

1 **Chapter 2**

2 **Rules of Criminal Procedure**

3 . . . .

4 **Rule 2.29 Appointment of appellate counsel in criminal cases.**

5 . . . .

6 **2.29(6)** Trial counsel shall continue as defendant's appointed  
7 appellate counsel unless the trial court or supreme court orders  
8 otherwise. Unless appellate counsel is immediately appointed under  
9 rule 2.23(3)(f), trial counsel shall determine whether defendant wants to  
10 appeal. If so, and defendant desires appointed appellate counsel, trial  
11 counsel shall file with the district court the notice of appeal and an  
12 application for appointment of counsel and for transcript at public  
13 expense. ~~If defendant wants to appeal but desires to proceed pro se,~~  
14 ~~trial counsel shall file with the district court the notice of appeal, a~~  
15 ~~notice signed by defendant indicating defendant's intent to proceed pro~~  
16 ~~se, an application for transcript at public expense, and the combined~~  
17 ~~certificate along with counsel's motion to withdraw.~~ Selection of  
18 appointed appellate counsel shall be the responsibility of the trial court.  
19 Defendant shall not have the right to select the attorney to be assigned;  
20 however, defendant's request for particular counsel shall be given  
21 consideration by the trial court.

22 ~~**Rule 2.30. Waiver of right to appellate counsel in criminal cases.**~~

23 ~~An indigent defendant may waive the defendant's right to have appellate~~  
24 ~~counsel appointed if defendant does so in writing and the trial court~~  
25 ~~finds of record that defendant has acted with full awareness of the~~  
26 ~~defendant's rights and of the consequences of a waiver and if the waiver~~  
27 ~~is otherwise made according to law. Defendant may withdraw a waiver~~

1 ~~of the defendant's right to appellate counsel at any time. Such~~  
2 ~~withdrawal and subsequent appointment of counsel shall not affect any~~  
3 ~~prior appellate proceedings in which defendant acted pro se and shall~~  
4 ~~not extend any appellate deadlines, unless the appropriate appellate~~  
5 ~~court otherwise orders. Notwithstanding a waiver by defendant, the trial~~  
6 ~~court, after notice of appeal or application for discretionary review has~~  
7 ~~been filed, may appoint counsel to advise defendant during appellate~~  
8 ~~proceedings if it appears to the court that, because of the gravity of the~~  
9 ~~offense and other circumstances affecting defendant, the failure to~~  
10 ~~appoint counsel may result in injustice to the defendant.~~

11 **Rule 2.30. Duty of continuing representation, withdrawal.**

12 2.30(1) Trial counsel may withdraw at any time after the final  
13 determination and disposition of the criminal action by the dismissal of  
14 the indictment or trial information or the acquittal of the defendant.  
15 However, in the event of the entry of a judgment of conviction and  
16 sentence, an attorney may not withdraw without leave of the trial court  
17 until the expiration of the time for appeal from the judgment of  
18 conviction. In the event a defendant entitled to court-appointed counsel  
19 wishes to appeal, counsel shall file with the district court the notice of  
20 appeal and an application for appointment of counsel and for transcript  
21 at public expense in accordance with rule 2.29(6) before being allowed  
22 to withdraw.

23 2.30(2) Withdrawals allowed under this rule pertain only to the  
24 district court proceedings, and counsel of record in the district court  
25 shall be deemed to be counsel in the appellate court in accordance with  
26 the provisions of Iowa Rule of Appellate Procedure 6.109(4) in the event  
27 of an appeal unless another is retained or appointed and notice is given

Public comment period: August 29, 2016, to October 31, 2016

1        to the parties and the clerk of the supreme court.

2

1 **Chapter 6**

2 **Rules of Appellate Procedure**

3 **Division I**

4 Case Initiation: Civil and Criminal; Parties and Attorneys;  
5 Protected Information; and Confidential Materials  
6

7 **Rule 6.100 Mandatory use of electronic document management**  
8 **system for appellate cases.**

9 **6.100(1) Mandatory electronic filing.** All lawyers authorized to  
10 practice law in Iowa, all lawyers admitted pro hac vice, see Iowa Ct. Rule  
11 31.14, and all self-represented litigants must register under Iowa R.  
12 Elec. P. 16.304(1) to participate in the electronic document management  
13 system (EDMS). If a lawyer or self-represented litigant has previously  
14 registered to participate at the district or appellate court level, then no  
15 additional registration is required. As provided in this chapter,  
16 registered filers must electronically submit all documents to be filed  
17 with the court unless otherwise required or authorized by these rules.

18 **6.100(2) Applicability of divisions I through VI of the Iowa Rules of**  
19 **Electronic Procedure.** Except for Iowa Rs. Elec. P. 16.101, 16.301,  
20 16.302(2), and 16.303(4), the rules pertaining to the use of the  
21 electronic document management system found in divisions I through  
22 VI of the Iowa Rules of Electronic Procedure, including rules pertaining  
23 to the protection of personal privacy, apply in appellate court cases.

24 **6.100(3) Exemptions.**

25 **a. Good cause.** For good cause, the clerk of the supreme court, or  
26 the clerk's deputy, may authorize a filer to submit a document by  
27 nonelectronic means to the clerk for filing. Upon a motion showing that

1 exceptional circumstances make it unreasonable for a party to file  
2 documents electronically, the supreme court may exempt the party from  
3 electronic filing for purposes of the party's case on appeal. If a district  
4 court exempted a party from electronic filing in the underlying action,  
5 see Iowa R. Elec. P. 16.302(2), a copy of the district court order granting  
6 the exemption must be attached to the party's request to be excused  
7 from electronic filing requirements for the case on appeal.

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

10 *c. Nonelectronic filings by certain confined persons.* A party who is  
11 confined pursuant to governmental authority, including but not limited  
12 to a person who is incarcerated or civilly committed, is excused from  
13 registering to file electronically.

14 *d. Paper case files.* Except as otherwise provided by court rules, see,  
15 e.g., Iowa R. Elec. P. 16.313(1), or as the supreme court directs, the  
16 clerk will not maintain paper case files in appeals initiated on or after  
17 the initiation of electronic filing in the appellate courts.

18  
19 **Rule 6.102 Initiation of appeal from a final judgment.**

20 **6.102(1)** *From final orders in termination-of-parental-rights and child-*  
21 *in-need-of-assistance cases under Iowa Code chapter 232.*

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

1 and the appellant. The notice of appeal must follow the requirements of  
2 Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or  
3 more signatures. The signature of the appellant must be an original or  
4 an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). An  
5 informational copy of the notice of appeal must be filed electronically  
6 with the clerk of the supreme court.

7 . . . .

8 (2) ~~Service~~ Special service of the notice of appeal. ~~A copy of the~~ The  
9 notice of appeal ~~shall~~ must be served upon ~~all counsel of record, all~~  
10 ~~parties not represented by counsel,~~ any court reporter who reported a  
11 proceeding that is the subject of the appeal in the manner stated in rule  
12 6.702(4), the attorney general, and the clerk of the supreme court and  
13 upon the attorney general in the manner stated in Iowa R. Civ. P.  
14 1.442(2). The notice of appeal ~~shall~~ must include a certificate of service  
15 in the form provided in Iowa R. Civ. P. 1.442(7).

16 **6.102(2)** *From final orders appealable as a matter of right in all other*  
17 *cases.*

18 . . . .

19 b. ~~Service~~ Special service of the notice of appeal. ~~A copy of the~~ The  
20 notice of appeal ~~shall~~ must be served upon ~~all counsel of record, all~~  
21 ~~parties not represented by counsel,~~ any court reporter who reported a  
22 proceeding that is the subject of the appeal, ~~and the clerk of the~~  
23 ~~supreme court~~ in the manner stated in ~~Iowa R. Civ. P. 1.442(2)~~ rule  
24 6.702(3). If the State is a party to the case, ~~a copy of the~~ notice of  
25 appeal ~~shall~~ must also be served upon the attorney general in the  
26 manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal ~~shall~~  
27 must include a certificate of service in the form provided in Iowa R. Civ.

1 P. 1.442(7).

2  
3 **Rule 6.104 Review of interlocutory rulings or orders.**

4 **6.104(1)** *Application for interlocutory appeal.*

5 . . . .

6 *b. Time for filing.*

7 (1) *Termination-of-parental-rights and child-in-need-of-assistance*  
8 *cases under Iowa Code chapter 232.* An application for interlocutory  
9 appeal in an Iowa Code chapter 232 termination-of-parental-rights or a  
10 child-in-need-of-assistance case must be filed within 15 days after entry  
11 of the challenged ruling or order. However, if a motion is timely filed  
12 under Iowa R. Civ. P. 1.904(2), the application must be filed within 15  
13 days after the filing of the ruling on such motion. The application for  
14 interlocutory appeal cannot be filed unless signed by both the  
15 applicant's counsel and the applicant. An application for interlocutory  
16 appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1)  
17 for filing documents containing two or more signatures. The signature  
18 of the appellant must be an original or an unaltered digitized signature.  
19 See Iowa R. Elec. P. 16.201(35). If the application is granted, the  
20 appellant must file a petition on appeal as set forth in rule 6.201(1)(b).  
21 The failure to file a timely petition on appeal will result in the dismissal  
22 of the appeal.

