

In the Iowa Supreme Court

CLERK SUPREME COURT

Request for Public Comment on)	
Proposed Amendments to)	Order
Rule 16.412 Concerning)	
Submission of Exhibits)	

By Administrative Directive in January 2018, the State Court Administrator established the EDMS Business Advisory Committee (EBAC) to advise the judicial branch on effective policies and practices pertaining to Iowa’s Electronic Document Management System (EDMS). The EBAC has submitted to the Iowa Supreme Court for consideration proposed amendments to Iowa Rule of Electronic Procedure 16.412 concerning electronic submission of exhibits. Prior to taking further action, the supreme court seeks public comment on the proposed rule amendments.

Electronic submission and maintenance of hearing and trial exhibits has been a recurrent and vexing issue for judges, attorneys, clerks of court, and for appellate courts. A variety of exhibit submission processes, varying uses of exhibit maintenance orders, and discordant adherence to chapter 16 rules of electronic procedure have contributed to inconsistent practices across the state. The challenge of maintaining exhibit integrity, uniform statewide practices, and accurate appellate records are overarching concerns.

The EBAC proposed amendments to rule 16.412 include the following:

- Requiring electronic submission of proposed exhibits prior to hearing or trial, with limited exceptions to the requirement, in rule 16.412(2).
- New provisions in rule 16.412 clarifying the roles and responsibilities for parties, the court, and clerks of court in mistrials (16.412(9)), criminal codefendant trials (16.412(10)), and new trials (16.412(11)).

The proposed amendments to Iowa Rule of Electronic Procedure 16.412 are provided with this order and are available on the judicial branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/>. In addition, copies of the proposed amendments are available at the office of the Clerk of the Iowa Supreme Court.

The supreme court's request for public comment does not imply that the court will adopt any proposed amendment without further consideration.

Any interested organization, agency, or person may submit written comments. Comments about a proposed rule amendment must refer to the specific rule number and line number (for example, rule 16.412(9), lines 22-25). Email comments must be sent to **rules.comments@iowacourts.gov**, must state "**Rule 16.412 Exhibits**" 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 Iowa Supreme Court, 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 May 31, 2019.

Dated this 1st day of April, 2019.

The Supreme Court of Iowa

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