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CLERK SUPREME COURT

In the Iowa Supreme Court

Request for Further Public Comment on Proposed Iowa Rules of Electronic Procedure—Chapter 16 of the Iowa Court Rules

Order

The Iowa Supreme Court seeks public comment on a revised set of proposed final rules pertaining to the use of the electronic document management system (EDMS) in district courts.

On December 1, 2015, the court originally circulated a set of proposed Iowa Rules of Electronic Filing and requested public comment on them. Helpful comments were received. Since then, the court has developed a revised set of EDMS rules and has recast chapter 16 as the Iowa Rules of Electronic Procedure. Among the revisions are a number of substantive changes. Accordingly, the court believes an additional 30-day public comment period is warranted.

For example, the rules being circulated today incorporate the following changes, among others:

16.201(11) (definition of “electronic service”): Attorneys have argued for additional time on the ground that they did not receive an email notification of an electronic filing. Although the rules did previously indicate that service was complete when the notice of filing was posted in the attorney’s EDMS account, see rule 16.315(1)(b), the revised rules add the following language to the electronic service definition: “Although a courtesy copy of the notice of electronic filing or service may be sent by email, service is considered complete when the notice is electronically posted to the user’s EDMS account.”

16.302(2) (exceptions from electronic filing): The revisions indicate there are three basic ways to get relief from having to file electronically if one is not automatically exempt:

- (1) For good cause, a filer can get a one-time (i.e., one item) exception from the clerk or the court.
(2) A self-represented defendant can always make his or her first filing (e.g., an answer) on paper.
(3) For good cause, such as lack of regular internet access, a self-

represented individual can get a duration-of-the-case exception. For every grant or denial of a duration-of-the-case exception, a court order is required.

16.308 (filing errors): The revisions state that a filer who is facing a deadline and who notices any problem with an already-submitted document can resubmit a corrected version of the document if the filer cannot immediately reach the clerk or court. See 16.308(2)(c)(3). The revisions further attempt to define the kinds of errors that justify rejection by the clerk. See 16.308(2)(d)(4). Third, the revisions make clear that the EDMS rules take no position on whether a corrected submission relates back to the date of the original submission. See 16.308(2)(d)(2).

16.309 (filings by the court; computation of deadlines): The revisions codify the holding of *Concerned Citizens of Southeast Polk Sch. Dist. v. City Development Bd. of State*, 872 N.W.2d 399 (Iowa 2015), while adding an obligation on the clerk to process orders submitted by judicial officers “with reasonable promptness.”

16.412 (exhibits that are voluminous or that are in video or audio form): The revisions indicate that these exhibits can be submitted on a media storage device such as a flash drive (*i.e.*, not just on a CD or DVD).

16.702 (warrants) & 16.802 (emergency applications in juvenile cases): The revisions delete the language allowing a proposed warrant or emergency application to be presented to a judicial officer on a tablet because there is no way for the judicial officer currently to file the item via the tablet.

This is only a summary of some of the changes. The public is urged to review the proposed final rules closely in their entirety.

Prior to further consideration of these proposed Iowa Rules of Electronic Procedure, the supreme court seeks public comment on the rules. The proposed chapter 16 rules are provided with this order and may be found on the judicial branch website at: www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/. In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

The proposed chapter 16 rules of electronic procedure are provided in a strikethrough-underscore format revised from the chapter 16 “clean” version

previously posted for public comment on December 1, 2015. Also provided is a clean version incorporating the latest proposed amendments to the chapter.

Any interested organization, agency, or person may submit comments regarding the proposed amendments. Comments about the proposed Iowa Rules of Electronic Procedure must refer to the specific rule number (for example, Rule 16.305(1)) and the specific numbered line or lines to which the comments refer. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **“Iowa Rules of Electronic Procedure”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Please note: such comments must be limited to the content of the rules and the electronic filing procedures the rules set forth.

Any comments received may be posted on the Iowa Judicial Branch website.

The deadline for submitting comments is 4:30 p.m. on October 14, 2016.

Dated this 15th day of September, 2016.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice