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**CHAPTER 6**  
**RULES OF APPELLATE PROCEDURE**

**DIVISION I**

CASE INITIATION: CIVIL AND CRIMINAL; PARTIES AND ATTORNEYS;  
PROTECTED INFORMATION; ~~AND~~ CONFIDENTIAL MATERIALS

~~Rules 6.1 to 6.99 Reserved.~~

**Rule 6.100 Mandatory use of electronic document management system (EDMS) for appellate cases.**

11 **6.100(1) Mandatory electronic filing.** All attorneys authorized to practice  
12 law in Iowa, all attorneys admitted pro hac vice, see Iowa Ct. R. 31.14, and  
13 all self-represented ~~litigants-parties~~ must register under Iowa ~~Rule of~~  
14 ~~Electronic Procedure~~ 16.304(1) to ~~participate in use~~ EDMS. If an attorney  
15 or self-represented ~~party~~litigant has previously registered ~~to participate for~~  
16 ~~electronic filing~~ at the district or appellate court level, then no additional  
17 registration is required. As provided in this chapter, registered filers must  
18 electronically submit all documents to be filed with the court unless  
19 otherwise required or authorized by these rules.

20 **6.100(2) Applicability of divisions I through VI of the Iowa Rules of**  
21 **Electronic Procedure.** Except for Iowa ~~Rules of Electronic Procedure~~  
22 16.101, 16.301, 16.302(2), and 16.303(4), the rules pertaining to the use  
23 of EDMS ~~found~~ in divisions I through VI of chapter 16, including rules  
24 pertaining to the protection of personal privacy, apply in appellate court  
25 cases.

26 **6.100(3) Exemptions.**

27 ~~a. Good cause~~Submission of single filing. For good cause, the clerk of  
28 the supreme court ~~or the clerk's deputy~~ may authorize a filer to submit a  
29 document by nonelectronic means ~~to the clerk~~ for filing.

30 ~~b. All filings for case on appeal.~~ Upon a motion showing that exceptional  
31 circumstances make it unreasonable for a party to file documents  
32 electronically, the supreme court may exempt the party from electronic  
33 filing for purposes of the party's case on appeal.

34 ~~c. District court exemption.~~ If a district court exempted a party from  
35 electronic filing in the underlying action, see Iowa R. Elec. P. 16.302(2), a  
36 copy of the district court order granting the exemption must be attached  
37 to the party's request to be excused from electronic filing requirements for  
38 the case on appeal.

39 ~~bd. Abortion notification appeals.~~ Abortion notification appeals may be  
40 filed electronically or nonelectronically ~~without clerk of court or court~~  
41 ~~authorization.~~

42 ~~ee. Nonelectronic filings by certain confined persons.~~ A ~~party-person~~ who  
43 is confined pursuant to governmental authority, including but not limited

1 to a person who is incarcerated or civilly committed, is excused from  
2 registering to file electronically ~~without clerk of court or court~~  
3 ~~authorization.~~

4 *df. Paper case files.* Except as otherwise provided by court rules, see,  
5 e.g., Iowa R. Elec. P. 16.313(1), or as the supreme court directs, the clerk  
6 ~~of the supreme court~~ will not maintain paper case files in appeals initiated  
7 on or after ~~February 1, 2016.~~ ~~the initiation of electronic filing in the~~  
8 ~~appellate courts.~~

9 [Court Order November 18, 2016, effective March 1, 2017]

10 **Rules 6.2 to 6.10 Reserved.**

11 **Rule 6.11 Clerk of the supreme court.** In these rules, the clerk of the  
12 ~~supreme court may act through deputies.~~

13 **Rules 6.12 to 6.100 Reserved.**

14 **Rule 6.101 Time for appealing final orders and judgments appealable**  
15 **as a matter of right.**

16 **6.101(1)** *Time for filing a notice of appeal from final orders and*  
17 *judgments.*

18 a. ~~Termination of parental rights~~ *Termination of parental rights and child-*  
19 *in-need-of-assistance* ~~child in need of assistance~~ ~~eases proceedings~~ under  
20 Iowa Code chapter 232. A notice of appeal from a final order or judgment  
21 entered in Iowa Code chapter 232 ~~termination of parental-~~  
22 ~~right~~ ~~termination of parental rights~~ or ~~child-in-need-of-assistance~~ ~~child in~~  
23 ~~need of assistance~~ proceedings must be filed ~~in the district court and an~~  
24 ~~informational copy with the supreme court~~ within 15 days after the filing  
25 of the order or judgment. However, if a motion is timely filed under Iowa  
26 ~~R. Civ. P. 1.904(2) or Iowa R. Civ. P.~~ ~~Rule of Civil Procedure 1.904(2) or~~  
27 1.1007, the notice of appeal must be filed within 15 days after the filing of  
28 the ruling on such motion.

29 b. *All other cases.* A notice of appeal must be filed ~~in the district court~~  
30 ~~and an informational copy with the supreme court~~ within 30 days after the  
31 filing of the final order or judgment. However, if a motion is timely filed  
32 under Iowa ~~Rule of Civil Procedure.~~ 1.904(2) or ~~Iowa R. Civ. P.~~ 1.1007,  
33 the notice of appeal must be filed within 30 days after the filing of the  
34 ruling on such motion.

35 c. *Timely filing of motion defined.* For purposes of subparts a and b  
36 ~~above of this subrule,~~ a motion is considered timely if it ~~has been is~~ filed  
37 by the applicable deadline and ~~the motion~~ asks the court to reconsider,  
38 enlarge, or amend ~~it~~ ~~the court's~~ order, ruling, judgment, or decree.  
39 Whether a motion is proper or not does not affect its timeliness. ~~Provided,~~  
40 ~~however~~ ~~However,~~ ~~that~~ a motion will not be considered timely if the same  
41 party has previously filed a motion to reconsider, enlarge, or amend the  
42 court's order, ruling, judgment, or decree, unless the court has modified  
43 its order, ruling, judgment, or decree and the subsequent motion is

1 directed only at the modification.

2 ~~d. *Exception for final orders* on partial dispositions. An~~ A final  
3 order ~~dismissing-disposing~~ some, but not all, of the parties or ~~disposing of~~  
4 ~~some, but not all, of the~~ issues in an action may be appealed within the  
5 time for appealing from the judgment that finally disposes of all remaining  
6 parties and issues to an action, even if the parties' interests or the issues  
7 are severable.

8 **Comment: Rule 6.101(1)(c).** Rule 6.101(1)(c) is intended to supersede  
9 prior ~~case-law~~ caselaw that held a timely rule 1.904(2) motion must also  
10 have been "proper" to extend the time for appeal. *See, e.g., Hedlund v.*  
11 *State*, 875 N.W.2d 720, 725 (Iowa 2016). To ~~obviate-avoid~~ controversies  
12 over whether a rule 1.904(2) motion tolls the time for appeal, rule 6.101  
13 authorizes any timely rule 1.904(2) motion to extend the appeal deadline,  
14 subject to an exception for successive motions.

15 Under rule 6.101~~(e)(1)(c)~~, the timely filing of a rule 1.904(2) motion  
16 extends the deadline for filing a notice of appeal or an application for  
17 interlocutory appeal. *See Iowa Rs. App. P. 6.101(1)(b)*, ~~and 6.104(1)(c)(b)(2)~~.  
18 However, the rule does not address whether a rule 1.904(2) motion  
19 preserves error for purposes of appeal as to evidence or arguments raised  
20 for the first time in that motion. *See, e.g., Tenney v. Atl.* ~~antie~~ Assoc. ~~ates~~,  
21 594 N.W.2d 11, 14 (Iowa 1999). The rule ~~also-isdoes~~ not ~~intended-to~~ affect  
22 prior ~~caselaw-ease-law~~ concerning a court's inherent authority to  
23 reconsider. *See Iowa Elec. Light & Power Co. v. Lagle*, 430 N.W.2d 393,  
24 395–96 (Iowa 1988). [Court Order November 18, 2016, effective March 1,  
25 2017]

26 **6.101(2) Time for filing a notice of cross-appeal.**

27 ~~a. *Termination of parental rights* and *child-*~~ Termination of parental rights and child-  
28 ~~*in-need-of-assistance*~~ child in need of assistance ~~*proceedings*~~ proceedings ~~*eases*~~  
29 ~~*under Iowa Code chapter 232.*~~ In Iowa Code chapter 232 ~~termination of parental-~~  
30 ~~*rights*~~ termination of parental rights and ~~*child in-need-of-assistance*~~ child  
31 ~~*in need of assistance*~~ eases ~~*proceedings*~~, any notice of cross-appeal must  
32 be filed in the district court and an informational copy with the supreme  
33 court within the 15-day limit for filing a notice of appeal, or within 10 days  
34 after the filing of a notice of appeal, whichever is later.

35 ~~b. *All other cases.*~~ In all other appeals, any notice of cross-appeal must  
36 be filed in the district court and an informational copy with the supreme  
37 court within the 30-day limit for filing a notice of appeal, or within 10 days  
38 after the filing of a notice of appeal, whichever is later.

39 **6.101(3) Appeal taken before order or judgment filed.** An appeal taken  
40 from an order or judgment of the district court ~~shall-beis~~ considered timely  
41 even though taken before the order or judgment has been filed by the clerk  
42 of the district court, if the order or judgment is filed within 30 days after  
43 the date on which the notice of appeal is filed.

44 **6.101(4) Tolling of filing deadline by timely service.** The time for filing a

1 notice of appeal is tolled when the notice is served, provided the notice is  
2 filed with the clerk of the district court ~~clerk~~ within a reasonable time. See  
3 Iowa R. Civ. P. 1.442(4).

4 **6.101(5)** *Extension where the clerk of the district court fails to notify.* The  
5 supreme court may extend the time for filing a notice of appeal if it  
6 determines the clerk of the district court failed to notify the prospective  
7 appellant of ~~the filing entry~~ of the appealable final order or judgment.

8 *a.* A motion for an extension of time must be filed with the clerk of the  
9 supreme court and served on all parties and the clerk of the district court  
10 no later than 60 days after ~~the~~ expiration of the original appeal deadline  
11 as prescribed in rule 6.101(1)(a) ~~or and~~ (b). The motion and any resistance  
12 ~~shall must~~ be supported by copies of relevant portions of the record and  
13 by affidavits.

14 *b.* Any extension granted ~~shall will~~ not exceed 30 days after the date of  
15 the order granting the motion.  
16 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
17 2016, effective March 1, 2017]

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

19 **6.102(1)** ~~*From Appeal from final orders or judgments in termination of*~~  
20 ~~*parental right termination of parental rights and child in need of*~~  
21 ~~*assistance child in need of assistance proceeding cases*~~ under Iowa Code  
22 chapter 232.

23 *a. Notice of appeal.* An appeal from a final order or judgment in a  
24 ~~termination of parental right~~ termination of parental rights or a ~~child in-~~  
25 ~~need of assistance~~ child in need of assistance ~~ease proceeding~~ under Iowa  
26 Code chapter 232 is initiated by filing the notice of appeal with the clerk  
27 of the district court where the order or judgment was entered within the  
28 time provided in rule 6.101(1)(a).

29 (1) The notice of appeal cannot be filed unless signed by both the  
30 appellant's ~~and the appellant's~~ counsel ~~and the appellant~~. The notice of  
31 appeal must follow the requirements of Iowa ~~Rule of Electronic-~~  
32 ~~Procedure-~~ 16.305(5)(c)(1) for filing documents containing two or more  
33 signatures.

34 (2) The appellant's signature must be an original or an unaltered  
35 digitized signature. See Iowa R. Elec. P. 16.201(35). ~~(3) An informational~~  
36 ~~copy of the notice of appeal must be filed electronically with the clerk of~~  
37 ~~the supreme court.~~

38 ~~(1)~~ b. ~~Contents of notice of appeal.~~ The notice of appeal ~~shall must~~  
39 specify the parties taking the appeal and the decree, judgment, order, or  
40 part ~~thereof~~ of the decree, judgment, or order appealed from. The notice  
41 ~~shall must~~ substantially comply with ~~form 4 in~~ rule 6.1401 ~~Form 4:~~  
42 Notice of Appeal (Cross-Appeal) (Child in Need of Assistance and  
43 Termination Cases).

1 ~~(2)c.~~ *Special service of the notice of appeal.* The notice of appeal must  
2 be served ~~upon~~on any court reporter who reported a proceeding that is  
3 the subject of the appeal in the manner stated in rule 6.702(4) and ~~upon~~  
4 on the attorney general in the manner stated in Iowa ~~Rule. of Civil-~~  
5 ~~Procedure-~~ 1.442(2). The notice of appeal must include a certificate of  
6 service in the form ~~provided-prescribed~~ in Iowa ~~Rule. of Civil-~~ ~~Procedure-~~  
7 1.442(7).

8 *d. Informational copy.* An informational copy of the notice of appeal  
9 must be filed with the clerk of the supreme court.

10 ~~*bde. Petition on appeal.* An appeal in a ~~termination of parental-~~~~  
11 ~~~~right~~termination of parental rights~~ or a ~~child in need of assistance~~ ~~child-~~  
12 ~~in need of assistance~~ ~~ease~~proceeding will be dismissed unless a petition  
13 on appeal is timely filed as set forth in rule 6.201(1)(b).~~e.~~

14 ~~Informational copy.~~ An informational copy of the notice of appeal  
15 must be filed electronically with the clerk of the supreme court.

16 **6.102(2)** ~~From~~Appeal from final orders appealable as a matter of right in  
17 all other cases. An appeal from a final order appealable as a matter of right  
18 in all cases, other than ~~termination of parental-right~~ ~~termination of~~  
19 ~~parental rights~~ and ~~child in need of assistance~~ ~~child in need of assistance~~  
20 ~~eases~~proceedings under Iowa Code chapter 232, is taken by filing a notice  
21 of appeal within the time provided in rule 6.101(1)(b) with the clerk of the  
22 district court where the ~~final order or judgment~~ was entered ~~within the~~  
23 ~~time provided in rule 6.101(1)(b)~~. The notice of appeal ~~shall~~must be signed  
24 by either the appellant's counsel or the appellant.

25 *a. Contents of the notice of appeal.* The notice of appeal ~~shall~~must specify  
26 the parties taking the appeal and the decree, judgment, order, or part  
27 ~~thereof of the decree, judgment, or order~~ appealed from. The notice ~~shall~~  
28 must substantially comply with ~~form 1 in~~ rule 6.1401 ~~Form 1: Notice of~~  
29 Appeal.

30 *b. Special service of the notice of appeal.*

31 (1) The notice of appeal must be served ~~upon~~on any court reporter who  
32 reported a proceeding that is the subject of the appeal in the manner stated  
33 in rule 6.702(4).

34 (2) If the State is a party to the case, the notice of appeal must also be  
35 served ~~upon~~on the attorney general in the manner stated in Iowa ~~Rule. of~~  
36 ~~Civil-~~ ~~Procedure-~~ 1.442(2).

37 (3) The notice of appeal must include a certificate of service in the form  
38 ~~provided-prescribed~~ in Iowa ~~Rule. of Civil-~~ ~~Procedure-~~ 1.442(7).~~An~~  
39 ~~informational copy of the notice of appeal must be filed electronically with~~  
40 ~~the clerk of the supreme court.~~

41 ~~(4)c.~~ Informational copy. An informational copy of the notice of appeal  
42 must be filed with the clerk of the supreme court.

43 **6.102(3)** *Filing fee.* Within ~~seven~~7 days of filing the notice of appeal, the

1 appellant ~~shall~~must pay to the clerk of the supreme court a filing fee or file  
2 a motion to waive or defer the fee as provided in rule 6.703.

3 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
4 2016, effective March 1, 2017; Court Order February 16, 2017,  
5 temporarily effective March 1, 2017, permanently effective April 17, 2017;  
6 Court Order July 20, 2017, temporarily effective July 20, 2017,  
7 permanently effective September 18, 2017]

## 8 **Rule 6.103 Review of final orders and judgments.**

9 **6.103(1)** *Final order and judgment defined.* All final orders and  
10 judgments of the district court involving the merits or materially affecting  
11 the final decision may be appealed to the supreme court, except as  
12 provided in this rule, rule 6.105, and Iowa Code sections 814.5 and 814.6.

13 a. An order granting or denying a new trial is a final order.

14 b. An order setting aside a default judgment in an action for dissolution  
15 of marriage or annulment is a final order.

16 c. An order setting aside a default judgment in any other action is not a  
17 final order.

18 **6.103(2)** *Appeal from a final judgment of sentence following a guilty plea*  
19 *pursuant to Iowa Code section 814.6(1)(a)(3).*

20 a. *Jurisdictional statement.* In an appeal from a judgment of sentence  
21 following a guilty plea, the appellant must include in the appellant's brief  
22 a concise statement that either (1) explains that the appellant pleaded  
23 guilty to a class "A" felony, or (2) demonstrates the grounds that establish  
24 "good cause" for purposes of Iowa Code section 814.6(1)(a)(3). The  
25 jurisdictional statement must follow the requirements set forth in rule  
26 6.903(2)(g).

27 b. *Appellee's response, consideration, and ruling.* If the appellee is  
28 dissatisfied with the appellant's jurisdictional statement, the appellee may  
29 include in the appellee's brief a jurisdictional statement which conforms  
30 to rule 6.903(4) or the appellee may file a motion to dismiss for lack of good  
31 cause in the manner provided under rule 6.1006.

32 c. *Motions to withdraw for lack of good cause.* If court-appointed counsel  
33 for the appellant cannot in good conscience make an argument  
34 establishing good cause, counsel may file a motion to withdraw pursuant  
35 to rule 6.1005(2).

36 **6.103(23)** *Attorney fee order entered after final judgment.* A final order  
37 or judgment on an application for attorney fees entered after the final order  
38 or judgment in the underlying action is separately appealable. The district  
39 court retains jurisdiction to consider an application for attorney fees  
40 notwithstanding the appeal of a final order or judgment in the action. If  
41 the final order or judgment in the underlying case is also appealed, the  
42 party appealing the attorney fee order or judgment ~~shall~~must file a motion  
43 to consolidate the two appeals.

1       **6.103(34)** *Interlocutory order included in appeal of final order or*  
2 *judgment.* No interlocutory order may be appealed until after the final  
3 ~~order or~~ judgment ~~or order~~ is entered except as provided in rule 6.104.  
4 Error in an interlocutory order is not waived by pleading over or proceeding  
5 to trial. If no appeal was taken from an interlocutory order or a final  
6 adjudication in the district court under Iowa ~~Rule- of Civil- Procedure-~~  
7 1.444 that substantially affected the rights of the complaining party, the  
8 appellant may challenge such order or final adjudication on appeal of the  
9 final order or judgment.

10 [Court Order October 31, 2008, effective January 1, 2009]

11 **Rule 6.104 Review of interlocutory rulings or orders.**

12       **6.104(1)** *Application for interlocutory appeal.*

13       *a. Applicability.* Any party aggrieved by an interlocutory ruling or order  
14 of the district court may apply to the supreme court for permission to  
15 appeal in advance of final judgment.