23 . . . .

24 (3) *Extensions of time.* No extension of the filing deadlines in this  
25 rule will be allowed except upon a showing that the failure to file the  
26 application within the time provided was due to a failure of the clerk of

1 the district court to notify the applicant of the ruling or order. A motion  
2 for an extension of time must be filed with the clerk of the supreme  
3 court and ~~served on all parties and~~ a courtesy copy filed with the clerk  
4 of the district court no later than 60 days after the expiration of the time  
5 for filing an application for interlocutory appeal. The motion and any  
6 resistance ~~shall~~ must be supported by copies of relevant portions of the  
7 record and by affidavits. An extension granted under this rule shall not  
8 exceed 30 days after the date of the order granting the motion.

9 . . . .

10 c. ~~Filing and serving application.~~ Special service of the application.  
11 ~~The original application and three copies shall be filed with the clerk of~~  
12 ~~the supreme court.~~ The application ~~shall~~ must be served as provided in  
13 rule ~~6.701~~ upon all counsel of record, all parties not represented by  
14 counsel, and the attorney general if the State is a party in the manner  
15 stated in Iowa R. Civ. P. 1.442(2).

16 . . . .

17 **6.104(3)** *Procedure after order granting application.* The clerk of the  
18 supreme court shall promptly transmit a copy of the order granting the  
19 interlocutory appeal to all counsel of record, all parties not represented  
20 by counsel, the clerk of the district court, and the attorney general if the  
21 State is a party. The appellant ~~shall~~ must file and serve the combined  
22 certificate required by rule 6.804(1) within 14 days after the filing date  
23 of the order granting the interlocutory appeal. See rule 6.702(4). Further  
24 proceedings shall be had pursuant to the rules of appellate procedure.

25 . . . .

26

1       **Rule 6.106 Discretionary review.**

2           **6.106(1) Application for discretionary review.**

3           *a. Applicability.* An application for discretionary review may be filed  
4       with clerk of the supreme court to review certain orders specified by  
5       statute which are not subject to appeal as a matter of right.

6           *b. Time for filing.* An application for discretionary review must be  
7       filed within 30 days after entry of the challenged ruling, order, or  
8       judgment of the district court. However, if a motion is timely filed under  
9       Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days  
10      after the filing of the ruling on such motion. No extension of such time  
11      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 district  
13      court clerk to notify the applicant of the ruling, order, or judgment. A  
14      motion for an extension of time must be filed with the clerk of the  
15      supreme court and ~~served on all parties and~~ a courtesy copy filed with  
16      the clerk of the district court no later than 60 days after the expiration  
17      of the time for filing an application for discretionary review. The motion  
18      and any resistance ~~shall~~ must be supported by copies of relevant  
19      portions of the record and by affidavits. An extension granted under this  
20      rule shall not exceed 30 days after the date of the order granting the  
21      motion.

22           *c. ~~Filing and serving application.~~ Special service of the application.*  
23      ~~The original application and three copies shall be filed with the clerk of~~  
24      ~~the supreme court.~~ The application ~~shall~~ must be served ~~as provided in~~  
25      ~~rule 6.701~~ upon all counsel of record, all parties not represented by  
26      counsel, and the attorney general if the State is a party in the manner  
27      stated in Iowa R. Civ. P. 1.442(2).

1 . . . .

2 **6.106(3)** *Procedure after order granting application.* The clerk of the  
3 supreme court shall promptly transmit a copy of the order granting  
4 discretionary review to the attorneys of record, any parties not  
5 represented by counsel, the clerk of the district court, and the attorney  
6 general if the State is a party. The appellant ~~shall~~must file and serve  
7 the combined certificate required by rule 6.804(1) within 14 days after  
8 the filing date of the order granting discretionary review. See rule  
9 6.702(4). Further proceedings shall be had pursuant to the rules of  
10 appellate procedure.

11  
12 **Rule 6.107 Original certiorari proceedings.**

13 **6.107(1)** *Petition for writ of certiorari.*

14 . . . .

15 *b. Time for filing.* A petition for writ of certiorari must be filed within  
16 30 days after the challenged decision. However, if a motion is timely  
17 filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the  
18 petition must be filed within 30 days after the filing of the ruling on  
19 such motion. No extension of such time may be allowed except upon a  
20 showing that the failure to file the petition within the time provided was  
21 due to a failure of the district court clerk to notify the plaintiff of the  
22 challenged decision. A motion for an extension of time must be filed  
23 with the clerk of the supreme court and ~~served on all parties and a~~  
24 courtesy copy filed with the clerk of the district court no later than 60  
25 days after the expiration of the time for filing a petition for writ of  
26 certiorari. The motion and any resistance ~~shall~~must be supported by  
27 copies of relevant portions of the record and by affidavits. An extension

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

3 ~~c.—Filing and serving petition. Special service of the petition.—The~~  
4 ~~original petition and three copies shall be filed with the clerk of the~~  
5 ~~supreme court. The petition shall must be served as provided in rule~~  
6 ~~6.701 upon all counsel of record, all parties not represented by counsel,~~  
7 ~~the clerk of the district court, and the attorney general if the State is a~~  
8 ~~party in the manner stated in Iowa R. Civ. P. 1.442(2).~~

9 . . . .

10 **6.107(4)** *Procedure after order granting petition.* The plaintiff shall  
11 must file and serve the combined certificate required by rule 6.804(1)  
12 within 14 days after the filing date of the order granting the petition. See  
13 rule 6.702(4). Further proceedings shall be had pursuant to the rules of  
14 appellate procedure. The appellate rules applicable to appellants shall  
15 apply to plaintiffs and those applicable to appellees shall apply to  
16 defendants.

17 **6.107(5)** *Representation of district court.* Parties before the district  
18 court other than the certiorari plaintiff shall be required to defend the  
19 district court and make all filings required of the defendant under these  
20 rules unless permitted to withdraw by the supreme court. A party  
21 required to defend the district court under this rule may file an  
22 application to withdraw stating (1) whether the applicant raised the  
23 issue addressed in the challenged decision in the district court, (2) the  
24 interest or lack of interest of the applicant in the challenged decision,  
25 and (3) the grounds justifying withdrawal. The application to withdraw  
26 ~~shall must be served on all parties, the district court, by filing the~~  
27 ~~application with the clerk of the district court and on the attorney~~

1        general in the manner stated in Iowa R. Civ. P. 1.442(2).

2

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

13

14        **Rule 6.109 Parties and attorneys on appeal; caption; substitution**  
15 **of parties; withdrawal of counsel.**

16        . . . .

17        **6.109(5) *Withdrawal of counsel.*** An attorney may not withdraw  
18 from representation of a party before an appellate court without  
19 permission of that court unless another attorney has appeared or  
20 simultaneously appears for the party. A motion for permission to  
21 withdraw as counsel for a party must show service of the motion on the  
22 party, and must include the party's address, phone number, and email  
23 address. Before court-appointed trial counsel for a criminal defendant  
24 may withdraw, the court file must contain proof counsel has completed  
25 counsel's duties under Iowa R. Crim. P. 2.29(6).

26

27        **Rule 6.110 Protected information; confidential materials and**

1 **cases; briefs not confidential.**

2 . . . .

3 **6.110(2)** *Certification by party of confidential and protected material*  
4 *or cases ~~made confidential by statute or rule.~~*

5 *a. Confidential and protected material.* When a party files any  
6 document, except a brief, that contains material or a reproduction,  
7 quotation, or extensive paraphrase of material that is declared  
8 confidential by any statute or court rule or to which access is restricted  
9 by court order, ~~of the supreme court or in a case declared confidential~~  
10 ~~by any statute or rule of the supreme court,~~ the party ~~shall~~ must certify  
11 ~~its~~ the document's confidential nature by including a certificate of  
12 confidentiality as the first page of the document. ~~The certificate shall~~  
13 ~~cite the applicable statute or rule, be signed by the party or counsel,~~  
14 ~~and be affixed on top of the cover page of each copy of the notice,~~  
15 ~~motion, appendix, record, or other document that is filed or served.~~ The  
16 certificate page must contain only the caption of the case; the certificate  
17 of confidentiality, which includes the applicable statute, rule, or court  
18 order; and the signature of the party or counsel. The certificate page  
19 must substantially comply with form 11 in rule 6.1401. When filing a  
20 document that contains a certificate of confidentiality, the filer must  
21 note that fact in the appropriate place on the electronic cover sheet. See  
22 Iowa R. Elec. P. 16.201(6).

