed beneath
34 the title of the application.

35 *e. Filing fee.* The applicant shall pay to the clerk of the supreme
36 court a filing fee or file a motion to waive or defer the fee as provided in
37 rules 6.702(1)(b) and 6.702(2).

38 *f. Filing of the application does not stay district court*
39 *proceedings.* The filing of an application for interlocutory appeal does not
40 stay district court proceedings. The applicant may apply to the district
41 court for a continuance or a stay of proceedings or to the supreme court
42 for a stay of proceedings. Any application for a stay order by the
43 supreme court must state the dates of any proceedings to be stayed and
44 why a stay is necessary.

45 **6.104(2)** *Resistance, consideration, and ruling.* The application
46 may be resisted and will be considered in the same manner provided for
47 motions in rule 6.1002. The supreme court may grant permission to
48 appeal on finding that such ruling or order involves substantial rights
49 and will materially affect the final decision and that a determination of its

1 correctness before trial on the merits will better serve the interests of
2 justice. An order granting an appeal under this rule shall stay further
3 proceedings below, may require bond, and may expedite the time for
4 briefing and submission.

5 **6.104(3)** *Procedure after order granting application.* The clerk of
6 the supreme court shall promptly transmit a copy of the order granting
7 the interlocutory appeal to all counsel of record, all parties not
8 represented by counsel, the clerk of the district court, and the attorney
9 general if the State is a party. The appellant shall file and serve the
10 combined certificate required by rule 6.804(1) within 14 days after the
11 filing date of the order granting the interlocutory appeal. Further
12 proceedings shall be had pursuant to the rules of appellate procedure.

13
14 **Rule 6.105 Review of small claims actions.** Except where the action
15 involves an interest in real estate, no appeal shall be taken in any case
16 originally tried as a small claim. An action originally tried as a small
17 claim may be reviewed by the supreme court only as provided in Iowa
18 Code section 631.16 and rule 6.106.

19
20 **Rule 6.106 Discretionary review.**

21 **6.106(1)** *Application for discretionary review.*

22 *a. Applicability.* An application for discretionary review may be
23 filed to review certain orders specified by statute which are not subject to
24 appeal as a matter of right.

25 *b. Time for filing.* An application for discretionary review must be
26 filed within 30 days after entry of the challenged ruling, order, or
27 judgment of the district court. However, if a motion is timely filed under
28 Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days
29 after the filing of the ruling on such motion. No extension of such time
30 will be allowed except upon a showing that the failure to file the
31 application within the time provided was due to a failure of the district
32 court clerk to notify the applicant of the ruling, order, or judgment. A
33 motion for an extension of time must be filed with the clerk of the
34 supreme court and served on all parties and the clerk of the district
35 court no later than 60 days after the expiration of the time for filing an
36 application for discretionary review. The motion and any resistance shall
37 be supported by copies of relevant portions of the record and by
38 affidavits. An extension granted under this rule shall not exceed 30 days
39 after the date of the order granting the motion.

40 *c. Filing and serving application.* The original application and
41 three copies shall be filed with the clerk of the supreme court. The
42 application shall be served as provided in rule 6.701 upon all counsel of
43 record, all parties not represented by counsel, and the attorney general if
44 the State is a party.

45 *d. Content and form of application.* The application shall follow the
46 content and form requirements of rules 6.1002(1) and 6.1007. In
47 addition, the applicant shall state with particularity the grounds upon
48 which discretionary review should be granted. The date of any

1 impending hearing, trial, or matter needing immediate attention of the
2 court shall be prominently displayed beneath the title of the application.

3 *e. Filing fee.* The applicant shall pay to the clerk of the supreme
4 court a filing fee or file a motion to waive or defer the fee as provided in
5 rule 6.702(1)(c) and 6.702(2).

6 *f. Filing of the application does not stay district court*
7 *proceedings.* The filing of an application for discretionary review does not
8 stay district court proceedings. The applicant may apply to the district
9 court for a continuance or a stay of proceedings or to the supreme court
10 for a stay of proceedings. Any application to the supreme court for a stay
11 order must set forth the dates of any proceedings to be stayed and why a
12 stay is necessary.

13 **6.106(2) Resistance, consideration, and ruling.** The application
14 may be resisted and will be considered in the same manner provided for
15 motions in rule 6.1002. The supreme court may grant discretionary
16 review upon a determination that (1) substantial justice has not been
17 accorded the applicant, (2) the grounds set forth in rule 6.104(1)(d) for an
18 interlocutory appeal exist, or (3) the grounds set forth in any statute
19 allowing discretionary review exist. An order allowing discretionary
20 review under this rule may stay further proceedings below, may require
21 bond, and may expedite the time for briefing and submission.

22 **6.106(3) Procedure after order granting application.** The clerk of
23 the supreme court shall promptly transmit a copy of the order granting
24 discretionary review to the attorneys of record, any parties not
25 represented by counsel, the clerk of the district court, and the attorney
26 general if the State is a party. The appellant shall file and serve the
27 combined certificate required by rule 6.804(1) within 14 days after the
28 filing date of the order granting discretionary review. Further
29 proceedings shall be had pursuant to the rules of appellate procedure.
30

31 **Rule 6.107 Original certiorari proceedings.**

32 **6.107(1) Petition for writ of certiorari.**

33 *a. Applicability.* Any party claiming a district court judge, an
34 associate district court judge, an associate juvenile judge, or an associate
35 probate judge exceeded the judge's jurisdiction or otherwise acted
36 illegally may commence an original certiorari action in the supreme court
37 by filing a petition for writ of certiorari as provided in these rules.

38 *b. Time for filing.* A petition for writ of certiorari must be filed
39 within 30 days after the challenged decision. However, if a motion is
40 timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the
41 petition must be filed within 30 days after the filing of the ruling on such
42 motion. No extension of such time may be allowed except upon a
43 showing that the failure to file the petition within the time provided was
44 due to a failure of the district court clerk to notify the plaintiff of the
45 challenged decision. A motion for an extension of time must be filed with
46 the clerk of the supreme court and served on all parties and the clerk of
47 the district court no later than 60 days after the expiration of the time for
48 filing a petition for writ of certiorari. The motion and any resistance shall
49 be supported by copies of relevant portions of the record and by

1 affidavits. An extension granted under this rule shall not exceed 30 days
2 after the date of the order granting the motion.

3 *c. Filing and serving petition.* The original petition and three
4 copies shall be filed with the clerk of the supreme court. The petition
5 shall be served as provided in rule 6.701 upon all counsel of record, all
6 parties not represented by counsel, the clerk of the district court, and the
7 attorney general if the State is a party.

8 *d. Content and form of petition.* The caption of the petition shall
9 name the challenging party as the plaintiff and the district court, not the
10 judge, as the defendant. The date of any impending hearing, trial, or
11 matter needing immediate attention of the court shall be prominently
12 displayed beneath the title of the petition. The petition shall follow the
13 content and form requirements of rules 6.1002(1) and 6.1007. In
14 addition, the petition shall state whether the plaintiff raised the issue in
15 the district court, identify the interest of the plaintiff in the challenged
16 decision, and state the grounds that justify issuance of the writ.

17 *e. Filing fee.* The applicant shall pay to the clerk of the supreme
18 court a filing fee or file a motion to waive or defer the fee as provided in
19 rule 6.702(1)(d) and 6.702(2).

20 *f. Filing of petition does not stay district court proceedings.* The
21 filing of a petition for writ of certiorari does not stay the district court
22 proceedings. The plaintiff may apply to the district court for a
23 continuance or a stay of proceedings or to the supreme court for a stay of
24 proceedings. Any application to the supreme court for a stay order must
25 state the dates of any proceedings to be stayed and why a stay is
26 necessary.

27 **6.107(2) Resistance, consideration, and ruling.** A petition for writ
28 of certiorari may be resisted and will be considered in the same manner
29 provided for motions in rule 6.1002. An order granting the petition may
30 stay further proceedings below, may require bond, and may expedite the
31 time for briefing and submission. The clerk of the supreme court shall
32 promptly transmit a copy of the ruling on the petition to the attorneys of
33 record, any parties not represented by counsel, the clerk of the district
34 court, and the attorney general if the State is a party.

35 **6.107(3) Issuance of writ.** If the petition for writ of certiorari is
36 granted, the clerk of the supreme court shall issue a writ under its seal.
37 The original writ shall be transmitted to the clerk of the district court and
38 shall constitute service on the district court.

39 **6.107(4) Procedure after order granting petition.** The plaintiff shall
40 file and serve the combined certificate required by rule 6.804(1) within 14
41 days after the filing date of the order granting the petition. Further
42 proceedings shall be had pursuant to the rules of appellate procedure.
43 The appellate rules applicable to appellants shall apply to plaintiffs and
44 those applicable to appellees shall apply to defendants.

45 **6.107(5) Representation of district court.** Parties before the district
46 court other than the certiorari plaintiff shall be required to defend the
47 district court and make all filings required of the defendant under these
48 rules unless permitted to withdraw by the supreme court. A party
49 required to defend the district court under this rule may file an

1 application to withdraw stating (1) whether the applicant raised the issue
 2 addressed in the challenged decision in the district court, (2) the interest
 3 or lack of interest of the applicant in the challenged decision, and (3) the
 4 grounds justifying withdrawal. The application to withdraw shall be
 5 served on all parties, the district court, and the attorney general.

6
 7 **Rule 6.108 Form of review.** If any case is initiated by a notice of
 8 appeal, an application for interlocutory appeal, an application for
 9 discretionary review, or a petition for writ of certiorari and the appellate
 10 court determines another form of review was the proper one, the case
 11 shall not be dismissed, but shall proceed as though the proper form of
 12 review had been requested. The court may treat the papers upon which
 13 the action was initiated as seeking the proper form of review and, in
 14 appropriate cases, may order the parties to file jurisdictional statements.
 15 Nothing in this rule shall operate to extend the time for initiating a case.

16
 17 **Rule 6.109 Parties and attorneys on appeal; caption; substitution of**
 18 **parties; withdrawal of counsel.**

19 **6.109(1) Parties on appeal.** The party who files a notice of appeal
 20 is the appellant and the opposing party is the appellee. If opposing
 21 parties seek to appeal, the party who first files a notice of appeal shall be
 22 the appellant/cross-appellee and the other party shall be the
 23 appellee/cross-appellant, unless the parties otherwise agree or the
 24 supreme court otherwise orders upon motion of any party.

25 **6.109(2) Caption on appeal.** The appeal shall be captioned under
 26 the title given to the action in the district court, with the parties
 27 identified as appellant and appellee. Parties not involved in the appeal
 28 may be omitted from the caption. If the title does not contain the name
 29 of the appellant, the appellant's name shall be added to the caption.

30 **6.109(3) Substitution of party.** If substitution of a party is sought
 31 for any reason, including those stated in Iowa Rs. Civ. P. 1.221, 1.222,
 32 1.223, 1.224, and 1.226, the person seeking the substitution must file a
 33 motion for substitution of party with the clerk of the supreme court.

34 **6.109(4) Attorneys and guardians ad litem.** The attorneys and
 35 guardians ad litem of record in the district court shall be deemed the
 36 attorneys and guardians ad litem in the appellate court unless others are
 37 retained or appointed and notice is given parties and the clerk of the
 38 supreme court. However, the representation of an attorney appointed for
 39 a minor child or children pursuant to Iowa Code section 598.12 ends
 40 when an appeal is taken unless the district court appoints the attorney,
 41 or a successor, for the appeal.

42 **6.109(5) Withdrawal of counsel.** An attorney may not withdraw
 43 from representation of a party before an appellate court without
 44 permission of that court unless another attorney has appeared or
 45 simultaneously appears for the party. A motion for permission to
 46 withdraw as counsel for a party must show service of the motion on the
 47 party, and must include the party's address, phone number, and email
 48 address. Before court-appointed trial counsel for a criminal defendant

1 may withdraw, the court file must contain proof counsel has completed
2 counsel's duties under Iowa R. Crim. P. 2.29(6).

3
4 **Rule 6.110 Protected information; confidential materials; briefs not**
5 **confidential.**

6 **6.110(1)** *Protected information.*

7 a. When a party files any document that contains protected
8 information as defined in Iowa R. Civ. P. 1.422(1) or a reproduction,
9 quotation, or extensive paraphrase of material that contains protected
10 information, the party shall omit or redact that information from the
11 document in the manner provided by rule 1.422(1).

12 b. When a party files any document that contains information that
13 may be omitted or redacted under Iowa R. Civ. P. 1.422(2) or a
14 reproduction, quotation, or extensive paraphrase of material that
15 contains such information, the party may omit or redact that information
16 from the document in the manner provided by rule 1.422(2).

17 c. The omission or redaction of protected information is not
18 required if the document is certified as confidential under rule 6.110(2).

19 **6.110(2)** *Certification by party of material or cases made*
20 *confidential by statute or rule.* When a party files any document, except a
21 brief, that contains material or a reproduction, quotation, or extensive
22 paraphrase of material declared confidential by any statute or rule of the
23 supreme court or in a case declared confidential by any statute or rule of
24 the supreme court, the party shall certify its confidential nature. The
25 certificate shall cite the applicable statute or rule, be signed by the party
26 or counsel, and be affixed on top of the cover page of each copy of the
27 notice, motion, appendix, record, or other document that is filed or
28 served. In appeals in cases that are not confidential by statute or rule,
29 but include confidential material, a party may file separate appendices,
30 one containing confidential materials and one containing documents
31 having no confidential material.

32 **6.110(3)** *Clerk to maintain confidentiality.* Upon receipt by the
33 clerk of the supreme court of a notice, motion, appendix, district court
34 record, portion of district court record, or other document that has been
35 certified by a party or the clerk of the district court as confidential, the
36 clerk shall maintain its confidentiality. If the confidential designation is
37 not warranted, the court shall direct the clerk to file the document as a
38 public record. Confidential documents may be inspected only by persons
39 authorized by statute, rule, or court order to inspect such documents.

40 **6.110(4)** *Briefs not confidential.*

41 a. Briefs filed with the clerk of the supreme court shall not be
42 confidential. A brief shall not contain a reproduction, quotation, or
43 extensive paraphrase of material that is declared by any statute or rule of
44 the supreme court to be confidential. Instead, a brief may include
45 general statements of fact supported by references pursuant to rule
46 6.904(4) to pages of the appendix or parts of the record that are
47 confidential.

48 b. The briefs in a case declared confidential by any statute or rule of
49 the supreme court shall not be confidential and shall refer to the parties

1 in the caption and text by first name or initial only. When a victim's
 2 name is deemed confidential by law, a brief shall refer to the victim by
 3 first name or initial only.

4
 5
 6 **DIVISION II**

7
 8 **TERMINATION-OF-PARENTAL-RIGHTS AND CHILD-IN-NEED-OF-**
 9 **ASSISTANCE APPEALS UNDER IOWA CODE CHAPTER 232**

10
 11
 12 **Rule 6.201 Petition on appeal in termination-of-parental-rights and**
 13 **child-in-need-of-assistance cases under Iowa Code chapter 232.**

14 **6.201(1) Petition on appeal.**

15 *a. Trial counsel's obligation to prepare petition.* The appellant's
 16 trial counsel shall prepare the petition on appeal. Trial counsel may be
 17 relieved of this obligation by the district court only upon a showing of
 18 extraordinary circumstances.

19 *b. Filing and service of petition on appeal.* An original petition on
 20 appeal and 17 copies must be filed with the clerk of the supreme court
 21 within 15 days after the filing of the notice of appeal with the clerk of the
 22 district court or within 15 days after the filing of an order granting an
 23 interlocutory appeal. The time for filing a petition on appeal shall not be
 24 extended. A copy of the petition on appeal shall be served on all counsel
 25 of record, all parties unrepresented by counsel, and the attorney general
 26 in the manner stated in Iowa R. Civ. P. 1.442(2). The petition on appeal
 27 shall include a certificate of service in the form stated in Iowa R. Civ. P.
 28 1.442(7).

29 *c. Length; form; cover.* The petition on appeal shall not exceed 15
 30 pages, excluding the attachments required by rule 6.201(1)(e) and shall
 31 be in the form prescribed by rule 6.1007, except that it may be printed or
 32 duplicated on one side of the page. The cover shall be blue and shall
 33 contain:

34 (1) The caption of the case.

35 (2) The title of the document (Petition on Appeal).

36 (3) The name of the court and judge whose decision is under
 37 review.

38 (4) The name, address, telephone number, e-mail address, and fax
 39 number of counsel representing the appellant.

40 (5) A certificate of confidentiality in accordance with rule 6.110(2).

41 *d. Contents of petition.* The petition on appeal shall substantially
 42 comply with form 5 in rule 6.1401.

43 *e. Attachments to petition.*

44 (1) In an appeal from an order or judgment in a child-in-need-of-
 45 assistance proceeding, the appellant shall attach to the petition on
 46 appeal a copy of:

47 1. The order or judgment from which the appeal is taken.

48 2. Any ruling on a motion for new trial under Iowa R. Civ. P.
 49 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

1 (2) In an appeal from an order terminating parental rights or
 2 dismissing the termination petition, the appellant shall attach to the
 3 petition on appeal a copy of:

4 1. The petition for termination of parental rights and any
 5 amendments to the petition.

6 2. The order or judgment terminating parental rights or
 7 dismissing the termination petition.

8 3. Any ruling on a motion for new trial under Iowa R. Civ. P.
 9 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

10 (3) In an appeal from a post-termination order, the appellant shall
 11 attach to the petition on appeal a copy of:

12 1. The order or judgment terminating parental rights.

13 2. Any ruling on a motion for new trial under Iowa R. Civ. P.
 14 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

15 3. Any motion requesting post-termination relief.

16 4. Any resistance to the request for post-termination relief.

17 5. The post-termination order from which the appeal is taken.

18 **6.201(2)** *Consequence of failure to file a timely petition on*
 19 *appeal.* If the petition on appeal is not filed with the clerk of the supreme
 20 court within 15 days after the filing of a notice of appeal or within 15
 21 days after the filing of an order granting an interlocutory appeal, the
 22 supreme court shall dismiss the appeal, and the clerk shall immediately
 23 issue procedendo.
 24

25 **Rule 6.202 Response to petition on appeal in termination-of-**
 26 **parental-rights and child-in-need-of-assistance cases under Iowa**
 27 **Code chapter 232.**

28 **6.202(1)** *When required.* A response to the petition on appeal is
 29 optional unless the appellee has filed a notice of cross-appeal, in which
 30 case a response shall be required. An optional response shall
 31 substantially comply with form 6 in rule 6.1401. If the appellee has filed
 32 a notice of cross-appeal, the response by appellee shall address the
 33 claims of error alleged in the petition on appeal, separately state the
 34 grounds for the cross-appeal, and substantially comply with form 6 in
 35 rule 6.1401.