16       *b. Time for filing in termination of parental rights and child in need of*  
17 *assistance proceedings.*

18       (1) ~~Termination of parental rights and child in need of assistance~~  
19 ~~cases under Iowa Code chapter 232.~~ An application for interlocutory  
20 appeal in an Iowa Code chapter 232 ~~termination of parental-~~  
21 ~~right~~termination of parental rights or ~~a child in need of assistance~~child  
22 in need of assistance ~~case~~proceeding must be filed within 15 days after  
23 entry of the challenged ruling or order. However, if a motion is timely filed  
24 under Iowa ~~Rule- of Civil- Procedure-~~ 1.904(2), the application must be  
25 filed within 15 days after the filing of the ruling on ~~such the~~ motion.

26       (2) The application for interlocutory appeal cannot be filed unless signed  
27 by both the applicant's ~~counsel~~ and the applicant's counsel. An application  
28 for interlocutory appeal must follow the requirements of Iowa ~~Rule- of~~  
29 ~~Electronic- Procedure-~~ 16.305(5)(c)(1) for filing documents containing two  
30 or more signatures. The appellant's signature must be an original or an  
31 unaltered digitized signature. See Iowa R. Elec. P. 16.201(35).

32       (3) If the application is granted, the appellant must file a petition on  
33 appeal as set forth in rule 6.201(1)(b). The failure to file a timely petition  
34 on appeal will result in ~~the~~ dismissal of the interlocutory appeal.

35       (2)*c. Time for filing in all other cases* ~~All other cases.~~ An application for  
36 interlocutory appeal must be filed within 30 days after entry of the  
37 challenged ruling or order. However, if a motion is timely filed under Iowa  
38 ~~Rule- of Civil- Procedure-~~ 1.904(2), the application must be filed within 30  
39 days after ~~the~~ filing of the ruling on such motion.

40       (3)*d. Extension where the clerk of the district court fails to notify. s of filing*  
41 ~~deadlines~~Extensions of time. ~~No extension of the filing deadlines in this~~  
42 ~~rule will be allowed except upon a showing that~~unless the failure to timely  
43 ~~file the application within the time provided was due to a failure of the~~

1 ~~clerk of the district court to notify the applicant of the ruling or order. The~~  
2 ~~supreme court may extend the time for filing an application for~~  
3 ~~interlocutory appeal if it determines the clerk of the district court failed to~~  
4 ~~notify the prospective appellant of entry of the interlocutory ruling or order.~~

5 (1) A motion for an extension of time must be filed with the clerk of the  
6 supreme court and an ~~informational-courtesy~~ copy filed with the clerk of  
7 the district court no later than 60 days after the expiration of the time for  
8 filing an application for interlocutory appeal. The motion and any  
9 resistance must be supported by copies of relevant portions of the record  
10 and by affidavits.

11 (2) An extension granted under this rule ~~shall-will~~ not exceed 30 days  
12 after the date of the order granting the motion.

13 ~~ed.~~ *Special service of the application.* The application must be served  
14 ~~upon-on~~ the attorney general if the State is a party in the manner stated  
15 in Iowa ~~Rule- of Civil- Procedure-~~ 1.442(2).

16 ~~de.~~ *Content and form of application.* The application ~~shall-must~~ follow the  
17 content and form requirements of rules 6.1002(1) and 6.1007. In addition,  
18 the applicant ~~shall-must~~ state with particularity the substantial rights  
19 affected by the ruling or order, ~~why-how~~ the ruling or order will materially  
20 affect the final decision, and ~~why-how~~ a determination of its correctness  
21 before trial on the merits will better serve the interests of justice. The date  
22 of any impending hearing, trial, or matter needing immediate attention of  
23 the court ~~shall-must~~ be prominently displayed beneath the title of the  
24 application.

25 ~~ef.~~ *Filing fee.* The applicant ~~shall-must~~ pay ~~a filing fee~~ to the clerk of the  
26 supreme court ~~a filing fee~~ or file a motion to waive or defer the fee as  
27 provided in rules 6.703(2)(a) and 6.703(2)(b).

28 ~~fg.~~ *Filing of the application does not stay district court proceedings.* ~~The~~  
29 ~~filing~~Filing of an application for interlocutory appeal does not stay district  
30 court proceedings. The applicant may apply to the district court for a  
31 continuance or a stay of proceedings or to the supreme court for a stay of  
32 proceedings. Any application for a stay order ~~by-from~~ the supreme court  
33 must state the dates of any proceedings to be stayed and why a stay is  
34 necessary.

35 **6.104(2)** ~~Resistance;~~ ~~consideration;~~ ~~and~~ *ruling.* The application may be  
36 resisted and will be considered in the same manner provided for motions  
37 in rule 6.1002. The supreme court may grant permission to appeal on  
38 finding that such ruling or order involves substantial rights and will  
39 materially affect the final decision and that a determination of its  
40 correctness before trial on the merits will better serve the interests of  
41 justice. An order granting an appeal under this rule ~~shall-will~~ stay further  
42 proceedings ~~in the court~~ below, may require bond, and may expedite the  
43 time for briefing and submission.

44 **6.104(3)** *Procedure after order granting application.* The clerk of the



1 supreme court will promptly transmit a copy of the order granting the  
2 interlocutory appeal to all counsel of record, all parties not represented by  
3 counsel, the clerk of the district court, and the attorney general if the State  
4 is a party in the manner stated in Iowa Rule- of Civil- Procedure- 1.442(2)-.  
5 The appellant must file and serve the combined certificate required by rule  
6 6.804(1) within 7 days after the filing date of the order granting the  
7 interlocutory appeal or court appointment of new appellate counsel,  
8 whichever is later. See rule-Iowa R. App. P. 6.702(4). Further proceedings  
9 will be had pursuant to the rules of appellate procedure.  
10 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
11 2016, effective March 1, 2017; Court Order July 20, 2017, temporarily  
12 effective July 20, 2017, permanently effective September 18, 2017]

13 **Rule 6.105 Review of small claims actions.** Except where the action  
14 involves an interest in real estate, no appeal ~~shall~~may be taken in any case  
15 originally tried as a small ~~claim~~claims action. An action originally tried as  
16 a small claim may be reviewed by the supreme court only as provided in  
17 Iowa Code section 631.16 and rule 6.106.  
18 [Court Order October 31, 2008, effective January 1, 2009]

19 **Rule 6.106 Discretionary review.**

20 **6.106(1) Application for discretionary review.**

21 *a. Applicability.* An application for discretionary review may be filed with  
22 the clerk of the supreme court to review certain orders specified by statute  
23 ~~which-that~~ are not subject to appeal as a matter of right.

24 *b. Time for filing.* An application for discretionary review must be filed  
25 within 30 days after entry of the challenged ruling, order, or judgment of  
26 the district court. However, if a motion is timely filed under Iowa ~~Rule- of~~  
27 ~~Civil- Procedure-~~ 1.904(2), the application must be filed within 30 days  
28 after ~~the filing~~entry of the ruling on such motion.

29 *c. Extension where the clerk of the district court fails to notify. The*  
30 *supreme court may extend the time for filing an application for*  
31 *discretionary review if it determines the clerk of the district court failed to*  
32 *notify the applicant of entry of the ruling, order, or judgment.No extension*  
33 *of such time will be allowed except upon a showing that the failure to file*  
34 *the application within the time provided was due to a failure of the clerk*  
35 *of the district court clerk to notify the applicant of the ruling, order, or*  
36 *judgment.*

37 (1) A motion for an extension of time must be filed with the clerk of the  
38 supreme court and an ~~informational-courtesy~~ copy filed with the clerk of  
39 the district court no later than 60 days after ~~the~~ expiration of the time for  
40 filing an application for discretionary review. The motion and any  
41 resistance must be supported by copies of relevant portions of the record  
42 and ~~by~~ affidavits.

43 (2) An extension granted under this rule ~~shall~~will not exceed 30 days  
44 after the date of the order granting the motion.

1 *ed. Special service of the application.* The application must be served  
2 ~~upon-on~~ the attorney general if the State is a party in the manner stated  
3 in Iowa ~~Rule. of Civil. Procedure.~~ 1.442(2).

4 *de. Content and form of application.* The application ~~shall~~must follow the  
5 content and form requirements of rules 6.1002(1) and 6.1007. In addition,  
6 the applicant ~~shall~~must state with particularity the grounds upon which  
7 discretionary review should be granted. The date of any impending  
8 hearing, trial, or matter needing immediate attention of the court  
9 ~~shall~~must be prominently displayed beneath the title of the application.

10 *ef. Filing fee.* The applicant ~~shall~~must pay a filing fee to the clerk of the  
11 supreme court ~~a filing fee~~ or file a motion to waive or defer the fee as  
12 provided in rules 6.703(2)(a) and 6.703(2)(b).

13 *fg. Filing of the application does not stay district court proceedings.* ~~The~~  
14 ~~filing-of~~Filing an application for discretionary review does not stay district  
15 court proceedings. The applicant may apply to the district court for a  
16 continuance or a stay of proceedings or to the supreme court for a stay of  
17 proceedings. Any application to the supreme court for a stay order must  
18 set forth the dates of any proceedings to be stayed and why a stay is  
19 necessary.

20 **6.106(2) Resistance;** ~~consideration;~~ ~~and~~ ~~ruling.~~ The application may be  
21 resisted and will be considered in the same manner provided for motions  
22 in rule 6.1002. The supreme court may grant discretionary review upon a  
23 determination that (1) substantial justice has not been accorded the  
24 applicant, (2) the grounds set forth in rule 6.104(1)(~~ea~~) for an interlocutory  
25 appeal exist, or (3) the grounds set forth in any statute allowing  
26 discretionary review exist. An order allowing discretionary review under  
27 this rule may stay further proceedings below, may require bond, and may  
28 expedite the time for briefing and submission.

29 **6.106(3) Procedure after order granting application.** The clerk of the  
30 supreme court ~~shall~~will promptly transmit a copy of the order granting  
31 discretionary review to the attorneys of record, any parties not represented  
32 by counsel, the clerk of the district court, and the attorney general if the  
33 State is a party in the manner stated in Iowa Rule. of Civil. Procedure.  
34 1.442(2). The appellant must file and serve the combined certificate  
35 required by rule 6.804(1) within ~~714~~ days after the filing date of the order  
36 granting discretionary review or appointment of new appellate counsel,  
37 whichever is later. See ~~rule~~ Iowa R. App. P. 6.702(4). Further proceedings  
38 shall be had pursuant to the rules of appellate procedure.  
39 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
40 2016, effective March 1, 2017; July 20, 2017]

#### 41 **Rule 6.107 Original certiorari proceedings.**

42 **6.107(1) Petition for writ of certiorari.**

43 *a. Applicability.* Any party claiming a district ~~court~~-judge, ~~an~~ district  
44 associate ~~district-court~~-judge, an associate juvenile judge, or an associate

1 probate judge exceeded the judge's jurisdiction or otherwise acted illegally  
2 may commence an original certiorari action in the supreme court by filing  
3 a petition for writ of certiorari with the clerk of the supreme court as  
4 provided in these rules.

5 *b. Time for filing.* A petition for writ of certiorari must be filed within 30  
6 days after entry of the challenged decision. However, if a motion is timely  
7 filed under Iowa ~~R. Civ. P. Rule of Civil Procedure~~ 1.904(2) or Iowa ~~R. Civ.~~  
8 ~~P. rule~~ 1.1007, the petition must be filed within 30 days after the filing of  
9 the ruling on such motion.

10 *c. Extension where the clerk of the district court fails to notify.* The  
11 supreme court may extend the time for filing a petition for writ of certiorari  
12 if it determines the clerk of the district court failed to notify the prospective  
13 party of entry of the challenged decision. No extension of such time may  
14 be allowed except upon a showing that the failure to file the petition within  
15 the time provided was due to a failure of the clerk of the district court clerk  
16 to notify the plaintiff of the challenged decision.

17 (1) A motion for an extension of time must be filed with the clerk of the  
18 supreme court and an courtesy informational copy filed with the clerk of  
19 the district court no later than 60 days after ~~the~~ expiration of the time for  
20 filing a petition for writ of certiorari.

21 (2) The motion and any resistance must be supported by copies of  
22 relevant portions of the record and ~~by~~ affidavits.

23 (3) An extension granted under this rule ~~shall~~will not exceed 30 days after  
24 the date of the order granting the motion.

25 *ed. Special service of the petition on the attorney general.* The petition  
26 must be served ~~upon~~on the attorney general if the State is a party in the  
27 manner stated in Iowa ~~Rule of Civil Procedure~~ 1.442(2).

28 *de. Content and form of petition.* The caption of the petition ~~shall~~must  
29 name the challenging party as the plaintiff and the district court, not the  
30 judge, as the defendant. The date of any impending hearing, trial, or  
31 matter needing immediate attention of the court ~~shall~~must be prominently  
32 displayed beneath the title of the petition. The petition ~~shall~~must follow  
33 the content and form requirements of rules 6.1002(1) and 6.1007. In  
34 addition, the petition ~~shall~~must state whether the plaintiff raised the issue  
35 in the district court, identify the interest of the plaintiff in the challenged  
36 decision, and state the grounds that justify issuance of the writ.

37 *ef. Filing fee.* The ~~applicant~~plaintiff shallmust pay to the clerk of the  
38 supreme court a filing fee or file a motion to waive or defer the fee as  
39 provided in rules 6.703(2)(a) and 6.703(2)(b).

40 *fg. Filing of petition does not stay district court proceedings.* ~~The filing~~  
41 ~~of~~Filing a petition for writ of certiorari does not stay the district court  
42 proceedings. The plaintiff may apply to the district court for a continuance  
43 or a stay of proceedings or to the supreme court for a stay of proceedings.

1 Any application to the supreme court for a stay order must state the dates  
2 of any proceedings to be stayed and why a stay is necessary.

3 **Comment: Rule 6.107.** This rule is not intended to affect prior caselaw  
4 concerning the supreme court's constitutional authority to review  
5 decisions rendered by other judicial tribunals. See, e.g., State v. Davis, 493  
6 N.W.2d 820, 822 (Iowa 1992).

7 **6.107(2)** *Resistance;* ~~consideration;~~ ~~and~~-*ruling.* A petition for writ of  
8 certiorari may be resisted and will be considered in the same manner  
9 provided for motions in rule 6.1002. An order granting the petition may  
10 stay further proceedings below, may require bond, and may expedite the  
11 time for briefing and submission. The clerk of the supreme court ~~shall~~will  
12 promptly transmit a copy of the ruling on the petition to the attorneys of  
13 record, any parties not represented by counsel, the clerk of the district  
14 court, and the attorney general if the State is a party in the manner stated  
15 in Iowa Rule of Civil Procedure 1.442(2).

16 **6.107(3)** *Issuance of writ.* If the petition for writ of certiorari is granted,  
17 the clerk of the supreme court ~~shall~~must issue a writ under its seal. The  
18 original writ ~~shall~~must be transmitted to the clerk of the district court,  
19 which will~~and shall~~ constitute service on the district court.

20 **6.107(4)** *Procedure after order granting petition.* The plaintiff must file  
21 and serve the combined certificate required by rule 6.804(1) within ~~7-14~~  
22 days after the filing date of the order granting the petition. ~~or appointment~~  
23 of new appellate counsel, whichever is later. See ~~rule~~Iowa R. App. P.  
24 6.702(4). Further proceedings ~~shall~~will be had pursuant to the rules of  
25 appellate procedure. The appellate rules applicable to appellants ~~shall~~  
26 apply to plaintiffs and those applicable to appellees ~~shall~~ apply to  
27 defendants.

28 **6.107(5)** *Representation of district court.* Parties before the district court  
29 other than the certiorari plaintiff ~~shall be required to~~must defend the  
30 district court and make all filings required of the defendant under these  
31 rules unless permitted to withdraw by the supreme court.

32 (a) A party required to defend the district court under this rule may file  
33 an application to withdraw stating (1) whether the applicant raised the  
34 issue addressed in the challenged decision in the district court, (2) the  
35 interest or lack of interest of the applicant in the challenged decision, and  
36 (3) the grounds justifying withdrawal.

37 (b) The application to withdraw must be served on the district court by  
38 filing the application with the clerk of the district court and on the attorney  
39 general if the State is a party in the manner stated in Iowa ~~R. Civ. P.~~Rule  
40 of Civil Procedure 1.442(2).

41 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
42 2016, effective March 1, 2017; July 20, 2017]

43 **Rule 6.108 Review of expungement matters.**

1 **6.108(1) Certiorari proceeding.** Review of decisions on expungement  
2 applications brought pursuant to Iowa Code section 901C.2 will be by  
3 certiorari pursuant to rule 6.107. The caption of the petition must name  
4 the challenging party as the plaintiff and name the district court, not the  
5 judge, as the defendant. If the challenging party is not the state, the  
6 plaintiff must be referred to as “J. Doe.” The appellate case will be deemed  
7 confidential pursuant to rule 6.153.

8 **6.108(2) Protected and confidential information.** Names, including the  
9 name of the petitioner, dates of birth, the criminal case number, and other  
10 identifying information must be treated as protected and confidential  
11 information pursuant to rule 6.153(2)(b) and must not be included in the  
12 briefs or opinions.

13 **6.108(3) Certificate of confidentiality.** Any filings that necessarily  
14 contain identifying information, including the appendix or any materials  
15 that contain references to underlying district court criminal case numbers,  
16 must contain a certificate of confidentiality in accordance with rule  
17 6.153(2) and be designated as confidential by the filer when electronically  
18 filing the document.

19 **Rules 6.109 to 6.150 Reserved.**

20 **Rule 6.151108 Proper Fform of review.**

21 **6.151(1) General rule.** If any case is initiated by a notice of appeal, an  
22 application for interlocutory appeal, an application for discretionary  
23 review, or a petition for writ of certiorari and the appellate court determines  
24 another form of review was the proper one, the case ~~shall~~will not be  
25 dismissed, but ~~shall~~will proceed as though the proper form of review had  
26 been requested.

27 **6.151(2) Further action may be requested.** The appellate court may treat  
28 the documents upon which the action was initiated as seeking the proper  
29 form of review and, in appropriate cases, may order the parties to file  
30 jurisdictional statements- ~~or file documents supporting the proper form of~~  
31 discretionary review. ~~Nothing in this~~

32 **6.151(3) Opposition.** This rule does not precludes opposing parties from  
33 filing a motion to challenge the form of review. ~~Nothing in t~~

34 **6.151(4) Timing.** This rule ~~shall operate to does not extend~~extend  
35 the time for initiating a case.

36 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
37 2016, effective March 1, 2017]

38 **Rule 6.152109 Parties and attorneys on appeal; caption; substitution**  
39 **of parties; withdrawal of counsel.**

40 **6.109152(1) Parties on appeal.** The party who files a notice of appeal is  
41 the appellant, and the opposing party is the appellee. If opposing parties  
42 seek to appeal, the party who first files a notice of appeal ~~shall be~~is the  
43 appellant/cross-appellee, and the other party ~~shall be~~is the

1 appellee/cross-appellant, unless the parties otherwise agree or the  
2 supreme court otherwise orders upon motion of any party.

3 **6.152109(2)** *Caption on appeal.* The appeal ~~shall~~must be captioned  
4 under the title ~~given to of~~ the action in the district court, with the parties  
5 identified as appellant and appellee. Parties not involved in the appeal may  
6 be omitted from the caption. If the title does not contain the name of the  
7 appellant, the appellant's name ~~shall~~must be added to the caption.

8 **6.152109(3)** *Substitution of party.* If substitution of a party is sought  
9 for any reason, including those stated in Iowa ~~Rs. Civ. P. Rules of Civil~~  
10 Procedure 1.221, 1.222, 1.223, 1.224, and 1.226, the person seeking the  
11 substitution must file a motion for substitution of party with the clerk of  
12 the supreme court.

13 **6.152109(4)** *Attorneys and guardians ad litem.* The attorneys and  
14 guardians ad litem of record in the district court ~~shall~~will be ~~deemed~~ the  
15 attorneys and guardians ad litem in the appellate court, unless others are  
16 retained or appointed and notice is given to the parties and the clerk of the  
17 supreme court. However, the representation of an attorney appointed for  
18 a minor child or children pursuant to Iowa Code section 598.12 ends when  
19 an appeal is taken, unless the district court appoints the attorney, or a  
20 successor, for the appeal.

21 **6.152109(5)** *Withdrawal of counsel.* An attorney may not withdraw  
22 from representation of a party before an appellate court without  
23 permission of that court unless another attorney has appeared or  
24 simultaneously appears for the party. A motion for permission to withdraw  
25 as counsel for a party must show service of the motion on the party, and  
26 must include the party's address, telephone number, and any available ~~e-~~  
27 mailemail address. Before court-appointed trial counsel for a criminal  
28 defendant may withdraw, the court file must contain proof counsel has  
29 completed counsel's duties under Iowa ~~Rule of Criminal Procedure~~  
30 2.29(56).

31 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
32 2016, effective March 1, 2017]

33 **Rule 6.153110 Protected information; confidential materials and**  
34 **cases; briefs not confidential.**

35 **6.153110(1)** *Protected information.*

36 a. When a party files any document that contains protected information  
37 as defined in Iowa ~~Rule of Civil Procedure~~ 1.422(1) or a reproduction,  
38 quotation, or extensive paraphrase of material that contains protected  
39 information, the party ~~shall~~must omit or redact that information from the  
40 document in the manner provided by Iowa Rule of Civil Procedure ~~rule~~  
41 1.422(1).

42 b. When a party files any document that contains information that may  
43 be omitted or redacted under Iowa ~~Rule of Civil Procedure~~ 1.422(2) or a  
44 reproduction, quotation, or extensive paraphrase of material that contains

1 such information, the party may omit or redact that information from the  
2 document in the manner provided by Iowa Rule of Civil Procedure~~rule~~  
3 1.422(2).

4 c. The omission or redaction of protected information is not required if  
5 the document is certified as confidential under rule 6.1~~5310~~(2).

6 **6.153110(2)** *Certification by party of confidential and protected material*  
7 *or cases.*

8 a. *Confidential and protected material.* When a party files any document,  
9 except a brief, that contains material or a reproduction, quotation, or  
10 extensive paraphrase of material that is declared confidential by any  
11 statute or court rule or to which access is restricted by court order, the  
12 party must certify the document's confidential nature by including a  
13 certificate of confidentiality as the first page of the document. ~~The~~  
14 ~~certificate must contain only the caption of the case; the certificate of~~  
15 ~~confidentiality, which includes the applicable statute, rule, or court order;~~  
16 ~~and the signature of the party or counsel.~~ The certificate page should must  
17 substantially comply with ~~form 11 in~~ rule 6.1401 ~~—Form 11: Certificate of~~  
18 ~~Confidentiality, and include the caption of the case; the certificate of~~  
19 ~~confidentiality, which includes the applicable statute, rule, or court order;~~  
20 ~~and the signature of the party or counsel.~~ When filing a document that  
21 contains a certificate of confidentiality, the filer must note that fact in the  
22 appropriate place on the electronic cover sheet. See Iowa R. Elec. P.  
23 16.201(7).

24 b. *Confidential and protected cases.* When a party files any document,  
25 except a brief, in a case declared confidential by statute or court rule or to  
26 which access is restricted by court order, the party need not certify the  
27 document's confidential nature. Briefs filed in a confidential or restricted-  
28 access case must comply with the personal privacy protection provisions  
29 in division VI of the Iowa Rules of Electronic Procedure. See Iowa R. Elec.  
30 P. 16.601(1).

31 c. *Separate appendices for confidential or protected materials.* If a case is  
32 not confidential by statute or court rule, but requires the filing of  
33 documents that include confidential or protected material, a party must  
34 file separate appendices, one containing confidential and protected  
35 materials and one containing documents having no confidential or  
36 protected material. An appendix not certified confidential becomes public  
37 record.

38 d. Separate addenda for confidential or protected materials. If a case is  
39 not confidential by statute or court rule, but requires the filing of orders  
40 that include confidential or protected material, a party must file separate  
41 addenda, one containing confidential and protected materials and one  
42 containing orders having no confidential or protected material. An  
43 addenda not certified confidential becomes public record.

44 **6.153110(3)** *Clerk to maintain confidentiality.* Upon ~~receipt by~~ the clerk

1 of the supreme ~~court's receipteourt~~ of a notice, motion, appendix,  
2 ~~addendum~~, district court record, portion of district court record, or other  
3 document that has been certified by a party or the clerk of the district  
4 court as confidential, the clerk ~~of the supreme court shall-will~~ maintain its  
5 confidentiality. If the confidential designation is not warranted, the  
6 ~~appropriate appellate~~ court ~~shall-will~~ direct the clerk ~~of the supreme court~~  
7 to file the document as a public record. Confidential documents may be  
8 inspected only by persons authorized by statute, rule, or court order to  
9 inspect such documents.

10 **6.153110(4) Responsibility of filer.** It is the responsibility of the filing  
11 party to ensure that confidential or protected information is properly  
12 redacted, omitted, or certified as confidential. For purposes of this rule, a  
13 pro se ~~litigant-party~~ is the filing party of a pro se document. It is not the  
14 responsibility of the clerk of ~~the supreme~~ court to review filings to  
15 determine whether appropriate redactions, omissions, or certifications  
16 have been made; to redact or remove confidential or protected information  
17 from court filings; or to certify or restrict access to confidential or protected  
18 information on ~~its-the clerk's~~ own initiative. Failure of the filing party to  
19 ensure that confidential or protected information is properly redacted,  
20 omitted, or certified as confidential may subject the filing party to  
21 sanctions by the court.

22 **6.153110(5) Briefs not confidential.**

23 a. Briefs filed with the clerk of the supreme court ~~shall-are~~ not ~~be~~  
24 confidential. A brief ~~shall-may~~ not contain a reproduction, quotation, or  
25 extensive paraphrase of material that is declared by any statute or rule of  
26 the supreme court to be confidential. Instead, a brief may include general  
27 statements of fact supported by references pursuant to rule 6.904(4) to  
28 pages of ~~thean~~ appendix, ~~addendum~~, or parts of the record that are  
29 confidential.

30 b. The briefs in a case declared confidential by any statute or rule of the  
31 supreme court ~~shall-are~~ not ~~be~~ confidential and ~~shall-must~~ refer to the  
32 parties in the caption and text by ~~first-name-or~~ initials ~~or other~~  
33 ~~nonidentifying description-only~~. When a victim's name is deemed  
34 confidential by law, a brief ~~shall-must~~ refer to the victim by ~~first-name-or~~  
35 initials ~~or another nonidentifying description-only~~.

36 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
37 effective May 3, 2013; November 18, 2016, effective March 1, 2017; July  
38 20, 2017]

39 **Rules 6.11115411 to 6.200** Reserved.

40  
41  
42 **DIVISION II**

43 ~~TERMINATION OF PARENTAL RIGHTS~~ TERMINATION OF PARENTAL  
44 RIGHTS AND ~~CHILD IN NEED OF ASSISTANCE~~ CHILD IN NEED OF



1            ASSISTANCE APPEALS UNDER IOWA CODE CHAPTER 232

2  
3     **Rule 6.201** **Petition on appeal in ~~termination of parental-~~**  
4 **~~right~~termination of parental rights and ~~child-in-need-of-~~**  
5 **~~assistanc~~child in need of assistance ~~eases~~proceedings under Iowa**  
6 **Code chapter 232.**

7        **6.201(1)** *Petition on appeal.*

8        a. *Trial counsel's obligation to prepare petition.* The appellant's trial  
9 counsel ~~shall~~must prepare the petition on appeal. Trial counsel may be  
10 relieved of this obligation by the district court only upon a showing of  
11 extraordinary circumstances.

12       b. *Time for filing a petition on appeal.* A petition on appeal must be filed  
13 with the clerk of the supreme court within 15 days after the filing of the  
14 notice of appeal with the clerk of the district court or within 15 days after  
15 the filing of an order granting an interlocutory appeal. The time for filing a  
16 petition on appeal ~~shall~~will not be extended.

17       c. *Length; form; cover page.* The petition on appeal ~~shall~~may not exceed  
18 20 pages, excluding the attachments required by rule 6.201(1)(e), and  
19 ~~shall~~must be in the form prescribed by rule 6.1007, ~~except that it may be~~  
20 ~~printed or duplicated on one side of the page.~~ The cover page must~~shall~~  
21 contain:

22        (1) The caption of the case.

23        (2) The title of the document (e.g., Petition on Appeal).

24        (3) The name of the court and judge whose decision is under review.

25        (4) The name, address, telephone number, and e-mail~~email~~ address,  
26 ~~and fax number~~ of counsel representing the appellant.

27        ~~(5) A certificate of confidentiality in accordance with rule 6.110(2).~~

28       d. *Contents of petition.* The petition on appeal ~~must~~shall substantially  
29 comply with ~~form 5 in~~ rule 6.1401 ~~—Form 5: Petition on Appeal (Cross-~~  
30 ~~Appeal) (Child in Need of Assistance and Termination Cases).~~

31       e. *Attachments to petition.*

32        (1) In an appeal from an order or judgment in a ~~child-in-need-of-~~  
33 ~~assistanc~~child in need of assistance proceeding, the appellant ~~shall~~must  
34 attach to the petition on appeal a copy of:

35            1. The order or judgment from which the appeal is taken.

36            2. Any ruling on a motion for new trial under Iowa Rule of~~Civil-~~  
37 Procedure~~.~~ 1.10047 or a motion under Iowa Rule of~~Civil-~~ Procedure~~.~~  
38 1.904(2).

39        (2) In an appeal from an order terminating parental rights or dismissing  
40 the termination petition, the appellant ~~shall~~must attach to the petition on  
41 appeal a copy of:

1 1. The petition for termination of parental rights and any amendments  
2 to the petition.

3 2. The order or judgment terminating parental rights or dismissing the  
4 termination petition.

5 3. Any ruling on a motion for new trial under Iowa R-~~ule of Civil-~~  
6 ~~Procedure-~~ 1.1007 or a motion under Iowa Rule of Civil Procedure-  
7 1.904(2).

8 (3) In an appeal from a post-~~termination~~ order, the appellant ~~shall~~must  
9 attach to the petition on appeal a copy of:

10 1. The order or judgment terminating parental rights.

11 2. Any ruling on a motion for new trial under Iowa Rule of Civil-  
12 Procedure- 1.1007 or a motion under Iowa Rule of Civil P-~~rocedure~~  
13 1.904(2).

14 3. Any motion requesting post-~~termination~~ relief.

15 4. Any resistance to the request for post-~~termination~~ relief.

16 5. The post-~~termination~~ order from which the appeal is taken.

17 **6.201(2)** *Joinder disallowed.* A party may not join in a petition on  
18 appeal that another party files separately.

19 **6.201(3)** *Consequence of failure to file a timely petition on appeal.* If the  
20 petition on appeal is not filed with the clerk of the supreme court within  
21 15 days after the filing of a notice of appeal or within 15 days after the  
22 filing of an order granting an interlocutory appeal, the supreme court ~~shall~~  
23 will dismiss the appeal, and the clerk ~~shall~~will immediately issue  
24 procedendo.

25 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
26 effective May 3, 2013; November 18, 2016, effective March 1, 2017; July  
27 20, 2017]

28 **Rule 6.202 Response to petition on appeal in ~~termination of~~**  
29 **~~parental right~~termination of parental rights and ~~child in need of~~**  
30 **~~assistance~~child in need of assistance ~~eases~~proceedings under Iowa**  
31 **Code chapter 232.**

32 **6.202(1)** *When required.* A response to the petition on appeal is optional  
33 unless the appellee has filed a notice of cross-appeal, in which case a  
34 response ~~shall be~~is required. ~~An optional~~The required response ~~shall~~  
35 ~~substantially comply with form 6 in rule 6.1401. If the appellee has filed a~~  
36 ~~notice of cross appeal, the response by appellee shall~~must address the  
37 claims of error alleged in the petition on appeal, and separately state the  
38 grounds for the cross-appeal, ~~and.~~ Any response, {optional or required},  
39 must substantially comply with ~~form 6 in~~ rule 6.1401 —Form 6: Response  
40 to Petition on Appeal (Cross-Appeal).

41 **6.202(2)** *Time for filing a response to a petition on appeal.* A response to

1 a petition on appeal must be filed with the clerk of the supreme court  
2 within 15 days after ~~the~~ service of the petition.

3 **6.202(3)** *Length; form; cover.* ~~An~~ page. Any response, {optional  
4 ~~response or required~~}, to the petition on appeal ~~shall~~may not exceed 20  
5 pages; ~~a required response shall not exceed 20 pages. A response shall,~~  
6 ~~and must~~ be in the form prescribed by rule 6.1007, ~~except that it may be~~  
7 ~~printed or duplicated on one side of the page.~~ The cover ~~shall~~page must  
8 contain:

9 a. The caption of the case.

10 b. The title of the document: ~~{~~“Response to Petition on Appeal.”~~}~~

11 c. The name of the court and judge whose decision is under review.

12 d. The name, address, telephone number, and e-mail address, ~~,~~  
13 ~~and fax number~~ of counsel representing the appellee.

14 ~~e. A certificate of confidentiality in accordance with rule 6.110(2).~~

15 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
16 effective May 3, 2013; November 18, 2016, effective March 1, 2017; July  
17 20, 2017]

18 **Rule 6.203 Reply to issues raised in cross-appeal.** If a notice of cross-  
19 appeal is filed, the appellant may file a reply to the cross-appeal ~~issues~~  
20 within ~~seven~~7 days after service of the appellee’s response. An appellant  
21 may not file a reply if the appellee has not filed a notice of cross-appeal.  
22 [Court Order October 31, 2008, effective January 1, 2009]

23 **Rule 6.204 Filing fee and transmission of the record.** Within ~~seven~~7  
24 days after filing the notice of appeal, the appellant ~~shall~~must pay the filing  
25 fee as provided in rule 6.703(1) or request waiver or deferral of the fee  
26 pursuant to rule 6.703(2). Within 30 days after the filing of the notice of  
27 appeal, the appellant ~~shall~~must request the clerk of the district court to  
28 transmit the record to the clerk of the supreme court. The clerk of the  
29 district court ~~shall~~must certify the record and its confidential nature.

30 **6.204(1)** *Record on appeal in child in need of assistance* ~~child in need of~~  
31 ~~assistance~~ appeals. In appeals from ~~child in need of assistance~~ child in  
32 need of assistance proceedings, the record on appeal ~~shall~~will include ~~the~~  
33 ~~following~~:

34 a. The ~~child in need of assistance~~ child in need of assistance court file,  
35 including all exhibits.

36 b. Any transcript of a hearing or hearings resulting in the order from  
37 which an appeal has been taken.

38 **6.204(2)** *Record on appeal in termination of parental rights* ~~termination of~~  
39 ~~parental rights~~ appeals. In appeals from ~~termination of parental~~  
40 ~~rights~~ termination of parental rights proceedings, the record on appeal  
41 ~~shall~~will include ~~the following~~:

42 a. The ~~termination~~ termination of parental rights court file, including all

1 exhibits.

2 *b.* Those portions of the ~~child in need of assistance~~child in need of  
3 assistance court file either received as exhibits or judicially noticed in the  
4 termination ~~proceedings~~proceeding.

5 *c.* The transcript of the ~~termination~~termination of parental rights  
6 hearing.

7 **6.204(3)** *Record on appeal of post-termination rulings in* ~~termination of~~  
8 ~~parental rights~~termination of parental rights proceedings-eases. In appeals  
9 from post-termination rulings in termination of parental rights  
10 proceedings, the record on appeal ~~shall~~will include ~~all of the following~~:

11 *a.* ~~The termination of parental rights~~termination of parental rights  
12 court file, including all exhibits~~The order or judgment terminating parental~~  
13 ~~rights~~.

14 *b.* ~~Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or~~  
15 ~~a motion under Iowa R. Civ. P. 1.904(2)~~.

16 *c.* ~~The post-termination order from which the appeal is taken.~~

17 *db.* Any motion, resistance, or transcript relevant to the post-  
18 termination order from which the appeal is taken.

19 [Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

20 **Rule 6.205 Disposition.**

21 **6.205(1)** *Ruling.* After reviewing the petition on appeal, any response,  
22 any reply, and the record, the appellate court may request supplemental  
23 briefing, affirm or reverse the district court's order or judgment, or remand  
24 the case, ~~or set the case for briefing as directed by the appellate court~~.

25 **6.205(2)** *Further review.* If the court of appeals affirms or reverses the  
26 district court's order or judgment or remands the case, further review  
27 pursuant to the shortened timeline in rule 6.1103 may be sought. ~~The~~  
28 ~~refusal of the court of appeals to grant full briefing shall not be a ground~~  
29 ~~for further review~~.

30 [Court Order October 31, 2008, effective January 1, 2009]

31 **Rules 6.206 to 6.300** Reserved.

32

33

**DIVISION III**

34

**CERTIFIED QUESTIONS OF LAW**

35

36 **Rule 6.301 Procedure for certification of questions of law.** The  
37 procedure for answering and certifying questions of law ~~shall~~will be as  
38 provided in the Uniform Certification of Questions of Law Act, Iowa Code  
39 chapter 684A, and the rules of appellate procedure.

40 [Court Order October 31, 2008, effective January 1, 2009]

41 **Rule 6.302 Initiation of certification proceedings.**

1       **6.302(1) Certification order.**

2       *a. Filing.* The certification order prepared by the certifying court ~~shall~~  
3 ~~must~~ be forwarded by the clerk of the certifying court under its official seal  
4 to the clerk of the supreme court, who ~~shall-will~~ file the order and assign  
5 a number to the matter. The clerk of the supreme court ~~shall-will~~ notify  
6 the certifying court that the certification order has been received.

7       *b. Contents.* The certification order ~~mustshall~~ contain all of the  
8 following:

9           (1) The information required by Iowa Code section 684A.3.

10          (2) The names and addresses of the interested parties or their counsel,  
11 if they are represented by counsel.

12          (3) The party, ~~if any~~, requesting submission of a certified question.

13          (4) A designation of the party to file the first brief, if the question is  
14 certified on the court's own motion.

15       *c. Service on attorney general.* When the constitutionality of an act of the  
16 Iowa legislature is drawn into question in a certification proceeding to  
17 which the State of Iowa or an officer, agency, or employee thereof is not a  
18 party, the certifying court ~~shall-must~~ serve the certification order on the  
19 attorney general.

20       **6.302(2) Record.** The certifying court ~~shall-must~~ attach to its  
21 certification order a copy of the portions of ~~theits~~ record deemed necessary  
22 for a full understanding of the question. If the entire record is not included,  
23 the supreme court may order that a copy of any portion of the remaining  
24 record be filed with the clerk of the supreme court.

25       **6.302(3) Parties.** The party requesting certification or, if none, the party  
26 who is to file the first brief ~~shall-will~~ be considered the appellant and ~~shall~~  
27 ~~must~~ make all filings required of the appellant under these rules.

28       **6.302(4) Filing fee.** ~~The appellant shall must pay to the clerk of the~~  
29 ~~supreme court~~ Aa filing fee must be paid to the clerk of the supreme court,  
30 as provided in rule 6.703(1)(f), unless otherwise waived or deferred as  
31 provided in rule 6.703(1)(f), or file a motion to waive or defer the fee as  
32 provided in rules 6.703(1)(2) and 6.703(2)(b).

33 [Court Order October 31, 2008, effective January 1, 2009; July 20, 2017]

34       **Rule 6.303 Briefing.**

35       **6.303(1) Form of briefs.** Briefs ~~shall-must~~ be prepared in the manner  
36 and form specified in rules 6.903 and 6.904.

37       **6.303(2) Filing of briefs deadlines.** ~~The parties must file a~~ All briefs ~~must~~  
38 ~~be filed~~ within the expedited times ~~for filings~~ prescribed by rule 6.902(2).

39       **6.303(3) Appendix.** The appendix, ~~if requested by the court, shall-must~~  
40 be prepared in the manner and form specified in rule 6.905 ~~to the extent~~  
41 ~~possible~~. It ~~shall-must~~ contain the certification order and such portions of

1 the record relevant to the question as the parties by agreement, or the  
2 certifying court by order, may determine.

3 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
4 2016, effective March 1, 2017]

5 **Rule 6.304 Disposition.**

6 **6.304(1) Opinion.** Upon the filing of an opinion on a certified question,  
7 the clerk of the supreme court ~~shall~~must comply with Iowa Code section  
8 684A.7.

9 ~~6.304(2) Rehearing. A petition for rehearing shall will not be allowed.~~

10 **6.304(32) Costs and fees.** Printing costs, if any, shall~~must~~ be certified  
11 by the parties as provided in rule 6.903(1)(~~h~~). Upon the filing of the  
12 supreme court's opinion, the clerk of the supreme court ~~shall~~must  
13 prepare and transmit to the clerk of the certifying court a bill of costs  
14 listing the filing fee and reasonable printing costs and the parties who paid  
15 them. The clerk of the certifying court ~~shall~~will be responsible for  
16 collecting and apportioning the fee and costs pursuant to Iowa Code  
17 section 684A.5.

18 [Court Order October 31, 2008, effective January 1, 2009]

19 **Rule 6.305 State as amicus curiae.** When the constitutionality of an act  
20 of the Iowa legislature is drawn into question in a certification proceeding  
21 to which the State of Iowa or an officer, agency, or employee thereof is not  
22 a party, the attorney general ~~will~~shall be permitted to file an amicus curiae  
23 brief on behalf of the State, as provided in rule 6.906, ~~on~~ regarding the  
24 constitutionality of the act.

25 [Court Order October 31, 2008, effective January 1, 2009]

26 **Rules 6.306 to 6.400** Reserved.

27  
28 **DIVISION IV**

29 **ABORTION NOTIFICATION APPEALS**

30  
31 **Rule 6.401 Procedure in abortion notification appeals.**

32 **6.401(1) Notice of appeal.** A pregnant minor may appeal from a district  
33 court order denying a petition for waiver of notification regarding abortion.  
34 The notice of appeal ~~shall~~must be filed within 24 hours of issuance of the  
35 district court order. The notice of appeal ~~shall~~must be filed with the clerk  
36 of the district court where the order was entered and may be filed  
37 in person, ~~or~~ by facsimile transmission, or electronically. A list of the clerk of  
38 the district court's facsimile numbers can be found at  
39 [https://www.iowacourts.gov/iowa-courts/court-](https://www.iowacourts.gov/iowa-courts/court-directory/www.iowacourts.gov)  
40 [directory/www.iowacourts.gov](https://www.iowacourts.gov). The notice ~~shall~~must also be filed with the  
41 clerk of the supreme court and may be filed in person, ~~or~~ by facsimile  
42 transmission at (515) ~~242-6164348-4707~~, or electronically. The notice of  
43 appeal ~~shall~~must contain the date the petition was filed. A notice of appeal  
44 is filed for purposes of this rule when it is date and time stamped if filed

1 in person or when it is received if transmitted by facsimile or electronically.

2 **6.401(2) Procedure on appeal.** Within 48 hours after the filing of a  
3 notice of appeal, the court reporter ~~shall~~must file the original of the  
4 completed transcript with the clerk of the supreme court. The reporter  
5 ~~shall~~must also file a certificate with the clerk of the district court stating  
6 the date the transcript was filed in the supreme court. Within 48 hours  
7 after the filing of a notice of appeal, the clerk of the district court shall  
8 must transmit to the supreme court any relevant district court documents,  
9 including the district court decision. The minor must file a written  
10 argument supporting her appeal with the clerk of the supreme court within  
11 48 hours of filing the notice of appeal with the district court. The written  
12 argument must include a statement designating the method by which the  
13 minor chooses to receive notice of the supreme court's final decision.

14 **6.401(3) Decision on appeal.** The appeal ~~shall~~will be considered by a  
15 three-justice panel of the supreme court. It ~~shall~~will be considered without  
16 oral argument unless the supreme court or a justice thereof orders  
17 otherwise. A single justice may conduct a hearing, but a majority of the  
18 three-justice panel must render any decision on the appeal. The court  
19 ~~shall~~will consider the appeal de novo and render its decision as soon as  
20 is reasonably possible. In no event ~~shall~~will the court's decision be made  
21 later than 10 calendar days from the day after filing of the petition for  
22 waiver in the district court, or the 10 calendar days plus the period of time  
23 granted by the district court for any extension under Iowa ~~Court~~Rule  
24 8.27. The court's decision may be rendered by order or opinion, and may  
25 simply state that the district court's order is affirmed or reversed. Any  
26 decision affirming the denial of waiver of notification ~~shall~~will inform the  
27 minor of her right to request appointment of a therapist by the district  
28 court on remand. Notwithstanding any other rule, the panel's decision  
29 ~~shall~~is not ~~be~~ subject to review or rehearing. The clerk of the supreme  
30 court ~~shall~~will promptly issue procedendo once an order or opinion is  
31 filed. The minor ~~shall~~will be notified of the final decision in the manner  
32 designated in the written argument submitted to the court.

33 **6.401(4) Confidentiality.** Notwithstanding any other rule or statute, all  
34 documents filed in the appeal and the supreme court's docket are  
35 confidential. Any hearing held on an appeal under this rule ~~shall~~be  
36 confidential. The minor may use the same pseudonym that she used in  
37 the juvenile court proceedings. Identifying information, including address,  
38 parents' names, or social security number, must not appear on any court  
39 documents. All documents must contain the juvenile court docket number  
40 for identification purposes. The only persons who may have access to the  
41 court documents and admission to any hearing are the justice(s), court  
42 staff who must have access to the records for administrative purposes, the  
43 minor, her attorney, her guardian ad litem, and the person(s) designated  
44 in writing by the minor, her attorney, or her guardian ad litem to have  
45 such access or admission. In no case may the minor's parents~~(s)~~ have  
46 access to her documents or admission to any hearing.

1       **6.401(5) Computation of time.** For the purpose of this rule, any duty of  
2 filing or issuance of a decision or order that falls on a Saturday, Sunday,  
3 or legal holiday is extended to 9 a.m. on the next business day.

4 [Court Order October 31, 2008, effective January 1, 2009; November 1,  
5 2016, effective March 1, 2017]

6 **Rules 6.402 to 6.500** Reserved.

7  
8                                   **DIVISION V**  
9                                   OTHER PROCEEDINGS

10  
11 **Rule 6.501 Procedure in other proceedings.** ~~Procedure—iUnless~~  
12 ~~otherwise ordered, the procedure~~ in all other proceedings in the appellate  
13 courts, such as an action to invoke the supreme court’s original  
14 jurisdiction, ~~shall, unless otherwise ordered, will~~ be the procedure  
15 prescribed in the rules of appellate procedure to the fullest extent not  
16 inconsistent with rules specifically prescribing the procedure or with a  
17 statute. An appendix under the rules of appellate procedure ~~shall will~~ be  
18 deemed an abstract of record.

19 [Court Order October 31, 2008, effective January 1, 2009]

20 **Rules 6.502 to 6.600** Reserved.

21  
22                                   **DIVISION VI**  
23                                   STAYING DISTRICT COURT JUDGMENTS AND PROCEEDINGS

24  
25 **Rule 6.601 Supersedeas bond.**

26       **6.601(1) Requirement of bond and effect on judgment.** Except upon order  
27 entered by the supreme court, pursuant to a procedural, appellate, or  
28 court rule, or upon order entered by the district court pursuant to rule  
29 6.601(3), no appeal ~~shall will~~ stay proceedings under a judgment or order  
30 unless the appellant executes a bond with sureties, ~~to be~~ filed with and  
31 approved by the ~~district court or the~~ clerk of the ~~district~~ court where the  
32 judgment or order was entered. ~~Initiation of appeal will not stay, vacate,~~  
33 ~~or affect the judgment or order appealed from; but the district court or the~~  
34 ~~clerk of the district court will issue a written order requiring the appellee~~  
35 ~~and all others to stay proceedings under it or such part of it as has been~~  
36 ~~appealed from when the appeal bond is filed and approved. The condition~~  
37 ~~of such bond shall be that the appellant will satisfy and perform the~~  
38 ~~judgment if affirmed, or any judgment or order, not exceeding in amount~~  
39 ~~or value the obligation of the judgment or order appealed from, which an~~  
40 ~~appellate court may render or order to be rendered by the district court;~~  
41 ~~and also all costs and damages adjudged against the appellant on the~~  
42 ~~appeal, and all rents from or damage to property during the pendency of~~  
43 ~~the appeal of which the appellee is deprived by reason of the appeal.~~

44       **6.601(2) Condition and Amount of bond.**

45       a. The conditions of such bond will be that the appellant must satisfy



1 and perform the judgment if affirmed, or any judgment or order, not  
2 exceeding in amount or value the obligation of the judgment or order  
3 appealed from, which an appellate court may render or order to be  
4 rendered by the district court, and also all costs and damages adjudged  
5 against the appellant on the appeal, and all rents from or damage to  
6 property during the pendency of the appeal of which the appellee is  
7 deprived by reason of the appeal.

8 b. If the judgment or order appealed from is for money, such bond  
9 ~~shall~~must not exceed be 110% ~~percent~~ of the amount of the money  
10 judgment, unless the district court otherwise sets the bond at a higher  
11 amount pursuant to the provisions of Iowa Code section 625A.9(2)(a). ~~In~~  
12 ~~no event shall the~~The bond must not exceed the maximum amount set  
13 forth in Iowa Code section 625A.9(2)(b). In all other cases, the bond ~~shall~~  
14 must be an amount sufficient to save the appellee harmless from the  
15 consequences of the appeal, but in no event less than \$1,000.

16 **6.601(3)** *Bond by State or political subdivision.* Upon motion and for  
17 good cause shown, the district court may stay all proceedings under the  
18 order or judgment being appealed and permit the State or any of its  
19 political subdivisions to appeal a judgment or order to the supreme court  
20 without the filing of a supersedeas bond.

21 ~~**6.601(4)** *Effect on judgment.* A Notice of Appeal No appeal shall will not~~  
22 ~~vacate or affect the judgment or order appealed from; but the clerk shall~~  
23 ~~will issue a written order requiring the appellee and all others to stay~~  
24 ~~proceedings under it or such part of it as has been appealed from, when~~  
25 ~~the appeal bond is filed and approved.~~

26 **6.601(54)** *Form of bond.* An appeal bond secured by cash, a certificate  
27 of deposit, or government security in a form and in an amount approved  
28 by the clerk of the district court may be filed in lieu of other bond. If a cash  
29 bond is filed, the cash ~~shall~~must be deposited at interest with the interest  
30 earnings being paid into the general fund of the State in accordance with  
31 Iowa Code section 602.8103(5). The cash bond ~~shall~~will be disbursed  
32 pursuant to court order upon the district court's receipt of the procedendo.

33 **6.601(65)** *Child custody.* A supersedeas bond filed pursuant to this rule  
34 ~~shall~~does not stay an order, judgment, decree, or portion thereof affecting  
35 the custody of a child. Requests for stays involving child custody are  
36 governed by rule 6.604.

37 [Court Order October 31, 2008, effective January 1, 2009]

38 **Rule 6.602 Sufficiency of bond.** If any party to an appeal is aggrieved  
39 by the clerk of district court's approval of, or refusal to approve, a  
40 supersedeas bond tendered by the appellant, the party may apply to the  
41 district court, on at least ~~three~~3 days<sup>2</sup> notice to the adverse party, to review  
42 the clerk's action. Pending such hearing, the district court may recall or  
43 stay all proceedings under the order or judgment appealed from. On such  
44 hearing, the district court ~~shall~~will determine the sufficiency of the bond,

1 and if the clerk has not approved the bond, the district court ~~shall~~will, by  
2 written order, fix its conditions and determine the sufficiency of the  
3 security; or if the district court determines that a bond approved by the  
4 clerk is insufficient in security or defective in form, it ~~shall~~will discharge  
5 such bond and fix a time for filing a new one, all as appears by the  
6 circumstances shown at the hearing.

7 [Court Order October 31, 2008, effective January 1, 2009]

8 **Rule 6.603 Judgment on bond.** If an appellate court affirms the  
9 judgment appealed from, it may, on motion of the appellee, render  
10 judgment against the appellant and the sureties on the appeal bond for  
11 the amount of the judgment, with damages and costs; or it may remand  
12 the cause to the district court for the determination of such damages and  
13 costs and entry of judgment on the bond.

14 [Court Order October 31, 2008, effective January 1, 2009]

15 **Rule 6.604 Stays involving child custody.**

16 **6.604(1) Application.** A supersedeas bond filed pursuant to rule 6.601  
17 ~~shall~~will not stay an order, judgment, decree, or portion thereof affecting  
18 the custody of a child. Upon application in a pending appeal, the appellate  
19 court may, in its discretion, stay any district court order, judgment,  
20 decree, or portion thereof affecting the custody of a child and provide for  
21 the custody of the child during the pendency of the appeal.

22 **6.604(2) Resistance.** An application for a stay pending appeal of any  
23 order, judgment, or decree affecting the custody of a child may be resisted  
24 and will be ruled upon as provided in rule 6.1002, unless otherwise  
25 ordered. Pending consideration of the application for ~~a stay pending~~  
26 ~~appeal~~, the appellate court may immediately order a temporary stay  
27 pursuant to rule 6.1002(4).

28 **6.604(3) Considerations in granting stay.** The best interests of the child  
29 ~~shall be~~ the primary consideration in deciding whether to grant the  
30 application for a stay ~~order~~. The best interests of the child likewise ~~shall~~  
31 will be paramount in determining where to place custody of the child  
32 during the pendency of the appeal. Additional considerations include, but  
33 are not limited to, the following factors when they appear:

34 a. The circumstances giving rise to the adjudication being appealed.

35 b. The safety and protection of the child.

36 c. The safety and protection of the community and the likelihood of  
37 serious violence.

38 d. The need to quickly begin treatment or rehabilitation of the child.

39 e. The likelihood of the child fleeing or being removed from the  
40 jurisdiction during the pendency of the appeal or not appearing at further  
41 court proceedings.

42 f. The availability of custody placement alternatives.



1 of the supreme court must be served on all other parties to the appeal or  
2 review and on any nonparty required to be served by these rules unless  
3 the appropriate appellate court orders otherwise. The filer must ensure  
4 that all required service is accomplished pursuant to Iowa ~~Rules of~~  
5 ~~Electronic Procedure~~ 16.315 and 16.319(1)(c).

6 **6.702(2)** *Electronic service on registered filers.* Filed documents are  
7 electronically served pursuant to Iowa ~~Rule of Electronic Procedure~~  
8 16.315(1). Electronic service is not effective if the filer learns that the notice  
9 of electronic filing was not transmitted to a party.

10 **6.702(3)** *Service of paper copies on nonregistered parties.* The filer must  
11 serve nonregistered ~~(or exempted)~~ filers and not-yet-registered filers in  
12 paper pursuant to Iowa ~~Rule of Electronic Procedure~~ 16.315(2). A  
13 certificate of service must be filed for all documents not served by EDMS  
14 pursuant to Iowa ~~Rule of Electronic Procedure~~ 16.316.

15 **6.702(4)** *Service on court reporters.* Required service on a court reporter  
16 must be made by email, mail, fax, or hand-delivery.

17 **6.702(5)** *Additional time after service.* Whenever a party is required or  
18 permitted to do an act within a prescribed period after service of a  
19 document upon that party and the document is served by mail, email, or  
20 fax transmission, ~~three~~<sup>3</sup> days ~~shall~~<sup>will</sup> be added to the prescribed period.  
21 Such additional time ~~shall~~<sup>will</sup> not be applicable where the deadline runs  
22 from entry or filing of a judgment, order, decree, or opinion.  
23 [Court Order November 18, 2016, effective March 1, 2017]

## 24 **Rule 6.703 Filing fees and copies.**

### 25 **6.703(1)** *Filing fees.*

26 *a. Appeal ~~or cross-appeal~~ from final order or judgment.* The fee for filing  
27 a notice of appeal from a final order or judgment is \$150. The appellant  
28 ~~shall~~<sup>must</sup> pay the fee to the clerk of the supreme court within ~~seven~~<sup>7</sup> days  
29 after filing the notice of appeal. ~~If any party files a notice of cross-appeal,~~  
30 ~~the fee is \$150. The cross-appellant must pay the fee to clerk of the~~  
31 ~~supreme court within 7 days after filing the notice of cross-appeal.~~ If the  
32 ~~appropriate appellate~~ court determines the appeal ~~or cross-appeal~~ is not  
33 from a final order or judgment, the clerk ~~shall~~<sup>will</sup> not refund any part of  
34 the filing fee.

35 *b. Application for interlocutory appeal.* The fee for filing an application for  
36 interlocutory appeal is \$100. The ~~appellant~~<sup>applicant</sup> ~~shall~~<sup>must</sup> pay the  
37 fee to the clerk of the supreme court at the time the application is filed. If  
38 the application is granted, the ~~appellant~~<sup>applicant</sup> ~~shall~~<sup>must</sup> pay an  
39 additional \$50 fee within ~~seven~~<sup>7</sup> days after the order granting the  
40 application is filed.

41 *c. Application for discretionary review.* The fee for filing an application  
42 for discretionary review is \$100. The appellant ~~shall~~<sup>must</sup> pay the fee to  
43 the clerk of the supreme court at the time the application is filed. If the

1 application is granted, the appellant ~~shall~~must pay an additional \$50 fee  
2 within ~~seven~~7 days after the order granting the application is filed.

3 *d. Petition for writ of certiorari.* The fee for filing a petition for writ of  
4 certiorari is \$100. The certiorari plaintiff ~~shall~~must pay the fee to the clerk  
5 of the supreme court at the time the petition is filed. If the petition is  
6 granted, the plaintiff ~~shall~~must pay an additional \$50 fee within ~~seven~~7  
7 days after the order granting the petition is filed.