23 *b. Confidential and protected cases.* When a party files any  
24 document, except a brief, in a case declared confidential by statute or  
25 court rule or to which access is restricted by court order, the party need  
26 not certify the document's confidential nature. Briefs filed in a  
27 confidential or restricted-access case must comply with the personal

1 privacy protection provisions in division VI of the Iowa Rules of  
2 Electronic Procedure. See Iowa R. Elec. P. 16.601(1).

3 c. Separate appendices for confidential or protected materials. ~~In~~  
4 appeals in cases that are If a case is not confidential by statute or court  
5 rule, but requires the filing of documents that include confidential or  
6 protected material, a party ~~may~~ must file separate appendices, one  
7 containing confidential and protected materials and one containing  
8 documents having no confidential or protected material. An appendix  
9 not certified confidential becomes public record.

10 . . . .

11 **6.110(4)** *Responsibility of filer.* It is the responsibility of the filing  
12 party to ensure that confidential or protected information is properly  
13 redacted, omitted, or certified as confidential. It is not the  
14 responsibility of the clerk of court to review filings to determine  
15 whether appropriate redactions, omissions, or certifications have been  
16 made; to redact or remove confidential or protected information from  
17 court filings; or to certify or restrict access to confidential or protected  
18 information on its own initiative. Failure of the filing party to ensure  
19 that confidential or protected information is properly redacted, omitted,  
20 or certified as confidential may subject the filing party to sanctions by  
21 the court.

22 **Rules 6.111 to 6.200** Reserved

23  
24 **Division II**

25 Termination-of-Parental-Rights and Child-In-Need-of-  
26 Assistance Appeals Under Iowa Code Chapter 232

27  
28 **Rule 6.201 Petition on appeal in termination-of-parental-rights**

1           **and child-in-need-of-assistance cases under Iowa Code chapter 232.**

2           **6.201(1)** *Petition on appeal.*

3           ~~*b.—Filing and service of petition on appeal. Time for filing a petition on*~~  
4           ~~*appeal. An original*~~ The petition on appeal and 17 copies must be filed  
5           with the clerk of the supreme court within 15 days after the filing of the  
6           notice of appeal with the clerk of the district court or within 15 days  
7           after the filing of an order granting an interlocutory appeal. The time for  
8           filing a petition on appeal shall not be extended. ~~A copy of the petition~~  
9           ~~on appeal shall be served on all counsel of record, all parties~~  
10          ~~unrepresented by counsel, and the attorney general in the manner~~  
11          ~~stated in Iowa R. Civ. P. 1.442(2). The petition on appeal shall include a~~  
12          ~~certificate of service in the form stated in Iowa R. Civ. P. 1.442(7).~~

13          **6.201(2)** *Joinder disallowed.* A party may not join in a petition  
14          separately filed by another party.

15          **6.201(2)-(3)** *Consequence of failure to file a timely petition on appeal.*

16          . . . .

17  
18          **Rule 6.202 Response to petition on appeal in termination-of-**  
19          **parental-rights and child-in-need-of-assistance cases under Iowa**  
20          **Code chapter 232.**

21          . . . .

22          **6.202(2)** ~~*Filing and service. Time for filing a response to a petition on*~~  
23          ~~*appeal. An original and 17 copies of a*~~ A response shall must be filed  
24          with the clerk of the supreme court within 15 days after the service of  
25          the appellant’s petition on appeal. ~~A copy of the response shall be~~  
26          ~~served on all counsel of record, all parties unrepresented by counsel,~~  
27          ~~and the attorney general in the manner prescribed in Iowa R. Civ. P.~~



1 supreme court any relevant district court ~~papers~~ documents, including  
2 the district court decision. The minor ~~shall~~ must file a written argument  
3 supporting her appeal with the clerk of the supreme court within 48  
4 hours of filing the notice of appeal. The written argument ~~shall~~ must  
5 include a statement designating the method by which the minor  
6 chooses to receive notice of the supreme court's final decision.

7 . . . .

8 **6.401(4) Confidentiality.** Notwithstanding any other rule or statute,  
9 all documents filed in the appeal and the supreme court's docket shall  
10 be confidential. Any hearing held on an appeal under this rule shall be  
11 confidential. The minor may use the same pseudonym that she used in  
12 the juvenile court proceedings. Identifying information, including  
13 address, parents' names, or social security number, shall not appear on  
14 any court ~~papers~~ documents. All ~~papers~~ documents shall contain the  
15 juvenile court docket number for identification purposes. The only  
16 persons who may have access to the court ~~papers~~ documents and  
17 admission to any hearing are the justice(s), court staff who must have  
18 access to the records for administrative purposes, the minor, her  
19 attorney, her guardian ad litem, and the person(s) designated in writing  
20 by the minor, her attorney, or her guardian ad litem to have such  
21 access or admission. In no case may the minor's parent(s) have access  
22 to her ~~papers~~ documents or admission to any hearing.

23 . . . .

24 **Rules 6.402 to 6.500** Reserved

25 . . . .

26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**Division VI**

Staying District Court Judgments and Proceedings

. . . .

**Rule 6.604 Stays involving child custody.**

**6.604(1) Application.** A supersedeas bond filed pursuant to rule 6.601 shall not stay an order, judgment, decree, or portion thereof affecting the custody of a child. Upon application in a pending appeal, the appellate court may, in its discretion, stay any district court order, judgment, decree, or portion thereof affecting the custody of a child and provide for the custody of the child during the pendency of the appeal. ~~The application for such a stay order and any supporting briefs or other papers shall be filed with the clerk of the supreme court and served in the manner provided in rule 6.701.~~

. . . .

**Division VII**

Filing, Service, and Fees

**Rule 6.701 Filing and service.**

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

~~**6.701(2) Filing.**~~

~~*a. Where and when filed.* Papers~~

**6.701(1) Filing with the clerk of the supreme court.** Documents required or permitted to be filed in the supreme court or in the court of

1       appeals ~~shall~~ must be filed with the clerk of the supreme court. All  
2       ~~papers~~ documents required to be served upon a party ~~shall~~ must be  
3       filed with the court before or at the time of service or within a  
4       reasonable time thereafter. Whenever these rules require a filing with  
5       the supreme court or its clerk within a certain time, the time  
6       requirement shall be tolled when service is made, provided the actual  
7       filing is done within a reasonable time thereafter. ~~Papers~~ Documents  
8       received by the clerk of the supreme court without a certificate of service  
9       shall be deemed filed when received by the clerk.

10       ~~*b. Facsimile filing.*~~

11       **6.701(2) Emailing or faxing documents does not constitute electronic**  
12       *filing.* Emailing or faxing a document to the clerk of the supreme court  
13       or to an appellate court will not generate a file stamp or a notice of  
14       electronic filing or presentation and will not result in the filing of the  
15       document. See Iowa Rs. Elec. P. 16.201(23), 16.306. ~~The filing of some~~  
16       ~~papers may also be accomplished by fax transmission. A paper shall~~  
17       ~~not be filed by fax transmission when these rules or an order of an~~  
18       ~~appellate court requires 18 copies of the paper to be filed.~~ Documents  
19       transmitted to the clerk of the supreme court or to an appellate court by  
20       fax or email will only be filed if the party is authorized to submit the  
21       document in that manner under rule 6.100(3) (exemptions from  
22       mandatory use of EDMS). ~~A paper longer than five pages shall not be~~  
23       ~~filed by fax transmission without prior leave of the clerk. Each fax~~  
24       ~~transmission shall be accompanied by a fax cover page which states the~~  
25       ~~date of the transmission, the name and fax telephone number of the~~  
26       ~~person to whom the paper is being transmitted, the name, telephone~~  
27       ~~number, and e mail address of the person transmitting the paper, the~~

1        ~~docket number and title of the case in which the paper is to be filed, the~~  
2        ~~name of the paper, and the number of pages, excluding the cover page,~~  
3        ~~being transmitted. A fax fee of \$3 per page, excluding the cover page,~~  
4        ~~shall be required for filing a paper by fax transmission. The person~~  
5        ~~transmitting the paper shall certify that the fax fee and any required~~  
6        ~~filing fee have been mailed to the clerk contemporaneously with the fax~~  
7        ~~transmission. Only one copy of the paper shall be transmitted; the~~  
8        ~~clerk will provide any additional copies required by these rules or an~~  
9        ~~order of an appellate court. Papers filed by fax transmission shall be~~  
10       ~~deemed filed when the transmission is received by the clerk.~~  
11       Documents from an exempted party transmitted by fax or email may  
12       only be transmitted pursuant to a prior arrangement with the clerk of  
13       the supreme court. Failure to comply with the ~~fax~~ submission  
14       requirements of this rule may result in the imposition of sanctions: the  
15       paper document transmitted may be stricken or deemed not filed, the  
16       appeal or review may be dismissed, or other appropriate action may be  
17       taken. Documents submitted by fax are subject to a fax fee of \$3 per  
18       page, excluding the cover page.