36 **6.202(2)** *Filing and service.* An original and seventeen copies of a
 37 response shall be filed with the clerk of the supreme court within 15 days
 38 after the service of the appellant's petition on appeal. A copy of the
 39 response shall be served on all counsel of record, all parties
 40 unrepresented by counsel, and the attorney general in the manner
 41 prescribed in Iowa R. Civ. P. 1.442(2).

42 **6.202(3)** *Length; form; cover.* An optional response to the
 43 petition on appeal shall not exceed 15 pages; a required response shall
 44 not exceed 18 pages. A response shall be in the form prescribed by
 45 6.1007, except that it may be printed or duplicated on one side of the
 46 page. The cover shall be red and shall contain:

47 a. The caption of the case.

48 b. The title of the document (Response to Petition on Appeal).

1 c. The name of the court and judge whose decision is under
2 review.

3 d. The name, address, telephone number, e-mail address, and fax
4 number of counsel representing the appellee.

5 e. A certificate of confidentiality in accordance with rule 6.110(2).
6

7 **Rule 6.203 Reply to issues raised in cross-appeal.** If a notice of
8 cross-appeal is filed, the appellant may file a reply to the cross-appeal
9 issues within seven days after service of the appellee's response. An
10 appellant may not file a reply if the appellee has not filed a notice of
11 cross-appeal.
12

13 **Rule 6.204 Filing fee and transmission of record.** Within seven days
14 after filing the notice of appeal, the appellant shall pay the filing fee as
15 provided in rule 6.702(1) or request waiver or deferral of the fee pursuant
16 to rule 6.702(2). Within 30 days after the filing of the notice of appeal,
17 the appellant shall request the clerk of the district court to transmit the
18 record to the clerk of the supreme court. The clerk of the district court
19 shall certify the record and its confidential nature.

20 **6.204(1) Record on appeal in child-in-need-of-assistance**
21 *appeals.* In appeals from child-in-need-of-assistance proceedings, the
22 record on appeal shall include the following:

23 a. The child-in-need-of-assistance court file, including all exhibits.

24 b. Any transcript of a hearing or hearings resulting in the order
25 from which an appeal has been taken.

26 **6.204(2) Record on appeal in termination-of-parental-rights**
27 *appeals.* In appeals from termination-of-parental-rights proceedings, the
28 record on appeal shall include the following:

29 a. The termination court file, including all exhibits.

30 b. Those portions of the child-in-need-of-assistance court file
31 either received as exhibits or judicially noticed in the termination
32 proceedings.

33 c. The transcript of the termination hearing.

34 **6.204(3) Record on appeal of post-termination rulings in**
35 *termination-of-parental-rights appeals.* In appeals from post-termination
36 proceedings, the record on appeal shall include all of the following:

37 a. The order or judgment terminating parental rights.

38 b. Any ruling on a motion for new trial under Iowa R. Civ. P.
39 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

40 c. The post-termination order from which the appeal is taken.

41 d. Any motion, resistance, or transcript relevant to the post-
42 termination order from which the appeal is taken.
43

44 **Rule 6.205 Disposition.**

45 **6.205(1) Ruling.** After reviewing the petition on appeal, any
46 response, any reply, and the record, the appellate court may affirm or
47 reverse the court's order or judgment, remand the case, or set the case
48 for briefing as directed by the court.

1 **Rule 6.303 Briefing.**

2 **6.303(1) Form of briefs.** Briefs shall be prepared in the manner
3 and form specified in rules 6.903 and 6.904.

4 **6.303(2) Filing of briefs.** The parties shall file and serve all briefs
5 within the expedited times for filings prescribed by rule 6.902(2).

6 **6.303(3) Appendix.** The appendix shall be prepared in the
7 manner and form specified in rule 6.905 to the extent possible. It shall
8 contain the certification order and such portions of the record relevant to
9 the question as the parties by agreement or the certifying court by order
10 may determine.

11
12 **Rule 6.304 Disposition.**

13 **6.304(1) Opinion.** Upon the filing of an opinion on a certified
14 question, the clerk of the supreme court shall comply with Iowa Code
15 section 684A.7.

16 **6.304(2) Rehearing.** A petition for rehearing shall not be allowed.

17 **6.304(3) Costs and fees.** Printing costs shall be certified by the
18 parties as provided in rule 6.903(1)(h). Upon the filing of the supreme
19 court's opinion, the clerk of the supreme court shall prepare and
20 transmit to the clerk of the certifying court a bill of costs listing the filing
21 fee and reasonable printing costs and the parties who paid them. The
22 clerk of the certifying court shall be responsible for collecting and
23 apportioning the fee and costs pursuant to Iowa Code section 684A.5.

24
25 **Rule 6.305 State as amicus curiae.** When the constitutionality of an
26 act of the Iowa legislature is drawn into question in a certification
27 proceeding to which the State of Iowa or an officer, agency, or employee
28 thereof is not a party, the attorney general shall be permitted to file an
29 amicus curiae brief on behalf of the State, as provided in rule 6.906 on
30 the constitutionality of the act.

31
32
33 **DIVISION IV**

34
35 **ABORTION NOTIFICATION APPEALS**

36
37
38 **Rule 6.401 Procedure in abortion notification appeals.**

39 **6.401(1) Notice of appeal.** A pregnant minor may appeal from a
40 district court order denying a petition for waiver of notification regarding
41 abortion. The notice of appeal shall be filed within 24 hours of issuance
42 of the district court order. The notice of appeal shall be filed with the
43 clerk of the district court where the order was entered in person or by
44 facsimile transmission. A list of the clerk of the district court's facsimile
45 numbers can be found at www.judicial.state.ia.us. The notice shall also
46 be filed with the clerk of the supreme court in person or by facsimile
47 transmission at (515) 242-6164. The notice of appeal shall contain the
48 date the petition was filed. A notice of appeal is filed for purposes of this

1 rule when it is date and time stamped if filed in person or when it is
2 received if transmitted by facsimile.

3 **6.401(2) Procedure on appeal.** Within 48 hours after the filing of a
4 notice of appeal, the court reporter shall file the original of the completed
5 transcript with the clerk of the supreme court. The reporter shall also
6 file a certificate with the clerk of the district court stating the date the
7 transcript was filed in the supreme court. Within 48 hours after the
8 filing of a notice of appeal, the clerk shall transmit to the supreme court
9 any relevant district court papers, including the district court decision.
10 The minor shall file a written argument supporting her appeal with the
11 clerk of the supreme court within 48 hours of filing the notice of appeal.
12 The written argument shall include a statement designating the method
13 by which the minor chooses to receive notice of the supreme court's final
14 decision.

15 **6.401(3) Decision on appeal.** The appeal shall be considered by a
16 three-justice panel of the supreme court. It shall be considered without
17 oral argument unless the supreme court or a justice thereof orders
18 otherwise. A single justice may conduct a hearing, but a majority of the
19 three-justice panel must render any decision on the appeal. The court
20 shall consider the appeal de novo and render its decision as soon as is
21 reasonably possible. In no event shall the court's decision be made later
22 than 10 calendar days from the day after filing of the petition for waiver
23 in the district court, or the 10 calendar days plus the period of time
24 granted by the district court for any extension under Iowa Ct. R. 8.27.
25 The court's decision may be rendered by order or opinion, and may
26 simply state that the district court's order is affirmed or reversed. Any
27 decision affirming the denial of waiver of notification shall inform the
28 minor of her right to request appointment of a therapist by the district
29 court on remand. Notwithstanding any other rule, the panel's decision
30 shall not be subject to review or rehearing. The clerk of the supreme
31 court shall promptly issue procedendo once an order or opinion is filed.
32 The minor shall be notified of the final decision in the manner designated
33 in the written argument submitted to the court.

34 **6.401(4) Confidentiality.** Notwithstanding any other rule or
35 statute, all documents filed in the appeal and the supreme court's docket
36 shall be confidential. Any hearing held on an appeal under this rule
37 shall be confidential. The minor may use the same pseudonym that she
38 used in the juvenile court proceedings. Identifying information,
39 including address, parents' names, or social security number, shall not
40 appear on any court papers. All papers shall contain the juvenile court
41 docket number for identification purposes. The only persons who may
42 have access to the court papers and admission to any hearing are the
43 justice(s), court staff who must have access to the records for
44 administrative purposes, the minor, her attorney, her guardian ad litem,
45 and the person(s) designated in writing by the minor, her attorney, or her
46 guardian ad litem to have such access or admission. In no case may the
47 minor's parent(s) have access to her papers or admission to any hearing.

1 the order or judgment being appealed and permit the State or any of its
2 political subdivisions to appeal a judgment or order to the supreme court
3 without the filing of a supersedeas bond.

4 **6.601(4) *Effect on judgment.*** No appeal shall vacate or affect the
5 judgment or order appealed from; but the clerk shall issue a written
6 order requiring the appellee and all others to stay proceedings under it or
7 such part of it as has been appealed from, when the appeal bond is filed
8 and approved.

9 **6.601(5) *Form of bond.*** An appeal bond secured by cash, a
10 certificate of deposit, or government security in a form and in an amount
11 approved by the clerk may be filed in lieu of other bond. If a cash bond
12 is filed, the cash shall be deposited at interest with interest earnings
13 being paid into the general fund of the State in accordance with Iowa
14 Code section 602.8103(5). The cash bond shall be disbursed pursuant to
15 court order upon the district court's receipt of the procedendo.

16 **6.601(6) *Child custody.*** A supersedeas bond filed pursuant to
17 this rule shall not stay an order, judgment, decree, or portion thereof
18 affecting the custody of a child. Requests for stays involving child
19 custody are governed by rule 6.604.

20
21 **Rule 6.602 Bond—hearing on sufficiency.** If any party to an appeal is
22 aggrieved by the clerk's approval of, or refusal to approve, a supersedeas
23 bond tendered by the appellant, the party may apply to the district court,
24 on at least three days' notice to the adverse party, to review the clerk's
25 action. Pending such hearing, the court may recall or stay all
26 proceedings under the order or judgment appealed from. On such
27 hearing, the district court shall determine the sufficiency of the bond,
28 and if the clerk has not approved the bond, the court shall, by written
29 order, fix its conditions and determine the sufficiency of the security; or if
30 the court determines that a bond approved by the clerk is insufficient in
31 security or defective in form, it shall discharge such bond and fix a time
32 for filing a new one, all as appears by the circumstances shown at the
33 hearing.

34
35 **Rule 6.603 Judgment on bond.** If an appellate court affirms the
36 judgment appealed from, it may, on motion of the appellee, render
37 judgment against the appellant and the sureties on the appeal bond for
38 the amount of the judgment, with damages and costs; or it may remand
39 the cause to the district court for the determination of such damages and
40 costs and entry of judgment on the bond.

41
42 **Rule 6.604 Stays involving child custody.**

43 **6.604(1) *Application.*** A supersedeas bond filed pursuant to rule
44 6.601 shall not stay an order, judgment, decree, or portion thereof
45 affecting the custody of a child. Upon application in a pending appeal,
46 the appellate court may, in its discretion, stay any district court order,
47 judgment, decree, or portion thereof affecting the custody of a child and
48 provide for the custody of the child during the pendency of the appeal.
49 The application for such a stay order and any supporting briefs or other

1 papers shall be filed with the clerk of the supreme court and served in
2 the manner provided in rule 6.701.

3 **6.604(2)** *Resistance*. An application for a stay pending appeal of
4 any order, judgment, or decree affecting the custody of a child may be
5 resisted and will be ruled upon as provided in rule 6.1002, unless
6 otherwise ordered. Pending consideration of the application for a stay
7 pending appeal, the appellate court may immediately order a temporary
8 stay pursuant to rule 6.1002(4).

9 **6.604(3)** *Considerations in granting stay*. The best interests of the
10 child shall be the primary consideration in deciding whether to grant the
11 application for a stay order. The best interests of the child likewise shall
12 be paramount in determining where to place custody of the child during
13 the pendency of the appeal. Additional considerations include, but are
14 not limited to, the following factors when they appear:

15 (a) The circumstances giving rise to the adjudication being
16 appealed.

17 (b) The safety and protection of the child.

18 (c) The safety and protection of the community and the likelihood
19 of serious violence.

20 (d) The need to quickly begin treatment or rehabilitation of the
21 child.

22 (e) The likelihood of the child fleeing or being removed from the
23 jurisdiction during the pendency of the appeal or not appearing at
24 further court proceedings.

25 (f) The availability of custody placement alternatives.

26 (g) The child's family ties, employment, school attendance,
27 character, length of residence in the community, and juvenile court
28 record.

29 (h) The likelihood of a reversal of the district court order, judgment,
30 or decree on appeal.

31 **6.604(4)** *Burden*. The applicant seeking the stay order shall have
32 the burden of showing that such a stay or alternative custody placement
33 of the child pending appeal is in the child's best interests.
34
35

36 **DIVISION VII**

37 **FILING, SERVICE, AND FEES**

38 **Rule 6.701 Filing and service.**

39 **6.701(1)** *Applicability*. This rule shall govern the filing and service
40 of papers required or permitted to be filed with the clerk of the supreme
41 court under the rules of appellate procedure.

42 **6.701(2)** *Filing*.

43 *a. Where and when filed*. Papers required or permitted to be filed
44 in the supreme court or in the court of appeals shall be filed with the
45 clerk of the supreme court. All papers required to be served upon a
46 party shall be filed with the court before or at the time of service or
47
48
49

1 within a reasonable time thereafter. Whenever these rules require a
2 filing with the supreme court or its clerk within a certain time, the time
3 requirement shall be tolled when service is made, provided the actual
4 filing is done within a reasonable time thereafter. Papers received by the
5 clerk of the supreme court without a certificate of service shall be
6 deemed filed when received by that clerk.

7 *b. Facsimile filing.* The filing of some papers may also be
8 accomplished by fax transmission. A paper shall not be filed by fax
9 transmission when these rules or an order of an appellate court requires
10 18 copies of the paper to be filed. A paper longer than five pages shall
11 not be filed by fax transmission without prior leave of the clerk. Each fax
12 transmission shall be accompanied by a fax cover page which states the
13 date of the transmission, the name and fax telephone number of the
14 person to whom the paper is being transmitted, the name, telephone
15 number, and e-mail address of the person transmitting the paper, the
16 docket number and title of the case in which the paper is to be filed, the
17 name of the paper, and the number of pages, excluding the cover page,
18 being transmitted. A fax fee of \$3 per page, excluding the cover page,
19 shall be required for filing a paper by fax transmission. The person
20 transmitting the paper shall certify that the fax fee and any required
21 filing fee have been mailed to the clerk contemporaneously with the fax
22 transmission. Only one copy of the paper shall be transmitted; the clerk
23 will provide any additional copies required by these rules or an order of
24 an appellate court. Papers filed by fax transmission shall be deemed
25 filed when the transmission is received by the clerk. Failure to comply
26 with the fax requirements of this rule may result in the imposition of
27 sanctions: the paper transmitted may be stricken or deemed not filed,
28 the appeal or review may be dismissed, or other appropriate action may
29 be taken.

30 **6.701(3)** *Service of all papers required.* Copies of all papers filed
31 by any party and not expressly required by these rules to be served by
32 the clerk shall, at or before the time of filing, be served by a party or
33 person acting for that party on all other parties to the appeal or review.
34 Service on a party represented by counsel shall be made on counsel.
35 Papers required to be served on the State shall be served on the attorney
36 general.

37 **6.701(4)** *Manner of service.* Service may be personal, by mail, by
38 fax transmission, or by e-mail. Personal service includes delivery of the
39 copy to a clerk or other responsible person at the office of counsel.
40 Service by mail is complete on mailing. Service may also be made upon a
41 party or attorney by fax transmission or e-mail if the person consents in
42 writing in that case to be served in that manner. The written consent
43 shall specify the fax telephone number or e-mail address for such service
44 and shall be served on all other parties or attorneys. The written consent
45 may be withdrawn by written notice and shall be served on all other
46 parties or attorneys. Service of a paper by fax transmission is complete
47 when the person transmitting the paper receives confirmation of receipt
48 of the transmission by the fax machine of the person served. Service by
49 e-mail is complete upon transmission, unless the party making service

1 learns that the attempted service did not reach the person to be served.

2 **6.701(5) Certificate of service.** All papers required or permitted to
3 be filed shall include a certificate of service. The certificate shall identify
4 the document served and include the date and manner of service and the
5 names and addresses of the persons served. The certificate shall be
6 signed by the person who made service. The certificate of service may
7 appear on or be affixed to the papers filed. The clerk of the supreme
8 court may permit papers to be filed without acknowledgment or
9 certificate of service but shall require such proof to be filed promptly
10 thereafter. The certificate of service for a paper served by fax
11 transmission shall state the fax telephone number of the person to whom
12 the paper was transmitted. The certificate of service for a paper served
13 by electronic mail shall state the e-mail address of the person to whom
14 the information was transmitted.

15 **6.701(6) Additional time after service by mail.** Whenever a party is
16 required or permitted to do an act within a prescribed period after service
17 of a paper upon that party and the paper is served by mail, e-mail, or fax
18 transmission three days shall be added to the prescribed period. Such
19 additional time shall not be applicable where the deadline runs from
20 entry or filing of a judgment, order, decree, or opinion.

21
22 **Rule 6.702 Filing fees and copies.**

23 **6.702(1) Filing fees.**

24 *a. Appeal from final order or judgment.* The fee for filing an appeal
25 from a final order or judgment is \$150. The appellant shall pay the fee to
26 the clerk of the supreme court within seven days after filing the notice of
27 appeal.

28 *b. Application for interlocutory appeal.* The fee for filing an
29 application for interlocutory appeal is \$100. The appellant shall pay the
30 fee to the clerk of the supreme court at the time the application is filed.
31 If the application is granted, the appellant shall pay an additional \$50 fee
32 within seven days after the order granting the application is filed.

33 *c. Application for discretionary review.* The fee for filing an
34 application for discretionary review is \$100. The appellant shall pay the
35 fee to the clerk of the supreme court at the time the application is filed.
36 If the application is granted, the appellant shall pay an additional \$50 fee
37 within seven days after the order granting the application is filed.

38 *d. Petition for writ of certiorari.* The fee for filing a petition for writ
39 of certiorari is \$100. The certiorari plaintiff shall pay the fee to the clerk
40 of the supreme court at the time the petition is filed. If the petition is
41 granted, the plaintiff shall pay an additional \$50 fee within seven days
42 after the order granting the petition is filed.

