

In the Iowa Supreme Court

Request for Public Comment on)
Proposed Amendments to Iowa)
Court Rules Governing the)
Appellate Processes)

CLERK SUPREME COURT
Order

On September 11, 2015, the Iowa Supreme Court issued an order asking for public comment to proposed amendments to Iowa court rules governing the appellate processes. After receiving comments from the public, the court determined to assimilate Division XII, of the Iowa Rules of Electronic Filing into Chapter 6, the Iowa Rules of Appellate Procedure, before amending the rules. The proposed amendments are widespread throughout chapter 6 of the court rules—the Rules of Appellate Procedure—and include amendments to Iowa Rules of Criminal Procedure 2.29 and 2.30 as well as to rule 31.15 concerning permitted practice by law students and recent graduates.

The proposed changes to the rules include, but are not limited to, the following:

1. Rule 2.30 would be rewritten to clarify an attorney's duty of continuing representation and matters of withdrawal from representation in criminal matters.

2. The present rules require a filer to serve every document filed. Under the electronic document management system (EDMS), the system automatically serves registered users. Because EDMS changes this dynamic, the amendments only require a filer to serve the court reporter, the attorney general in a certified question case, prisoners, and other persons required to be served under the Iowa Rules of Appellate Procedure where the EDMS system will not serve that person automatically upon

filing. *See* rules 6.701, .702; *see also, e.g.*, rules 6.102(1)(a)(2), .102(2)(b), .104(1)(c), .106(1)(c), .107(1)(c).

3. The old rules require a filer to file and serve multiple copies of documents. These amendments abandon the requirement that parties file and serve multiple copies. *See, e.g.*, rule 6.201(1)(b), .202(2), .901(8).

4. Rule 6.110 would clarify a filing party's responsibility in handling protected information and confidential materials. The amended rules require separate appendices for confidential information. Thus, an appendix with one confidential document will not be confidential. *See* rules 6.110(2)(c), .905(14).

5. Rule 6.201(2) would bar a party from joining another party's petition on appeal.

6. Rule 6.802(2)(g) requires electronic transcripts to be searchable.

7. Rule 6.802(2)(f) no longer allows condensed transcripts.

8. Rules 6.903 and 6.905 clarify that electronically filed appellate briefs and appendices should have white covers with consecutive page numbering in Arabic numerals beginning with the cover page and including any blank pages. Rule 6.903 would also clarify that footnotes must be in the same typeface and the same size as the text in the brief. The maximum printing cost per page would be reduced from \$4.00 to \$1.00.

9. Rule 6.904(2)(a) removes the requirement to use L. Ed. cites.

10. Rule 6.904(5) allows hyperlinks.

11. Rule 6.906 changes the time a party has to file an amicus brief to seven days after the party the amicus supports files its brief. The rule also requires a certification in amicus briefs as to who funded the preparation or submission of the amicus brief.

12. Rule 6.1005 would bolster citation requirements when an attorney files a motion to withdraw claiming the appeal is frivolous.

13. Rule 6.1103 would clarify the responsibility of complete and accurate citation to the record in applications for further review. The rule also references a proposed new form 10 in rule 6.1401—a certificate of compliance for applications for further review.

14. Rule 6.1202 would provide penalties for failure to respond to appellate court orders.

15. Rule 6.1208(1)(b) adds a 21-day delay in the issuance of the procedendo if the court denies a petition for rehearing and amends the decision.

16. Rule 31.15 would require that students presenting oral argument to an appellate court must file an appearance in the case no less than seven days prior to the argument.

After consideration of the proposed amendments, the court seeks public comment on the proposed changes. The proposed amendments are provided with this order and may be found on the Iowa 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.

Any interested organization, agency, or person may submit written comments. Comments about a proposed amendment or rule must refer to the specific rule number (for example, Rule 6.1103(4)) and the specific numbered line or lines to which the comments are directed. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **“Appellate Rule Amendments”** 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.

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

The deadline for submitting comments is 4:30 p.m. on October 31, 2016.

Dated this 29th day of August, 2016.

The Supreme Court of Iowa

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