

KEY CHANGES TO THE RULES OF APPELLATE PROCEDURE

This summary sets out the key ways in which the proposed amendments to the rules of appellate procedure differ from the current rules of appellate procedure. At the end of this summary is a table of corresponding old and new appellate rules numbers.

1. Chapter 6 has been reorganized so rules that address the various ways in which cases can be initiated in the appellate courts (e.g. notices of appeal, petitions for writ of certiorari, applications for discretionary review, and applications for interlocutory review) are contained in a single division.
2. Civil and criminal appeals are now addressed in the same division of rules.
3. Under the new rules interlocutory appeals in chapter 232 CINA and TPR cases will be subject to the same reduced amount of time to take an appeal (15 days) as are appeals from final judgments in those types of cases. If granted, these interlocutory appeals will be subject to the petition-on-appeal requirements. In addition, form 6 (counsel's certification of diligent search) has been eliminated.
4. Both the civil rules (1.1401-1.1412) and the appellate rules have been amended so that the certiorari procedures contained in chapter 1 of the Iowa Court Rules apply only to certiorari proceedings in the district court and the certiorari rules found in chapter 6 will only have application to certiorari proceedings in the supreme court.
5. The appellate rules now contain a notice of appeal form.
6. The rules have new length limitations for briefs similar to those used in the federal appellate courts. The limitations will also apply to petitions for rehearing and further review applications and resistances. Parties filing briefs that adhere to the limitations will have to file a certificate of compliance. The new limitations approximate the current allowable page lengths.
7. The list of cases involving expedited times for filing has been enlarged to include involuntary mental health commitments under Iowa Code chapter 229 and involuntary substance abuse commitments under chapter 125.

8. The concept of “docketing the appeal” has been eliminated and the time for filing briefs is computed from the date the clerk gives notice that the last transcript ordered for the appeal has been filed. If no transcript is ordered, the time for filing briefs is computed from the date of filing of the combined certificate or the date of filing of any approved statement of the evidence.
9. The reporter shall file the original of the transcript with the clerk of the supreme court and shall serve a copy of the reporter’s certificate on the parties and the clerk of the district court. The reporter’s certificate shall contain the case caption, the date the transcript was ordered, the name of the attorney or other person ordering the transcript, and the date the transcript was filed with the supreme court. The transcript and the reporter’s certificate shall be filed within the following number of days from the service of the combined certificate:
 - a. 20 days in appeals from guilty pleas or sentencing only.
 - b. 30 days in appeals from child-in-need-of-assistance or termination-of-parental-rights proceedings under Iowa Code chapter 232.
 - c. 40 days in all other cases.
10. Transcripts, briefs, appendices, and all other papers filed with the court shall have margins of 1.25 inches on the sides and 1 inch on the top and bottom.
11. The concepts of an "amount in controversy" and an application to "certify" an appeal under current rule 6.3 have been eliminated. The review of small claims actions is by discretionary review.
12. The new rules allow parties to cite an “unpublished opinion or decision of a court or agency” if the opinion or decision can be readily accessed electronically. (This is an expansion of the current appellate rules which only allowed parties to cite unpublished appellate court opinions.) Parties will no longer be required to attach copies of unpublished opinions to their briefs and they will no longer be required to certify that they have searched for any subsequent disposition of the unpublished opinion.
13. The appellate rules will allow the service of papers by e-mail if a party consents in writing to service in that manner. This is similar to the e-mail service authorized for district court proceedings in rule 1.442(2).

14. The rule on amicus briefs will contain detailed criteria addressing when the court will grant or deny a motion for leave to file an amicus brief.
15. Further review applications and resistances will be required to be printed on both sides of a page and an orange-colored cover will be required for a resistance.
16. Parties will no longer be allowed to omit “immaterial formal matter” (such as captions) from copies of documents that are included in an appendix.
17. The table of contents for the appendix shall include the exhibit number and a description of each exhibit included in the appendix.
18. The time to file a cross appeal in all cases has been enlarged from five to ten days after the filing of a notice of appeal.
19. Parties will only be required to serve one copy of the documents they file (such as briefs, appendices, applications for further review, and petitions for rehearing) upon the other parties.
20. The date of any impending hearing, trial, or other matter needing the immediate attention of the court will have to be prominently displayed beneath the title of any motion or application.
21. When the constitutionality of an act of the Iowa legislature is drawn into question in a certification proceeding to which the State of Iowa or an officer, agency, or employee thereof is not a party, the certifying court shall serve the certification order on the attorney general. In such cases the attorney general shall be permitted to file an amicus curiae brief on behalf of the State addressing the constitutionality of the act.
22. Fees have been increased as follows:

Appeal from final order or judgment—The fee for filing an appeal from a final order or judgment is \$150.

Application for interlocutory appeal—The fee for filing an application for interlocutory appeal is \$100. If the application is granted, the appellant shall pay an additional \$50 fee within seven days after the order granting the application is filed.