43 *e. Original proceeding other than certiorari.* The fee for filing an
44 original proceeding other than certiorari is \$150. The initiating party
45 shall pay the fee to the clerk of the supreme court at the time the
46 proceeding is filed.

47 *f. Certified questions of law.* The fee for filing a certification order
48 is \$150. The appellant shall pay the fee to the clerk of the supreme court
49 within seven days after the certification order is filed.

1 their attorneys, and the attorney general in juvenile cases and other
2 cases in which the State of Iowa is an interested party whether or not the
3 attorney general has appeared in the district court. Transmission shall
4 be completed within four days after the filing of the notice of appeal or
5 the notice of cross-appeal, if any. Upon receipt of the certified copies, the
6 clerk of the supreme court shall assign a number to the case and create
7 a docket.

8 **6.802(2)** *Transmission of remaining record.* No later than seven
9 days after all briefs in final form have been served or the times for
10 serving them have expired, the appellant shall request the clerk of the
11 district court to transmit to the clerk of the supreme court any remaining
12 record. The record shall include the original papers and exhibits filed in
13 the district court and any court reporter's transcript of proceedings.
14 Exhibits of unusual bulk or weight shall not be transmitted by the clerk
15 unless a party or the clerk of the supreme court requests transmission.
16 A party shall make advance arrangements with the clerk of the district
17 court for the transmission, and the clerk of the supreme court for the
18 receipt of exhibits of unusual bulk or weight.

19 **6.802(3)** *Certification of confidential record.* Whenever the clerk of
20 the district court transmits to the clerk of the supreme court or to a
21 party a district court record or any portion of a district court record that
22 is declared by any statute or rule of the supreme court to be confidential,
23 the clerk of the district court shall certify its confidential nature. The
24 certificate shall cite the applicable statute or rule, be signed by the clerk
25 of the district court, and be affixed on top of the cover page of the record
26 or portion of the record.

27 **6.802(4)** *Retention of trial record in district court.* If the record or
28 any part of it is required in the district court for use pending the appeal,
29 the district court may order its retention. In such cases, the clerk of the
30 district court shall retain the record or parts of it in compliance with the
31 district court's order and shall transmit to the clerk of the supreme court
32 a copy of the order, a certified copy of the records retained pursuant to
33 the order, and the remaining records that are not retained under the
34 district court's order. The appellate court may require transmission of
35 an original record retained pursuant to the order. The parts of the
36 record not transmitted to the clerk of the supreme court shall be part of
37 the record on appeal for all purposes.

38 **6.802(5)** *Portions of record not transmitted.* Any parts of the
39 record not transmitted to the clerk of the supreme court shall, on request
40 of an appellate court or any party, be transmitted by the clerk of the
41 district court to the clerk of the supreme court.

42 **Rule 6.803 Transcript.**

43 **6.803(1)** *Ordering transcript.* Within seven days after filing the
44 notice of appeal, the appellant shall use the combined certificate to order
45 in writing from the court reporter a transcript of such parts of the
46 proceedings not already on file as the appellant deems necessary for
47 inclusion in the record. If the appellant intends to urge on appeal that a
48 finding or conclusion is unsupported by the evidence or is contrary to the
49

1 evidence, the appellant shall include in the record a transcript of all
2 evidence relevant to such finding or conclusion.

3 **6.803(2) Form of transcript.** The following transcript format
4 requirements shall be followed whether the transcript is produced in
5 printed or electronic format.

6 *a. Page layout.* A page of transcript shall consist of no fewer than
7 25 lines per page of type on paper 8 1/2 by 11 inches in size, prepared
8 for binding on the left side. Margins shall be 1.25 inches on each side
9 and 1 inch on the top and bottom. Pages shall be numbered
10 consecutively in the upper right-hand corner. When the transcript for a
11 proceeding consists of multiple volumes, pagination shall be consecutive
12 throughout.

13 *b. Font.* A monospaced typeface may not contain more than 10
14 1/2 characters per inch. Font size shall not be less than 12 point.

15 *c. Question-and-answer form.* Questions and answers shall each
16 begin a new line of transcript. Indentations for speakers or paragraphs
17 shall not be more than 10 spaces from the left-hand margin. Testimony
18 of a new witness may be started on a new page where the prior witness's
19 testimony ends below the center of the preceding page.

20 *d. Index.* Transcripts shall include an index of witnesses and
21 exhibits.

22 *e. Reporter's certificate.* In addition to the transcript, the reporter
23 shall prepare a reporter's certificate containing the case caption, the date
24 the transcript was ordered, the name of the attorney or other person
25 ordering the transcript, and the date it was filed with the supreme court.

26 *f. Condensed transcript.* A transcript may be produced in a
27 condensed format which includes four pages of transcript on a single
28 page of 8 1/2 by 11 inch paper. Margins shall be 1.25 inches on each
29 side and 1 inch on the top and bottom. A condensed transcript shall be
30 legible, shall be in portrait format, and the font size shall be not less than
31 10 points. The pages of the condensed transcript shall be formatted with
32 page one in the top left, page two in the bottom left, page three in the top
33 right, and page four in the bottom right.

34 **6.803(3) Filing transcript.** The reporter shall file the original of the
35 transcript with the clerk of the supreme court and shall serve a copy of
36 the reporter's certificate on the parties and the clerk of the district court.
37 The transcript and the reporter's certificate shall be filed within the
38 following number of days from service of the combined certificate:

39 *a. 20 days—guilty pleas and sentencing.*

40 *b. 30 days—child-in-need-of-assistance and termination-of-*
41 *parental-rights proceedings under chapter 232.*

42 *c. 40 days—all other cases.*

43 If a reporter cannot file the transcript and certificate in the time allowed
44 under this rule, the reporter shall file with the clerk of the supreme court
45 an application for extension of time and shall serve a copy on all counsel
46 of record, any unrepresented parties, and the chief judge of the judicial
47 district. The application shall include the estimated date of completion,
48 the approximate page length of the transcript, and the grounds for
49 requesting the extension.

1 **6.803(4)** *Charges for transcription.* Pursuant to Iowa Code section
2 602.3202, the maximum compensation of reporters for transcribing their
3 official notes shall be as provided in Iowa Ct. R. 22.28.

4 **6.803(5)** *Payment for transcript.* The ordering party must make
5 satisfactory arrangements with the reporter for payment of the transcript
6 costs. The cost of the transcript shall be taxed in the district court.

7 **6.803(6)** *Notice of filing transcript.* The clerk of the supreme court
8 shall give notice to all parties or their attorneys of the date on which the
9 last transcript ordered for the appeal was filed.

10
11 **Rule 6.804 Combined certificate.**

12 **6.804(1)** *Duty of the appellant to file combined certificate.* In all
13 cases, the appellant shall complete the combined certificate form found
14 in form 2 in rule 6.1401. The combined certificate shall be filed within
15 seven days after filing the notice of appeal or appointment of new
16 appellate counsel, whichever is later. The appellant shall serve the
17 combined certificate on all parties to the appeal and on each court
18 reporter from whom a transcript was ordered. If the State is a party to
19 the case, a copy of the combined certificate shall also be served upon the
20 attorney general. The combined certificate shall be filed with the clerks
21 of both the district and the supreme court.

22 **6.804(2)** *Certification of ordering transcript.* Unless no report of
23 the evidence or proceedings at a hearing or trial was made, the appellant
24 shall certify in the combined certificate that the transcript has been
25 ordered. This certification shall be deemed a professional statement by
26 the attorney signing it that the transcript has been ordered in good faith,
27 that no arrangements have been made or suggested to delay the
28 preparation of the transcript, and that payment for the transcript will be
29 made in accordance with these rules.

30 **6.804(3)** *Appellant's designation of parts of transcript*
31 *ordered.* Unless all of the proceedings are to be transcribed, the
32 appellant shall describe in the combined certificate the parts of the
33 proceedings ordered transcribed and state the issues appellant intends
34 to present on appeal.

35 **6.804(4)** *Statement that expedited deadlines apply.* The appellant
36 shall indicate in the combined certificate whether the expedited deadlines
37 of rule 6.902 apply.

38
39 **Rule 6.805 Appellee's designation of additional parts of transcript.**

40 **6.805(1)** *Appellee's designation.* If the appellee deems a transcript
41 of other parts of the proceedings to be necessary, the appellee shall serve
42 a designation of additional parts to be transcribed on all parties and the
43 court reporter. The designation of additional parts shall be served within
44 10 days after service of the combined certificate, and shall be filed with
45 the clerks of both the district and the supreme court.

46 **6.805(2)** *Disputes regarding transcription.* The parties are
47 encouraged to agree on which parts of the proceedings are to be
48 transcribed. Any disputes concerning which parts of the proceedings are
49 to be transcribed and which party is to advance payment to the reporter

1 for transcription are to be submitted to the district court. If the
2 appellant shall within four days fail or refuse to order such parts, the
3 appellee shall either order the parts or apply to the district court to
4 compel the appellant to do so.

5 **6.805(3)** *Supplemental certificate.* Within seven days after the
6 appellee has served a designation of additional parts of the proceedings
7 requested to be transcribed, the party ordering additional proceedings
8 shall complete the supplemental certificate found in form 3 in rule
9 6.1401, serve it on all parties to the appeal and on the reporter, and file
10 it with the clerks of both the district court and the supreme court.

11
12 **Rule 6.806 Proceedings when transcript unavailable.**

13 **6.806(1)** *Statement of the evidence or proceedings.* If no report of
14 the evidence or proceedings at a hearing or trial was made, or if a
15 transcript is unavailable, the appellant may prepare a statement of the
16 evidence or proceedings from the best available means, including the
17 appellant's recollection. The statement shall be filed with the clerk of the
18 district court and served on the appellee within 20 days after the filing of
19 the notice of appeal if the evidence or proceeding was not reported, or
20 within 10 days after the appellant discovers a transcript of reported
21 evidence or a proceeding is unavailable.

22 **6.806(2)** *Objections to statement.* The appellee may file with the
23 clerk of the district court and serve on the appellant objections or
24 proposed amendments to the statement within 10 days after service of
25 the appellant's statement.

26 **6.806(3)** *Approval of statement by district court.* The statement
27 and any objections or proposed amendments shall be submitted to the
28 district court for settlement and approval. The statement as settled and
29 approved shall be filed with the clerk of the district court and the clerk of
30 the supreme court.

31
32 **Rule 6.807 Correction or modification of the record.** If any
33 difference arises as to whether the record truly discloses what occurred
34 in the district court, the difference shall be submitted to and settled by
35 that court and the record made to conform to the truth. If anything
36 material to either party is omitted from the record by error or accident or
37 is misstated therein, the parties by stipulation or the district court, either
38 before or after the record is transmitted to the supreme court, or the
39 appropriate appellate court on proper suggestion or on its own initiative,
40 may direct that the omission or misstatement be corrected and if
41 necessary that a supplemental record be certified and transmitted. All
42 other questions as to the form and content of the record shall be
43 presented to the supreme court, unless the questions arise after the case
44 has been transferred to the court of appeals, in which event, they shall
45 be presented to that court.

46
47
48

DIVISION IX**BRIEFS AND APPENDIX****Rule 6.901 Filing and service of briefs and amendments.**

6.901(1) *Time for filing proof briefs.* Except for cases expedited under rule 6.902 the following filing deadlines shall apply:

a. Appellant's proof brief. The appellant shall file a proof copy of the appellant's brief within 50 days after the date the clerk gives the notice required under rule 6.803(6) that the last transcript ordered for the appeal has been filed. If no transcript is ordered or if the transcript is unavailable, the appellant shall file a proof copy of the appellant's brief within 50 days after service of the combined certificate or after the date of filing any approved statement of evidence under rule 6.806(3).

b. Appellee's proof brief. The appellee shall file a proof copy of the appellee's brief within 30 days after service of the appellant's proof brief. If a cross-appeal is filed, the appellee/cross-appellant's brief shall respond to the appellant's brief and raise any cross-appeal issues.

c. Reply briefs. If a cross-appeal has not been filed, the appellant may file a proof copy of a reply brief within 21 days after service of the appellee's proof brief. If a cross-appeal has been filed, the appellant/cross-appellee shall respond within 21 days after service of the appellee/cross-appellant's proof brief by filing either a proof copy of a reply brief or a statement waiving any further proof brief. If the appellant/cross-appellee files a reply brief, the appellee/cross-appellant may file a reply brief in final form under rule 6.903(5) within 14 days after service of the appellant's/cross-appellee's reply brief.

d. Counsel's duty to serve brief on defendant, applicant, or respondent. In addition to the service requirements of rule 6.701(3), appellate counsel for a criminal defendant, a postconviction applicant, or a respondent committed under Iowa Code chapter 229A shall serve a copy of counsel's proof brief and designation of parts upon the defendant, applicant, or respondent. Counsel shall indicate such service in the certificate of service on the proof brief and on the designation of parts. The certificate of service shall include the address at which the defendant, applicant, or respondent was served.

6.901(2) *Pro se supplemental proof briefs.*

a. Filing and service of supplemental brief. Any criminal defendant, applicant for postconviction relief, or respondent committed under Iowa Code chapter 229A may file a pro se supplemental brief or designate additional parts of the district court record for inclusion in the appendix within 15 days after service of the proof brief filed by their counsel. Any pro se supplemental brief or designation filed beyond this period by a properly served defendant, applicant, or respondent will not be considered by the court and no response by the State will be allowed. The pro se supplemental brief cannot exceed more than one-half of the length limitations for a required brief specified in rule 6.903(1)(g) unless otherwise ordered by the court for good cause shown. The defendant,

1 applicant, or respondent must serve counsel and the State with copies of
2 the supplemental brief or designation.

3 *b. Pro se as appellant.* If the defendant, applicant, or respondent
4 is the appellant, the State's proof brief must be served and filed within 30
5 days after service of the pro se supplemental brief, and the State must
6 serve a copy of its proof brief upon the appellant and the appellant's
7 counsel. Within the time provided for the appellant's counsel to file a
8 reply brief, the appellant may also file a pro se supplemental reply brief.
9 The pro se supplemental reply brief cannot exceed more than one-half of
10 the length limitations for a reply brief specified in rule 6.903(1)(g) unless
11 otherwise ordered by the court for good cause shown. The appellant
12 must serve counsel and the State with copies of the pro se supplemental
13 reply brief. Counsel for the appellant shall be responsible for including
14 any additional designated parts of the record in the appendix.

15 *c. State as appellant.* If the State is the appellant, the State shall
16 serve and file the appendix and a reply brief, if any, within 21 days after
17 service of the pro se supplemental brief, and the State shall be
18 responsible for including any additional designated parts in the
19 appendix.

20 *d. Counsel's duty to file final supplemental briefs.* Counsel for the
21 defendant, applicant, or respondent shall serve and file the final copies of
22 the pro se supplemental briefs.

23 **6.901(3)** *Time for serving and filing briefs in final form.* Within 14
24 days after service of the appendix pursuant to rule 6.905.11, each party
25 shall serve and file the party's brief or briefs in the final form prescribed
26 by rule 6.903 and 6.904(4)(b).

27 **6.901(4)** *Multiple adverse parties.* If the time for doing any act
28 prescribed by these rules is measured from the date of service of a paper
29 by an adverse party, then in the case of multiple adverse parties the time
30 for doing such act shall be measured from the date of service of the last
31 timely-served paper by an adverse party or the date of expiration of time
32 for such service.

33 **6.901(5)** *Amendments.* An appellant may amend a required brief
34 once within 15 days after serving the brief, provided no brief has been
35 served in response to it. The time for serving and filing of the appellee's
36 brief shall be measured from the date of service of the amendment to the
37 appellant's brief. An appellee's brief may be amended once within 10
38 days after service, provided no brief has been served in reply to it. The
39 time for serving and filing the appellant's reply brief shall be measured
40 from the date of service of the amendment to the appellee's brief. A reply
41 brief may be amended at any time prior to seven days before submission
42 of the appeal to the appellate court. Any other amendments to the briefs
43 may be made only with leave of the appropriate appellate court. An
44 amendment may be conditionally filed with a motion for leave.

45 **6.901(6)** *Deadlines shortened by order.* The supreme court may
46 shorten the periods for serving and filing proof and final briefs.

47 **6.901(7)** *Number of copies to be filed and served.* Two copies of
48 proof briefs and 18 copies of each brief in final form or amendment
49 thereto shall be filed with the clerk of the supreme court, and one copy of

1 the proof brief and the briefs in final form shall be served on counsel for
2 each party separately represented.

3
4 **Rule 6.902 Cases involving expedited times for filing.**

5 **6.902(1) Expedited cases.** The following cases shall be expedited
6 on appeal:

- 7 a. Child custody.
8 b. Adoption.
9 c. Termination-of-parental-rights cases under Iowa Code chapter
10 600A.
11 d. Child-in-need-of-assistance or termination-of-parental-rights
12 cases under Iowa Code chapter 232 (when full briefing has been
13 granted).
14 e. Criminal proceedings in which an appeal is taken from a
15 judgment and sentence entered upon a guilty plea or from the sentence
16 only.
17 f. Juvenile proceedings affecting child placement.
18 g. Lawyer disciplinary matters.
19 h. Involuntary mental health commitments under Iowa Code
20 chapter 229.
21 i. Involuntary substance abuse commitments under Iowa Code
22 chapter 125.
23 j. Certified questions under Iowa Code chapter 684A.

24 **6.902(2) Filing deadlines.** The time for serving and filing proof
25 briefs, other than reply briefs, and the time for designating the contents
26 of the appendix shall be reduced by one-half of the time provided in rules
27 6.901(1) and 6.905(1)(b) The appendix and reply briefs, except an
28 appellee/cross-appellant's reply brief, shall be served and filed not more
29 than 15 days after service or expiration of the time for service of the
30 appellee's proof brief, and printed or duplicated copies of all the briefs in
31 final form shall be served and filed within seven days after service of the
32 appendix. An appellee/cross-appellant's reply brief may be served and
33 filed not more than seven days after service of the appellant's (cross-
34 appellee's) reply brief. The litigants will not be given extensions of time
35 in which to comply with the expedited deadlines except upon a showing
36 of the most unusual and compelling circumstances.

37 **6.902(3) Priority.** Each case subject to this rule shall be given the
38 highest priority at all stages of the appellate process. These appeals
39 shall be accorded submission precedence over other civil cases.

40 **6.902(4) Transcripts.** Court reporters shall give priority to
41 transcription of proceedings in these cases over other civil transcripts.