19        ~~**6.701(3)** *Service of all papers required.* Copies of all papers filed by~~  
20        ~~any party and not expressly required by these rules to be served by the~~  
21        ~~clerk shall, at or before the time of filing, be served by a party or person~~  
22        ~~acting for that party on all other parties to the appeal or review.~~  
23        ~~Service on a party represented by counsel shall be made on counsel.~~  
24        ~~Papers required to be served on the State shall be served on the~~  
25        ~~attorney general.~~

26        ~~**6.701(4)** *Manner of service.* Service may be personal, by mail, by fax~~  
27        ~~transmission, or by e mail. Personal service includes delivery of the~~

1 ~~copy to a clerk or other responsible person at the office of counsel.~~  
2 ~~Service by mail is complete on mailing. Service may also be made upon~~  
3 ~~a party or attorney by fax transmission or e-mail if the person consents~~  
4 ~~in writing in that case to be served in that manner. The written consent~~  
5 ~~shall specify the fax telephone number or e-mail address for such~~  
6 ~~service and shall be served on all other parties or attorneys. The written~~  
7 ~~consent may be withdrawn by written notice and shall be served on all~~  
8 ~~other parties or attorneys. Service of a paper by fax transmission is~~  
9 ~~complete when the person transmitting the paper receives confirmation~~  
10 ~~of receipt of the transmission by the fax machine of the person served.~~  
11 ~~Service by e-mail is complete upon transmission, unless the party~~  
12 ~~making service learns that the attempted service did not reach the~~  
13 ~~person to be served.~~

14 ~~**6.701(5) Certificate of service.** All papers required or permitted to be~~  
15 ~~filed shall include a certificate of service. The certificate shall identify~~  
16 ~~the document served and include the date and manner of service and~~  
17 ~~the names and addresses of the persons served. The certificate shall be~~  
18 ~~signed by the person who made service. The certificate of service may~~  
19 ~~appear on or be affixed to the papers filed. The clerk of the supreme~~  
20 ~~court may permit papers to be filed without acknowledgment or~~  
21 ~~certificate of service but shall require such proof to be filed promptly~~  
22 ~~thereafter. The certificate of service for a paper served by fax~~  
23 ~~transmission shall state the fax telephone number of the person to~~  
24 ~~whom the paper was transmitted. The certificate of service for a paper~~  
25 ~~served by electronic mail shall state the e-mail address of the person to~~  
26 ~~whom the information was transmitted.~~

27 ~~**6.701(6) Additional time after service by mail.** Whenever a party is~~

1       ~~required or permitted to do an act within a prescribed period after~~  
2       ~~service of a paper upon that party and the paper is served by mail,~~  
3       ~~email, or fax transmission three days shall be added to the prescribed~~  
4       ~~period. Such additional time shall not be applicable where the deadline~~  
5       ~~runs from entry or filing of a judgment, order, decree, or opinion.~~

6       ~~**6.701(7)** *Service of orders, notices or opinions by e-mail.* Each~~  
7       ~~document filed with the supreme court shall bear the e-mail address of~~  
8       ~~the attorney or party filing it. The clerk is authorized to deliver any~~  
9       ~~orders, notices, opinions or documents requiring service by the clerk to~~  
10      ~~the e-mail address provided by the attorney or party.~~

11  
12      **Rule 6.702 Service.**

13      **6.702(1)** *Filer's duty to ensure service.* Documents filed with the  
14      clerk of the supreme court must be served on all other parties to the  
15      appeal or review and on any nonparty required to be served by these  
16      rules unless the appropriate appellate court orders otherwise. The filer  
17      must ensure all required service is accomplished pursuant to Iowa Rs.  
18      Elec. P. 16.315 and 16.319(1)(c).

19      **6.702(2)** *Electronic service on registered filers.* Filed documents are  
20      electronically served pursuant to Iowa R. Elec. P. 16.315(1). Electronic  
21      service is not effective if the filer learns the notice of electronic filing was  
22      not transmitted to a party.

23      **6.702(3)** *Service of paper copies on nonregistered parties.* The filer  
24      must serve nonregistered (exempted) filers and not-yet-registered filers  
25      in paper pursuant to Iowa R. Elec. P. 16.315(2). A certificate of service  
26      must be filed for all documents not served by EDMS pursuant to Iowa  
27      R. Elec. P. 16.316.



1 which the appeal is taken, the transcript of proceedings, if any, and a  
2 certified copy of the related docket and court calendar entries prepared  
3 by the clerk of the district court ~~in the case from which the appeal is~~  
4 ~~taken~~ shall constitute the record on appeal.

5  
6 **Rule 6.802 Transmission of record.**

7 **6.802(1)** *Transmission of notice of appeal and the combined general*  
8 *docket* ~~entries~~. The clerk of the district court shall electronically  
9 transmit certified copies of the notice of appeal, the notice of cross-  
10 appeal, if any, and the combined general docket ~~entries~~ in the district  
11 court proceeding to the clerk of the supreme court, ~~all parties or their~~  
12 ~~attorneys~~, any court reporter who reported a proceeding that is the  
13 subject of the appeal, and the attorney general in juvenile cases and  
14 other cases in which the State of Iowa is an interested party whether or  
15 not the attorney general has appeared in the district court.  
16 Transmission shall be completed within four days after the filing of the  
17 notice of appeal or the notice of cross-appeal, if any. ~~Upon receipt of the~~  
18 ~~certified copies, the clerk of the supreme court shall assign a number to~~  
19 ~~the case and create a docket.~~

20 **6.802(2)** *Transmission of ~~remaining~~ record on appeal*. No later than  
21 seven days after all briefs in final form have been ~~served~~ filed or the  
22 times for ~~servicing~~ filing them have expired, the appellant ~~shall~~ must file a  
23 request with the clerk of the district court to transmit the record to the  
24 clerk of the supreme court ~~any remaining record~~. If the appeal is from a  
25 termination-of-parental-rights or a child-in-need-of-assistance case the  
26 appellant must file a request with the clerk of the district court to  
27 transmit to the clerk of the supreme court any remaining record within

1        30 days after the filing of the notice of appeal. Any nonelectronic  
2        document or exhibit that may reasonably be maintained electronically  
3        shall be converted to an electronic document and transmitted to the  
4        clerk of the supreme court electronically. Physical media such as CDs,  
5        DVDs, or USB drives containing electronic documents or exhibits that  
6        cannot be maintained by EDMS shall be transmitted to the clerk of the  
7        supreme court with the record. ~~The record shall include the original~~  
8        ~~papers and exhibits filed in the district court.~~ Exhibits Nonelectronic  
9        exhibits of unusual bulk or weight shall not be transmitted by the clerk  
10       unless a party or the clerk of the supreme court requests transmission.  
11       A party ~~shall~~ must make advance arrangements with the clerk of the  
12       district court for the transmission and the clerk of the supreme court  
13       for the receipt of exhibits of unusual bulk or weight.

14        **6.802(3)** Request to transmit record in Iowa Rule of Appellate  
15        Procedure 6.1005 cases. At the time of filing a motion to withdraw  
16        pursuant to rule of appellate procedure 6.1005(2), counsel must file a  
17        request with the clerk of the district court to transmit the record to the  
18        clerk of the supreme court. See rule 6.1005(4).

19  
20        **Rule 6.803 Transcript.**

21        **6.803(1)** *Ordering transcript.* Within seven days after filing the notice  
22        of appeal, the appellant ~~shall~~ must use the combined certificate to order  
23        in writing from the court reporter a transcript of such parts of the  
24        proceedings not already on file as the appellant deems necessary for  
25        inclusion in the record. If the appellant intends to urge on appeal that a  
26        finding or conclusion is unsupported by the evidence or is contrary to  
27        the evidence, the appellant ~~shall~~ must include in the record a transcript

1 of all evidence relevant to such finding or conclusion.

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

5 *a. Page layout.* A page of transcript shall consist of no fewer than 25  
6 lines per page of type on ~~paper~~ document pages 8 1/2 by 11 inches in  
7 size, ~~prepared for binding on the left side.~~ Margins shall be 1 1/8 inches  
8 on each side and 1 inch on the top and bottom. Pages shall be  
9 numbered consecutively in the upper right-hand corner. ~~When~~ If the  
10 transcript for a proceeding consists of multiple volumes, ~~pagination~~  
11 ~~shall be consecutive throughout~~ the volumes shall not be consecutively  
12 paginated.

13 . . . .

14 *e. Reporter's certificate of filing the transcript.* In addition to the  
15 transcript, the reporter shall prepare and file with the clerk of the  
16 supreme court a reporter's certificate of filing the transcript. The  
17 certificate shall containing the case caption, the date the transcript was  
18 ordered, the name of the attorney or other person ordering the  
19 transcript, and the date it was filed with the ~~supreme~~ district court.

20 *f. Condensed transcripts not permitted.* ~~A transcript may be produced~~  
21 ~~in a condensed format which includes four pages of transcript on a~~  
22 ~~single page of 8 1/2 by 11 inch paper. Margins shall be 1 1/4 inches on~~  
23 ~~each side and 1 inch on the top and bottom. A condensed transcript~~  
24 ~~shall be legible, shall be in portrait format, and the font size shall be not~~  
25 ~~less than 10 points. The pages of the condensed transcript shall be~~  
26 ~~formatted with page one in the top left, page two in the bottom left, page~~  
27 ~~three in the top right, and page four in the bottom right.~~ Condensed

1 transcripts, which include multiple pages of transcript on a single page,  
2 may not submitted.

3 g. Format of electronic transcripts. Electronic transcripts must be  
4 prepared to be text searchable and comply with Iowa R. Elec. P. 16.402.

5 **6.803(3) Filing transcript.** The reporter shall file ~~the original~~ of the  
6 transcript with the clerk of the ~~supreme district~~ court and shall ~~serve a~~  
7 ~~copy of file~~ the reporter's certificate of filing the transcript ~~on the parties~~  
8 ~~and with~~ the clerk of the district court. The transcript and the  
9 reporter's certificate of filing the transcript shall be filed within the  
10 following number of days from service of the combined certificate:

11 a. 20 days — guilty pleas and sentencing.

12 b. 30 days — child-in-need-of-assistance and termination-of-  
13 parental-rights proceedings under chapter 232.

14 c. 40 days — all other cases.

15 . . . .

16  
17 **Rule 6.804 Combined certificate.**

18 **6.804(1) Duty of appellant to file combined certificate.** In all cases,  
19 the appellant ~~shall~~must complete the combined certificate form found  
20 in form 2 in rule 6.1401. The combined certificate ~~shall~~must be  
21 separately filed with the clerks of both the district and the supreme  
22 court within seven days after filing the notice of appeal or appointment  
23 of new appellate counsel, whichever is later. The appellant ~~shall~~must  
24 serve the combined certificate ~~on all parties to the appeal and on each~~  
25 court reporter from whom a transcript was ordered. See rule 6.702(4). ~~If~~  
26 ~~the State is a party to the case, a copy of the combined certificate shall~~  
27 ~~also be served upon the attorney general. The combined certificate shall~~

1 ~~be filed with the clerks of both the district and the supreme court.~~

2  
3 **Rule 6.805 Appellee’s designation of additional parts of transcript.**

4 **6.805(1)** *Appellee’s designation.* If the appellee deems a transcript  
5 of other parts of the proceedings to be necessary, the appellee ~~shall~~  
6 ~~serve~~ must separately file a designation of additional parts to be  
7 transcribed with the clerks of both the district and the supreme court  
8 and must serve the designation on all parties and the court reporter.  
9 ~~The designation of additional parts shall be served~~ within 10 days after  
10 service of the combined certificate, ~~and shall be filed with the clerks of~~  
11 ~~both the district and the supreme court.~~

12 . . . .

13 **6.805(3)** *Supplemental certificate.* Within seven days after the  
14 appellee has served a designation of additional parts of the proceedings  
15 requested to be transcribed, the party ordering additional proceedings  
16 ~~shall~~ must use the supplemental certificate found in form 3 in rule  
17 6.1401 to order the additional proceedings transcribed, serve it ~~on all~~  
18 ~~parties to the appeal and~~ on the court reporter, and file it with the  
19 clerks of both the district court and the supreme court.

20  
21 **Rule 6.806 Proceedings when transcript unavailable.**

22 **6.806(1)** *Statement of evidence or proceedings.* A statement of the  
23 proceedings may be prepared to create a record of a hearing or trial for  
24 which a transcript is unavailable if a party deems it necessary to  
25 complete the record on appeal. The statement of the proceedings ~~shall~~  
26 must be prepared from the best available means, including the party’s  
27 recollection. The statement ~~shall~~ must be filed with the clerk of the

1 district court ~~and served on the opposing party~~ within 20 days after the  
2 filing of the notice of appeal or within 10 days after the party discovers a  
3 transcript of a proceeding is unavailable.

4 **6.806(2)** *Objections to statement.* The opposing party may file with  
5 the clerk of the district court ~~and serve on the filing party~~ objections or  
6 proposed amendments to the statement within 10 days after service of  
7 the statement.

8 . . . .

9 **Rules 6.807 to 6.900** Reserved

## 11 **Division IX**

### 12 Briefs and Appendix

#### 14 **Rule 6.901 Filing and service of briefs and amendments.**

15 **6.901(1)** *Time for filing proof briefs.* Except for cases expedited  
16 under rule 6.902, the following filing deadlines shall apply:

17 . . . .

18 *d. Counsel's duty to serve brief on defendant, applicant, or*  
19 *respondent.* In addition to the service requirements of rule ~~6.701(3)~~  
20 6.702, appellate counsel for a criminal defendant, a postconviction  
21 applicant, or a respondent committed under Iowa Code chapter 229A  
22 ~~shall~~must serve a copy of counsel's proof brief and designation of parts  
23 upon the defendant, applicant, or respondent. Counsel ~~shall~~must  
24 indicate such service in the certificate of service on the proof brief and  
25 on the designation of parts. The certificate of service ~~shall~~must include  
26 the address at which the defendant, applicant, or respondent was  
27 served.

1           **6.901(2)** *Pro se supplemental ~~proof~~ briefs.*

2           *a. Filing ~~and service of~~ supplemental brief.* Any criminal defendant,  
3 applicant for postconviction relief, or respondent committed under Iowa  
4 Code chapter 229A may submit a pro se supplemental brief, reply brief,  
5 or designation of appendix to the clerk of the supreme court ~~file a pro se~~  
6 ~~supplemental brief or designate additional parts of the district court~~  
7 ~~record for inclusion in the appendix~~ within 15 days after service of the  
8 proof brief filed by their counsel. Any pro se supplemental brief or  
9 designation ~~filed~~ submitted beyond this period by a properly served  
10 defendant, applicant, or respondent will not be considered by the court  
11 and no response by the State will be allowed. The pro se supplemental  
12 brief cannot exceed more than one-half of the length limitations for a  
13 required brief specified in rule 6.903(1)~~(g)~~(f) unless otherwise ordered by  
14 the court for good cause shown. ~~The defendant, applicant, or~~  
15 ~~respondent must serve counsel and the State with copies of the~~  
16 ~~supplemental brief or designation.~~ Receipt by the clerk of a pro se  
17 supplemental brief constitutes filing of the brief. A pro se supplemental  
18 brief may also be transmitted to and filed by the pro se filer's counsel.

19           *b. Pro se as appellant.* If the defendant, applicant, or respondent is  
20 the appellant, the State's proof brief must be ~~served and~~ filed within 30  
21 days after service of the pro se supplemental brief, and the State must  
22 serve a copy of its proof brief upon the appellant ~~and the appellant's~~  
23 ~~counsel.~~ Within the time provided for the appellant's counsel to file a  
24 reply brief, the appellant may also file a pro se supplemental reply brief.  
25 The pro se supplemental reply brief cannot exceed more than one-half of  
26 the length limitations for a reply brief specified in rule 6.903(1)~~(f)~~(g)  
27 unless otherwise ordered by the court for good cause shown. ~~The~~

1 ~~appellant must serve counsel and the State with copies of the pro se~~  
2 ~~supplemental reply brief.~~ Counsel for the appellant shall be responsible  
3 for including any additional designated parts of the record in the  
4 appendix.

5 *c. State as appellant.* If the State is the appellant, the State ~~shall~~  
6 must serve and file the appendix and a reply brief, if any, within 21  
7 days after service of the pro se supplemental brief, and the State shall  
8 be responsible for including any additional designated parts in the  
9 appendix.

10 *d. Counsel's duty to ensure file final filing and service of*  
11 *supplemental briefs.* ~~Counsel for the defendant, applicant, or~~  
12 ~~respondent shall serve and file the final copies of the pro se~~  
13 ~~supplemental briefs.~~ Counsel for the defendant, applicant, or  
14 respondent must ensure pro se supplemental briefs have been  
15 electronically filed and ensure service has been accomplished pursuant  
16 to rule 6.702.

17 **6.901(3)** *Time for filing briefs in final form.* Within 14 days after  
18 service of the appendix pursuant to rule 6.905(11), each party ~~shall~~  
19 ~~serve and~~ must file the party's brief or briefs in the final form prescribed  
20 by rule 6.903 and 6.904(4)(b).

21 . . . .

22 **6.901(5)** *Multiple adverse parties.* If the time for doing any act  
23 prescribed by these rules is measured from the date of service of a  
24 ~~paper~~ document by an adverse party, then in the case of multiple  
25 adverse parties the time for doing such act shall be measured from the  
26 date of service of the last timely served ~~paper~~ document by an adverse  
27 party or the date of expiration of time for such service.

1 . . . .

2 ~~6.901(8) Number of copies to be filed and served. Two copies of~~  
3 ~~proof briefs and 18 copies of each brief in final form or amendment~~  
4 ~~thereto shall be filed with the clerk of the supreme court, and one copy~~  
5 ~~of the proof brief and the briefs in final form shall be served on counsel~~  
6 ~~for each party separately represented.~~

7 . . . .