Application for discretionary review—The fee for filing an application for discretionary review is \$100. If the application is granted, the appellant shall pay an additional \$50 fee within seven days after the order granting the application is filed.

Petition for writ of certiorari—The fee for filing a petition for writ of certiorari is \$100. If the petition is granted, the plaintiff shall pay an additional \$50 fee within seven days after the order granting the petition is filed.

Original proceeding other than certiorari—The fee for filing an original proceeding other than certiorari is \$150.

Certified questions of law—The fee for filing a certification order is \$150.

Application for further review—The fee for filing an application to the supreme court for further review of a decision of the court of appeals is \$75.

Penalty for failure to comply with appellate deadlines—\$150

23. The combined certificate must be used to order a transcript.
24. When the transcript for a proceeding consists of multiple volumes, pagination shall be consecutive throughout.

TABLE OF CORRESPONDING NUMBERS

(Showing equivalent or comparable provisions.)

Former No.	New No.		Former No.	New No.		Former No.	New No.
6.1(1)-(3)	6.103		6.10(2)(c)	6.803(1) 6.804(3)		6.13	6.901
6.1(4)	6.108		6.10(2)(d)	6.803(5) 6.805(1)-(2)		6.14	6.109(1) 6.903 6.904
6.2	6.103(3) 6.104		6.10(2)(e)	6.805(3)		6.15	6.905
6.3	6.105		6.10(2)(f)	6.803(4)		6.16(1)	6.903(1)(a)-(f) 6.905(3)
6.4	6.907		6.10(2)(g)	6.803(2)		6.16(2)	6.1007
6.5	6.101 6.104(1)(b)(2)		6.10(2)(h)	6.803(3),(5)		6.16(3)	6.903(1)(h) 6.905(13)
6.6(1)	6.102(2)		6.10(3)	6.806		6.17	6.902
6.6(2)	6.104(3)		6.10(4)	6.807		6.18	6.906
6.6(3)	6.102(1)		6.11	6.802		6.19	6.1006(1) 6.1202
6.6(4)	6.102(1)(b) 6.201		6.12(1)	6.109(2) 6.702		6.20(1)	6.1003(2)
6.7	6.601		6.12(2)	6.702 6.803(3)		6.20(2)	6.101(5) 6.104(1)(b)(3) 6.106(1)(b) 6.107(1)(b) 6.1003(1)
6.8	6.602		6.12(3)	6.1202(1)(a)		6.21(1)-(5)	6.908
6.9	6.603		6.12(4)	6.1202(1)(a)		6.21(6)-(7)	6.1102(1)-(2)
6.10(1)	6.801		6.12(5)	----		6.22(1)-(2)	6.1001
6.10(2)(a)	6.803(1) 6.804(1)-(2)		6.12(6)	6.1201		6.22(3)-(10)	6.1002
6.10(2)(b)	6.804(2)		6.12(7)	6.1004		6.22(11)	6.604

Former No.	New No.		Former No.	New No.		Former No.	New No.
6.23	6.1006		6.151	6.201		6.457	----
6.24	6.1203		6.152	6.202		6.458	6.304(1)-(2)
6.25	6.1209		6.153	6.204		6.459	6.304(3)
6.26	6.1206		6.154	6.205		6.460	6.305
6.27	6.1205		6.201	6.106 6.702		6.461	----
6.28	6.1204		6.202	6.106(2)		6.501	6.501
6.29	6.1207		6.203	6.106(3) 6.702(1)(c) 6.702(2)		6.502	6.401
6.30	6.1208		6.301	6.107(1)		6.601	6.1301
6.31	6.701		6.302	6.107(2)		6.701 Table 1	6.1501 Table 1
6.32	6.109(4),(5)		6.303	6.107(1)(d) 6.107(4)-(5) 6.702(1)(d)		6.701 Table 2	6.1501 Table 2
6.33	6.1005		6.304	6.108		6.701 Table 3	6.1501 Table 3
6.34	6.110		6.401	6.1101		6.751 Form 1	6.1401 Form 2
6.35	6.702(1)		6.402	6.1103		6.751 Form 2	6.1401 Form 3
6.101	6.101(1)(b) 6.102(2)(b)		6.451	6.301		6.751 Form 3	6.1401 Form 4
6.102	6.701(3) 6.802(1)-(2) 6.804		6.452	6.302		6.751 Form 4	6.1401 Form 5
6.103	6.702		6.453	6.302(4)		6.751 Form 5	6.1401 Form 6
6.104	6.1005		6.454	6.302(3) 6.303(1)-(2)		6.751 Form 6	----
6.105	6.803(3)(a) 6.902(1)(e)		6.455	6.302(3) 6.303(3)			
6.106	6.101(1)(b) 6.701(3)		6.456	6.302(2)			