42
43 **Rule 6.903 Briefs.**

44 **6.903(1) Form of briefs.**

45 a. *Reproduction.* A brief may be reproduced by any process that
46 yields a clear black image on white paper. The paper must be opaque
47 and unglazed. Briefs shall be reproduced on both sides of the sheet.

48 b. *Form of front covers.* The front covers of the briefs shall contain:
49 (1) The name of the court and the appellate number of the case.

1 (2) The caption on appeal (*see* rule 6.109(2)).

2 (3) The nature of the proceeding (e.g., Appeal, Certiorari) and the
3 name of the court (and judge), agency, or board whose decision is under
4 review.

5 (4) The title of the document (e.g., Brief for Appellant).

6 (5) The name, address, telephone number, e-mail address, and fax
7 number of counsel or the self-represented party.

8 *c. Color of front covers.* The front cover of a brief shall be:

9 (1) Appellant's brief—blue.

10 (2) Appellee's brief—red.

11 (3) Reply brief—gray.

12 (4) Amicus curiae brief—green.

13 The cover of any amended brief shall be the same color as the
14 original brief.

15 *d. Paper size, line spacing, and margins.* The brief must be on 8
16 1/2 by 11 inch paper. The text must be double-spaced, but quotations
17 more than forty words long may be indented and single-spaced.
18 Headings and footnotes may be single-spaced. Margins shall be 1.25
19 inches on each side and 1 inch on the top and bottom. Page numbers
20 shall be located at the bottom center of each page.

21 *e. Typeface.* Either a proportionally spaced or a monospaced
22 typeface may be used.

23 (1) A proportionally spaced typeface must include serifs, but sans-
24 serif type may be used in headings and captions. A proportionally
25 spaced typeface must be 14 point or larger. Examples of proportionally-
26 spaced typeface with serifs that can be used in the body of a brief are
27 Bookman Old Style, Century Schoolbook, Times New Roman, Baskerville
28 Old Face, Garamond, or Georgia.

29 (2) A monospaced typeface may not contain more than 10 1/2
30 characters per inch. Examples of monospaced typeface that can be used
31 in the body of a brief are Courier 12 point and Consolas 12 point.

32 *f. Type styles.* A brief must be set in a plain style. Italics or
33 boldface may be used for emphasis. Case names must be italicized or
34 underlined.

35 *g. Length.* The maximum length of a brief is determined by
36 whether it is printed or handwritten.

37 (1) *Proportionally spaced typeface.* If a required brief uses a
38 proportionally spaced typeface it shall contain no more than 14,000
39 words. A reply brief is acceptable if it contains no more than half of the
40 type volume specified for a required brief. The headings, footnotes, and
41 quotations count toward the word limitation. The table of contents, table
42 of authorities, statement of the issues, and certificates do not count
43 toward the word limitation.

44 (2) *Monospaced typeface.* If a required brief uses a monospaced
45 typeface it shall contain no more than 1,300 lines of text. A reply brief is
46 acceptable if it contains no more than half of the type volume specified
47 for a required brief. The headings, footnotes, and quotations count
48 toward the line limitation. The table of contents, table of authorities,

1 statement of the issues, and certificates do not count toward the line
2 limitation.

3 (3) *Handwritten briefs.* A required brief that is handwritten may not
4 exceed 50 pages or a reply brief 25 pages. The headings, footnotes, and
5 quotations count toward the page limitation. The table of contents, table
6 of authorities, statement of the issues, and certificates do not count
7 toward the page limitation.

8 (4) *Certificate of compliance.* A brief submitted under rule
9 6.903(1)(g)(1) or (2) must include a certificate of compliance using form 7
10 of rule 6.1401.

11 *h. Printing or duplicating taxed as costs.* To the extent reasonable,
12 the costs of printing or duplicating a brief shall be taxed in the appellate
13 court as costs. Reasonable printing or duplicating costs shall not exceed
14 \$4 per page unless otherwise ordered by the appropriate appellate court.

15 **6.903(2) Appellant's brief.** The appellant shall file a brief
16 containing all of the following under appropriate headings and in the
17 following order:

18 *a. A table of contents.* The table of contents shall contain page
19 references.

20 *b. A table of authorities.* The table of authorities shall contain a
21 list of cases (alphabetically arranged), statutes, and other authorities
22 cited, with references to all pages of the brief where they are cited.

23 *c. A statement of the issues presented for review.* Each issue shall
24 be numbered and stated separately in the same order as they are
25 presented in the argument. All authorities referred to in the argument
26 shall be listed under each issue.

27 *d. A routing statement.* The routing statement shall indicate
28 whether the case should be retained by the supreme court or transferred
29 to the court of appeals and shall refer to the applicable criteria in rule
30 6.1101.

31 *e. A statement of the case.* The statement shall indicate briefly the
32 nature of the case, the relevant events of the prior proceedings, and the
33 disposition of the case in the district court. If a defendant appeals from a
34 criminal conviction, the statement shall include the crimes for which the
35 defendant was convicted and the sentence imposed. All portions of the
36 statement shall be supported by appropriate references to the record or
37 the appendix in accordance with rule 6.904(4).

38 *f. A statement of the facts.* The statement shall recite the facts
39 relevant to the issues presented for review. All portions of the statement
40 shall be supported by appropriate references to the record or the
41 appendix in accordance with rule 6.904(4).

42 *g. An argument section.* The argument section shall be structured
43 so that each issue raised on appeal is addressed in a separately
44 numbered division. Each division shall include in the following order:

45 (1) A statement addressing how the issue was preserved for
46 appellate review, with references to the places in the record where the
47 issue was raised and decided.

1 (2) A statement addressing the scope and standard of appellate
 2 review (e.g., “de novo,” “correction of errors of law,” “abuse of discretion”),
 3 citing relevant authority.

4 (3) An argument containing the appellant’s contentions and the
 5 reasons for them with citations to the authorities relied on and
 6 references to the pertinent parts of the record in accordance with rule
 7 6.904(4). Failure to cite authority in support of an issue may be deemed
 8 waiver of that issue.

9 *h. A conclusion.* A short conclusion stating the precise relief
 10 sought.

11 *i. A request for oral or nonoral submission.* A request to submit
 12 the case with or without oral argument.

13 *j. Certificate of cost.* The amount actually paid for printing or
 14 duplicating necessary copies of briefs in final form shall be certified by
 15 the attorney.

16 **6.903(3) Appellee’s brief.** The appellee shall file a brief or a
 17 statement waiving the appellee’s brief. If the appellee files a brief, the
 18 brief shall conform to the requirements of rule 6.903(2), except that a
 19 statement of the case or a statement of the facts need not be included
 20 unless the appellee is dissatisfied with the appellant’s statements. Each
 21 division of the appellee’s argument shall begin with a discussion of
 22 whether the appellee agrees with the appellant’s statements on error
 23 preservation, scope of review, and standard of review.

24 **6.903(4) Appellant’s reply brief.** The appellant may file a brief in
 25 reply to the brief of the appellee. Unless a cross–appeal is filed, no
 26 further briefs may be filed without leave of the appropriate appellate
 27 court.

28 **6.903(5) Briefs in cross–appeals.** The brief of the appellee/cross–
 29 appellant shall first respond to the brief of the appellant and then
 30 address the issues raised in the cross–appeal. The appellant/cross–
 31 appellee shall file a reply brief responding to the issues presented by the
 32 cross–appeal or a statement waiving the reply brief. The appellee/cross–
 33 appellant may file a reply brief responding to the appellant/cross–
 34 appellee’s reply brief.

35 **6.903(6) Multiple appellants or appellees.** In cases involving more
 36 than one appellant or appellee, any number of either may join in a single
 37 brief, and any appellant or appellee may adopt by reference any part of
 38 the brief of another. The parties may similarly join in reply briefs.

39
 40 **Rule 6.904 References in briefs.**

41 **6.904(1) To the parties.** In briefs counsel should minimize
 42 references to parties by such designations as “appellant” and “appellee”
 43 and should use the actual names of the parties or descriptive terms such
 44 as “the plaintiff,” “the defendant,” “the employee,” “the injured person,”
 45 “the taxpayer,” or “the decedent.”

46 **6.904(2) To legal authorities.**

47 *a. Cases.* In citing cases, the names of parties must be given. In
 48 citing Iowa cases, reference must be made to the volume and page where
 49 the case may be found in the North Western Reporter. If the case is not

1 reported in the North Western Reporter, reference must be made to the
 2 volume and page where the case may be found in the Iowa Reports. In
 3 citing cases, reference must be made to the court that rendered the
 4 opinion and the volume and page where the opinion may be found in the
 5 National Reporter System, if reported therein. *E.g.*, _ N.W.2d_ (Iowa 20_);
 6 _ N.W.2d_ (Iowa Ct. App. 20_); _ S.W.2d_ (Mo. Ct. App. 20_); _ U.S._, _ S.
 7 Ct._, _L. Ed. 2d_ (20_); _ F.3d_ (_Cir. 20_); _ F. Supp. 2d _ (S.D. Iowa
 8 20_). When quoting from authorities or referring to a particular point
 9 within an authority, the specific page or pages quoted or relied upon
 10 shall be given in addition to the required page references.

11 *b. Iowa Court Rules.* When citing the Iowa Court Rules parties
 12 shall use the following references:

13 (1) "Iowa R. Civ. P."; "Iowa R. Crim. P."; "Iowa R. Evid."; "Iowa R.
 14 App. P."; "Iowa R. of Prof'l Conduct"; and "Iowa Code of Judicial Conduct"
 15 when citing those rules.

16 (2) "Iowa Ct. R." when citing all other rules.

17 *c. Unpublished opinions or decisions.* An unpublished opinion or
 18 decision of a court or agency may be cited in a brief if the opinion or
 19 decision can be readily accessed electronically. Unpublished opinions or
 20 decisions shall not constitute controlling legal authority. When citing an
 21 unpublished opinion or decision a party shall include an electronic
 22 citation indicating where the opinion may be readily accessed on line.
 23 *E.g.*, No. _____, _____ WL _____, at *___ (___ 20___).

24 *d. Other authorities.* When citing other authorities, references
 25 shall be made as follows:

26 (1) Citations to codes shall include the section number and date.

27 (2) Citations to treatises, textbooks, and encyclopedias shall
 28 include the edition, section, and page.

29 (3) Citations to all other authorities shall include the page or pages.

30 *e. Internal cross-references.* Use of "supra" and "infra" is not
 31 permitted.

32 **6.904(3) To legal propositions.** The following propositions are
 33 deemed so well established that authorities need not be cited in support
 34 of them:

35 *a.* Findings of fact in a law action, which means generally any
 36 action triable by ordinary proceedings, are binding upon the appellate
 37 court if supported by substantial evidence.

38 *b.* In considering the propriety of a motion for directed verdict, the
 39 court views the evidence in the light most favorable to the party against
 40 whom the motion was made.

41 *c.* In ruling upon motions for new trial, the district court has a
 42 broad but not unlimited discretion in determining whether the verdict
 43 effectuates substantial justice between the parties.

44 *d.* The court is slower to interfere with the grant of a new trial than
 45 with its denial.

46 *e.* Ordinarily, the burden of proof on an issue is upon the party
 47 who would suffer loss if the issue were not established.

48 *f.* In civil cases, the burden of proof is measured by the test of
 49 preponderance of the evidence.

1 g. In equity cases, especially when considering the credibility of
2 witnesses, the court gives weight to the fact findings of the district court,
3 but is not bound by them.

4 h. The party who so alleges must, unless otherwise provided by
5 statute, prove negligence and proximate cause, by a preponderance of
6 the evidence.

7 i. A motorist upon a public highway has a right to assume that
8 others using the road will obey the law, including statutes, rules of the
9 road, and necessity for due care, at least until the motorist knows or in
10 the exercise of due care should have known otherwise.

11 j. Generally questions of negligence, contributory negligence, and
12 proximate cause are for the jury; it is only in exceptional cases that they
13 may be decided as matters of law.

14 k. Reformation of written instruments may be granted only upon
15 clear, satisfactory, and convincing evidence of fraud, deceit, duress, or
16 mutual mistake.

17 l. Written instruments affecting real estate may be set aside only
18 upon evidence that is clear, satisfactory, and convincing.

19 m. In construing statutes, the court searches for the legislative
20 intent as shown by what the legislature said, rather than what it should
21 or might have said.

22 n. In the construction of written contracts, the cardinal principle is
23 that the intent of the parties must control; and except in cases of
24 ambiguity, this is determined by what the contract itself says.

25 o. In child custody cases, the first and governing consideration of
26 the courts is the best interests of the child.

27 p. Direct and circumstantial evidence are equally probative.

28 q. Even when the facts are not in dispute or contradicted, if
29 reasonable minds might draw different inferences from them a jury
30 question is engendered.

31 **6.904(4)** *To the record.*

32 a. *Proof briefs.* Proof briefs shall contain references to the pages of
33 the parts of the record, e.g., Petition p. 6, Judgment p. 5, Transcript p.
34 298, Lines 15-24.

35 b. *Final briefs.* In final briefs, the parties shall replace references
36 to parts of the record with citations to the page or pages of the appendix
37 at which those parts appear. If references are made in the final briefs to
38 parts of the record not reproduced in the appendix, the references shall
39 be to the pages of the parts of the record involved, e.g., Answer p. 7,
40 Motion for Judgment p. 2, Tr. p. 231 Ll. 8-21. Intelligible abbreviations
41 may be used. No other changes may be made in the proof briefs as
42 initially served and filed, except that typographical errors may be
43 corrected.

44
45 **Rule 6.905 Appendix.**

46 **6.905(1)** *Designation of contents.*

47 a. The parties are encouraged to agree as to the contents of the
48 appendix.

1 **b.** An original and a copy of the designation of parts of the district
2 court record to be included in the appendix shall be filed by each party
3 when the proof copy of their required brief, other than appellant/cross-
4 appellee's reply brief, is served and filed. One copy shall be served on all
5 parties. An appellee who is satisfied with the appellant's designation
6 need not designate additional parts for inclusion, but must file an
7 original and a copy of a statement indicating the appellee is not
8 designating additional parts of the record. One copy shall be served on
9 all parties. In designating parts of the record for inclusion in the
10 appendix, the parties shall consider the fact that the entire record is
11 available to the appellate courts for examination and shall not engage in
12 unnecessary designation.

13 **c.** The appellant shall include in the appendix the parts
14 designated by the appellee.

15 **6.905(2) Duty of appellant; content.**

16 **a.** The appellant shall prepare and file an appendix.

17 **b.** The appendix shall contain:

18 (1) A table of contents.

19 (2) A list of the relevant docket entries in the district court
20 proceeding.

21 (3) Relevant portions of the pleadings, transcript, exhibits,
22 instructions, findings, conclusions, and opinion. Any pleading included
23 in the appendix shall include the caption, signature block, and certificate
24 of service. Summaries, abstracts, or narratives shall not be used.

25 (4) A file-stamped copy of the judgment, order, or decision in
26 question.

27 (5) A file-stamped copy of any notices of appeal or cross-appeal,
28 including any certificate(s) of service.

29 (6) The text of any agency rule that is cited in the parties' briefs.

30 (7) Other parts of the record to which the parties wish to direct the
31 court's attention.

32 **6.905(3) Cover; form.**

33 **a.** The cover of the appendix and amendments to it shall be white.

34 **b.** The requirements set out in rule 6.903(1) governing the
35 printing, typeface, spacing, page size, margins, binding, and the form
36 and content of the front cover of briefs shall also be followed in the
37 preparation of the appendix.

38 **c.** Copies of pleadings, exhibits, and other papers may be reduced
39 or enlarged to 8 1/2 by 11 inches for insertion in the appendix. All such
40 copies must be legible.

41 **6.905(4) Table of contents.**

42 **a.** The appendix shall include a table of contents identifying each
43 part of the record included and disclosing the page number at which
44 each part begins in the appendix.

45 **b.** If portions of a court reporter's transcript of testimony are
46 included in the appendix, the table shall state the name of each witness
47 whose testimony is included and the appendix page at which each
48 witness's testimony begins.

1 c. For each exhibit included in the appendix, the table shall state
2 the number or letter with which it was marked in the district court, a
3 concise description of the exhibit (e.g., “warranty deed dated . . .”;
4 “photograph of construction site”; “Last Will and Testament executed on .
5 . . .”), and the page number on which the exhibit appears in the appendix.

6 **6.905(5)** *Relevant docket entries.* The docket entries relevant to
7 the appeal shall be listed on a separate page immediately following the
8 table of contents.

9 **6.905(6)** *Verbatim; paginated; in chronological order.* Following
10 the table of contents and the list of relevant docket entries, other parts of
11 the record of proceedings relevant to the issues raised in the appeal shall
12 be included verbatim on consecutively numbered pages and in the
13 chronological order in which the proceedings occurred.

14 **6.905(7)** *Transcripts of proceedings and depositions.*

15 a. Any portion of a transcript or deposition included in the
16 appendix shall be preceded by a copy of the reporter’s cover sheet
17 disclosing the date(s) of the proceedings and the names of the
18 participants.

19 b. Any portions of a transcript of proceedings shall appear in the
20 chronological order of the proceedings.

21 c. The name of each witness whose testimony is included in the
22 appendix shall be inserted on the top of each appendix page where the
23 witness’s testimony appears.

24 d. The transcript page number shall be placed in brackets at the
25 place in the appendix where the testimony from that transcript page
26 begins.

27 e. The omission of any transcript page(s) or portion of a transcript
28 page shall be indicated by a set of three asterisks at the location on the
29 appendix page where the matter has been omitted.

30 f. A condensed version of a transcript which complies with the
31 requirements of rule 6.803(2)(f) may be included in the appendix.

32 **6.905(8)** *Separate volume for exhibits.* Relevant portions of
33 exhibits included in the appendix may be indexed and contained in a
34 separate volume or volumes. Relevant portions of the transcript of a
35 proceeding before an administrative agency, board, commission, or
36 officer, used in an action in the district court, may be regarded as an
37 exhibit for the purpose of this rule.

38 **6.905(9)** *Asterisks shall denote omitted portions of exhibits and*
39 *other papers.* If part of an exhibit or other paper is omitted from the
40 appendix, the omission shall be indicated by a set of three asterisks at
41 the location on the appendix page where the matter has been omitted.

42 **6.905(10)** *Matters not included in the appendix.*

43 a. Trial briefs shall not be included in the appendix unless
44 necessary to establish preservation of error on an issue argued on
45 appeal. When included to establish error was preserved, relevant
46 portions of an unfiled trial brief shall be made a part of the record
47 pursuant to rule 6.807.

1 **b.** The fact that parts of the record are not included in the
2 appendix shall not prevent the parties or the courts from relying on such
3 parts.