8 *e. Original proceeding other than certiorari.* The fee for filing an original  
9 proceeding other than certiorari is \$150. The initiating party ~~shall~~must  
10 pay the fee to the clerk of the supreme court at the time the proceeding is  
11 filed.

12 *f. Certified questions of law.* The fee for filing a certification order is  
13 \$150. The appellant ~~shall~~must ~~pay~~advance the fee to the clerk of the  
14 supreme court within ~~seven~~7 days after the certification order is filed.  
15 Costs will ultimately be apportioned pursuant to rule 6.304(2).

16 *g. Application for further review.* The fee for filing an application to the  
17 supreme court for further review of a decision of the court of appeals is  
18 \$75. The applicant ~~shall~~must pay the fee to the clerk of the supreme court  
19 at the time of filing the application for further review.

20 **6.703(2) Waiver or deferral of filing fees.**

21 *a. Waiver of filing fees.*

22 (1) *State as filing party.* If the State of Iowa is the filing party, the clerk  
23 ~~shall~~will waive any filing fees.

24 (2) Abortion notification appeals. In appeals from abortion notification  
25 proceedings the clerk will waive any filing fees.

26 (23) Criminal defendant as filing party. If a criminal defendant is the  
27 filing party and there has been a district court finding of indigency, the  
28 clerk ~~shall~~will waive any filing fees upon the defendant's motion. The  
29 defendant's motion to waive the filing fee ~~shall~~must be accompanied by a  
30 copy of the district court's order finding the defendant indigent. If a  
31 criminal defendant is the filing party and the appellate defender's office  
32 has been appointed to represent the defendant, the clerk ~~shall~~will waive  
33 any filing fees without motion.

34 (34) Postconviction applicant as filing party. If an applicant under Iowa  
35 Code section 822.9 ~~of the Uniform Postconviction Procedure Act~~ is the  
36 filing party and there has been a district court finding of indigency, the  
37 clerk ~~shall~~will waive any filing fees upon the applicant's motion. The  
38 applicant's motion to waive the filing fee ~~shall~~must be accompanied by a  
39 copy of the district court's order finding the applicant indigent. If the  
40 appellate defender's office has been appointed to represent the  
41 postconviction-relief applicant, the clerk of the supreme court will waive  
42 the filing fees without motion.

1 (45) *Waiver of filing fee authorized by other rule or statute.* If waiver of  
2 the filing fee is otherwise authorized by a rule or statute, the clerk ~~shall~~  
3 will waive the filing fee upon motion. The motion ~~shall-must~~ state the  
4 applicable rule or statute ~~which-that~~ authorizes waiver of the filing fee.

5 *b. Deferral of filing fee.* If a rule, statute, or court order authorizes a party  
6 to defer payment of a filing fee, the clerk ~~shall~~will enter an order deferring  
7 the fee upon motion. The motion ~~shall-must~~ state the applicable rule or  
8 statute, or ~~have-attached~~ the court order which authorizes deferral of the  
9 filing fee.

10 **6.703(3) Copies.** The fee for providing paper copies of documents is 50¢  
11 ~~cents~~ for each page. The fee for providing electronic copies of documents  
12 is 50¢~~-cents~~ for each page for documents of fewer than ~~ten-10~~ pages and  
13 \$5 for each document or part thereof for documents of ~~ten~~10 or more  
14 pages. An additional fee of \$10 applies for a certified copy of a document.  
15 [Court Order October 31, 2008, effective January 1, 2009; December 18,  
16 2009; March 5, 2013, effective May 3, 2013; November 18, 2016, effective  
17 March 1, 2017]

18 **Rules 6.704 to 6.800** Reserved.

19  
20 **DIVISION VIII**  
21 **RECORD ON APPEAL**  
22

23 **Rule 6.801 Composition of record on appeal.** ~~Only the original~~  
24 ~~documents and exhibits filed in the district court case from which the~~  
25 ~~appeal is taken, the transcript of proceedings, if any, and a certified copy~~  
26 ~~of the related docket and court calendar entries prepared by the clerk of~~  
27 ~~the district court constitute the record on appeal. Only the following~~  
28 constitute the record on appeal:

29 a. Original documents and exhibits filed in the district court case from  
30 which the appeal is taken.

31 b. ~~the~~ Transcript of proceedings, if any, ~~and a certified copy of the~~  
32 ~~related docket and~~

33 c. eCourt calendar entries prepared by the clerk of the district court  
34 constitute the record on appeal.

35 d. Documents from related cases when judicial notice was taken of the  
36 specific document or file.

37 e. Documents or filings from other cases when required by law, including  
38 Iowa Code section 822.6A involving claims of postconviction relief  
39 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
40 effective May 3, 2013; November 18, 2016, effective March 1, 2017]

41 **Rule 6.802 Transmission of record.**

42 **6.802(1) Transmission of notice of appeal** ~~and the combined general~~  
43 ~~docket.~~ The clerk of the district court will electronically transmit certified

1 copies of the notice of appeal, ~~and~~ the notice of cross-appeal, if any, ~~and~~  
2 ~~the combined general docket~~ in the district court proceeding to the clerk  
3 of the supreme court, any court reporter who reported a proceeding that  
4 is the subject of the appeal, and the attorney general in juvenile cases and  
5 other cases in which the State ~~of Iowa~~ is an interested party whether or  
6 not the attorney general has appeared in the district court. Transmission  
7 must be completed within ~~four~~ 4 days after the filing of the notice of appeal  
8 or the notice of cross-appeal, if any.

9 **6.802(2)** *Transmission of record on appeal.*

10 ~~a. Termination of parental rights~~ *Termination of parental rights and child-*  
11 ~~in-need-of-assistance~~ *child in need of assistance eases proceedings under*  
12 ~~Iowa Code chapter 232. If the appeal is from a termination of parental-~~  
13 ~~rights~~ *termination of parental rights or a child in need of assistance* ~~child~~  
14 ~~in need of assistance ease~~ *proceeding under Iowa Code chapter 232, the*  
15 ~~appellant must file a request with the clerk of the district court to transmit~~  
16 ~~to the clerk of the supreme court any remaining record within 30 days~~  
17 ~~after the filing of the notice of appeal.~~

18 ~~b. All other cases.~~ *—* No later than ~~seven~~ 14 days after all briefs ~~in final~~  
19 ~~form~~ have been filed or the times for filing them have expired, the appellant  
20 must file a request with the clerk of the district court to transmit the record  
21 to the clerk of the supreme court.

22 ~~a. If the appeal is from a termination of parental rights or a child in-~~  
23 ~~need-of-assistance case, the appellant must file a request with the clerk of~~  
24 ~~the district court to transmit to the clerk of the supreme court any~~  
25 ~~remaining record within 30 days after the filing of the notice of appeal.~~

26 ~~b.c. Nonelectronic documents or exhibits.~~

27 ~~(1). Any nonelectronic document or exhibit that may reasonably be~~  
28 ~~maintained electronically must be converted to an electronic document~~  
29 ~~and transmitted to the clerk of the supreme court electronically.~~

30 ~~(2). Physical media such as CDs, DVDs, or USB drives containing~~  
31 ~~electronic documents or exhibits that cannot be maintained by EDMS~~  
32 ~~shall must~~ be transmitted to the clerk of the supreme court with the  
33 record. ~~Other physical~~ Nonelectronic exhibits of unusual bulk or weight,  
34 ~~sensitive, biohealth shall will~~ not be transmitted by the clerk ~~of the district~~  
35 ~~court~~ unless a party or the clerk of the supreme court requests  
36 transmission. A party must make advance arrangements with the clerk of  
37 the district court for the transmission and the clerk of the supreme court  
38 for the receipt of exhibits of unusual bulk or weight.

39 **6.802(3)** *Request to transmit the record in Iowa Rule of Appellate*  
40 *Procedure 6.1005 cases.* At the time of filing a motion to withdraw  
41 pursuant to rule ~~of appellate procedure~~ 6.1005(23), counsel must file a  
42 request with the clerk of the district court to transmit the record to the  
43 clerk of the supreme court. See rule 6.1005(45).

1       **6.802(4)** *Certification of confidential record.* Whenever the clerk of the  
2 district court transmits ~~to the clerk of the supreme court or to a party~~ a  
3 district court record or any portion ~~of a district court record thereof~~ that is  
4 declared by any statute or rule of the supreme court to be confidential, the  
5 clerk of the district court ~~shall~~must certify its confidential nature. ~~The~~  
6 ~~certificate shall~~will ~~cite the applicable statute or rule, be signed by the~~  
7 ~~clerk of the district court, and be affixed on top of the cover page of the~~  
8 ~~record or portion of the record.~~

9       ~~**6.802(5)** *Retention of trial record in district court.* If the a nonelectronic  
10 portion of the record or any part of it is required in the district court for  
11 use pending the appeal, the district court may order its retention. In such  
12 eases, the clerk of the district court shall will retain the nonelectronic  
13 portion of the record or parts of it in compliance with the district court's  
14 order and shall will transmit to the clerk of the supreme court a copy of  
15 the order, a certified copy of the records retained pursuant to the order,  
16 and the remaining records that are not retained under the district court's  
17 order. The appellate court may require transmission of an original record  
18 retained pursuant to the order. The parts of the record not transmitted to  
19 the clerk of the supreme court shall will be part of the record on appeal for  
20 all purposes.~~

21       **6.802(56)** *Portions of record not transmitted.* Any parts of the  
22 record not transmitted to the clerk of the supreme court ~~shall~~will, on  
23 request of an appellate court or any party, be transmitted by the clerk of  
24 the district court to the clerk of the supreme court.

25 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
2016, effective March 1, 2017]

### 26 **Rule 6.803 Transcript.**

27       **6.803(1)** *Ordering transcript.* Within ~~seven~~7 days after filing the notice  
28 of appeal ~~or appointment of new appellate counsel, whichever is later~~, the  
29 appellant must use the combined certificate to order in writing from the  
30 court reporter a transcript of such parts of the proceedings not already on  
31 file as the appellant deems necessary for inclusion in the record. If the  
32 appellant intends to ~~urge~~argue on appeal that a finding or conclusion is  
33 unsupported by the evidence or is contrary to the evidence, the appellant  
34 must include in the record a transcript of all evidence relevant to such  
35 finding or conclusion.

36       **6.803(2)** *Form of transcript.* The following transcript format  
37 requirements must be followed whether the transcript is produced in  
38 printed or electronic format.

39       *a. Page layout.* A page of transcript must consist of no fewer than 25  
40 lines per page of type on document pages 8 1/2 by 11 inches in size.  
41 Margins must be 1 1/8 inches on each side and 1 inch on the top and  
42 bottom. Pages must be numbered consecutively in the upper right-hand  
43 corner. If the transcript for a proceeding consists of multiple volumes, the  
44 volumes must not be consecutively paginated.



1 *b. Font.* A monospaced typeface may not contain more than 10  
2 characters per inch. Font size ~~shall~~must be 12-point.

3 *c. Question-and-answer form.* Questions and answers ~~shall~~must each  
4 begin a new line of transcript. Indentations for speakers or paragraphs  
5 ~~shall~~must not be more than 10 spaces from the left-hand margin.  
6 Testimony of a new witness may be started on a new page where the prior  
7 witness's testimony ends below the center of the preceding page. On any  
8 page containing witness testimony, the name of the witness and the  
9 designation of questioning (direct, cross, etc.) must appear in the margin  
10 at the top of each page of testimony.

11 *d. Index.* Transcripts ~~shall~~must include an index of witnesses and  
12 exhibits at the beginning of each volume of the transcript.

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

19 *fe. Condensed transcripts not permitted.* Condensed transcripts, which  
20 include multiple pages of transcript on a single page, may not be  
21 submitted.

22 *gf. Format of electronic transcripts.* Electronic transcripts must be  
23 prepared to be text searchable and comply with Iowa ~~R. Elec. P.P.~~Rule of  
24 Electronic ProcedureP. 16.402.

25 **6.803(3)** *Filing transcript and certificate of filing.*

26 *a.* The reporter will file the transcript with the clerk of the district court.  
27 ~~The reporter will also prepare~~ and file with the clerk of the supreme court  
28 ~~the a~~ reporter's certificate of filing the transcript. with the clerk of the  
29 ~~supreme court. The certificate must contain the case caption, the date the~~  
30 ~~transcript was ordered, the name of the attorney or other person ordering~~  
31 ~~the transcript, and the date it was filed with the district court~~

32 *b.* The transcript and the reporter's certificate of filing the transcript  
33 must be filed within the following number of days from service of the  
34 combined certificate:

35 (1) Guilty pleas and sentencing: 20 days.

36 (2) Child in need of assistance and termination of parental rights  
37 proceedings under chapter 232: 30 days.

38 (3) All other cases: 40 days.

39 ~~*a.* 20 days — guilty pleas and sentencing.~~

40 ~~*b.* 30 days — child in need of assistance and termination of parental-~~  
41 ~~rights proceedings under chapter 232.~~

1 ~~c. 40 days — all other cases.~~

2 c. If a reporter cannot file the transcript and certificate of filing the  
3 transcript in the time allowed under this rule, the reporter ~~shall~~must file  
4 with the clerk of the supreme court an application for extension of time  
5 and ~~must~~shall serve a copy on all counsel of record, any unrepresented  
6 parties, and the chief judge of the judicial district. The application ~~shall~~  
7 must include the estimated date of completion, the approximate page  
8 length of the transcript, and the grounds for requesting the extension.

9 **6.803(4) Charges for transcription.** Pursuant to Iowa Code section  
10 602.3202, the maximum compensation of reporters for transcribing their  
11 official notes ~~shall~~will be as provided in Iowa ~~Ct. R.~~Court Rule 22.28.

12 **6.803(5) Payment for transcript.** The ordering party must make  
13 satisfactory arrangements with the reporter for payment of the transcript  
14 costs. The cost of the transcript ~~shall~~will be taxed by court order in the  
15 district court.

16 **6.803(6) ~~Notice of filing transcript~~Issuance of briefing notice.** ~~The clerk~~  
17 ~~of the supreme court shall must give notice, in a notice of the briefing~~  
18 ~~deadline, to all parties or their attorneys of the date on which that the last~~  
19 ~~transcript ordered for the appeal was filed. Or~~  
20 ~~The clerk of the supreme court will~~shall issue a notice of briefing deadline  
21 when all transcripts ordered for the appeal have been filed.

22 [Court Order October 31, 2008, effective January 1, 2009; March 9, 2009;  
23 November 18, 2016, effective March 1, 2017; December 6, 2016, effective  
24 March 1, 2017]

25 **Rule 6.804 Combined certificate.**

26 **6.804(1) Duty of the appellant to file combined certificate.** In all cases,  
27 the appellant must complete the combined certificate form found in ~~form~~  
28 2-in rule 6.1401—Form 2: Combined Certificate. The combined certificate  
29 must be separately filed with both the ~~clerks of both the~~clerk of the district  
30 court and the clerk of the supreme court within ~~seven~~7 days after filing  
31 the notice of appeal or appointment of new appellate counsel, whichever is  
32 later. The appellant must serve the combined certificate on each court  
33 reporter from whom a transcript was ordered. Service on a court reporter  
34 must be made by email, mail, fax, or hand-delivery. See Iowa R. App. P.  
35 rule 6.702(4).

36 **6.804(2) Certification of ordering transcript.** If a report of the evidence or  
37 proceedings at a hearing or trial was made and is available and the  
38 appellant deems some or all of that report necessary for inclusion in the  
39 record on appeal, the appellant ~~shall~~must certify in the combined  
40 certificate that the transcript has been ordered. This certification ~~shall~~will  
41 be deemed a professional statement by the attorney signing it that the  
42 transcript has been ordered in good faith, that no arrangements have been  
43 made or suggested to delay the preparation of the transcript, and that  
44 payment for the transcript will be made in accordance with these rules.

1       **6.804(3)** *Appellant’s designation of parts of transcript ordered.* Unless  
2 all of the proceedings are to be transcribed, the appellant ~~shall~~must  
3 describe in the combined certificate the parts of the proceedings ordered  
4 transcribed and state the issues the appellant intends to present on  
5 appeal.

6       **6.804(4)** *Statement that expedited deadlines apply.* The appellant  
7 ~~shall~~must indicate in the combined certificate whether the expedited  
8 deadlines of rule 6.902 apply.  
9 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
10 2016, effective March 1, 2017]

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

12       **6.805(1)** *Appellee’s designation.* If the appellee deems a transcript of  
13 other parts of the proceedings to be necessary, the appellee must  
14 separately file a designation of additional parts to be transcribed with ~~the~~  
15 ~~clerks of~~ both the clerk of the district court and the clerk of the supreme  
16 court and must serve the designation on ~~the each~~ court reporter within  
17 ~~ten~~10 days after service of the combined certificate. The appellee may  
18 request permission to file a separate designation of additional parts to be  
19 transcribed beyond the 10-day period upon a showing of good cause for  
20 being unable to meet the 10-day requirement.

21       **6.805(2)** *Disputes regarding transcription.* The parties are encouraged  
22 to agree on which parts of the proceedings are to be transcribed. Any  
23 disputes concerning which parts of the proceedings are to be transcribed  
24 and which party is to advance payment to the reporter for transcription  
25 are to be submitted to the district court. If, ~~the appellant shall w~~within  
26 ~~four~~4 days of the appellee’s designation of additional parts, if the appellant  
27 fails fail or refuses refuse to order such parts, the appellee ~~shall~~must either  
28 order the parts or apply to the district court to compel the appellant to do  
29 so.

30       **6.805(3)** *Supplemental certificate.* Within ~~seven~~7 days after the appellee  
31 has served a designation of additional parts of the proceedings requested  
32 to be transcribed, the party ordering the additional proceedings must use  
33 the supplemental certificate found in ~~form 3 in~~ rule 6.1401—Form 3:  
34 Supplemental Certificate to order the additional proceedings transcribed,  
35 serve it on ~~the each~~ court reporter, and file it with ~~the clerks of~~ both the  
36 clerk of the district court and the clerk of the supreme court.  
37 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
38 2016, effective March 1, 2017]

39       **Rule 6.806 Proceedings when the transcript is unavailable.**

40       **6.806(1)** *Statement of the evidence or proceedings.* A statement of the  
41 proceedings may be prepared to create a record of a hearing or trial for  
42 which a transcript is unavailable if a party deems it necessary to complete  
43 the record on appeal. The statement of the proceedings must be prepared  
44 from the best available means, including the ~~party’s~~parties’ recollection.

1 The statement must be filed with the clerk of the district court within 20  
2 days after the filing of the notice of appeal or within 10 days after the party  
3 discovers ~~athe~~ transcript of a proceeding is unavailable.

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

7 **6.806(3)** *Approval of statement by the district court.* The statement and  
8 any objections or proposed amendments ~~shall-must~~ be submitted to the  
9 district court for settlement and approval. After considering the statement  
10 of proceedings, any objections or proposed amendments, and its own  
11 recollections, the district court may conduct a hearing and compel any  
12 necessary persons to appear as witnesses, and may approve, reject, or  
13 revise the statement of proceedings as it deems necessary to ensure the  
14 correctness and completeness of the record. The statement as settled and  
15 approved ~~shall-must~~ be filed with the clerk of the district court and the  
16 clerk of the supreme court.