8 **Rule 6.903 Briefs.**

9 **6.903(1) Form of briefs.**

10 a. *Reproduction.* A brief must show clear black text or images on a  
11 white background. A brief filed in paper may be reproduced by any  
12 process that yields a clear black image on white paper. The paper must  
13 be opaque and unglazed. Briefs filed in paper shall be reproduced on  
14 both sides of the sheet must comply with Iowa R. Elec. P. 16.303.

15 . . . .

16 ~~c. Color of front covers. The front cover of all briefs shall be:~~

17 ~~(1) Appellant's brief—blue.~~

18 ~~(2) Appellee's brief—red.~~

19 ~~(3) Reply brief—gray.~~

20 ~~(4) Amicus curiae brief—green.~~

21 ~~d.—c. Paper—Document size, line spacing, margins, and page~~  
22 ~~numbering. The brief must be on an 8½ by 11 inch paper document.~~  
23 The text must be double-spaced, but quotations more than 40 words  
24 long may be indented and single-spaced. Headings and footnotes may  
25 be single-spaced. Margins ~~shall~~ must be 1¼ inches on each side and 1  
26 inch on the top and bottom. Page numbers ~~shall~~ must be located at the

1 bottom center of each page. The pages must be numbered consecutively  
2 using arabic whole numbers. The cover page must be numbered page  
3 one. Any blank pages must be numbered. Roman numerals may not  
4 be used as page numbers. Page numbers must match the digital page  
5 numbers of the electronic document.

6 *e.-d. Typeface.* Either a proportionally spaced or a monospaced  
7 typeface may be used.

8 *f.-e. Type styles.*

9 . . . .

10 *g.-f. Length.*

11 . . . .

12 *h.-g. Printing or duplicating taxed as costs.* To the extent reasonable,  
13 the costs of printing or duplicating a brief ~~shall~~ may be taxed in the  
14 appellate court as costs. Reasonable printing or duplicating costs ~~shall~~  
15 may not exceed \$4 actual costs or \$1 per page, whichever is lower,  
16 unless otherwise ordered by the appropriate appellate court. The costs  
17 of any printing or duplication not required by these rules may not taxed  
18 as costs.

19 **6.903(2)** *Appellant's brief.*

20 . . . .

21 *j. Certificate of cost.* The amount actually paid for printing or  
22 duplicating ~~necessary~~ paper copies of briefs in final form required by  
23 these rules shall must be certified by the attorney.

24 **6.903(4)** *Appellant's reply brief.* The appellant may file a brief in  
25 reply to the brief of the appellee. The reply brief does not need to  
26 contain the sections required by rule 6.903(2)(d), 6.903(2)(e),

1 6.903(2)(f), 6.903(2)(g)(1), 6.903(2)(g)(2), or 6.903(2)(i) for principal  
2 briefs. Unless a cross-appeal is filed, no further briefs may be filed  
3 without leave of the appropriate appellate court.

4  
5 **Rule 6.904 References in briefs.**

6 . . . .

7 **6.904(2) To legal authorities.**

8 a. *Cases.* In citing cases, the names of parties must be given. In  
9 citing Iowa cases, reference must be made to the volume and page where  
10 the case may be found in the North Western Reporter. If the case is not  
11 reported in the North Western Reporter, reference must be made to the  
12 volume and page where the case may be found in the Iowa Reports. In  
13 citing cases, reference must be made to the court that rendered the  
14 opinion and the volume and page where the opinion may be found in the  
15 National Reporter System, if reported therein. *E.g.*, \_ N.W.2d \_ (Iowa 20\_);  
16 \_ N.W.2d \_ (Iowa Ct. App. 20\_); \_ S.W.2d \_ (Mo. Ct. App. 20\_); \_ U.S.\_, \_  
17 S. Ct.\_, ~~\_ L. Ed. 2d \_~~ (20\_); \_ F.3d\_ (\_ Cir. 20\_); \_ F. Supp. 2d \_ (S.D. Iowa  
18 20\_). When quoting from authorities or referring to a particular point  
19 within an authority, the specific page or pages quoted or relied upon  
20 ~~shall~~must be given in addition to the required page references.

21 b. *Iowa Court Rules.* When citing the Iowa Court Rules, parties ~~shall~~  
22 must use the following references:

23 (1) “Iowa R. Civ. P.”; “Iowa R. Crim. P.”; “Iowa R. Evid.”; “Iowa R. App.  
24 P.”; “Iowa R. Elec. P.”; “Iowa R. of Prof’l Conduct”; and “Iowa Code of  
25 Judicial Conduct” when citing those rules.

26 (2) “Iowa Ct. R.” when citing all other rules.

27 c. *Unpublished opinions or decisions.*

1 . . . .

2 *d. Other authorities.* When citing other authorities, references ~~shall~~  
3 must be made as follows:

4 . . . .

5 (2) Citations to treatises, textbooks, and encyclopedias ~~shall~~must  
6 include the edition, and the section, and or page as applicable.

7 . . . .

8 **6.904(4)** *To the record.*

9 *a. Proof briefs.* Proof briefs ~~shall~~must contain references to the pages  
10 of the parts of the record, e.g., Petition p. 6, Judgment p. 5, Transcript v.  
11 II p. 298, Lines 15-24.

12 *b. Final briefs.* In final briefs, the parties ~~shall~~must replace  
13 references to parts of the record with citations to the page or pages of the  
14 appendix at which those parts appear. The final brief must also contain  
15 a reference to the original page and line numbers of the transcript. If  
16 references are made in the final briefs to parts of the record not  
17 reproduced in the appendix, the references ~~shall~~must be to the pages of  
18 the parts of the record involved, e.g., Answer p. 7, Motion for Judgment  
19 p. 2, Tr. p. 231 Ll. 8-21. Intelligible abbreviations may be used. No  
20 other changes may be made in the proof briefs as initially ~~served~~and  
21 filed, except that typographical errors may be corrected.

22 **6.904(5)** *Hyperlinks and other electronic navigational aids.*  
23 Hyperlinks and other electronic navigational aids may be included in an  
24 electronically filed document as an aid to the court and the parties  
25 subject to the limitations of Iowa R. Elec. P. 16.312. A party may not use  
26 hyperlinks or other navigational aids to circumvent any page limitations

1        set by these rules.

2  
3        **Rule 6.905 Appendix.**

4            **6.905(1)** *Designation of contents.*

5        . . . .

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

18        . . . .

19            **6.905(3)** *Cover; form.*

20            ~~a. The cover of the appendix and amendments to it shall be white.~~

21            ~~b.~~ a. The requirements set out in rule 6.903(1) governing the  
22 printing, typeface, spacing, page size, margins, binding, and the form  
23 and content of the front cover of briefs ~~shall~~ must also be followed in the  
24 preparation of the appendix.

25            ~~e.~~ b. Copies of pleadings, exhibits, and other ~~papers~~ documents may  
26 be reduced or enlarged to 8 1/2 by 11 inches for insertion in the  
27 appendix. All such copies must be legible.

1           c. Page numbers must be located at the bottom center of each page.  
2           The pages must be numbered consecutively using arabic whole  
3           numbers. The cover page must be numbered page one. Any blank  
4           pages must be numbered. Roman numerals may not be used as page  
5           numbers. If the appendix consists of multiple volumes, the volumes  
6           may not be consecutively paginated, and references to the page  
7           numbers must include both the volume number and the page number,  
8           e.g., Appendix v. II p. 256.

9  
10           **6.905(4)** *Table of contents.*

11           a. The appendix shall ~~must~~ include a table of contents identifying  
12           each part of the record included and disclosing the page number at  
13           which each part begins in the appendix. If the appendix consists of  
14           multiple volumes, the table of contents in each volume must disclose  
15           the contents and page numbers of all volumes.

16           . . . .

17           **6.905(7)** *Transcripts of proceedings and depositions.* If a transcript  
18           or deposition entered into evidence is not filed electronically, relevant  
19           portions must be included in the appendix. Relevant portions of an  
20           electronically filed transcript or evidentiary deposition may but need not  
21           be included. The following rules apply to all portions of transcripts and  
22           evidentiary depositions included in the appendix.

23           . . . .

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

26           . . . .

1           **6.905(9)** *Asterisks ~~shall~~ must denote omitted portions of exhibits and*  
2 *other ~~papers~~ documents.* If part of an exhibit or other ~~paper~~ document  
3 is omitted from the appendix, the omission ~~shall~~ must be indicated by a  
4 set of three asterisks at the location on the appendix page where the  
5 matter has been omitted.

6           . . . .

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

13           . . . .

14           **6.905(13)** *Cost of producing; taxation as costs on appeal.*

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

23           ~~b.~~ a. Appellant's attorney shall ~~shall~~ must certify within the appendix the  
24 amount actually paid for printing or otherwise producing ~~necessary~~  
25 paper copies of the appendix required by these rules.