4 **6.905(11) Number of copies; time for service and filing.** The
5 appellant shall file 18 copies of each volume of the appendix and any
6 amendments with the clerk of the supreme court, and serve one copy on
7 counsel for each party separately represented, within 21 days after
8 service or expiration of the time for service of the appellee's proof brief.

9 **6.905(12) Amendments.**

10 **a.** The appendix may be amended by agreement of all the parties
11 at any time prior to assignment of the appeal for submission to an
12 appellate court. The written consent of all the parties shall be filed with
13 the amendment.

14 **b.** In the absence of agreement or after assignment of the appeal
15 for submission to an appellate court, the appendix may be amended only
16 with leave of the appropriate appellate court. A proposed amendment
17 may be conditionally filed with a motion for leave to amend.

18 **6.905(13) Cost of producing; taxation as costs on appeal.**

19 **a.** The cost of producing the appendix shall initially be paid by the
20 appellant unless the parties otherwise agree. If, however, the appellant
21 reasonably believes parts of the record designated by the appellee for
22 inclusion are unnecessary for the determination of the issues presented,
23 the appellant may so advise the appellee who shall advance the cost of
24 including such parts. If any party shall cause matters to be
25 unnecessarily included in the appendix, the appropriate appellate court
26 may tax the cost of producing such parts on that party.

27 **b.** Appellant's attorney shall certify within the appendix the
28 amount actually paid for printing or otherwise producing necessary
29 copies of the appendix.

30 **c.** The reasonable costs of printing or duplicating the appendix
31 shall be taxed by the appellate court. Reasonable printing or duplicating
32 costs shall not exceed \$4 per page unless otherwise ordered by the
33 appropriate appellate court.

34
35 **Rule 6.906 Brief of amicus curiae.**

36 **6.906(1) Appeal.** An amicus curiae brief may be served and filed
37 only by leave of the appropriate appellate court granted on motion served
38 on all parties, at the request of the appropriate appellate court, or when
39 accompanied by the written consent of all parties. The brief may be
40 conditionally served and filed with a motion for leave. A motion for leave
41 shall identify the interest of the applicant and shall state the reasons an
42 amicus curiae brief would assist the court in resolving issues preserved
43 for appellate review in the case. An amicus curiae shall serve and file a
44 brief within the time allowed the party whose position the brief will
45 support. The appropriate appellate court for cause shown may extend
46 the deadline for the brief, specifying the period within which an opposing
47 party may respond. An amicus curiae's request to participate in oral
48 argument will not be granted except for extraordinary reasons.

1 **6.906(2) Further review.** Amicus curiae briefs shall not be filed in
2 support of, or in resistance to, an application for further review of a
3 decision of the court of appeals. If the supreme court grants further
4 review, an amicus curiae brief may be filed upon leave of the supreme
5 court granted on motion served on all parties, at the request of the
6 supreme court, or when accompanied by the written consent of all
7 parties. A motion for leave to file an amicus curiae brief must be filed
8 within 14 days of the supreme court's order granting further review, and
9 no response to the motion shall be received unless requested by the
10 court. The motion shall identify the interest of the applicant, shall state
11 the reasons an amicus curiae brief would assist the court in resolving
12 issues preserved for appellate review in the case, and shall be
13 accompanied by the amicus curiae brief. If the motion for leave to file an
14 amicus curiae brief is granted, the parties may file a response to the
15 amicus curiae brief within 15 days of the court's order granting the
16 motion.

17 **6.906(3) Form of amicus curiae brief.** An amicus curiae brief shall
18 not exceed more than one-half of the length limitations for a required
19 brief specified in rule 6.903(1)(g). An amicus curiae brief must comply
20 with the format requirements of rule 6.903(1). An amicus curiae brief
21 need not comply with rule 6.903(2) or (3) but must include all of the
22 following:

23 a. A table of contents with page references.

24 b. A table of authorities containing cases (alphabetically arranged),
25 statutes, and other authorities cited, with references to all pages of the
26 brief where they are cited.

27 c. A concise statement of the identity of the amicus curiae and its
28 interest in the case.

29 d. An argument.

30 e. A certificate of compliance, if required by rule 6.903(1)(g)(4).

31 **6.906(4) Criteria for allowing amicus curiae brief.** An appellate
32 court has broad discretion in determining whether an amicus curiae brief
33 should be allowed. The court will base its decision on whether the brief
34 will assist the court in resolving the issues preserved for appellate review
35 in the case. In reaching its decision, the court will consider various
36 factors, including those set forth below.

37 a. The court will ordinarily grant a motion for leave to file an
38 amicus curiae brief if one of the following factors is present.

39 (1) The party whose position the proposed amicus brief supports is
40 unrepresented or has not received adequate representation.

41 (2) The proposed amicus curiae has a direct interest in another
42 case that may be materially affected by the outcome of the present case.

43 (3) The proposed amicus curiae has a unique perspective or
44 information that will assist the court in assessing the ramifications of
45 any decision rendered in the present case.

46 b. The court will ordinarily deny a motion for leave to file an
47 amicus curiae brief if one of the following factors is present.

48 (1) The proposed amicus curiae brief will merely reiterate the
49 arguments of the party whose position the brief supports.

1 (2) The proposed amicus curiae brief appears to be an attempt to
2 expand the number of briefing pages available to the party whose
3 position the brief supports.

4 (3) The proposed amicus curiae brief attempts to raise issues that
5 are not preserved for appellate review.

6 (4) The proposed amicus curiae brief will place an undue burden
7 on the opposing party.

8 c. The court may also strike an amicus curiae brief filed with the
9 consent of all parties if it appears the brief would not be allowed under
10 the above criteria.

11 **6.906(5) *Number of copies of amicus brief.*** Eighteen copies of an
12 amicus brief shall be filed. In addition, one copy shall be served on each
13 party.

14
15 **Rule 6.907 Scope of review.** Review in equity cases shall be de novo.
16 In all other cases the appellate courts shall constitute courts for
17 correction of errors at law, and findings of fact in jury-waived cases shall
18 have the effect of a special verdict.

19
20 **Rule 6.908 Oral and nonoral submission; notice of additional**
21 **authorities.**

22 **6.908(1) *Requests for oral argument.*** A party desiring to present
23 an oral argument shall request it in their brief as provided in rule
24 6.903(2)(i). Oral argument will not be granted if it is not requested in the
25 brief, except by order of the appropriate appellate court.

26 **6.908(2) *Denial of oral argument.*** The appropriate appellate court
27 will deny a request for oral argument if oral argument is unlikely to be of
28 assistance to the court.

29 **6.908(3) *Grant of oral argument.*** If oral argument is granted, the
30 court shall fix the time allotted for oral argument and notify the parties.

31 **6.908(4) *Issues raised but not argued.*** Issues properly raised in
32 the briefs shall not be waived as a consequence of failing to address them
33 during oral argument.

34 **6.908(5) *Additional authorities.*** After final briefs are filed, a party
35 may file a notice of additional authorities not cited in the briefs. The
36 party shall file 12 copies of the notice with the clerk of the supreme court
37 and serve one copy on opposing counsel. The notice shall include a
38 citation for each additional authority. No further argument shall be
39 included in the notice. If the case is set for oral argument, the party
40 shall fax, e-mail, or hand deliver the notice to all opposing parties at
41 least four days in advance of oral argument, unless the authorities were
42 not in existence prior to that time.

43 **6.908(6) *Use of exhibits and demonstrative aids during***
44 ***argument.*** If a party intends to display exhibits or any other
45 demonstrative aids during oral argument, they shall serve a copy of the
46 exhibit or aid on all opposing parties no later than four days prior to the
47 argument. No such exhibit or aid may be used in oral argument unless a
48 sufficient number of copies for the court are given to the bailiff when a
49 party checks in for oral argument, unless it is impractical to do so.

1
2
3 **DIVISION X**

4
5 WRITS, MOTIONS, AND OTHER PAPERS

6
7
8 **Rule 6.1001 Writs and process.**

9 **6.1001(1)** *Writs and process, supreme court.* The supreme court
10 shall issue all writs and process necessary for the exercise and
11 enforcement of its appellate jurisdiction and in the furtherance of its
12 supervisory and administrative control over all inferior judicial tribunals
13 and officers. The supreme court may enforce its mandates by fine and
14 imprisonment, and imprisonment may be continued until obeyed.

15 **6.1001(2)** *Writs and process, court of appeals.* The court of
16 appeals shall issue writs and other process necessary for the exercise
17 and enforcement of its jurisdiction, but only in cases that have been
18 transferred to the court of appeals by the supreme court.

19 **6.1001(3)** *Resistance and consideration.* Any request for relief
20 under this rule may be resisted and will be considered in the same
21 manner provided for motions in rule 6.1002.

22
23 **Rule 6.1002 Motions.**

24 **6.1002(1)** *Motions in supreme court and court of appeals.* All
25 motions and supporting documents shall be served as provided in rule
26 6.701 and filed with the clerk of the supreme court. A motion:

27 *a.* Shall include the date of any impending hearing, trial, or matter
28 needing immediate attention of the court shall be prominently displayed
29 beneath the title of the motion.

30 *b.* Shall include any materials required by a specific provision of
31 these rules governing such motion.

32 *c.* Shall be accompanied by a copy of any ruling from which a
33 party seeks appellate review.

34 *d.* Shall state with particularity the grounds on which it is based,
35 including citations to relevant authorities.

36 *e.* Shall set forth the order or precise relief sought.

37 *f.* May be supported by other relevant portions of the record, but
38 such attachments shall not exceed 25 pages unless otherwise ordered by
39 an appellate court. Any application for the inclusion of attachments
40 exceeding the 25-page limitation shall not include such attachments.

41 **6.1002(2)** *Resistance; reply to resistance.* All resistances, replies,
42 and any supporting documents shall be served as provided in rule 6.701
43 and filed with the clerk of the supreme court. Unless the appropriate
44 appellate court orders otherwise, any party may file a resistance to a
45 motion within 14 days after service of the motion. A reply to the
46 resistance may be filed within 3 days after the service of the resistance.
47 A resistance or a reply to the resistance may be supported by other
48 relevant portions of the record, but such attachments shall not exceed 25
49 pages unless otherwise ordered by an appellate court. Any application

1 for the inclusion of attachments exceeding the 25–page limitation shall
2 not include such attachments.

3 **6.1002(3)** *Additional filings; hearings.* The court may require
4 additional filings and may set any motion for hearing.

5 **6.1002(4)** *Motions for procedural or temporary*
6 *orders.* Notwithstanding the provisions of rule 6.1002(2), motions for
7 procedural orders, including any motion under rule 6.1003(2), and
8 motions for temporary orders in which it appears that rights would be
9 lost or greatly impaired by delay, may be ruled upon at any time without
10 awaiting a resistance. Any party adversely affected by such ruling may
11 within 10 days request review of the ruling.

12 **6.1002(5)** *Authority of a single justice to entertain motions.* In
13 addition to any authority expressly conferred by rule or by statute, a
14 single justice or senior judge of the supreme court may entertain any
15 motion in an appeal or original proceeding in the supreme court and
16 grant or deny any relief which may properly be sought by motion, except
17 that a single justice or senior judge may not dismiss, affirm, reverse, or
18 otherwise determine an appeal or original proceeding. The action of a
19 single justice or senior judge may be reviewed by the supreme court
20 upon its own motion or a motion of a party. A party’s motion for review
21 of the action of a single justice or senior judge shall be filed within 10
22 days after the date of filing of the challenged order.

23 **6.1002(6)** *Authority of the court of appeals and its judges to*
24 *entertain motions.* The court of appeals and its judges may entertain
25 motions only in appeals that the supreme court has transferred to that
26 court. In such appeals, a single judge of the court of appeals may
27 entertain any motion and grant or deny any relief which may properly be
28 sought by motion, except that a single judge may not dismiss, affirm,
29 reverse, or otherwise determine an appeal. The action of a single judge
30 may be reviewed by the court of appeals upon its own motion or a motion
31 of a party. A party’s motion for review of the action of a single judge shall
32 be filed within 10 days after the date of filing of the challenged order.

33 **6.1002(7)** *Authority of the clerk to entertain motions for procedural*
34 *orders.* The clerk or the deputy clerk of the supreme court is authorized,
35 subject to the control and direction of the supreme court, **(note: need to**
36 **establish internal policy for both courts)** to take appropriate action for
37 the supreme court on motions for procedural orders upon which the
38 court pursuant to rule 6.1002(4) could rule without awaiting a
39 resistance. The clerk may grant a motion only for good cause shown and
40 when the prejudice to the nonmoving party is not great. An order of the
41 clerk entered pursuant to this paragraph may be reviewed by the
42 supreme court upon the motion of an adversely affected party filed within
43 10 days after the date of filing of the challenged order.

44 **6.1002(8)** *Authority of the clerk to set motions for*
45 *consideration.* The clerk or the deputy clerk of the supreme court is
46 authorized, subject to the control and direction of the supreme court, to
47 set any motion pending in the supreme court for consideration and set
48 the time allowed for resistance to the motion.

1 **6.1002(9)** *Filing deadlines not extended.* The filing of a motion
 2 will not stay a filing deadline unless otherwise provided by these rules or
 3 an order of the court.

4
 5 **Rule 6.1003 Motions to shorten or extend deadlines.**

6 **6.1003(1)** *Jurisdictional deadlines.*

7 *a. Notices of appeal.* The supreme court may not extend the
 8 deadline for filing a notice of appeal except as provided in rule 6.101(5).

9 *b. Applications for interlocutory appeal.* The supreme court may
 10 not extend the deadline for filing an application for interlocutory appeal
 11 except as provided in rule 6.104(1)(b)(3).

12 *c. Applications for discretionary review.* The supreme court may
 13 not extend the deadline for filing an application for discretionary review
 14 except as provided in rule 6.106(1)(b).

15 *d. Petitions for writ of certiorari.* The supreme court may not
 16 extend the deadline for filing a petition for writ of certiorari except as
 17 provided in rule 6.107(1)(b).

18 *e. Applications for further review.* The court of appeals may not
 19 extend the deadline for filing an application for further review except as
 20 provided in Iowa Code section 602.4102(5).

21 **6.1003(2)** *All other deadlines.* The appropriate appellate court
 22 may upon its own motion or on motion of a litigant shorten or extend a
 23 non-jurisdictional deadline set by these rules or by an order of the court.
 24 In cases where the expedited deadlines of rule 6.902(2) apply, the motion
 25 shall so state. Good cause for an extension includes the illness of
 26 counsel, the unavailability of counsel due to unusual and compelling
 27 circumstances, the unavailability of a necessary transcript or other
 28 portion of the record due to circumstances beyond the control of counsel,
 29 or a reasonably good possibility of settlement within the time as
 30 extended.

31
 32 **Rule 6.1004 Limited remands.** The appropriate appellate court may
 33 on its own motion or on motion of a litigant remand a pending appeal to
 34 the district court, which shall have jurisdiction to proceed as directed by
 35 the appellate court. Jurisdiction of the appeal shall otherwise remain
 36 with the remanding appellate court. A motion for limited remand shall
 37 be filed as soon as the grounds for the motion become apparent.

38
 39 **Rule 6.1005 Frivolous appeals; withdrawal of counsel.**

40 **6.1005(1)** *Applicability.* The procedures in this rule apply when
 41 court-appointed counsel moves to withdraw on the grounds that the
 42 appeal is frivolous. These withdrawal procedures cannot be used in
 43 termination-of-parental rights and child-in-need of assistance appeals
 44 under Iowa Code chapter 232.

45 **6.1005(2)** *Motion to withdraw.* If, after a diligent investigation of
 46 the entire record, court-appointed counsel is convinced the appeal is
 47 frivolous and that counsel cannot, in good conscience, proceed with the
 48 appeal, counsel may file a motion to withdraw. The motion must be
 49 accompanied by:

1 a. A brief referring to anything in the record that might arguably
2 support the appeal. The motion and brief shall be in the form specified
3 in rule 6.1007.

4 b. A copy of the rule 6.1005(3) notice.

5 c. A certificate showing service of the motion, brief, and notice
6 upon the client and the attorney general.

7 **6.1005(3) *Written notice to client.*** Counsel shall notify the client
8 in writing of counsel's conclusion that the appeal is frivolous and that
9 counsel is filing a motion to withdraw. The notice shall be accompanied
10 by a copy of counsel's motion and brief. The notice shall advise the
11 client:

12 a. If the client agrees with counsel's decision and does not desire
13 to proceed further with the appeal, the client shall within 30 days from
14 service of the motion and brief clearly and expressly communicate such
15 desire, in writing, to the supreme court.

16 b. If the client desires to proceed with the appeal, the client shall
17 within 30 days communicate that fact to the supreme court, raising any
18 issues the client wants to pursue.

19 c. If the client fails to file a response with the supreme court, such
20 failure could result in the waiver of the client's claims in any subsequent
21 postconviction action.

22 **6.1005(4) *Request to transmit record.*** Within 14 days after filing
23 the motion to withdraw, counsel shall request the clerk of the district
24 court to transmit immediately to the clerk of the supreme court the
25 remaining record not already transmitted, including the original papers
26 and exhibits filed in the district court and any court reporter's transcript
27 of the proceedings.

28 **6.1005(5) *Dismissal upon client's agreement.*** When a client
29 communicates to the court the client's agreement with counsel's decision
30 the appeal shall be promptly dismissed.

31 **6.1005(6) *Supreme court examination of record.*** In all other cases
32 the supreme court will, after a full examination of all the record, decide
33 whether the appeal is wholly frivolous. If it finds the appeal is frivolous,
34 it may grant counsel's motion to withdraw and dismiss the appeal. If
35 however, the supreme court finds the legal points to be arguable on their
36 merits and therefore not frivolous, it shall deny counsel's motion and
37 may remand the matter to the district court for appointment of new
38 counsel.

39 **6.1005(7) *Extension of times.*** The filing of a motion to withdraw
40 pursuant to this rule shall extend the times for further proceedings on
41 appeal until the court rules on the motion to withdraw.

42
43 **Rule 6.1006 Motions to dismiss, affirm, or reverse.**

44 **6.1006(1) *Motions to dismiss.***

45 a. *Contents and time for filing.* An appellee may file a motion to
46 dismiss an appeal based upon the appellant's failure to comply with an
47 appellate filing deadline established by an appellate rule or court order,
48 the appellant's filing of a document that fails to substantially comply
49 with the appellate rules or a court order, or an allegation that the

1 appropriate appellate court lacks jurisdiction or authority to address the
2 case. The motion shall state with particularity the grounds justifying
3 dismissal and, if applicable, shall specify the prejudice to the appellee's
4 interests. The motion shall comply with the requirements of rule
5 6.1002(1). A motion to dismiss should be filed within a reasonable time
6 after the grounds supporting the motion become apparent. Except for
7 instances in which the court allegedly lacks jurisdiction or authority over
8 the case, the motion to dismiss should be used sparingly. A motion to
9 dismiss will usually be granted only if the alleged infractions are repeated
10 or significant and have resulted in prejudice to another party or the
11 administration of justice.

