

In the Iowa Supreme Court

CLERK SUPREME COURT

In the Matter of Adopting)	
Amendments to Iowa Rule of)	Order
Electronic Procedure 16.412)	
Concerning Submission of)	
Hearing and Trial Exhibits)	

On April 1, 2019, the Iowa Supreme Court requested public comment on proposed amendments to rule 16.412 of the Iowa Rules of Electronic Procedure concerning electronic submission of hearing and trial exhibits. Upon close of the public comment period and after further consideration of the proposed amendments, the court adopts the amendments as provided with this order to be effective January 1, 2020.

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.

For these reasons, the EDMS Business Advisory Committee (EBAC) submitted for the court's consideration proposed amendments to Iowa Rule of Electronic Procedure 16.412 concerning electronic submission of exhibits. The court received many cogent public comments on the proposed amendments.

The EBAC proposed amendments to rule 16.412 that the court adopts with this order 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)).

In addition, the court adopts the following amendments:

- The proposed amendment requiring paper copies of exhibits to be marked “copy” is moved from the comment to rule 16.412(2) and becomes a new rule 16.412(1)(d).
- Rule 16.412(2)(b)(2) provides an exception for criminal defendants from the requirement to submit proposed exhibits prior to a hearing or trial.
- The comment to rule 16.412(2) includes an example of an exhibit description submission in EDMS.
- Rule 16.412(2)(e) provides for sanctions for a party’s failure to submit a proposed exhibit as the rules require.

The amendments to Iowa Rule of Electronic Procedure 16.412 provided with this order are effective January 1, 2020, subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

The Supreme Court of Iowa

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