17 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
18 effective May 3, 2013; November 18, 2016, effective March 1, 2017]

19 **Rule 6.807 Correction or modification of the record.** If any difference  
20 arises as to whether the record truly discloses what occurred in the district  
21 court, commission, agency, or other tribunal, a request to settle the  
22 difference ~~shall-must~~ be submitted to and ~~settled~~determined by that court,  
23 commission, agency or other tribunal and the record made to conform to  
24 the truth. If that court, commission, agency, or other tribunal determines  
25 that anything a party deems necessary material to either party is was  
26 omitted from the record by error or accident or is misstated therein, such  
27 error or omission must be corrected in the record on appeal. Such  
28 correction may be made by stipulation of the parties or by ~~stipulation or~~  
29 the district court, commission, agency, or other tribunal. If the correction  
30 is made, -either before or- after the record ~~has been~~is transmitted to the  
31 supreme court, ~~or the appropriate appellate court on proper suggestion or~~  
32 ~~on its own initiative, may shallmust~~ direct that the omission or  
33 ~~misstatement be corrected by the district court and if necessary that~~ a  
34 supplemental record must be certified and transmitted. A copy of any  
35 request to correct or modify the record ~~shall-must~~ be filed with the clerk of  
36 the supreme court. All other questions as to the form and content of the  
37 record ~~shall-must~~ be presented to the supreme court, unless the questions  
38 arise after the case has been transferred to the court of appeals, in which  
39 event, they ~~shall-must~~ be presented to that court.

40 [Court Order October 31, 2008, effective January 1, 2009; March 9, 2009]

41 **Rules 6.808 to 6.900** Reserved.

42

**DIVISION IX**  
BRIEFS AND APPENDICES~~X~~

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

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

*a. Appellant's ~~proof~~-brief.* The appellant's brief shall must be filed a proof copy of the appellant's brief within 50 days after the date the clerk of the supreme court gives the notice of the briefing deadline required under rule 6.803(6). ~~that the last transcript ordered for the appeal has been filed. If no transcript is ordered or if the transcript is unavailable, the appellant shall file a proof copy of the appellant's brief within 50 days after the clerk gives notice of the briefing deadline.~~

*b. Appellee's ~~proof~~-brief.* Within 30 days after service of the appellant's ~~proof~~-brief, the appellee shall must file either a ~~proof copy of the appellee's~~ brief, a written statement under rule 6.903(34) waiving the brief, or a combined appellee's/cross-appellant's brief pursuant to rule 6.903(56).

*c. Reply briefs.* If a cross-appeal has not been filed, the appellant may file a ~~proof copy of a~~ reply brief within 21 days after service of the appellee's ~~proof~~-brief. If a cross-appeal has been filed, the appellant/cross-appellee shall must respond within 21 days after service of the appellee/cross-appellant's ~~proof~~-brief by filing either ~~a proof copy of a~~ reply brief or a statement waiving any further ~~proof~~-brief. If the appellant/cross-appellee files a reply brief, the appellee/cross-appellant may file a reply brief in final form under rule 6.903(5) within 14 days after service of the appellant's/cross-appellee's reply brief.

*d. Requests for Changes to Briefing Schedules.* In the event the parties' interests differ from traditional appellant-appellee roles, a party may request the clerk of the supreme court to enter briefing deadlines that differ from the prescribed deadlines.

*de. Counsel's duty to serve brief on ~~defendant, applicant, or~~ respondent committed under Iowa Code chapter 229A.* In addition to the service requirements of rule 6.702, appellate counsel for ~~a criminal defendant, a postconviction applicant, or~~ a respondent committed under Iowa Code chapter 229A must serve a copy of counsel's ~~proof~~-brief and designation of parts upon the ~~defendant, applicant, or~~ respondent. Counsel must indicate such service in the certificate of service on the ~~proof~~-brief and on the designation of parts. The certificate of service must include the address at which the ~~defendant, applicant, or~~ respondent was served.

**6.901(2)** *Pro se supplemental briefs by respondents committed under Iowa Code chapter 229A.*

*a. Filing of supplemental brief.* Any ~~criminal defendant, applicant for postconviction relief, or~~ respondent committed under Iowa Code chapter 229A may submit a pro se supplemental brief ~~or designation of appendix~~

1 to the clerk of the supreme court within 15 days after service of the ~~proof~~  
2 brief filed by ~~their respondent's~~ counsel. Any pro se supplemental brief ~~or~~  
3 ~~designation~~ submitted beyond this period by a properly served ~~defendant,~~  
4 ~~applicant, or~~ respondent will not be considered by the court and no  
5 response by the State will be allowed. The pro se supplemental brief cannot  
6 exceed more than one-half of the length limitations for a required brief  
7 specified in rule 6.903(1)(*gh*) unless otherwise ordered by the court for  
8 good cause shown. A pro se supplemental brief may be filed by the pro se  
9 filer or by the pro se filer's counsel.

10 *b. Pro se as appellant.* If the ~~defendant, applicant, or~~ respondent is the  
11 appellant, the State's ~~proof~~ brief must be filed within 30 days after service  
12 of the pro se supplemental brief, and the State must serve a copy of its  
13 ~~proof~~ brief upon the appellant. Within the time provided for the appellant's  
14 counsel to file a reply brief, the appellant may also file a pro se  
15 supplemental reply brief. The pro se supplemental reply brief cannot  
16 exceed more than one-half of the length limitations for a reply brief  
17 specified in rule 6.903(1)(*gh*) unless otherwise ordered by the court for  
18 good cause shown. ~~Counsel for the appellant shall be responsible for~~  
19 ~~including any additional designated parts of the record in the appendix.~~

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

24 *d. Counsel's duty to ensure filing and service of supplemental briefs.*  
25 Counsel for the ~~defendant, applicant, or~~ respondent must ensure that pro  
26 se supplemental briefs have been electronically filed and ensure that  
27 service has been accomplished pursuant to rule 6.702.

28 ~~**6.901(3)** Time for filing briefs in final form. Within 14 days after service~~  
29 ~~of the appendix pursuant to rule 6.905(11), each party must file the party's~~  
30 ~~brief or briefs in the final form prescribed by rule 6.903 and 6.904(4)(b).~~

31 **6.901(34)** *Other supplemental briefs.* If the appellate court concludes  
32 supplemental briefs from the parties will assist the court in deciding any  
33 issue in the case, it ~~shall~~ may file an order prescribing the issue or issues  
34 to be addressed, the length of such brief, and the schedule for filing them.

35 **6.901(45)** *Multiple adverse parties.* ~~If the time for doing any act~~  
36 ~~prescribed by these rules is measured from the date of service of a~~  
37 ~~document by an adverse party, then in the case of multiple adverse parties~~  
38 ~~the time for doing such act shall be measured from the date of service of~~  
39 ~~the last timely served document by an adverse party or~~ In the event of  
40 multiple appellants, the deadline to file a responding appellee's brief will  
41 run from the date of service of the last appellant's brief filed. In the event  
42 of multiple appellees, the deadline to file any reply brief will run from the  
43 date of service of the last timely served appellee's brief, the last statement  
44 waiving a brief, or from the date of expiration of time for such service.

1       **6.901(56)** *Amendments.* An appellant may amend a required brief once  
2 within 15 days after serving the brief, provided no brief has been served in  
3 response to it. The time for serving and filing of the appellee’s brief ~~shall~~will  
4 be measured from the date of service of the amendment to the appellant’s  
5 brief. An appellee’s brief may be amended once within 10 days after  
6 service, provided no brief has been served in reply to it. The time for serving  
7 and filing the appellant’s reply brief ~~shall~~will be measured from the date of  
8 service of the amendment to the appellee’s brief. A reply brief may be  
9 amended once within ~~seven~~7 days after it is served. Any other  
10 amendments to the briefs may be made only with leave of the appropriate  
11 appellate court. An amendment may be conditionally filed with a motion  
12 for leave.

13       **6.901(67)** *Deadlines shortened by order.* The supreme court may  
14 shorten the periods for serving and filing ~~proof and final~~ briefs.  
15 [Court Order October 31, 2008, effective January 1, 2009; March 9, 2009;  
16 November 18, 2016, effective March 1, 2017; July 20, 2017]

17       **Rule 6.902 Cases involving expedited times for filing briefs and**  
18 **appendices~~x~~.**

19       **6.902(1)** *Expedited cases.* The following cases ~~shall be~~are expedited on  
20 appeal:

21       a. Child custody, physical care, or visitation.

22       b. Adoption.

23       c. ~~Termination of parental rights~~Termination of parental rights  
24 proceedings under Iowa Code chapter 600A.

25       d. ~~Child in need of assistance~~Child in need of assistance or  
26 termination of parental rights ~~cases~~  
27 proceedings under Iowa Code chapter 232 (when full briefing has been  
28 granted).

29       e. Criminal proceedings in which an appeal is taken from a judgment  
30 and sentence entered upon a guilty plea or from the sentence or  
31 resentencing order only.

32       f. Juvenile proceedings affecting child placement.

33       g. Lawyer disciplinary matters.

34       h. Involuntary ~~mental health~~ commitments of mentally ill persons under  
35 Iowa Code chapter 229.

36       i. Involuntary ~~substance abuse~~ commitments persons with substance-  
37 related disorders under Iowa Code chapter 125.

38       j. Certified questions under Iowa Code chapter 684A.

39       **6.902(2)** *Filing deadlines.* The time for serving and filing ~~proof~~ briefs,  
40 other than reply briefs, ~~and the time for designating the contents of the~~  
41 appendix shall be is reduced by one-half of the time provided in rules

1 ~~6.901(1) and 6.905(1)(b). The appendix and r~~Reply briefs, except an  
2 appellee/cross-appellant's reply brief, ~~shall~~must be served and filed not  
3 more than 15 days after service or expiration of the time for service of the  
4 appellee's ~~proof~~ brief, ~~and printed or duplicated copies of all the briefs in~~  
5 ~~final form shall must be served and filed within seven 7 days after service~~  
6 ~~of the appendix~~. An appellee/cross-appellant's reply brief ~~may~~must be  
7 served and filed not more than ~~seven 7~~ days after service of the  
8 appellant's/cross-appellee's reply brief. The ~~court will not grant~~litigants  
9 ~~will not be given~~ extensions of time in which to comply with the expedited  
10 deadlines except upon a showing of the most unusual and compelling  
11 circumstances.

12 **6.902(3) Priority.** Each case subject to this rule ~~shall~~will be given the  
13 highest priority at all stages of the appellate process. These appeals ~~shall~~  
14 will be accorded submission precedence over other civil cases.

15 **6.902(4) Transcripts.** Court reporters ~~shall~~must give priority to  
16 transcription of proceedings in these cases ~~over other civil transcripts~~.  
17 [Court Order October 31, 2008, effective January 1, 2009]

## 18 **Rule 6.903 Briefs.**

### 19 **6.903(1) Form of briefs.**

20 *a. Reproduction.* A brief must show clear black text or images on a white  
21 background. A brief filed in paper may be reproduced by any process that  
22 yields a clear black image on white paper. The paper must be opaque and  
23 unglazed. Briefs filed in paper must comply with Iowa ~~R.~~Rule  
24 ~~Ele.~~Electronic P.Procedure 16.303.

25 *b. Form of front covers.* The front covers of ~~the~~ briefs ~~shall~~must contain:

26 (1) The name of the court, the district court number, if any, and the  
27 appellate number of the case.

28 (2) The caption on appeal. See rule ~~6.152(2)~~6.109(2).

29 (3) The nature of the proceeding (e.g., ~~A~~Appeal, ~~C~~certiorari) and the  
30 name of the court and judge, agency, or board whose decision is under  
31 review.

32 (4) The title of the document (e.g., Brief for Appellant).

33 (5) The name, address, telephone number, and e-mail address,  
34 ~~and fax number~~ of counsel or the self-represented party filing the brief.

35 *c. Searchable .pdfs.* Every ~~appellate~~ brief must be filed ~~into the appellate~~  
36 ~~case~~ as a searchable .pdf document.

37 *d. Document size, line spacing, and margins, ~~and page numbering~~.* The  
38 brief must be an 8½ 1/2 by 11 inch document. The text must be double-  
39 spaced, but quotations more than ~~40~~50 words long may be indented and  
40 single-spaced. Headings and footnotes may be single-spaced. Margins  
41 must be 1¼ inches on ~~each side and 1 inch on the top and bottom~~all sides.



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

7 ef. Typeface. Either a proportionally spaced or a monospaced typeface  
8 may be used.

9 (1) A proportionally spaced typeface must include serifs, but sans-serif  
10 type may be used in headings and captions. A proportionally spaced  
11 typeface must be 14--point or larger for all text, including footnotes.  
12 Examples of proportionally spaced typeface with serifs that can be used in  
13 the body of a brief are ~~Cambria, Baskerville Old Face, Bookman Old Style,~~  
14 Cambria, Century Schoolbook, Garamond, Georgia, or Times New Roman;  
15 ~~Baskerville Old Face, Garamond, or Georgia.~~

16 (2) A monospaced typeface may not contain more than 10 1/2  
17 characters per inch for all text, including footnotes. Examples of  
18 monospaced typeface that can be used in the body of a brief are Courier  
19 12--point and Consolas 12--point.

20 fg. Type styles. A brief must be set in a plain style. Italics or boldface  
21 may be used for emphasis. Case names must be italicized or underlined.

22 gh. Length. The maximum length of a brief is determined by whether it  
23 is printed or handwritten.

24 (1) Proportionally spaced typeface. If a required brief uses a  
25 proportionally spaced typeface it ~~shall~~may contain no more than  
26 ~~1413~~,000 words. A reply brief ~~shall~~may contain no more than half of the  
27 type volume specified for a required brief. The headings, footnotes, and  
28 quotations count toward the word limitation. The caption, table of  
29 contents, table of authorities, statement of the issues, signature blocks,  
30 and certificates do not count toward the word limitation.

31 (2) Monospaced typeface. If a required brief uses a monospaced typeface  
32 it ~~shall~~may contain no more than 1,300 lines of text. A reply brief ~~shall~~may  
33 contain no more than half of the type volume specified for a required brief.  
34 The headings, footnotes, and quotations count toward the line limitation.  
35 The caption, table of contents, table of authorities, statement of the issues,  
36 signature blocks, and certificates do not count toward the line limitation.

37 (3) Handwritten briefs. A required brief that is handwritten may not  
38 exceed 50 pages. ~~or a~~ reply brief may not exceed 25 pages. The headings,  
39 footnotes, and quotations count toward the page limitation. The caption,  
40 table of contents, table of authorities, statement of the issues, signature  
41 blocks, and certificates do not count toward the page limitation.

42 (4) Certificate of compliance. A brief submitted under rule  
43 6.903(1)(~~gh~~)(1) or 6.903(2) must include a certificate of compliance using

1 ~~form 7 of~~ rule 6.1401—Form 7: Certificate of Compliance with Typeface  
2 Requirements and Type-Column Limitation for Briefs.

3 *hi. Printing or duplicating taxed as costs.* To the extent reasonable, the  
4 costs of printing or duplicating a brief may be taxed in the appellate court  
5 as costs. Reasonable printing or duplicating costs may not exceed actual  
6 costs or \$1 per page, whichever is lower, unless otherwise ordered by the  
7 appropriate appellate court. The costs of any printing or duplication not  
8 required by these rules may not be taxed as costs.

9 **6.903(2) Appellant’s brief.** The appellant’s ~~shall file a~~ brief must  
10 ~~containing~~ all of the following under appropriate headings and in the  
11 following order:

12 a. ~~A~~ Table of contents. ~~The~~ A table of contents ~~shall contain~~ containing  
13 page references.

14 b. ~~A~~ Table of authorities. ~~The~~ A table of authorities ~~shall~~  
15 ~~contain~~ containing a list of cases (alphabetically arranged), statutes, and  
16 other authorities cited, with references to all pages of the brief where they  
17 are cited.

18 c. ~~A~~ Statement of the issues presented for review. A statement of the  
19 issues presented for review. Each issue ~~shall~~ must be numbered and stated  
20 separately in the same order as ~~they are~~ presented in the argument. ~~All~~  
21 ~~authorities referred to in the argument shall be listed under each issue.~~

22 d. ~~A~~ Routing statement. ~~The~~ A routing statement ~~shall indicate~~ indicating  
23 whether the case should be retained by the supreme court or transferred  
24 to the court of appeals ~~and shall with~~ reference to the applicable  
25 criteria in rule 6.1101.

26 e. A Nature statement of the case. The nature of the case is a brief  
27 statement ~~shall indicate briefly indicating what~~ the appellant is appealing,  
28 the type of case being appealed, and nature of the case, the relevant events  
29 of the prior proceedings, and the disposition of the case in the district  
30 court. If a defendant appeals from a criminal conviction, the statement  
31 ~~shall~~ must include the crimes for which the defendant was convicted and  
32 the sentence imposed. All portions of the statement ~~shall~~ must be  
33 supported by appropriate references to the record, ~~or the an~~ appendix, or  
34 an addendum in accordance with rules 6.904(4) and 6.905.

35 f. ~~A~~ Statement of the facts. ~~The~~ A statement of the facts shall recite  
36 reciting the facts relevant to the issues presented for review. ~~All portions~~  
37 ~~of the~~ Each statement of fact shall must be supported by appropriate  
38 specific references to the record or the appendix in accordance with rules  
39 6.904(4) and 6.905.

40 g. Jurisdictional statement. In an appeal from a final judgment of  
41 sentence following a guilty plea, a jurisdictional statement is required that  
42 must include a concise statement that either (1) explains that the  
43 appellant pleaded guilty to a class “A” felony, or (2) demonstrates the

1 grounds that establish “good cause” for purposes of Iowa Code section  
2 814.6(1)(a)(3). The appellant must include citations to the authorities  
3 relied on to invoke the supreme court’s jurisdiction and references to the  
4 pertinent parts of the record in accordance with rules 6.904(4) and 6.905.

5 ~~gh. An~~Argument section. TheAn argument section ~~shall be~~ structured  
6 so that each issue raised on appeal is addressed in a separately numbered  
7 division. Each division ~~shall~~must include all of the following in the  
8 following order:

9 (1) A statement addressing how the issue was preserved for appellate  
10 review, with references to the places in the record where the issue was  
11 raised and decided in the district court. Filing a notice of appeal does not  
12 preserve an issue for appeal, and citing to the notice does not satisfy this  
13 requirement.

14 (2) A statement addressing the scope and standard of appellate review  
15 (e.g., “de novo,” “correction of errors of law,” “abuse of discretion”), citing  
16 relevant authority.

17 (3) An argument containing the appellant’s contentions and the reasons  
18 for them with citations to the authorities relied on and references to the  
19 pertinent parts of the record, the addendum, or an appendix in accordance  
20 with rules 6.904(4) and 6.905. No authorities or argument may be  
21 incorporated into the brief by reference to another document. Failure to  
22 cite authority in support of an issue may be deemed waiver of that issue.

23 ~~hi. A~~eConclusion. A ~~short~~ conclusion stating the precise relief being  
24 sought.

25 ~~ij. A~~rRequest for oral or nonoral submission. A request to submit the case  
26 with or without oral argument. The request may include a statement  
27 explaining why oral argument should or should not be granted.