12 *b. Ruling.* The appropriate appellate court may rule on the motion
13 or may order the motion submitted with the appeal. An order dismissing
14 an appeal for failure to prosecute shall direct the clerk of the supreme
15 court to forward certified copies of the docket and the order of dismissal
16 to the Iowa Supreme Court Attorney Disciplinary Board unless the
17 appellant was unrepresented. If counsel was court-appointed, the clerk
18 shall also forward certified copies of those documents to the State Public
19 Defender.

20 *c. Motion to reinstate an appeal.* Within 10 days after issuance of
21 the dismissal order an appellant may file a motion to reinstate an appeal
22 dismissed under this rule. The motion must set forth the grounds for
23 reinstatement and may be resisted. The supreme court may, in its
24 discretion, and shall upon a showing that such dismissal was the result
25 of oversight, mistake, or other reasonable cause reinstate the appeal.

26 *d. Dismissal on court's motion.* An appeal may be dismissed, with
27 or without notice of default, upon the motion of the appropriate appellate
28 court.

29 **6.1006(2)** *Motions to affirm.* Appellee may file a motion with the
30 appropriate appellate court to affirm the appeal on the ground that the
31 issues raised by the appeal are frivolous. The motion shall ordinarily be
32 served and filed within the time provided for service of the appellee's
33 proof brief. However, if the motion is based on an allegation that the
34 result in the case is controlled by an indistinguishable, recently-
35 published decision of an appellate court, the motion may be filed when
36 the grounds for affirmance become apparent. The appellee shall not file
37 a motion to affirm prior to the filing of appellant's proof brief. The motion
38 shall comply with the requirements of rule 6.1002(1). One judge or
39 justice may overrule, but only a quorum of the appropriate appellate
40 court may sustain, a motion to affirm.

41 **6.1006(3)** *Motions to reverse.* Any party may file a motion with
42 the appropriate appellate court to summarily reverse the appeal on the
43 grounds the result is controlled by an indistinguishable, recently-
44 published decision of an appellate court or where error has been
45 confessed. The motion shall comply with the requirements of rule
46 6.1002(1). In response to a motion to reverse the appropriate appellate
47 court will order the nonmoving party to show cause why the case should
48 not be reversed. A similar show cause order may be entered by the
49 appropriate appellate court acting on its own initiative. One judge or

1 justice may overrule, but only a quorum of the appropriate appellate
2 court may sustain, a motion to reverse.

3 **6.1006(4) *Excluding time.*** The time between the service of a
4 motion to dismiss, affirm, or reverse and an order overruling the motion
5 or ordering its submission with the appeal shall be excluded in
6 measuring the time within which subsequent acts required by these
7 rules must be done.

8
9 **Rule 6.1007 Form of motions and other papers.**

10 **6.1007(1) *Format.*** Motions and other papers may be reproduced
11 by any process that yields a clear black image on white 8 1/2 by 11 inch
12 paper. The paper must be opaque and unglazed. Unless handwritten,
13 the text must be double-spaced, but quotations more than forty words
14 long may be indented and single-spaced. Margins shall be 1.25 inches
15 on each side and 1 inch on the top and bottom. Page numbers shall be
16 located at the bottom center of each page. Typeface shall conform to rule
17 6.903(1)(e). Consecutive sheets shall be attached at the upper left
18 margin.

19 **6.1007(2) *Contents.*** A motion or other paper addressed to an
20 appellate court shall contain a caption setting forth the name of the
21 court, the title of the case, the file number, a brief descriptive title
22 indicating the purpose of the paper, and the name, address, telephone
23 number, e-mail address, and fax number of counsel or the self-
24 represented party.

25 **6.1007(3) *Copies; filing and service.*** Four copies of motions and
26 other papers shall be filed with the clerk of the supreme court and one
27 copy shall be served on each party unless the appropriate appellate court
28 orders otherwise.

29
30
31 **DIVISION XI**

32 **TRANSFER, SUBMISSION, AND FURTHER REVIEW**

33
34
35
36 **Rule 6.1101 Transfer of cases to court of appeals.**

37 **6.1101(1) *Transfer.*** The supreme court may by order, on its own
38 motion, transfer to the court of appeals for decision any case filed in the
39 supreme court except a case in which provisions of the Iowa Constitution
40 or statutes grant exclusive jurisdiction to the supreme court.

41 **6.1101(2) *Criteria for retention.*** The supreme court shall
42 ordinarily retain the following types of cases:

43 *a.* Cases presenting substantial constitutional questions as to the
44 validity of a statute, ordinance, or court or administrative rule.

45 *b.* Cases presenting substantial issues in which there appears to
46 be a conflict with a published decision of the court of appeals or supreme
47 court.

48 *c.* Cases presenting substantial issues of first impression.

1 d. Cases presenting fundamental and urgent issues of broad
2 public importance requiring prompt or ultimate determination by the
3 supreme court.

4 e. Cases involving lawyer discipline.

5 f. Cases presenting substantial questions of enunciating or
6 changing legal principles.

7 **6.1101(3) Criteria for transfer.** The supreme court shall ordinarily
8 transfer to the court of appeals the following types of cases:

9 a. Cases presenting the application of existing legal principles.

10 b. Cases presenting issues that are appropriate for summary
11 disposition.

12
13 **Rule 6.1102 Order of submission and transfer.**

14 **6.1102(1) Submission.** Appeals shall be submitted to the
15 supreme court or transferred to the court of appeals substantially in the
16 order they are made ready for submission except when earlier
17 submission is mandated by statute, rule, or order of the supreme court.

18 **6.1102(2) Early submission or transfer.** If an appeal involves
19 questions of public importance or rights that are likely to be lost or
20 greatly impaired by delay, the supreme court may upon the motion of a
21 party or on the court's own motion order the submission or transfer of
22 the case in advance of the time at which it would otherwise be submitted
23 or transferred.

24
25
26 **Rule 6.1103 Application to the supreme court for further review.**

27 **6.1103(1) Application.**

28 a. *Time for filing.* An application for further review in an appeal
29 from an Iowa Code chapter 232 child-in-need-of-assistance or
30 termination-of-parental-rights proceeding shall be filed within 10 days
31 following the filing of the court of appeals decision. In all other cases, an
32 application for further review shall be filed within 20 days following the
33 filing of the court of appeals decision.

34 b. *Grounds.* An application for further review shall allege precisely
35 and in what manner the court of appeals has done any of the following:

36 (1) Made an error of law.

37 (2) Rendered a decision that conflicts with a prior holding of a
38 published court of appeals or supreme court opinion.

39 (3) Failed to consider a potentially controlling constitutional
40 provision in rendering its decision.

41 (4) Decided a case that should have been retained by the supreme
42 court.

43 c. *Form.* An application for further review shall be in the form
44 prescribed by rule 6.903(1). Each copy of the application shall contain or
45 be accompanied by a copy of the court of appeals decision, showing the
46 date of its filing. The application shall be a single document including a
47 brief in support of the request for review. All contentions and legal
48 authorities in support of the application shall be included. No
49 authorities or argument may be incorporated into the application by

1 reference to another document; however, citations to the appendix are
2 permitted. The only materials that may be attached to or filed with an
3 application, other than the court of appeals decision, are an evidentiary
4 exhibit not exceeding 10 pages and a district court order. The district
5 court order shall be attached if the court of appeals affirmed the decision
6 of the district court under rule 6.1203 (affirmed or enforced without
7 opinion), Iowa Ct. R. 21.29 (memorandum opinion), or Iowa Code section
8 602.5106(1) (affirmed by operation of law).

9 *d. Filing fee.* The applicant shall pay to the clerk of the supreme
10 court a filing fee or file a motion to waive or defer the fee as provided in
11 rules 6.702(1)(g).

12 **6.1103(2) Resistance.**

13 *a. When allowed; time for filing.* No resistance will be received in
14 an Iowa Code chapter 232 child-in-need-of-assistance or termination-of-
15 parental-rights proceeding unless requested by the supreme court. In all
16 other cases, a party may file a resistance within 10 days after service of
17 the application.

18 *b. Form.* A resistance shall be in the form prescribed by rule
19 6.903(1). The resistance shall be a single document including all
20 contentions and legal authorities in opposition to the application. No
21 authorities or argument may be incorporated into the resistance by
22 reference to another document; however, citations to the appendix are
23 permitted. The only materials that may be attached to or filed with a
24 resistance are an evidentiary exhibit not exceeding 10 pages and a
25 district court order.

26 **6.1103(3) Cover of application or resistance.** The cover of an
27 application for further review shall be yellow and the cover of the
28 resistance shall be orange. The cover of the application or resistance
29 shall contain:

30 *a.* The name of the court and the appellate number of the case.

31 *b.* The caption of the case (see rule 6.109(2)).

32 *c.* The date of filing of the court of appeals decision.

33 *d.* The title of the document.

34 *e.* The name, address, telephone number, e-mail address, and fax
35 number of counsel or the self-represented party.

36 **6.1103(4) Length of application or resistance.** The application or
37 resistance shall not exceed two-fifths of the length limitations for a
38 required brief specified in rule 6.903(1)(g) exclusive of the court of
39 appeals decision, table of contents, table of authorities, and evidentiary
40 exhibits and district court orders.

41 **6.1103(5) Number of copies of application or resistance.** Eighteen
42 copies of an application or a resistance shall be filed. In addition, one
43 copy shall be served on each other party separately represented.

44 **6.1103(6) Supplemental briefs.** If an application for further review
45 is granted, the supreme court may require the parties to file
46 supplemental briefs on all or some of the issues to be reviewed.

47 **6.1103(7) Procedendo.** When an application for further review is
48 denied by order of the supreme court, the clerk of the supreme court
49 shall immediately issue procedendo.

1
2
3 **DIVISION XII**

4
5 **DISPOSITION OF APPEALS**

6
7
8 **Rule 6.1201 Voluntary dismissals.**

9 **6.1201(1)** *Dismissal of an appeal.* An appeal may be voluntarily
10 dismissed by the party who filed the appeal at any time before a decision
11 is filed by either the supreme court or the court of appeals.

12 **6.1201(2)** *Dismissal of a cross-appeal.* A cross-appeal may be
13 voluntarily dismissed by the party who filed the cross-appeal at any time
14 before a decision is filed by either the supreme court or court of appeals.

15 **6.1201(3)** *Effect of dismissal.* The clerk shall promptly issue
16 procedendo upon the filing of a voluntary dismissal unless another
17 party's appeal or cross-appeal remains pending under the same
18 appellate docketing number. If only a cross-appeal remains pending
19 following the dismissal, the cross-appeal shall continue as the primary
20 appeal, and the cross-appellant shall assume the role of the appellant.
21 The issuance of procedendo shall constitute a final adjudication with
22 prejudice.

23
24 **Rule 6.1202 Failure to comply with appellate deadlines;**
25 **consequences and penalties.**

26 **6.1202(1)** *Notice of default.*

27 *a. For appellant's failure to comply.* When an appellant fails to
28 comply with an appellate deadline the clerk shall serve a notice stating
29 that the appeal will be dismissed unless the appellant cures the default
30 by performing the overdue action within 15 days of issuance of the
31 notice. If the appellant fails to cure the default, the clerk shall enter an
32 order dismissing the appeal.

33 *b. For appellee's failure to comply.* When an appellee fails to meet
34 the deadline for filing a brief or statement waiving the appellee's brief, the
35 clerk shall serve a notice stating that the appellee will not be allowed to
36 participate in oral argument unless the appellee remedies the default by
37 filing the overdue brief within 15 days of issuance of the notice.

38 **6.1202(2)** *Penalty assessed to attorney.* When a default notice is
39 sent to a party's attorney for failing to comply with an appellate deadline,
40 the attorney shall be assessed a penalty of \$150 by the clerk for each
41 violation. Such penalties are to be paid by the attorney individually and
42 are not to be charged to the client. If such penalties are not paid within
43 15 days, the attorney may be ordered to show cause why he or she
44 should not be found in contempt of the supreme court.

45 **6.1202(3)** *Notice of dismissal due to attorney's failure to*
46 *comply.* Following the dismissal of an appeal for failure to comply with
47 an appellate deadline where the appellant was represented by an
48 attorney, the clerk of the supreme court shall forward certified copies of
49 the docket, the notice of default which resulted in dismissal, and the

1 order of dismissal to the Iowa Supreme Court Attorney Disciplinary
2 Board. In cases where the attorney was court-appointed, the clerk shall
3 also forward certified copies of those documents to the State Public
4 Defender.

5 **6.1202(4)** *Motion to reinstate an appeal.* Within 10 days after
6 issuance of the dismissal order, an appellant may file a motion to
7 reinstate an appeal dismissed under this rule. The motion must set forth
8 the grounds for reinstatement and may be resisted. The supreme court
9 may, in its discretion, and shall upon a showing that such dismissal was
10 the result of oversight, mistake, or other reasonable cause reinstate the
11 appeal.

12
13 **Rule 6.1203 Affirmed or enforced without opinion.** A judgment or
14 order may be affirmed or enforced without opinion if the appellate court
15 concludes the questions presented are not of sufficient importance to
16 justify an opinion, an opinion would not have precedential value, and
17 any of the following circumstances exists:

- 18 1. A judgment of the district court is correct.
- 19 2. The evidence in support of a jury verdict is sufficient.
- 20 3. The order of an administrative agency is supported by substantial
21 evidence.
- 22 4. No error of law appears.

23
24 **Rule 6.1204 Petition for rehearing in court of appeals.**

25 **6.1204(1)** *Filing does not toll further review deadline.* The filing of
26 a petition for rehearing with the court of appeals does not toll the 20-day
27 period provided in Iowa Code section 602.4102(4) for filing an application
28 for further review of a court of appeals decision with the supreme court.
29 Nothing in these rules prohibits any party from filing both a petition for
30 rehearing with the court of appeals and an application for further review
31 with the supreme court.

32 **6.1204(2)** *Time for filing.* Any petition for rehearing must be filed
33 within seven days after the filing of a court of appeals decision.

34 **6.1204(3)** *Content.* The petition shall state with particularity the
35 points of law or fact which in the opinion of the petitioner the court of
36 appeals has overlooked or misapprehended.

37 **6.1204(4)** *Answer.* No answer to a petition for rehearing will be
38 received unless requested by the court of appeals.

39 **6.1204(5)** *Action by court of appeals.* Oral argument in support of
40 the petition will not be permitted. If the petition for rehearing is not
41 expressly granted or denied by the court of appeals within seven days
42 after the petition is filed, the petition will be deemed denied. Upon
43 request of the court of appeals within the seven-day period, the supreme
44 court may grant an extension not to exceed seven days for the court of
45 appeals to rule upon the petition. If the petition for rehearing is granted,
46 the decision of the court of appeals is vacated and the court of appeals
47 shall retain jurisdiction of the case. The court of appeals may dispose of
48 the case with or without oral argument, order resubmission, or enter any

1 other appropriate order. The decision after rehearing shall be subject to
2 further review as provided in Iowa Code section 602.4102(4).

3 **6.1204(6)** *Stay of pending application of further review.* Upon
4 motion of a party or request of the court of appeals, the supreme court
5 may stay any pending application for further review for consecutive
6 periods of up to 30 days during the pendency of a petition for rehearing.

7 **6.1204(7)** *Form of petition.* The petition shall be in the form
8 prescribed by rule 6.903(1). Except by permission of the court, a petition
9 for rehearing shall not exceed one-fifth of the length limitations for a
10 required brief specified in rule 6.903(1)(g).

11 **6.1204(8)** *Number of copies to be filed and served.* Eighteen
12 copies of the petition shall be filed with the clerk of the supreme court
13 and one copy served on each party as prescribed by rule 6.701.

14
15 **Rule 6.1205 Petition for rehearing in supreme court.**

16 **6.1205(1)** *Time for filing.* A petition for rehearing may be filed
17 within 14 days after the filing of a supreme court opinion unless the time
18 is shortened or enlarged by order of that court. A party may not file a
19 petition for rehearing from an order denying an application for further
20 review.

21 **6.1205(2)** *Content.* The petition shall state with particularity the
22 points of law or fact which in the opinion of the petitioner the supreme
23 court has overlooked or misapprehended.

24 **6.1205(3)** *Answer.* No answer to a petition for rehearing will be
25 received unless requested by the supreme court, but a petition for
26 rehearing will ordinarily not be granted in the absence of such a request.

27 **6.1205(4)** *Action by supreme court.* Oral argument in support of
28 the petition will not be permitted. If a petition for rehearing is granted,
29 the supreme court may make a final disposition of the case with or
30 without oral argument, order resubmission, or enter any other
31 appropriate order.

32 **6.1205(5)** *Form of petition.* The petition shall be in the form
33 prescribed by rule 6.903(1). Except by permission of the court, a petition
34 for rehearing shall not exceed one-fifth of the length limitations for a
35 required brief specified in rule 6.903(1)(g).

36 **6.1205(6)** *Number of copies to be filed and served.* Eighteen
37 copies of the petition shall be filed with the clerk of the supreme court
38 and one copy served on each party as prescribed by rule 6.701.

39
40 **Rule 6.1206 Remands.** When a judgment is reversed for error in
41 overruling a motion and granting the motion would have terminated the
42 case in favor of appellant, the appellate court may enter or direct the
43 district court to enter final judgment as if such motion had been initially
44 sustained. However, if it appears from the record that the material facts
45 were not fully developed at the trial or if in the opinion of the appellate
46 court the ends of justice will be served, a new trial shall be awarded on
47 all or part of the case.
48

1 **Rule 6.1207 Costs.** All appellate fees and costs shall be taxed to the
2 unsuccessful party, unless otherwise ordered by the appropriate
3 appellate court.

4
5 **Rule 6.1208 Procedendo.**

6 **6.1208(1)** *Procedendo from supreme court action.* Unless
7 otherwise ordered by the supreme court, no procedendo shall issue for

8 a. Twenty-one days after an opinion of the supreme court is filed,
9 nor thereafter while a petition for rehearing or an application for
10 extension of time to file a petition for rehearing, filed according to these
11 rules, is pending.