26           ~~e.~~ b. The reasonable costs of printing or duplicating the appendix  
27 shall be taxed by the appellate court. Reasonable printing or

1 duplicating costs ~~shall~~ may not exceed ~~\$4~~ actual costs or \$1 per page,  
2 whichever is lower, unless otherwise ordered by the appropriate  
3 appellate court. The costs of any printing or duplication not required by  
4 these rules may not be taxed as costs.

5  
6 **6.905(14) Confidential or Protected Information.** Confidential or  
7 protected information that is not or cannot be redacted must be  
8 included in a separate volume of the appendix, and only that volume  
9 must be certified as confidential.

10  
11 **Rule 6.906 Brief of amicus curiae.**

12 **6.906(1) Appeal.** An amicus curiae brief may be ~~served and~~ filed  
13 only by leave of the appropriate appellate court granted on motion  
14 ~~served on all parties~~, at the request of the appropriate appellate court,  
15 or when accompanied by the written consent of all parties. The brief  
16 may be conditionally ~~served and~~ filed with a motion for leave. A motion  
17 for leave ~~shall~~ must identify the interest of the applicant and ~~shall~~ must  
18 state the reasons an amicus curiae brief would assist the court in  
19 resolving issues preserved for appellate review in the case. An amicus  
20 curiae ~~shall serve and~~ must file a brief ~~within the time allowed~~ no later  
21 than 7 days after the brief of the party whose position the brief will  
22 support to be supported is filed. The appropriate appellate court ~~for~~  
23 ~~cause shown~~ may extend the deadline for the brief only upon an  
24 affirmative showing of good cause, specifying the period within which an  
25 opposing party may respond. An amicus curiae's request to participate  
26 in oral argument will not be granted except for extraordinary reasons.

27 **6.906(2) Further Review.** Amicus curiae briefs ~~shall~~ may not be

1 filed in support of, or in resistance to, an application for further review  
2 of a decision of the court of appeals. If the supreme court grants further  
3 review, an amicus curiae brief may be filed upon leave of the supreme  
4 court granted on motion ~~served on all parties~~, at the request of the  
5 supreme court, or when accompanied by the written consent of all  
6 parties. A motion for leave to file an amicus curiae brief must be filed  
7 within 14 days of the supreme court's order granting further review, and  
8 no response to the motion shall be received unless requested by the  
9 court. The motion ~~shall~~ must identify the interest of the applicant, ~~shall~~  
10 must state the reasons an amicus curiae brief would assist the court in  
11 resolving issues preserved for appellate review in the case, and ~~shall~~  
12 must be accompanied by the amicus curiae brief. If the motion for leave  
13 to file an amicus curiae brief is granted, the parties may file a response  
14 to the amicus curiae brief within 15 days of the court's order granting  
15 the motion.

16 6.906(3) Rehearing. Amicus curiae briefs may not be filed in  
17 support of, or in resistance to, a petition for rehearing of an opinion of  
18 the court of appeals or the supreme court.

19 6.906(3)-(4) Form of amicus curiae brief. An amicus curiae brief  
20 ~~shall~~ may not exceed more than one-half of the length limitations for a  
21 required brief specified in rule 6.903(1)-(g)-(f). An amicus curiae brief  
22 must comply with the format requirements of rule 6.903(1). An amicus  
23 curiae brief need not comply with rule 6.903(2) or (3) but must include  
24 all of the following:

25 . . . .

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

1           d. A statement that indicates whether a party’s counsel authored  
2           the brief in whole or in part, indicates whether a party or party’s  
3           counsel contributed money to fund the preparation or submission of the  
4           brief, and identifies any other person who contributed money to fund  
5           the preparation or submission of the brief.

6           ~~d.-e.~~ An argument.

7           ~~e.-f.~~ A certificate of compliance, if required by rule 6.903(1)-(g)(4)  
8           ~~(f)(4).~~

9           **6.906(4)-(5)** *Criteria for allowing amicus curiae brief. . . .*

10           ~~**6.906(5)** *Number of copies of amicus brief.* Eighteen copies of an~~  
11           ~~amicus brief shall be filed. In addition, one copy shall be served on each~~  
12           ~~party.~~

13           . . . .

14  
15           **Rule 6.908 Oral and nonoral submission; notice of additional**  
16           **authorities.**

17           . . . .

18           **6.908(5)** *Additional authorities.* After final briefs are filed, a party  
19           may file a notice of additional authorities not cited in the briefs. ~~The~~  
20           ~~party shall file 12 copies of the notice with the clerk of the supreme~~  
21           ~~court and serve one copy on opposing counsel.~~ The notice shall must  
22           include a citation for each additional authority. No further argument  
23           ~~shall~~ may be included in the notice. If the case is set for oral argument,  
24           the party ~~shall fax, e-mail, or hand deliver the notice to~~ must ensure all  
25           opposing parties are served with the notice at least four days in advance  
26           of oral argument, unless the authorities were not in existence prior to

1 that time.

2 **6.908(6)** *Use of exhibits and demonstrative aids during argument.* If  
3 a party intends to display exhibits or any other demonstrative aids  
4 during oral argument, they ~~shall serve~~ must ensure all opposing parties  
5 are served a copy of the exhibit or aid ~~on all opposing parties~~ no later  
6 than four days prior to the argument. No such exhibit or aid may be  
7 used in oral argument unless a sufficient number of copies for the court  
8 are given to the bailiff when a party checks in for oral argument, unless  
9 it is impractical to do so.

10 **Rules 6.909 to 6.1000. Reserved**

11 **Division X**

12 **Writs, Motions, and Other ~~Papers~~ Documents**

13 . . . .

14 **Rule 6.1002 Motions.**

15 **6.1002(1)** *Motions in supreme court and court of appeals.* All motions  
16 and supporting documents ~~shall~~ must be filed with the clerk of the  
17 supreme court as provided in rule 6.701 and served as provided in rule  
18 ~~6.701-6.702 and filed with the clerk of the supreme court.~~ A motion:

19 *a.* ~~Shall~~ Must prominently display beneath the title of the motion, the  
20 date of any impending hearing, trial, or matter needing immediate  
21 attention of the court. If the filing requires expedited consideration, the  
22 filing party shall state the circumstances in the special filing instructions  
23 to the clerk on the electronic cover sheet, see Iowa R. Elec. P. 16.306(1),  
24 including the date of any impending district court trial or hearing.

25 *b.* ~~Shall~~ Must include any materials required by a specific provision  
26 of these rules governing such motion.  
27

1           c. ~~Shall~~Must be accompanied by a copy of any ruling from which a  
2 party seeks appellate review.

3           d. ~~Shall~~Must state with particularity the grounds on which it is  
4 based, including citations to relevant authorities.

5           e. ~~Shall~~Must set forth the order or precise relief sought.

6           f. May be supported by other relevant portions of the record. The  
7 supporting documents to a motion must be electronically attached to the  
8 motion. See Iowa R. Elec. P. 16.311. ~~but such~~ Such attachments ~~shall~~  
9 may not exceed 25 pages unless otherwise ordered by the appellate  
10 court. Any application for the inclusion of attachments exceeding the  
11 25-page limitation ~~shall~~may not include such attachments.

12           **6.1002(2) Resistance; reply to resistance.** All resistances, replies,  
13 and any supporting documents ~~shall be~~must be filed with the clerk of  
14 the supreme court as provided in rule 6.701 and served as provided in  
15 rule 6.701-6.702 and filed with the clerk of the supreme court. Unless  
16 the appropriate appellate court orders otherwise, any party may file a  
17 resistance to a motion within 14 days after service of the motion. A  
18 reply to the resistance may be filed within three days after the service of  
19 the resistance. ~~A motion may, however, be granted or denied~~ However,  
20 the appropriate appellate court may act upon the motion prior to the  
21 expiration of the time to file a reply to the resistance. A resistance or a  
22 reply to the resistance may be supported by other relevant portions of  
23 the record, but such attachments ~~shall~~may not exceed 25 pages unless  
24 otherwise ordered by an appellate court. Any application for the  
25 inclusion of attachments exceeding the 25-page limitation ~~shall~~may not  
26 include such attachments.

27           . . . .

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

. . . .

**6.1005(2)** *Motion to withdraw.* If, after a diligent investigation of the entire record, court-appointed counsel is convinced the appeal is frivolous, and that counsel cannot, in good conscience, proceed with the appeal, counsel may file a motion to withdraw. For purposes of this section, a potential claim of ineffective assistance of counsel that requires the development of an additional record in a postconviction relief proceeding may be considered frivolous. The motion must be accompanied by:

a. A brief referring to anything in the record that might arguably support the appeal. The motion and brief ~~shall~~must be in the form specified in rule 6.1007 and ~~shall~~must contain citations to the record. If the appeal is from a guilty plea or sentence, the motion ~~shall~~ must, at a minimum, address whether a factual basis existed for each and every element of the crime, whether the plea and sentencing proceedings substantially complied with the rules of criminal procedure, and whether the sentence was authorized by the Iowa Code, case law, or the rules of criminal procedure. The brief must contain specific citations to the sections of the Iowa Code and the Iowa Court Rules that are applicable to the determination of whether the sentence imposed was within the statutory limits and compare those sections to the sentence imposed, along with a proper citation to the record. The brief ~~shall~~ must also contain citations to the record establishing each of the elements of the crime and establishing compliance with the rules of criminal procedure and the Iowa Code.