28 ~~j. Certificate of cost. The amount actually paid for printing or duplicating~~  
29 ~~paper copies of briefs in final form required by these rules must be certified~~  
30 ~~by the attorney.~~

31 **Comment: Rule 6.903(2)(h)(3).** Under rule 6.903(2)(h)(3), an issue may  
32 be deemed waived by failure to cite applicable authority in support of an  
33 argument. If a party intends to raise a state constitutional issue  
34 independent of a federal issue, ordinarily the party should make a  
35 separate argument, supported by citation to authority, to avoid waiving  
36 the issue under rule 6.903(2)(h)(3).

37 **6.903(3) Appellant’s addendum.**

38 a. The appellant must include an addendum with the opening brief  
39 containing a file-stamped copy of the judgment(s), order(s), or decision(s)  
40 being appealed.

41 (1) Appeals from administrative agency actions must include the rulings  
42 from each stage of the agency proceeding in addition to the district court’s

1 final judgment, order, or decision.

2 (2) Appeals in criminal cases must include the final judgment of  
3 sentence in addition to any specific written order or orders being appealed.

4 b. If a cross-appeal is filed, the cross-appellant must include an  
5 addendum with its opening brief only if the written order or decision at  
6 issue in the cross-appeal is not included in the appellant's addendum.

7 c. The addendum must be a ~~separate~~ single document ~~filing~~ with a cover  
8 page identifying it as "Addendum-" that is attached to the brief. See Iowa  
9 R. Elec. P. 16.311. The requirements set out in rule 6.903(1) governing the  
10 printing, typeface, spacing, page size, margins, binding, and the form and  
11 content of the front cover of briefs must also be followed in the preparation  
12 of the addendum.

13 d. Page numbers must be located at the bottom center of each page. The  
14 pages must be numbered consecutively using Arabic whole numbers. The  
15 cover page must be numbered page one. Any blank pages must be  
16 numbered. Roman numerals may not be used as page numbers. Page  
17 numbers must match the digital page numbers of the electronic document.

18 e. The addendum must contain a table of contents identifying each  
19 judgment, order, or decision included and disclosing the page number at  
20 which each begins in the addendum.

21 **Comment:** An addendum is an attachment to the appellant's brief that  
22 includes the district court order or orders from which the appellant is  
23 appealing. An addendum is required in every case. The appellant may, but  
24 is not required, also file a separate appendix pursuant to rule 6.905 that  
25 includes additional documents from the district court record that will  
26 facilitate the appellate court's review of the appeal. Transcripts may not be  
27 included in an addendum but may be included in an appendix.

28 **6.903(34)** Appellee's brief. The appellee ~~shall~~must file a brief or a  
29 statement waiving the appellee's brief. If the appellee files a brief, the brief  
30 ~~shall~~must conform to the requirements of rule 6.903(2), except that a  
31 ~~statement~~nature of the case, ~~or a~~ statement of the facts, and jurisdictional  
32 statement for an appeal from a final judgment of sentence following a guilty  
33 plea pursuant to Iowa Code section 814.6(1)(a)(3) need not be included  
34 unless the appellee is dissatisfied with the appellant's statements. Each  
35 division of the appellee's argument ~~shall~~must begin with a discussion of  
36 whether the appellee agrees with the appellant's statements on error  
37 preservation, scope of review, and standard of review.

38 **6.903(45)** Appellant's reply brief. The appellant may file a brief in reply  
39 to the brief of the appellee. Issues may not be asserted for the first time in  
40 the reply brief. The reply brief does not need to contain the sections  
41 required by rule 6.903(2)(d), 6.903(2)(e), 6.903(2)(f), 6.903(2)(g)(1),  
42 6.903(2)(g)(2), or 6.903(2)(i). The reply brief must conform with 6.903(2),  
43 except (d)-(g), (h)(1)-(2), and (j) of that section. Unless a cross-appeal is  
44 filed, no further briefs may be filed without leave of the appropriate

1 appellate court.

2 **6.903(56)** *Briefs in cross-appeals.* The brief of the appellee/cross-  
3 appellant ~~shall~~must respond to the brief of the appellant and then address  
4 the issues raised in the cross-appeal. The appellant/cross-appellee  
5 ~~shall~~must file a reply brief responding to the issues presented by the cross-  
6 appeal or a statement waiving the reply brief. The appellee/cross-appellant  
7 may file a reply brief responding to the appellant/cross-appellee's reply  
8 brief but may not assert any issues for the first time in the reply brief.

9 **6.903(67)** *Multiple appellants or appellees.* In a case involving a cross-  
10 appeal, an appellee who has not filed a cross-appeal ~~shall~~must file a brief  
11 that either responds to or waives response to the issues raised in the  
12 appellant's brief, and then addresses the issues raised in the cross-appeal.  
13 The appellant ~~shall~~must then file either a brief that addresses the appeal  
14 ~~and/or~~ or cross-appeal issues, or a statement waiving any responsive brief.  
15 If the appellant files a brief that addresses the cross-appeal issues, the  
16 appellee may file a reply brief limited to those issues.

17 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
18 effective May 3, 2013; November 18, 2016, effective March 1, 2017]

19 **Rule 6.904 References in briefs.**

20 **6.904(1)** *To the parties.* ~~In b~~Briefs ~~counsel~~ should minimize references  
21 to parties by such designations as "appellant" and "appellee" and should  
22 use the actual names of the parties or descriptive terms such as "the  
23 plaintiff," "the defendant," "the employee," "the injured person," "the  
24 taxpayer," or "the decedent."

25 **6.904(2)** *To legal authorities.*

26 *a. Cases.*

27 (1) In citing cases, parties must use a Bluebook-type citation format that  
28 includes the parties' names, the volume and page number of the national  
29 reporter, a pin cite to the specific page of the opinion supporting the  
30 proposition for which the case is cited, the court rendering the decision,  
31 and the year it was filed. Citations to Iowa cases must be to the North  
32 Western Reporter unless not reported therein, in which case the citation  
33 must be to the Iowa Reports. the names of parties must be given. In citing  
34 Iowa cases, reference must be made to the volume and page where the  
35 case may be found in the North Western Reporter. If the case is not  
36 reported in the North Western Reporter, reference must be made to the  
37 volume and page where the case may be found in the Iowa Reports. In  
38 citing cases, reference must be made to the court that rendered the opinion  
39 and the volume and page where the opinion may be found in the National  
40 Reporter System, if reported therein. E.g. E.g., \_\_ N.W.2d \_\_, \_\_ (Iowa  
41 20\_\_); \_\_ N.W.2d \_\_, \_\_ (Iowa Ct. App. 20\_\_); \_\_ S.W.2d \_\_ (Mo. Ct.  
42 App. 20\_\_); \_\_ U.S. \_\_, \_\_, \_\_ S. Ct. \_\_ (20\_\_); \_\_ F.3d \_\_ (Cir. 20\_\_); \_\_ F.  
43 Supp. 2d \_\_ (S.D. Iowa 20\_\_). When quoting from authorities or referring to  
44 a particular point within an authority, the specific page or pages quoted

1 ~~or relied upon must be given in addition to the required page references.~~

2 (2) Unpublished opinions or decisions. Unpublished opinions or decisions  
3 of a court or agency do not constitute controlling legal authority, but they  
4 may be cited as providing persuasive reasoning.

5 1. When citing an unpublished opinion or decision, a party must use a  
6 Bluebook-type citation format and include the docket number and a  
7 citation to a readily accessible electronic database, such as Westlaw or  
8 LexisNexis, if available. E.g., *Smith v. Smith*, No. \_\_\_\_\_, WL \_\_\_\_\_,  
9 at \* \_\_\_\_\_ (Iowa Ct. App. \_\_\_\_\_, \_\_\_\_\_).

10 2. If a party cites an unpublished opinion or decision that is not available  
11 in a readily accessible electronic database, such as Westlaw or LexisNexis,  
12 the party must file and serve as an attachment a copy of that opinion or  
13 decision with the brief or other paper in which it is cited. Iowa R. Elec. P.  
14 16.311.

15 *b. Iowa Court Rules.* When citing the Iowa Court Rules, parties must use  
16 the following references:

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

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

21 ~~*e. Unpublished opinions or decisions.* An unpublished opinion or~~  
22 ~~decision of a court or agency may be cited in a brief if the opinion or~~  
23 ~~decision can be readily accessed electronically. Unpublished opinions or~~  
24 ~~decisions shall not constitute controlling legal authority. When citing an~~  
25 ~~unpublished opinion or decision a party shall include an electronic citation~~  
26 ~~indicating where the opinion may be readily accessed online. E.g., No.~~  
27 ~~\_\_\_\_\_, WL \_\_\_\_\_, at \* \_\_\_\_\_ (\_\_\_\_ 20\_\_\_\_).~~

28 *dc. Other authorities.* When citing other authorities, parties must use a  
29 Bluebook-type citation format.; ~~References~~ must be made as follows:

30 (1) Citations to codes ~~shall~~must include the section number and date.

31 (2) Citations to treatises, textbooks, and encyclopedias must include the  
32 edition and the section or page number as applicable.

33 (3) Citations to all other authorities ~~shall~~must include the page or pages  
34 numbers.

35 *ed. Internal cross-references.* Use of “supra” and “infra” is not permitted.

36 **6.904(3)** *To legal propositions.* The following propositions are deemed  
37 so well established that authorities need not be cited in support of them:

38 *a.* Findings of fact in a law action, ~~which means generally any action~~  
39 ~~triable by ordinary proceedings~~, are binding upon the appellate court if  
40 supported by substantial evidence.

41 *b.* In considering the propriety of a motion for directed verdict, the court

1 views the evidence in the light most favorable to the party against whom  
2 the motion was made.

3 c. In ruling upon motions for new trial, the district court has a broad  
4 but not unlimited discretion in determining whether the verdict effectuates  
5 substantial justice between the parties.

6 d. The court is slower to interfere with the grant of a new trial than with  
7 its denial.

8 e. Ordinarily, the burden of proof on an issue is upon the party who  
9 would suffer loss if the issue were not established.

10 f. In civil cases, the burden of proof is measured by the test of  
11 preponderance of the evidence.

12 g. In equity cases, especially when considering the credibility of  
13 witnesses, the appellate court gives weight to the fact—findings of the  
14 district court, but is not bound by them.

15 h. The party who so alleges must, unless otherwise provided by statute,  
16 prove negligence ~~and proximate cause~~ by a preponderance of the evidence.

17 i. A motorist upon a public highway has a right to assume that others  
18 using the road will obey the law, including statutes, rules of the road, and  
19 necessity for due care, at least until the motorist knows or in the exercise  
20 of due care should have known otherwise.

21 j. Generally questions of negligence, and contributory negligence, ~~and~~  
22 ~~proximate cause~~ are for the jury; it is only in exceptional cases that they  
23 may be decided as matters of law.

24 k. Reformation of written instruments may be granted only upon clear,  
25 satisfactory, and convincing evidence of fraud, deceit, duress, or mutual  
26 mistake.

27 l. Written instruments affecting real estate may be set aside only upon  
28 evidence that is clear, satisfactory, and convincing.

29 m. In construing statutes, the court searches for the legislative intent as  
30 shown by what the legislature said, rather than what it should or might  
31 have said.

32 n. In the construction of written contracts, the cardinal principle is that  
33 the intent of the parties must control, and except in cases of ambiguity,  
34 this is determined by what the contract itself says.

35 o. In child custody cases, the first and governing consideration of the  
36 courts is the best interests of the child.

37 p. Direct evidence and circumstantial evidence are equally probative.

38 q. Even when the facts are not in dispute or contradicted, if reasonable  
39 minds might draw different inferences from them a jury question is  
40 engendered.

1       **6.904(4)** *To the record.*

2       a. ~~*Record citations in briefs. Proof briefs. Proof briefs must contain*~~Briefs  
3 must contain a citation to the record for each material statement of fact  
4 and case proceeding that identifies the particular part of the record by date  
5 and name of filing (intelligible abbreviations may be used) with references  
6 to the pages of the parts of the record, including the original page and line  
7 numbers for citation of the to a transcript. e.g., Petition p. 6, Judgment p.  
8 5, Transcript v. II p. 298, Lines 15–24. E.g., 1/1/2022 Final Order and  
9 Judgment, p. 5; 11/14/2021 Defendant’s Motion for Summary Judgment,  
10 Ex. A, p. 14; 6/7/2022 Trial Transcript vol. II, 298:15–24; 5/26/2023  
11 Final Jury Instruction No. 7. For example:

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

23       b. ~~*Abbreviations. An addendum may be abbreviated as “Add.” An*~~  
24 ~~*appendix may be abbreviated as “Appx.” Parties must indicate which*~~  
25 ~~*addendum or appendix is being cited. Subsequent citations to the same*~~  
26 ~~*filing from the district court may be abbreviated in a manner that clearly*~~  
27 ~~*identifies the record and includes the date of the filing*~~

28       **6.904(5)** *Hyperlinks and other electronic navigational aids.* Hyperlinks  
29 and other electronic navigational aids may be included in an electronically  
30 filed document as an aid to the court and the parties subject to the  
31 limitations of Iowa ~~R. Elec. P.~~ Rule of Electronic Procedure 16.312. A party  
32 may not use hyperlinks or other navigational aids to circumvent any page  
33 limitations set by these rules.

34 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
35 2016, effective March 1, 2017]

36       **Rule 6.905 Separate AppendicesAppendix.**

37       ~~**6.905(1)** *Designation of contents.*~~

38       a. ~~The parties are encouraged to agree as to the contents of the~~  
39 ~~appendix.~~

40       b. ~~The designation of parts of the district court record to be included in~~  
41 ~~the appendix must be filed by each party when the proof copy of the party’s~~  
42 ~~required brief, other than appellant/cross-appellee’s reply brief, is filed.~~  
43 ~~An appellee who is satisfied with the appellant’s designation need not~~  
44 ~~designate additional parts for inclusion, but must file a statement~~



1 ~~indicating the appellee is not designating additional parts of the record. If~~  
2 ~~the appellee designates additional parts for inclusion in the record, the~~  
3 ~~designation must indicate which documents, if any, include protected or~~  
4 ~~confidential information; where in the documents the protected or~~  
5 ~~confidential information can be found; the rule, statute, or court order~~  
6 ~~making the information protected or confidential; and whether the~~  
7 ~~information should be contained in a confidential appendix. In designating~~  
8 ~~parts of the record for inclusion in the appendix, the parties must consider~~  
9 ~~the fact that the entire record is available to the appellate courts for~~  
10 ~~examination and may not engage in unnecessary designation.~~

11 ~~e. The appellant shall must include in the appendix the parts designated~~  
12 ~~by the appellee.~~

13 **6.905(12) ~~Duty of appellant; Appellant's Appendix content.~~**

14 ~~a. In addition to the items required to be included in the appellant's~~  
15 ~~addendum pursuant to rule 6.903(3), the appellant must may, but is not~~  
16 ~~required to, file an appendix with ~~it~~the appellant's brief as a separate~~  
17 ~~document. The appendix is due on the same date as the appellant's~~  
18 ~~opening brief, including any extensions. ~~shall~~must prepare and file an~~  
19 ~~appendix.~~

20 ~~b. The appendix ~~shall~~may contain:~~

21 ~~(1) A table of contents.~~

22 ~~(2) A list of the relevant docket entries in the district court proceeding.~~

23 ~~(3) Relevant portions of the pleadings, transcript, exhibits, instructions,~~  
24 ~~findings, conclusions, and opinion. Any pleading included in the appendix~~  
25 ~~shall include the caption, signature block, and certificate of service.~~  
26 ~~Summaries, abstracts, or narratives shall not be used.~~

27 ~~(4) A file stamped copy of the judgment, order, or decision in question.~~

28 ~~(5) A file stamped copy of any notices of appeal or cross appeal,~~  
29 ~~including any certificate(s) of service. no more than 100 pages, inclusive of~~  
30 ~~the cover page and the table of contents, of additional documents that are~~  
31 ~~important to resolution of the specific issues on appeal, including a file-~~  
32 ~~stamped copy of critical portions of the filings, transcripts, exhibits,~~  
33 ~~instructions, verdict form, text of any agency rule relevant to the appeal,~~  
34 ~~or other documents.~~

35 ~~(1) The full district court record is available to the appellate court on~~  
36 ~~appeal. The appellant should limit the appendix to those parts of the~~  
37 ~~record that are important to the specific disputed issues raised on appeal.~~

38 ~~(2) Pleadings generally should not be included in the appendix unless~~  
39 ~~they are important to addressing disputed issues. Petitions and answers~~  
40 ~~generally should not be included in the appendix unless the appeal~~  
41 ~~involves a motion to dismiss, a plaintiff challenges the defendant's~~  
42 ~~assertion of an affirmative defense, or other issues are raised specifically~~

1 relating to the petition or answer. Briefs or memoranda of legal authority  
2 in support of or resistance to motions in the district court generally should  
3 not be included in the appendix. Orders not related to the order being  
4 appealed generally should not be included in the appendix.

5 ~~(3) Any pleading included in the appendix must include the caption,~~  
6 ~~signature block, and certificate of service.~~

7 ~~(3) The appellant should not include items from the record that are~~  
8 ~~relevant only to the background facts and proceedings that are not at issue~~  
9 ~~on appeal. The appellant must still support each statement of material fact~~  
10 ~~and the case proceedings included in the appellant's brief with proper~~  
11 ~~citations to the relevant record pursuant to Rule 6.904(4).~~

12 ~~(6) The text of any agency rule that is cited in the parties' briefs.~~

13 ~~(7) Other parts of the record to which the parties wish to direct the~~  
14 ~~court's attention.~~

15 **Comment: Rule 6.905(1)(b)(1).** Things that could be included in an  
16 appendix:

- 17 • A contract dispute could include a copy of the relevant portions of the  
18 contract.
- 19 • A challenge to jury instructions could include the instructions  
20 provided to the jury by the court as well as the parties' objections and  
21 proposed instructions.
- 22 • A challenge to a suppression ruling could include relevant portions of  
23 the transcript from the suppression hearing, including any oral  
24 rulings made by the judge.
- 25 • A challenge to a dissolution support order could include the parties'  
26 respective affidavits of financial status and trial exhibits identifying  
27 the parties' disputed asset valuations or disputed sources of income  
28 and expense.
- 29 • An appeal from an order granting or denying summary judgment that  
30 turns on the facts rather than legal issues could include the response  
31 to statements of undisputed facts and statements of additional  
32 disputed facts.
- 33 • An appeal involving sufficiency of the evidence should not include the  
34 full record or transcript in the appendix, but the party should ensure  
35 each material fact is properly cited to the district court record  
36 pursuant to rule 6.904(4).

37 **6.905(2) Appellee's Appendix.**

38 a. The appellee may, but is not required, file an appellee's appendix with  
39 its brief as a separate document. The appellee's appendix is due on the  
40 same date as its the appellee's brief, including any extensions. The  
41 appellee's appendix must not contain any items included in the appellant's  
42 appendix. The appellee must cite to items contained in the appellant's  
43 appendix as "Appellant Appx. at \_\_\_."