12 b. Seventeen days after an order dismissing the appeal is filed, nor
13 thereafter while a motion requesting that the dismissal be set aside, filed
14 according to these rules, is pending.

15 **6.1208(2)** *Procedendo from court of appeals action.* Unless
16 otherwise ordered by the court of appeals, no procedendo shall issue for
17 27 days after a decision of the court of appeals is filed, nor thereafter
18 while an application for further review by the supreme court is pending.

19
20 **Rule 6.1209. Quarterly publication.** A list indicating the disposition of
21 all decisions rendered by the supreme court per curiam or under rule
22 6.1203 shall be published quarterly in the North Western Reporter,
23 except for such of those decisions as the supreme court specially orders
24 to be published in the regular manner.

25
26
27 **DIVISION XIII**

28
29 **AMENDMENT TO RULES**

30
31
32 **Rule 6.1301 Amendments**

33 **6.1301(1)** The amendment of rules 6.101-6.105, 6.601-6.603, and
34 6.907 shall be reported to the legislature.

35 **6.1301(2)** The amendment of all other appellate rules shall be by
36 court order and shall take effect at such time as the court prescribes.

37
38
39

1 **DIVISION XV**

2 **FORMS**

3
4
5
6 **Rule 6.1401 — Form 1: Notice of Appeal.**

7 **IN THE IOWA DISTRICT COURT**
8 **FOR _____ COUNTY**

(Insert district court caption.) No. _____ (district court case number)

NOTICE OF APPEAL

9 To: The clerk of the district court for _____ County, the
10 clerk of the supreme court and _____

11 _____
12 _____
13 *(insert names of unrepresented parties and attorneys of record).*

14 Notice is given that _____ *(insert*
15 *the names of the parties who are taking the appeal)* appeal(s) to the
16 Supreme Court of Iowa from the final order entered in this case on the
17 _____ day of _____, 20____, and from all adverse rulings and
18 orders inhering therein.

19 Dated this _____ day of _____, 20____.

20 _____
21 *(signature of appellant or appellant's*
22 *attorney)*

23 Name, address, telephone number, fax
24 number, and e-mail address of
25 appellant or appellant's attorney.

26 **CERTIFICATE OF SERVICE**

27 The undersigned certifies a copy of this notice of appeal was served on
28 the _____ day of _____ 20____, upon the following
29 persons and upon the clerk of the supreme court (list the names and
30 addresses of the persons below and indicate the manner of service).

31 _____
32 *(signature of person making service)*
33

1 **Rule 6.1401 — Form 2: Combined Certificate.**

2 **IN THE SUPREME COURT OF IOWA**

(Insert supreme court caption.) No. _____ (supreme court case number)

COMBINED CERTIFICATE

(See Iowa R. App. P. 6.804.)

3 1. Notice of appeal was filed in district court on _____ (Date) from a
4 judgment or ruling filed on _____ (Date).

5 2A. I hereby order a transcript or portions thereof on the ____ day of
6 _____, 20____,¹ from:

7 (1) _____
8 (court reporter name) (address)

9 (2) _____
10 (court reporter name) (address)

11 No arrangements have been made or suggested to delay the
12 preparation thereof.

13 I have made arrangements to pay for the transcript in accordance
14 with Iowa R. App. P. 6.803(5).

15 The following proceedings are ordered¹:

16 (1) _____
17 (describe parts ordered) before _____ (judge) on
18 _____ (date).

19 (2) _____
20 (describe parts ordered) before _____ (judge) on
21 _____ (date).

22 —OR—

23 2B. I need not order a transcript because under Iowa R. App. P.
24 6.804(2):

25 _____
26 _____
27 _____

¹ This certificate may be used to order the transcript.

1 I (___ will) (___ will not) prepare a statement of the evidence or
 2 proceedings pursuant to Iowa R. App. P. 6.806.

3 2C. [To be completed by appellant if less than full transcript is ordered]
 4 The issues appellant(s) intends to present on appeal are:

5 I.

6 II.

7 III.

8 3. If Iowa R. App. P. 6.303(2), 6.803(3), or 6.902(1) applies to this case,
 9 check category:

10 _____ A contest as to custody of children, an adoption, or a
 11 juvenile proceeding affecting child placement.

12 _____ A termination of a parent-child relationship under Iowa code
 13 section 600A.

14 _____ A conviction and sentence on a plea of guilty or a sentence
 15 only.

16 _____ A certified question of law under Iowa code chapter 684A.

17 _____ A lawyer disciplinary matter.

18 _____ Judicial review of an administrative action pursuant to Iowa
 19 Code chapter 17A, where no additional testimony was
 20 introduced in district court.

21 _____ Involuntary mental health commitments under Iowa Code
 22 chapter 229.

23 _____ Involuntary substance abuse commitments under Iowa Code
 24 chapter 125.

25 4. I assert in good faith that this appeal meets jurisdictional
 26 requirements and is from:

27 _____ A final judgment, order, or decree and a timely notice of
 28 appeal has been filed.

29 —OR—

30 _____ A ruling entered in advance of a final judgment and
 31 permission to appeal has been granted by the supreme
 32 court.

1 5. The names of the parties involved in this appeal and their
 2 designations in district court are shown below under column A. Their
 3 respective attorneys' names, law firms, addresses, and telephone
 4 numbers are shown below under column B:

5	<u>Column A</u>	<u>Column B</u>
6	Parties	Attorneys

7 Appellant(s):

8 Appellee(s):

9
 10 _____
 11 *(signature of appellant or appellant's*
 12 *attorney)*
 13 Name, address, telephone number, fax
 14 number, and e-mail address of
 appellant or appellant's attorney.

15 **CERTIFICATE OF SERVICE**

16 The undersigned certifies a copy of this combined certificate was served
 17 on the _____ day of _____ 20 ____, upon the following
 18 persons and upon the clerk of the supreme court (list the names and
 19 addresses of the persons below and indicate the manner of service).

20 _____
 21 *(signature of person making service)*
 22

1 **Rule 6.1401 — Form 3: Supplemental Certificate.**2 **IN THE SUPREME COURT OF IOWA**3
4
5 *(Insert supreme court caption.)*No. _____ *(supreme court
case number)***SUPPLEMENTAL
CERTIFICATE***(See Iowa R. App. P. 6.805.)*

3

4 I hereby order a transcript or portions thereof on the ____ day of _____,
5 20__,² from:6 (1) _____
7 *(court reporter name) (address)*8 (2) _____
9 *(court reporter name) (address)*10 No arrangements have been made or suggested to delay the preparation
11 thereof.12 I have made arrangements to pay for the transcript in accordance with
13 Iowa R. App. P. 6.803(5).14 The following proceedings are ordered¹:15 (1) _____
16 *(describe parts ordered) before _____ (judge) on*
17 _____ *(date).*18 (2) _____
19 *(describe parts ordered) before _____ (judge) on*
20 _____ *(date).*

21

22 _____
23 *(signature of appellant or appellant's*
24 *attorney)*
25 Name, address, telephone number, fax
26 number, and e-mail address of
27 appellant or appellant's attorney.

² This certificate shall be used to order the transcript.

1

CERTIFICATE OF SERVICE

2 The undersigned certifies a copy of this supplemental certificate was
3 served on the _____ day of _____ 20 _____, upon the
4 following persons and upon the clerk of the supreme court (list the
5 names and addresses of the persons below and indicate the manner of
6 service).

7

8

9

(signature of person making service)

1 **Rule 6.1401 — Form 4: Notice of Appeal (Cross–Appeal) (Child-in-**
2 **Need-of-Assistance and Termination Cases).**

3

4

IN THE IOWA DISTRICT COURT
5 **FOR _____ COUNTY**

5

Juvenile No. _____

(Insert district court caption.)

NOTICE OF APPEAL
(CROSS–APPEAL)
(Child-In-Need-Of-
Assistance and
Termination Cases)

6

To: The clerk of the district court for _____ County, the
7 clerk of the supreme court and _____

8

9

10

(insert names of unrepresented parties and attorneys of record).

11

Notice is given that _____ *(insert*
12 *the names of the parties who are taking the appeal)* appeal(s) to the
13 Supreme Court of Iowa from (check one of the following) and from all
14 adverse rulings and orders inhering therein.

15

An order in a child-in-need-of-assistance proceeding entered on
16 the _____ day of _____, 20 ____.

17

An order terminating the parent–child relationship or dismissing
18 a petition to terminate the parent–child relationship entered
19 pursuant to Iowa Code section 232.117 on the _____ day of
20 _____, 20 ____.

21

A post–termination order entered pursuant to Iowa Code
22 section 232.117 on the _____ day of _____, 20 ____.

23

1 Dated this _____ day of _____, 20__.

2
3
4
5
6

(signature of appellant's attorney)
Name, address, telephone number, fax
number, and e-mail address of
appellant's attorney.

7
8
9
10

*(Signature of appellant. *)*
Name, address, and telephone number
of Appellant.

11 ***The signature of the appellant is required by Iowa Rule of Appellate**
12 **Procedure 6.102(1)(a).**

13 **CERTIFICATE OF SERVICE**

14 The undersigned certifies a copy of this notice of appeal (cross appeal)
15 was served on the _____ day of _____ 20 ____, upon
16 the following persons and upon the clerk of the supreme court (list the
17 names and addresses of the persons below and indicate the manner of
18 service).

19
20
21

(signature of person making service)

1 **Rule 6.1401 — Form 5: *Petition on Appeal (Cross-Appeal) (Child-in-***
2 ***Need-of-Assistance-and Termination Cases).***

3 **IN THE SUPREME COURT OF IOWA**

<p>IN THE INTEREST OF</p> <p>_____, CHILD(REN)</p>	<p>Supreme Court No.</p> <p>_____</p> <p>Juvenile Court No.</p> <p>_____</p> <p>PETITION ON APPEAL (CROSS- APPEAL) (Child-In-Need-Of-Assistance and Termination Cases)</p>
--	--

4 County _____ Judge _____

5 The names of the parties involved in this appeal and their designations in
6 juvenile court are shown below in column A. Their respective attorneys'
7 names, law firms, addresses, and telephone numbers are shown below in
8 column B.

	<u>Column A</u> Parties	<u>Column B</u> Attorneys
--	----------------------------	------------------------------

11 Appellant(s):

12 Appellee(s):

13 1. This Petition on Appeal is filed on behalf of
14 _____, the mother/father/child/State/Intervenor/
15 other _____, in the above-identified (CHECK ONE)

16 child-in-need-of-assistance

17 termination-of-parental-rights

18 post-termination

19 proceeding, with respect to child(ren)

<u>Child(ren)'s Name(s)</u>	<u>Date(s) of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

1 2. (If applicable), parental rights were terminated by the juvenile
 2 court pursuant to Iowa Code section(s) 232.116(____)(*insert specific*
 3 *subsection(s)*) as to the mother and Iowa Code section(s)
 4 232.116(____)(*insert specific subsection(s)*) as to the father.

5 If appealing from a CINA order, indicate as to the mother on what
 6 statutory ground(s) the child(ren) was/were adjudicated in need of
 7 assistance (____)(*insert specific subsection(s)*) and indicate as to the
 8 father on what statutory ground(s) the child(ren) was/were adjudicated
 9 in need of assistance (____)(*insert specific subsection(s)*).

10 3. Appellant's attorney, _____, is/is not the attorney
 11 who represented appellant at trial.

12 4. List any other pending appeals involving the child(ren).

13 Case Name: _____

14 Supreme Court No.: _____

15 Type of Appeal: (e.g., appeal from adjudication/disposition,
 16 dissolution) _____

17 5. The relevant dates regarding this appeal are the following:

18 a. Date of adjudication _____

19 b. Date of last removal (excluding any trial period at home of less
 20 than 30 days) _____

21 c. Date of disposition _____

22 d. Date(s) of any review hearings _____

23 e. Date of any permanency hearing _____

24 f. Date(s) termination petition filed/amended _____

25 g. Date(s) of termination hearing _____

26 h. Date(s) of child-in-need-of-assistance order(s) from which
 27 appeal was taken _____

28 i. Date of termination or dismissal order from which appeal was
 29 taken _____

30 j. Date of post-termination order from which appeal was taken

31 k. Date notice of appeal filed _____

32 l. Any other date(s)/hearing(s) material to appeal _____

33 6. Nature of case and relief sought: The appellant seeks a reversal of
 34 the juvenile court order:

1 a. terminating the parental rights of _____ (insert
2 name(s)) with respect to the child(ren) _____ (insert
3 name(s)); OR

4 b. dismissing a petition to terminate the parental rights of
5 _____ (insert name(s)) with respect to the
6 child(ren), _____ (insert name(s)); OR

7 c. If seeking reversal or modification of a CINA order, specify the
8 relief requested:
9 _____

10 _____

11 d. OTHER (specify) _____

12 7. State the material facts as they relate to the issues presented for
13 appeal:

14 _____
15 _____
16 _____
17 _____
18 _____

19

20 8. State the legal issues presented for appeal, including a statement
21 of how the issues arose and how they were preserved for appeal:

22 *The issue statement should be concise in nature setting forth specific legal*
23 *questions. General conclusions, such as “the trial court’s ruling is not*
24 *supported by law or the facts” are not acceptable. Include supporting legal*
25 *authority for each issue raised, including authority contrary to appellant’s*
26 *case, if known.*

27 a. Issue I:
28 _____
29 _____
30 _____

31 Was error preserved? ____ yes ____ no. If yes, state how:
32 _____
33 _____

34 Supporting legal authority for Issue I:
35 _____
36 _____
37 _____

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 b. Issue II:

7 _____
 8 _____
 9 _____

10 Was error preserved? ____ yes ____ no. If yes, state how:

11 _____
 12 _____

13 Supporting legal authority for Issue II:

14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____

22 (Additional issues may be added)

23

24 9. I hereby certify I will request within 30 days after the filing of the
 25 notice of appeal that the clerk of the trial court transmit immediately to
 26 the clerk of the supreme court:

27 (For appeals from child-in-need-of-assistance proceedings)

28 a. The child-in-need-of-assistance court file, including all
 29 exhibits.

30 b. Any transcript of a hearing or hearings resulting in the order
 31 from which an appeal has been taken.

32 (For appeals from termination proceedings)

33 a. The termination-of-parental-rights court file, including all
 34 exhibits.

1 b. Those portions of the child-in-need-of-assistance court file,
2 either received as exhibits or judicially noticed in the termination
3 proceedings.

4 c. The transcript of the termination hearing.

5 (For appeals from post-termination proceedings)

6 a. The order, judgment, or decree terminating parental rights.

7 b. Any ruling on a motion for new trial under Iowa R. Civ. P.
8 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

9 c. The post-termination order from which the appeal was
10 taken.

11 d. Any motion(s), resistance(s), or transcript(s) related to the
12 post-termination order from which the appeal was taken.

13 The undersigned requests that the appellate court issue an opinion
14 reversing the order of the juvenile court in this matter, or, in the
15 alternative, enter an order setting this case for full briefing.

16

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*(signature of appellant or appellant's
attorney)*

Name, address, telephone number, fax
number, and e-mail address of
appellant or appellant's attorney.

22

ATTACHMENTS:

23 (For appeals from child-in-need-of-assistance proceedings):

24 (1) a copy of the order or judgment from which the appeal has
25 been taken; and

26 (2) a copy of any rulings on a motion for new trial as provided in
27 Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P.
28 1.904(2).

29 (For appeals from termination orders):

30 (1) a copy of the petition (and any amendments) for termination
31 of parental rights filed in the juvenile court proceedings;

32 (2) any ruling on a motion for new trial under Iowa R. Civ. P.
33 1.1007 or a motion under Iowa R. Civ. P. 1.904(2);

1 (3) a copy of the order, judgment, or decree terminating parental
2 rights or dismissing the termination petition; and

3 (4) a copy of any rulings on a motion for new trial as provided in
4 Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P.
5 1.904(2).

6 (For appeals from post-termination orders):

7 (1) a copy of the order, judgment, or decree terminating parental
8 rights;

9 (2) a copy of the post-termination order from which the appeal
10 was taken; and

11 (3) any motion(s) or resistance(s) related to the post-termination
12 order from which the appeal was taken.

13 **CERTIFICATE OF SERVICE**

14 The undersigned certifies a copy of this petition on appeal (cross-appeal)
15 was served on the _____ day of _____ 20 ____, upon
16 the following persons and upon the clerk of the supreme court (list the
17 names and addresses of the persons below and indicate the manner of
18 service).

19
20
21

(signature of person making service)

1 **Rule 6.1401 — Form 6: Response to Petition on Appeal (Cross-**
2 **Appeal).**

3 **IN THE SUPREME COURT OF IOWA**

IN THE INTEREST OF _____, CHILD(REN)	Supreme Court No. _____ Juvenile Court No. _____ <p style="text-align: center;">RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL)</p>
---	--

4 1. This Response to the Petition on Appeal is filed on behalf of
5 _____, the mother/father/child/State/intervenor/other
6 _____, in the above-identified proceeding.

7 2. The appellee’s attorney, _____, is/is not the
8 attorney who represented appellee at trial.

9 3. The relevant date(s) regarding this appeal:
10 _____ are correctly stated in the Petition on Appeal.
11 _____ are corrected by appellee as follows: _____
12 _____

13 4. The statement of material facts as they relate to the issues
14 presented for appeal is:
15 _____ accurate as set forth by appellant and accepted by the
16 undersigned appellee; OR
17 _____ requires additions/corrections, as follows:
18 _____
19 _____

20 5. Appellee’s responses to the legal issues presented for appeal are as
21 follows:
22 a. Issue I:
23 _____
24 _____
25 _____

1 Appellee states that:

2 _____ error was preserved as alleged in the Petition on Appeal.

3 _____ error was not preserved. If so, please explain briefly:

4 _____
5 _____

6 Legal authorities for Issue I supporting appellee's response:

7 _____
8 _____
9 _____
10 _____

11
12 b. Issue II:

13 _____
14 _____

15 Appellee states that:

16 _____ error was preserved as alleged in the Petition on Appeal.

17 _____ error was not preserved. If so, please explain briefly:

18 _____
19 _____

20 Legal authorities for Issue II supporting appellee's response:

21 _____
22 _____
23 _____
24 _____

25
26

1 6. The undersigned requests the appellate court issue an opinion
2 affirming the order of the juvenile court in this matter.

3

4

5

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10

CERTIFICATE OF SERVICE

11 The undersigned certifies a copy of this response to petition on appeal
12 (cross-appeal) was served on the _____ day of _____ 20
13 _____, upon the following persons and upon the clerk of the supreme
14 court (list the names and addresses of the persons below and indicate
15 the manner of service).