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

2           c. A certificate showing service of the motion, brief, and notice upon  
3 the client ~~and the attorney general~~.

4           . . . .

5           **6.1005(4)** *Request to transmit record.* ~~Within 14 days after~~ At the  
6 time of filing the motion to withdraw, counsel ~~shall~~ must file a request  
7 with the clerk of the district court to transmit ~~immediately~~ the record to  
8 the clerk of the supreme court ~~the remaining record not already~~  
9 ~~transmitted, including the original papers and exhibits filed in the~~  
10 ~~district court and any court reporter's transcript of the proceedings.~~

11           . . . .

12  
13           **Rule 6.1006 Motions to dismiss, affirm, or reverse.**

14           . . . .

15           **6.1006(3)** *Motions to reverse.* Any party may file a motion with the  
16 appropriate appellate court to summarily reverse the appeal on the  
17 grounds the result is controlled by an indistinguishable, recently  
18 published decision of an appellate court or where error has been  
19 confessed. The motion ~~shall~~ must comply with the requirements of rule  
20 6.1002(1). ~~In response to a motion to reverse, the appropriate appellate~~  
21 ~~court will order the nonmoving party to show cause why the case should~~  
22 ~~not be reversed. A similar show cause order may be entered by the~~  
23 ~~appropriate appellate court acting on its own initiative.~~ One judge or  
24 justice may overrule, but only a quorum of the appropriate appellate  
25 court may sustain, a motion to reverse.

26           . . . .

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Rule 6.1007 Form of motions and other ~~papers~~ filings.**

**6.1007(1) *Format.*** Motions and other similar filings must show clear black text or images on a white background on an 8½ by 11 inch document. ~~Motions and other papers~~ If filed in paper, they may be reproduced by any process that yields a clear black image on white 8½ by 11 inch paper. The paper must be opaque and unglazed. Unless handwritten, the text must be double-spaced, but quotations more than 40 words long may be indented and single-spaced. Margins ~~shall~~ must be 1¼ inches on each side and 1 inch on the top and bottom. Page numbers ~~shall~~ must be located at the bottom center of each page. Typeface ~~shall~~ must conform to rule 6.903(1)(e). ~~Consecutive sheets shall be attached at the upper left margin.~~ Paper filings must comply with Iowa R. Elec. P. 16.303.

**6.1007(2) *Contents.*** A motion or other ~~paper~~ similar filing addressed to an appellate court ~~shall~~ must contain a caption setting forth the name of the court, the title of the case, the file number, a brief descriptive title indicating the purpose of the ~~paper~~ filing, and the name, address, telephone number, email address, and fax number of counsel or the self-represented party.

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

**Rules 6.1008 to 6.1100** Reserved

. . . .

1 **Division XI**

2 Transfer, Submission, and Further Review

3 . . . .

4 **Rule 6.1103 Application to the supreme court for further review.**

5 **6.1103(1) Application.**

6 c. *Form.* An application for further review ~~shall~~must be a single  
7 document in the form prescribed by rule 6.903(1). An application for  
8 further review ~~shall~~must contain all of the following under appropriate  
9 headings in the following order:

10 . . . .

11 (3) *Statement supporting further review.* The application ~~shall~~  
12 must contain a direct and concise statement of the reasons why the  
13 case warrants further review. The statement ~~shall~~must not be limited  
14 to a recitation of rule 6.1103(1)(b), but ~~shall~~must explain why the case  
15 meets the grounds for further review set forth in that rule. For  
16 example, if the claim is that the court of appeals decision is in conflict  
17 with a decision of the supreme court or the court of appeals on an  
18 important matter, the party must cite to the case in conflict.

19 . . . .

20 (6) *Other attachments.* The only materials that may be attached to  
21 or filed with an application, other than the court of appeals decision,  
22 are ~~an evidentiary exhibit~~ relevant materials from the district court  
23 record not exceeding ten pages, and a district court orders, and  
24 administrative agency rulings. The district court order ~~shall~~must be  
25 attached if the court of appeals affirmed the decision of the district  
26 court under rule 6.1203 (~~affirmed or enforced without opinion~~), Iowa Ct.

1 R. 21.26 ~~(memorandum opinions)~~, or Iowa Code section 602.5106(1)  
2 ~~(affirmed by operation of law).~~

3 . . . .

4 **6.1103(3)** *Cover of application or resistance.* ~~The cover of an~~  
5 ~~application for further review shall be yellow and the cover of the~~  
6 ~~resistance shall be orange.~~ The cover of the application or resistance  
7 ~~shall~~ must contain:

8 . . . .

9 **6.1103(4)** *Length of application or resistance.*

10 a. The application or resistance ~~shall~~ may not exceed two-fifths of  
11 the length limitations for a required brief specified in rule 6.903(1)~~(g)~~ ~~(f)~~  
12 exclusive of the court of appeals decision, table of contents, table of  
13 authorities, ~~and evidentiary exhibits~~ relevant materials from the district  
14 court record, district court orders, and administrative agency decisions.

15 b. An application for further review must include a certificate of  
16 compliance using form 10 of rule 6.1401.

17 ~~**6.1103(5)** *Number of copies of application or resistance.* Eighteen~~  
18 ~~copies of an application or a resistance shall be filed. In addition, one~~  
19 ~~copy shall be served on each other party separately represented.~~

20 ~~**6.1103(6)** (5) *Supplemental briefs.*~~

21 . . . .

22 ~~**6.1103(7)** (6) *Procedendo.*~~

23 . . . .

24 **Rules 6.1104 to 6.1200** Reserved

25  
26 **Division XII**

Disposition of Appeals

.....

**Rule 6.1202 Failure to comply with appellate deadlines and appellate court orders; consequences and penalties.**

.....

**6.1202(6)** Failure to follow or respond to appellate court order. When a party to an appeal fails to follow or respond to an appellate court order, the court may dismiss the appeal or impose a penalty. If a monetary penalty is imposed on a party's attorney, the penalty must be paid by the attorney individually and is not to be charged to the client. If such penalties are not paid within 15 days, the attorney may be ordered to show cause why he or she should not be found in contempt of the court.

.....

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

.....

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

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

.....

**6.1205(4)** *Action by supreme court.* Oral argument in support of the petition will not be permitted. If a petition for rehearing is granted, the supreme court may make a final disposition of the case with or without

1 oral argument, order resubmission, or enter any other appropriate  
2 order. The supreme court may deny the rehearing but simultaneously  
3 amend the opinion.

4 . . . .

5 ~~**6.1205(6)** *Number of copies to be filed and served.* Eighteen copies~~  
6 ~~of the petition shall be filed with the clerk of the supreme court and one~~  
7 ~~copy served on each party as prescribed by rule 6.701.~~

8 . . . .

9  
10 **Rule 6.1208 Procedendo.**

11 **6.1208(1)** *Procedendo from supreme court action.* Unless  
12 otherwise ordered by the supreme court, no procedendo shall issue  
13 for:

14 a. ~~Twenty one~~ 21 days after an opinion of the supreme court is  
15 filed, nor thereafter while a petition for rehearing or an application for  
16 extension of time to file a petition for rehearing, filed according to these  
17 rules, is pending.

18 b. 21 days after an order is filed that both denies a petition for  
19 rehearing and amends the original opinion.

20 c. ~~Seventeen~~ 17 days after an order dismissing the appeal is filed,  
21 nor thereafter while a motion requesting that the dismissal be set  
22 aside, filed according to these rules, is pending.

23

1 **Chapter 31**

2 **Admission to the Bar**

3 . . . .

4 **Rule 31.15 Permitted practice by law students and recent**  
5 **graduates.**

6 **31.15(1)** Law students enrolled in a reputable law school as  
7 defined by rule 31.8 and Iowa Code section 602.10102 and certified to  
8 the office of professional regulation by the dean of the school to have  
9 completed satisfactorily not less than the equivalent of three semesters  
10 of the work required by the school to qualify for the J.D. or LL.B. degree,  
11 may, under the following conditions, engage in the practice of law or  
12 appear as counsel in the trial or appellate courts of this state.

13 . . . .

14 *b.* Appearance by students in matters before the Iowa Supreme  
15 Court or the Iowa Court of Appeals shall be under the direct supervision  
16 of licensed Iowa counsel who shall be personally present. A student  
17 presenting an oral argument before the Supreme Court or the Court of  
18 Appeals shall file with the Clerk of the Supreme Court an appearance  
19 with proof of compliance with rule 31.15(1). The appearance must be  
20 filed no less than seven days prior to the argument and shall be served  
21 upon all counsel of record and parties not represented by counsel.