16

17

(signature of person making service)

1 **Rule 6.1401 — Form 7: Certificate of Compliance with Type-Volume**
 2 **Limitation, Typeface Requirements, and Type Style Requirements.**

3 **Certificate of Compliance with Type-Volume Limitation, Typeface**
 4 **Requirements, and Type Style Requirements**

5 1. This brief complies with the type-volume limitation of Iowa R.
 6 App. P. 6.903(1)(g)(1) or (2) because:

7 [] this brief contains [*state the number of*] words, excluding the
 8 parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1) *or*

9 [] this brief uses a monospaced typeface and contains [*state the*
 10 *number of*] lines of text, excluding the parts of the brief exempted
 11 by Iowa R. App. P. 6.903(1)(g)(2).

12 2. This brief complies with the typeface requirements of Iowa R.
 13 App. P. 6.903(1)(e) and the type style requirements of Iowa R. App. P.
 14 6.903(1)(f) because:

15 [] this brief has been prepared in a proportionally spaced typeface
 16 using [*state name and version of word processing program*] in
 17 [*state font size and name of type style*], *or*

18 [] this brief has been prepared in a monospaced typeface using
 19 [*state name and version of word processing program*] with [*state*
 20 *number of characters per inch and name of type style*].

21 _____
 22 Signature

 Date

23
 24

1 **Rule 6.1401 — Form 8: Reporter's Certificate.**2 **IN THE SUPREME COURT OF IOWA**

(Insert supreme court caption.)

Supreme Court No. _____

District Court No. _____

REPORTER'S CERTIFICATE
(See Iowa R. App. P. 6.803(2)(e))

3 I hereby certify that on ____ day of _____, 20__,
4 _____ (name of attorney or party) ordered
5 a transcript in the above captioned matter by serving a copy of the
6 combined certificate. I further certify that on the ____ day of _____,
7 20__, I filed the ordered transcript with the clerk of the supreme court.

8 _____
9 (signature of court reporter)

10 Name, address, telephone number, and
11 e-mail address of court reporter.

12 **CERTIFICATE OF SERVICE**

13 The undersigned certifies a copy of this reporter's certificate was served
14 on the _____ day of _____, 20 _____, upon the following
15 persons and upon the clerk of the supreme court (list the names and
16 addresses of the persons below and indicate the manner of service).

17 _____
18 (signature of person making service)
19

20 **NOTE: RULE 6.803(3) REQUIRES THIS CERTIFICATE TO BE FILED**
21 **AS A SEPARATE DOCUMENT AND TO BE SERVED ON THE**
22 **PARTIES OF RECORD AND THE CLERK OF THE DISTRICT**
23 **COURT.**
24

1 **Rule 6.1401 — Form 9: Reporter’s Application for an Extension of**
2 **Time to File a Transcript.**

3 **IN THE SUPREME COURT OF IOWA**

(Insert supreme court caption.)

Supreme Court No. _____

**REPORTER’S APPLICATION FOR AN
EXTENSION OF TIME TO FILE A
TRANSCRIPT**

(See Iowa R. App. P. 6.803(3)(c))

4 1. I hereby certify that on ____ day of _____, 20__,
5 _____ *(name of attorney or party)* ordered
6 a transcript in the above captioned matter by serving a combined
7 certificate.

8 2. The deadline for filing the transcript with the clerk of the
9 supreme court is the ____ day of _____, 20__.

10 3. I am unable to file the transcript on the date required
11 because

12 _____
13 _____
14 _____
15 _____
16 _____

*(If the transcript cannot be filed by the due date because the
party ordering it has not complied with the arrangements
made to pay for the transcript, you must state what
arrangements for payment of the transcript were made
under rule 6.803(5).)*

22 4. I will be able to complete and file the transcript by the ____
23 day of _____, 20__.

24

1

2 WHEREFORE, the undersigned requests the court to grant the
3 undersigned more time to file the transcript in the above captioned
4 matter.

5

or

6 WHEREFORE, the undersigned requests the court to enter an
7 order requiring the person who ordered the transcript to pay for it as
8 previously arranged under rule 6.803(5).

9

10

11

(signature of court reporter)

12

 Name, address, telephone number, and
 e-mail address of court reporter.

13

14

CERTIFICATE OF SERVICE

15 The undersigned certifies a copy of this reporter's application for an
16 extension of time to file a transcript was served on the _____ day of
17 _____, 20 ____, upon the following persons and upon the
18 clerk of the supreme court (list the names and addresses of the persons
19 below and indicate the manner of service).

20

21

(signature of person making service)

22

23

**NOTE: RULE 6.803(3) REQUIRES THAT THIS APPLICATION BE
 24 SERVED ON ALL COUNSEL OF RECORD, ANY
 25 UNREPRESENTED PARTIES, AND THE CHIEF JUDGE OF
 26 THE JUDICIAL DISTRICT.**

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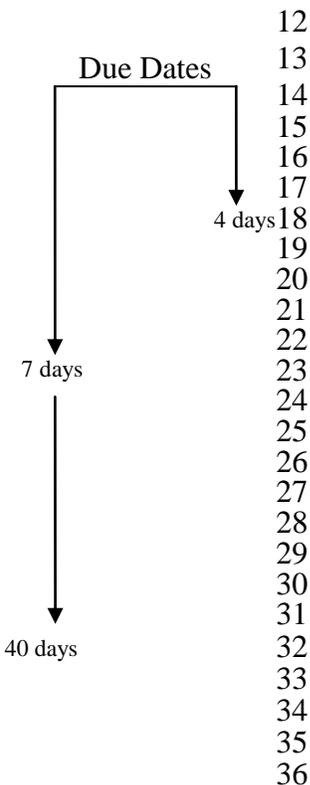
DIVISION XV
APPELLATE PROCEDURE TIMETABLES

Rule 6.1501 Appellate Procedure Timetables
Rule 6.1501 -- Timetable 1: Pre-Briefing Procedure.

APPELLATE PROCEDURE TIMETABLE NO. 1

(NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)

PRE-BRIEFING PROCEDURE¹



1. **Notice of appeal.** The appellant files the notice of appeal with the district court clerk and serves a copy on all parties and the supreme court clerk. See rules 6.101, 6.102(2).
2. **Transmission of certified notice of appeal and docket entries.** Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. See rule 6.802.
3. **Payment of filing fee, ordering transcript, and filing combined certificate.** Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. See rule 6.702. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter, completes the combined certificate, and serves the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme court. See rules 6.803, 6.804.²
4. **Filing of transcript.** Within 40 days from service of the combined certificate the court reporter files the original transcript with the supreme court clerk and serves a copy of the reporter's certificate on the parties and the clerk of the district.³ See rule 6.803(3).

NOTES

¹ The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² See rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ The time for filing the transcript is reduced to:

- 20 days for criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.
- 30 days for appeals from Iowa Code chapter 232 child-in-need-of-assistance and termination proceedings.

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1 **Rule 6.1501 Appellate Procedure Timetables**
 2 **Rule 6.1501—Timetable 2: Briefing Procedure.**

3
 4 **APPELLATE PROCEDURE TIMETABLE NO. 2**

5 (NOT FOR USE IN CHAPTER 232 CHILD-IN-NEED-OF-ASSISTANCE AND TERMINATION APPEALS)

6
 7 **BRIEFING PROCEDURE¹**

<p>9 Due Dates 10 ↓ 11 50 days 12 ↓ 13 30 days 14 ↓ 15 21 days 16 ↓ 17 14 days 18 ↓ 19 7 days 20 ↓ 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38</p>	<p>1. Filing of last transcript. Briefing deadlines run from the filing of the last transcript ordered for the appeal.² The times for filing are reduced for expedited cases.³ <i>See</i> rule 6.902.</p> <p>2. Appellant’s proof brief and designation. Within 50 days after the clerk gives notice that the last transcript has been filed the appellant files two copies of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. <i>See</i> rules 6.901(1), 6.905(1).</p> <p>3. Appellee’s proof brief and designation. Within 30 days after service of the appellant’s proof brief the appellee files two copies of its proof brief and designation with the supreme court clerk and serves one copy on the other parties. <i>See</i> rules 6.901(1), 6.905(1).</p> <p>4. Appendix and appellant’s proof reply brief. Within 21 days after service or expiration of the time for service of the appellee’s proof brief the appellant files 18 copies of the appendix with the supreme court clerk and serves a copy on the other parties. <i>See</i> rule 6.905(11). If a cross-appeal has not been filed the appellant <i>may</i> file a proof reply brief within 21 days of service of the appellee’s proof brief. If a cross-appeal has been filed the appellant/cross-appellee <i>shall</i> respond within 21 days of service of the appellee/cross-appellant’s proof brief by either filing a proof reply brief or a statement waiving any further brief. <i>See</i> rule 6.901(1)(c).</p> <p>5. Final briefs and appellee/cross-appellant’s reply brief. Within 14 days after service of the appendix each party serves and files the party’s brief(s) in final form. <i>See</i> rule 6.901(3). If a cross-appeal was filed the appellee/cross-appellant may file a reply brief in final form within 14 days of service of the appellant/cross-appellee’s reply brief. <i>See</i> rule 6.901(1)(c).</p> <p>6. Transmission of record. No later than seven days after all briefs in final form have been served or the time for serving them has expired, the appellant shall request transmission of the remaining record from the clerk of the district court. <i>See</i> rule 6.802(3).⁴</p>
---	---

NOTES

¹ The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² If no transcript was ordered the deadlines run from service of the combined certificate or after the date of filing of any approved statement of the evidence. *See* rule 6.901(1).

³ Expedited cases include:

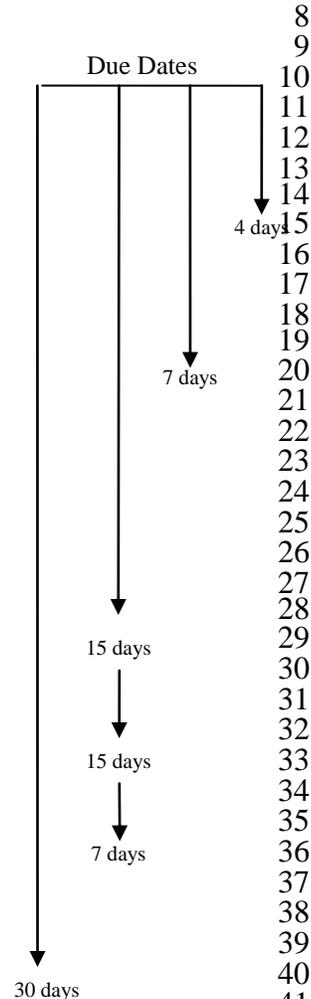
- Child custody.
- Adoption.
- Termination-of-parental-rights cases under Iowa Code chapter 600A.
- Child-in-need-of-assistance or termination-of-parental-rights cases under Iowa Code chapter 232.
- Criminal proceedings in which an appeal is taken from a judgment and sentence entered upon a guilty plea or from the sentence only.
- Juvenile proceedings affecting child placement.
- Lawyer disciplinary matters.
- Involuntary mental health commitments under Iowa Code chapter 229.
- Involuntary substance abuse commitments under Iowa Code chapter 125.
- Certified questions under Iowa Code chapter 684A

In expedited cases the times for filing are reduced by one-half except step 4 which is reduced to 15 days and step 6 which remains 7 days.

⁴ An appellant should request the transmission of the remaining record by sending a letter to the district court clerk with a copy to the supreme court.

Rule 6.1501 Appellate Procedure Timetables
Rule 6.1501—Timetable 3: Chapter 232 Child-in-Need of Assistance and Termination Appeals.

APPELLATE PROCEDURE TIMETABLE NO. 3¹



1. **Notice of appeal.** A notice of appeal must be filed within 15 days of the filing of the juvenile court order. *See* rule 6.101(1). A notice of appeal cannot be filed unless signed by both the appellant and the appellant’s counsel. *See* rule 6.102(1).
2. **Transmission of certified notice of appeal and docket entries.** Within four days after the filing of the notice of appeal the district court clerk transmits a certified copy of the notice of appeal and the docket and calendar entries to the supreme court clerk and all parties. *See* rule 6.802.
3. **Payment of filing fee, ordering transcript, and filing combined certificate.** Within seven days after the filing of the notice of appeal the appellant pays the filing fee to the supreme court clerk or requests a waiver of the fee. *See* rules 6.204, 6.702. Within seven days after the filing of the notice of appeal the appellant orders the transcript from the court reporter, completes the combined certificate, and serves the certificate on the court reporter and all parties. The appellant files the combined certificate with the clerks of both the district and supreme court. *See* rules 6.803, 6.804.²
4. **Petition on appeal.** The appellant files a petition on appeal within 15 days after the filing of the notice of appeal or the appeal is dismissed. *See* rules 6.102(1)(b), 6.201.
5. **Response to petition.** A response to a petition may be filed within 15 days of service of the petition. *See* rule 6.202.
6. **Reply to issues raised in cross-appeal.** If a cross-appeal is filed the appellant/cross-appellee may file a reply to the cross-appeal issues within seven days after service of the appellee/cross-appellant’s response. An appellant may not file a reply if the appellee has not filed a cross-appeal. *See* rule 6.203.
7. **Transmission of record.** Within 30 days after the filing of the notice of appeal the appellant requests that the clerk of the district court transmit the record to the clerk of the supreme court.³ *See* rule 6.204.
8. **Briefing.** Briefing is done only when directed by the appellate court. *See* rule 6.205.

NOTES

¹ The Iowa Rules of Appellate Procedure govern the procedure in all appeals. These timetables are merely illustrative and may not cover every procedural situation.

² *See* rule 6.805 if the appellee wishes to designate additional parts of the transcript and/or if a dispute arises about which parts of the proceedings are to be transcribed.

³ An appellant should request the transmission of the remaining record by sending a letter to the district court clerk with a copy to the supreme court.

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DIVISION XVI

TABLES

Rule 6.1601 — Table A: Technical Requirements of a Brief

Document	Number of Copies to be Filed	Cover Color	Time to File Proof Copy	Time to file Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	2 proof briefs 18 final briefs	Blue	50 days after the clerk gives notice that the last transcript has been filed; if no transcript, 50 days after service of the combined certificate or the filing of any approved statement of the evidence	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellee's Brief & Appellee/Cross-Appellant's Brief	2 proof briefs 18 final briefs	Red	30 days after service of appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellant's Reply Brief	2 proof briefs 18 final briefs	Gray	21 days after service of appellee's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	25 Pages	650 lines	7,000 words
Appellant's Reply/Cross-Appellee's Brief	2 proof briefs 18 final briefs	Gray	21 days after service of appellee/cross-appellant's proof brief	14 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross-Appellant's Reply Brief	18 final briefs	Gray	Not applicable	14 days after service of appellant's reply/cross-appellee's proof reply brief	1 copy	25 pages	650 lines	7,000 words
Amicus Curiae Brief	18 final briefs	Green	Within the time allowed the party whose position the brief will support	14 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7,000 words
Appendix	18 copies	White	Not applicable	21 days after service of appellee's proof brief	1 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	18 copies		Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	18 copies	Yellow	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Application for Further Review	18 copies	Orange	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	18 copies		Not applicable	14 days after supreme court decision	1 copy	10 pages	260 lines	2800 words

*Filing a petition for rehearing in the court of appeals does not stay the time for filing an application for further review.

Rule 6.1601 — Table B: Technical Requirements of a Brief When Expedited Times for Filing Apply

Document	Number of Copies to be Filed	Cover Color	Time to File Proof Copy	Time to file Final Brief	Number of Copies to be Served	Length of Handwritten Brief	Length of Brief Line Option (monospaced typeface)	Length of Brief Word Option (proportionally spaced typeface)
Appellant's Brief	2 proof briefs 18 final briefs	Blue	25 days after the clerk gives notice that the last transcript has been filed; if no transcript, 25 days after service of the combined certificate or the filing of any approved statement of the evidence	7 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellee's Brief & Appellee/Cross-Appellant's Brief	2 proof briefs 18 final briefs	Red	15 days after service of appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 Pages	1300 lines	14,000 words
Appellant's Reply Brief	2 proof briefs 18 final briefs	Gray	15 days after service of appellee's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	25 Pages	650 lines	7,000 words
Appellant's Reply/Cross-Appellee's Brief	2 proof briefs 18 final briefs	Gray	15 days after service of appellee/cross-appellant's proof brief	7 days after service of the appendix	1 proof brief 1 final brief	50 pages	1300 lines	14,000 words
Appellee/Cross Appellant's Reply Brief	18 final briefs	Gray	Not applicable	7 days after service of appellant's reply/ cross-appellee's proof reply brief	1 copy	25 pages	650 lines	7,000 words
Amicus Curiae Brief	18 final briefs	Green	Within the time allowed the party whose position the brief will support	7 days after service of the appendix	1 proof brief 1 final brief	25 pages	650 lines	7,000 words
Appendix	18 copies	White	Not applicable	15 days after service of appellee's proof brief	1 copy	Not applicable	Not applicable	Not applicable
Petition for Rehearing in Court of Appeals*	18 copies		Not applicable	7 days after court of appeals' decision	1 copy	10 pages	260 lines	2800 words
Application for Further Review	18 copies	Yellow	Not applicable	20 days after the filing of the court of appeals' decision	1 copy	20 pages	520 lines	5600 words
Resistance to Application for Further Review	18 copies	Orange	Not applicable	10 days after service of application for further review	1 copy	20 pages	520 lines	5600 words
Petition for Rehearing in Supreme Court	18 copies		Not applicable	14 days after supreme court opinion	1 copy	10 pages	260 lines	2800 words

* Filing a petition for rehearing in the court of appeals does not stay the time to file an application for further review.

Rule 6.1601 — Table C: Contents of a Brief

BRIEF SECTION	APPELLANT	APPELLEE	REPLY	COUNTED IN PAGE, LINE, OR WORD LIMITATION
Table of contents	YES	YES	YES	NO
Table of authorities	YES	YES	YES	NO
Statement of the issues	YES	YES	YES	NO
Routing statement	YES	YES	NO	YES
Statement of the case	YES	Only if dissatisfied with appellant's version	NO	YES
Statement of the facts	YES	Only if dissatisfied with appellant's version	NO	YES
Error preservation statement	YES	YES	NO	YES
Scope and standard of appellate review	YES	YES	NO	YES
Argument	YES	YES	YES	YES
A conclusion stating the precise relief sought	YES	YES	YES	YES
Request for oral or nonoral submission	YES	YES	NO	YES
Certificate of cost	YES	YES	YES	NO
Certificate of compliance	YES	YES	YES	NO
Certificate of service	YES	YES	YES	NO