1 b. The appellee's appendix may include no more than 100 pages,  
2 inclusive of the cover page and the table of contents, of additional  
3 documents not included in the appellant's appendix that are important to  
4 resolution of the specific issues on appeal, including a file-stamped copy  
5 of critical portions of the filings, transcripts, exhibits, instructions, verdict  
6 form, text of any agency rule relevant to the appeal, or other documents.

7 c. The appellee's appendix must comply with the provisions of Rule  
8 6.905(1)(b) pertaining to the appellant's appendix.

9 **6.905(3)** Overlength appendix. For cause shown, any party may request  
10 leave to file an overlength appendix. Such motion must be filed no later  
11 than the filing of the appendix and may be filed with the appendix. A filing  
12 of a motion for overlength appendix is not a basis for extending briefing  
13 deadlines.

14 **6.905(4)** *Cover; form.*

15 a. The requirements set out in rule 6.903(1) governing the printing,  
16 typeface, spacing, page size, margins, binding, and ~~the~~ form and content  
17 of the front cover of briefs must also be followed in the preparation of ~~the~~  
18 appendixappendices.

19 b. Copies of pleadings, exhibits, and other documents may be reduced  
20 or enlarged to 8 1/2 by 11 inches for insertion in the appendix. All such  
21 copies must be legible.

22 c. Page numbers must be located at the bottom center of each page. The  
23 pages must be numbered, consecutively using Arabic whole numbers. The  
24 cover page must be numbered as page one. Any blank pages must be  
25 numbered. Roman numerals may not be used as page numbers. Page  
26 numbers must match the digital page numbers of the electronic document.  
27 If the appendix consists of multiple volumes, the volumes may not be  
28 consecutively paginated, and references to the page numbers must include  
29 both the volume number and the page number, e.g., Appellant Appx. endix  
30 vol. II p. 2568.

31 **6.905(54)** *Table of contents.*

32 a. ~~The appendix~~ All appendices must ~~contain~~ include a table of contents  
33 identifying each part of the record included and disclosing the page  
34 number at which each part begins in the appendix. If the appendix  
35 consists of multiple volumes, the table of contents in each volume must  
36 disclose the contents and page numbers of all volumes.

37 b. If portions of a ~~court~~ reporter's transcript of testimony are included  
38 in the appendix, the table of contents ~~shall~~ must state the name of each  
39 witness whose testimony is included and the appendix page at which each  
40 witness's testimony begins.

41 c. If exhibits are included in the appendix, the table of contents  
42 ~~shall~~ must identify each exhibit by the number or letter with which it was  
43 marked in the district court, give a concise description of the exhibit

1 (~~e.g.~~, “warranty deed dated . . .”; “photograph of construction site”;  
2 “Last Will and Testament executed on . . .”), and state the page number  
3 at which the exhibit appears in the appendix.

4 ~~**6.905(5)** *Relevant docket entries.* The docket entries relevant to the  
5 appeal shall must be listed on a separate page immediately following the  
6 table of contents.~~

7 **6.905(6)** *Verbatim; paginated; in chronological order.* Following the table  
8 of contents ~~and the list of relevant docket entries, other parts of the record~~  
9 ~~of proceedings relevant to the issues raised in the appeal shall must the~~  
10 ~~parts of the record contained in the appendix should~~ be included verbatim  
11 on consecutively numbered pages ~~and in the chronological order in which~~  
12 ~~the proceedings occurred.~~

13 **6.905(7)** *Transcripts of proceedings and depositions.* If a transcript or  
14 deposition entered into evidence is not filed ~~electronically~~, relevant  
15 portions cited by the parties must be included in that party’s ~~the~~ appendix  
16 ~~unless it is included in another party’s appendix~~. Relevant portions of an  
17 electronically filed transcript or evidentiary deposition may, but need not,  
18 be included. The following rules apply to all portions of transcripts and  
19 evidentiary depositions included in the appendix.

20 a. Any portion of a transcript or deposition included in the appendix  
21 ~~shall must~~ be preceded by a copy of the reporter’s cover sheet disclosing  
22 the date~~(s)~~ of the proceedings and the names of the participants.

23 b. Any portion of a transcript of proceedings ~~shall must~~ appear in ~~the~~  
24 chronological order of the proceedings.

25 c. The name of each witness whose testimony is included in the  
26 appendix ~~shall must~~ be inserted on the top of each appendix page where  
27 the witness’s testimony appears.

28 d. The transcript page number ~~shall must~~ be placed in brackets at the  
29 place in the appendix where the testimony from that transcript page  
30 begins.

31 e. The omission of any transcript page~~(s)~~ or portion of a transcript page  
32 ~~shall must~~ be indicated by a set of three asterisks at the location on the  
33 appendix page where the matter has been omitted.

34 ~~**6.905(8)** *Separate volume for exhibits.* Relevant portions of exhibits  
35 included in the appendix may be indexed and contained in a separate  
36 volume or volumes. Relevant portions of the transcript of a proceeding  
37 before an administrative agency, board, commission, or officer, used in an  
38 action in the district court, may be regarded as an exhibit for the purpose  
39 of this rule.~~

40 **6.905(89)** *Asterisks must denote o*mitted portions of exhibits and other  
41 documents. If part of an exhibit or other document is omitted from the  
42 appendix, the omission must be indicated by a set of three asterisks at the  
43 location on the appendix page where the matter has been omitted.

1 ~~**6.905(10)** *Matters not included in the appendix.*~~

2 ~~*a.* Trial briefs shall not be included in the appendix unless necessary to~~  
3 ~~establish preservation of error on an issue argued on appeal. When~~  
4 ~~included to establish error was preserved, relevant portions of an unfiled~~  
5 ~~trial brief shall be made a part of the record pursuant to rule 6.807.~~

6 ~~*b.* The fact that parts of the record are not included in the appendix~~  
7 ~~shalldoes not prevent the parties or the courts from relying on such parts.~~

8 ~~**6.905(11)** *Time for filing the appendix.* The appellant must file each~~  
9 ~~volume of the appendix and any amendments with the clerk of the~~  
10 ~~supreme court within 21 days after service or expiration of the time for~~  
11 ~~service of the appellee's proof brief.~~

12 ~~**6.905(129)** *Amendments*~~*Supplemental appendix.*

13 ~~*a.* The appendix~~ If an appellant's or cross-appellant's initial appendix  
14 did not reach its applicable page limit, the appellant or cross-appellant  
15 may file a supplemental appendix with the reply brief that does not cause  
16 the party's combined appendices to exceed the number of pages allowed  
17 by rule or order of the court. An overlength supplemental appendix may  
18 only be filed with the leave of court pursuant to rule 6.905(3).

19 ~~*b.* In the absence of agreement or after assignment of the appeal for~~  
20 ~~submission to an appellate court, the appendix may be amended only with~~  
21 ~~leave of the appropriate appellate court. A proposed amendment may be~~  
22 ~~conditionally filed with a motion for leave to amend.~~

23 ~~**6.905(1310)** *Cost of producing; taxation as costs on appeal.*~~

24 ~~*a.* The Appellantparty's attorney must certify within the appendix the~~  
25 ~~amount actually paid for printing or otherwise producing paper copies of~~  
26 ~~the appendix required by these rules.~~

27 ~~*b.* The reasonable costs of printing or duplicating the appendix~~ ~~shall~~will  
28 be taxed by the appropriate appellate court. Reasonable printing or  
29 duplicating costs may not exceed actual costs or \$1 per page, whichever  
30 is lower, unless otherwise ordered by the appropriate appellate court. The  
31 costs of any printing or duplication not required by these rules may not be  
32 taxed as costs.

33 ~~**6.905(1411)** *Confidential or protected information.* Confidential or~~  
34 ~~protected information that is not or cannot be redacted must be included~~  
35 ~~in a separate volume of the appendix, and only that volume must be~~  
36 ~~certified as confidential.~~

37 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
38 2016, effective March 1, 2017]

39 **Rule 6.906 Brief of amicus curiae.**

40 **6.906(1)** *Appeal.*

41 ~~*a.*~~ An amicus curiae brief may be filed only by leave of the appropriate

1 appellate court granted on motion, at the request of the appropriate  
2 appellate court, or when accompanied by the written consent of all parties.  
3 The United States and Iowa Attorney General may file an amicus curiae  
4 brief without leave of the appellate court or consent of the parties.

5 b. The brief may be conditionally filed with a motion for leave. The brief  
6 may not be included as an attachment to the motion but must be filed as  
7 a separate document. A motion for leave must identify the interest of the  
8 applicant and ~~must~~ state the reasons an amicus curiae brief would assist  
9 the court in resolving issues preserved for appellate review in the case. An  
10 amicus curiae brief must be filed~~a brief~~ no later than ~~seven~~7 days after  
11 the brief of the party to be supported is filed, or if in support of no party,  
12 no later than 7 days after the appellant's brief. The appropriate appellate  
13 court may extend the deadline for the brief only upon an affirmative  
14 showing of good cause, specifying the period within which an opposing  
15 party may respond.

16 c. If amicus curiae wish to participate in oral argument, a motion  
17 requesting leave to participate must be filed with the appropriate appellate  
18 court at the time of the filing of the brief. The motion must state whether  
19 counsel for the party to which the amicus curiae is aligned has agreed to  
20 share oral argument time, and if there is no such agreement or if the  
21 amicus curiae is aligned to no party, must state with particularity the  
22 reasons why the amicus curiae should be given its own oral argument time  
23 and the amount of time requested. An amicus curiae's request to  
24 participate in oral argument will not be granted except for extraordinary  
25 reasons.

26 **6.906(2) Further review.**

27 a. Amicus curiae briefs may not be filed in support of, or in resistance  
28 to, an application for further review of a decision of the court of appeals. If  
29 the supreme court grants further review, an amicus curiae brief may be  
30 filed upon leave of the supreme court granted on motion, at the request of  
31 the supreme court, or when accompanied by the written consent of all  
32 parties. The United States and Iowa Attorney General may file an amicus  
33 curiae brief without leave of the appellate court or consent of the parties.

34 b. A motion for leave to file an amicus curiae brief must be filed within  
35 14 days of the supreme court's order granting further review, and no  
36 response to the motion ~~shall will be received allowed~~ unless requested by  
37 the court. The motion must identify the interest of the applicant, ~~must~~  
38 state the reasons an amicus curiae brief would assist the court in resolving  
39 issues preserved for appellate review in the case, and ~~must~~ be  
40 accompanied by the amicus curiae brief. The brief may not be included as  
41 an attachment to the motion but must be filed as a separate document. If  
42 the motion for leave to file an amicus curiae brief is granted, the parties  
43 may file a response to the amicus curiae brief within 15 days of the court's  
44 order granting the motion.

1 c. If amicus curiae wish to participate in oral argument, a motion  
2 requesting leave to participate must be filed with the supreme court at the  
3 time of the filing of the brief or, if a brief has already been filed under  
4 6.906(1), within 14 days of the order granting further review. The motion  
5 must state whether counsel for the party to which the amicus curiae is  
6 aligned has agreed to share oral argument time, and if there is no such  
7 agreement or if the amicus curiae is aligned to no party, must state with  
8 particularity the reasons why the amicus curiae should be given its own  
9 oral argument time and the amount of time requested.

10 **6.906(3) Rehearing.** Amicus curiae briefs may not be filed in support  
11 of, or in resistance to, a petition for rehearing of an opinion of the court of  
12 appeals or the supreme court.

13 **6.906(4) Form of amicus curiae brief.** An amicus curiae brief may not  
14 exceed more than one-half of the length limitations for a required brief  
15 specified in rule 6.903(1)(gh). An amicus curiae brief must comply with the  
16 format requirements of rule 6.903(1). An amicus curiae brief need not  
17 comply with rule 6.903(2) or 6.903(3) but must include all of the following:

18 a. A table of contents with page references.

19 b. A table of authorities containing cases {alphabetically arranged},  
20 statutes, and other authorities cited, with references to all pages of the  
21 brief where they are cited.

22 c. A concise statement of the identity of the amicus curiae and ~~itsthe~~  
23 interest in the case.

24 d. A statement that indicates whether a party's counsel authored the  
25 brief in whole or in part, indicates whether a party or party's counsel  
26 contributed money to fund the preparation or submission of the brief, and  
27 identifies any other person who contributed money to fund the preparation  
28 or submission of the brief.

29 e. An argument.

30 f. A certificate of compliance, if required by rule 6.903(1)(gh)(4).

31 **6.906(5) Criteria for allowing an amicus curiae brief.** An appellate court  
32 has broad discretion in determining whether an amicus curiae brief should  
33 be allowed. The court will base its decision on whether the brief will assist  
34 the court in resolving the issues preserved for appellate review in the case.  
35 In reaching its decision, the court will consider various factors, including  
36 those set forth below.

37 a. The court will ordinarily grant a motion for leave to file an amicus  
38 curiae brief if one of the following factors is present.

39 (1) The party whose position the proposed amicus brief supports is  
40 unrepresented or has not received adequate representation.

41 (2) The proposed amicus curiae has a direct interest in another case that  
42 may be materially affected by the outcome of the present case.

1 (3) The proposed amicus curiae has a unique perspective or information  
2 that will assist the court in assessing the ramifications of any decision  
3 rendered in the present case.

4 *b.* The court will ordinarily deny a motion for leave to file an amicus  
5 curiae brief if one of the following factors is present.

6 (1) The proposed amicus curiae brief will merely reiterate the arguments  
7 of the party whose position the brief supports.

8 (2) The proposed amicus curiae brief appears to be an attempt to expand  
9 the number of briefing pages available to the party whose position the brief  
10 supports.

11 (3) The proposed amicus curiae brief attempts to raise issues that were  
12 not preserved for appellate review.

13 (4) The proposed amicus curiae brief will place an undue burden on the  
14 opposing party.

15 *c.* The court may also strike an amicus curiae brief filed with the consent  
16 of all parties if it appears the brief would not be allowed under the above  
17 criteria.

18 [Court Order October 31, 2008, effective January 1, 2009; November 19,  
19 2016, effective March 1, 2017; July 20, 2017]

20 **Rule 6.907 Scope of review.** ~~Review in equity cases shall be de novo~~In  
21 equity cases review is de novo. In all other cases the appellate courts ~~shall~~  
22 constitute courts for correction of errors at law, and findings of fact in jury-  
23 waived cases ~~shall~~ have the effect of a special verdict.

24 [Court Order October 31, 2008, effective January 1, 2009]

25 **Rule 6.908 Oral and nonoral submission; notice of additional**  
26 **authorities.**

27 **6.908(1) Requests for oral argument.** A party desiring to present an oral  
28 argument ~~shall~~must request it in ~~their~~the party's brief as provided in rule  
29 6.903(2)(~~i~~j). Oral argument will ordinarily not be granted if it is not  
30 requested in the brief, except by order of the appropriate appellate court.

31 **6.908(2) Denial of oral argument.** The appropriate appellate court will  
32 deny a request for oral argument if oral argument is unlikely to be of  
33 assistance to the court.

34 **6.908(3) Grant of oral argument.** If oral argument is granted, the court  
35 ~~shall will fix~~set the time allotted for oral argument and notify the parties.  
36 Oral arguments may be conducted in person, by video conference, by  
37 telephone, or a combination thereof in the appropriate appellate court's  
38 discretion.

39 **6.908(4) Issues raised but not argued.** Issues properly raised in the  
40 briefs ~~shall~~will not be waived as a consequence of failing to address them  
41 during oral argument.





1 any impending hearing, trial, or matter needing immediate attention of the  
2 court. If the filing requires expedited consideration, the filing party must  
3 state the circumstances in the special filing instructions to the clerk of the  
4 supreme court on the electronic cover sheet, *see* Iowa R. Elec. P. 16.306(1),  
5 including the date of any impending district court trial or hearing.

6 *b.* Must include any materials required by a specific provision of these  
7 rules governing such motion.

8 *c.* Must be accompanied by a copy of any ruling from which a party  
9 seeks appellate review.

10 *d.* Must state with particularity the grounds on which it is based,  
11 including citations to relevant authorities.

12 *e.* Must set forth the order or precise relief sought.

13 *f.* May be supported by other relevant portions of the record. The  
14 supporting documents to a motion must be electronically attached to the  
15 motion. *See* Iowa R. Elec. P. 16.311. Such attachments may not exceed 25  
16 pages unless otherwise ordered by the appellate court. Any application for  
17 the inclusion of attachments exceeding the 25-page limitation may not  
18 include such attachments.

19 **6.1002(2)** *Resistance; reply to resistance.* All resistances, replies, and  
20 any supporting documents must be filed with the clerk of the supreme  
21 court as provided in rule 6.701 and served as provided in rule 6.702.  
22 Unless the appropriate appellate court orders otherwise, any party may  
23 file a resistance to a motion within 14 days after service of the motion. A  
24 reply to the resistance may be filed within ~~three~~ 3 days after the service of  
25 the resistance. However, the appropriate appellate court may act upon the  
26 motion prior to the expiration of the time to file a reply to the resistance.  
27 A resistance or a reply to the resistance may be supported by other  
28 relevant portions of the record, but such attachments may not exceed 25  
29 pages unless otherwise ordered by an appellate court. Any application for  
30 the inclusion of attachments exceeding the 25-page limitation may not  
31 include such attachments.

32 **6.1002(3)** *Additional filings; hearings.* The court may require additional  
33 filings and may set any motion for hearing.

34 **6.1002(4)** *Motions for procedural or temporary orders.* Notwithstanding  
35 the provisions of rule 6.1002(2), motions for procedural orders, including  
36 any motion under rule 6.1003(2), and motions for temporary orders in  
37 which it appears that rights would be lost or greatly impaired by delay,  
38 may be ruled upon at any time without awaiting a resistance. Any party  
39 adversely affected by such ruling may within 10 days request review of the  
40 ruling.

41 **6.1002(5)** *Authority of a single justice or senior judge of the supreme*  
42 *court to entertain motions.*

43 *a.* In addition to any authority expressly conferred by rule or by statute,

1 a single justice or senior judge of the supreme court may entertain any  
2 motion in an appeal or original proceeding in the supreme court and grant  
3 or deny any relief ~~which-that~~ may properly be sought by motion, except  
4 that a single justice or senior judge of the supreme court may not dismiss,  
5 affirm, reverse, or otherwise determine an appeal or original proceeding.

6 ~~b. The action of~~ An order entered by a single justice or senior judge of  
7 the supreme court may be reviewed by a quorum of the supreme court  
8 upon ~~its own motion or a~~ motion of an adversely affected party. ~~A party's~~  
9 ~~motion for review of the action of a single justice or senior judge shall must~~  
10 ~~be~~ filed within 10 days after the date of filing of the challenged order or  
11 upon the court's own motion.

12 **6.1002(6)** *Authority of the court of appeals and its judges to entertain*  
13 *motions.*

14 a. The court of appeals and its judges may entertain motions only in  
15 appeals that the supreme court has transferred to that court. In such  
16 appeals, a single judge or senior judge of the court of appeals may  
17 entertain any motion and grant or deny any relief ~~which-that~~ may properly  
18 be sought by motion, except that a single judge may not dismiss, affirm,  
19 reverse, or otherwise determine an appeal.

20 ~~b. The action of~~ An order entered by a single judge or senior judge may  
21 be reviewed by a quorum of the court of appeals upon ~~its own motion or a~~  
22 motion of an adversely affected party. ~~A party's motion for review of the~~  
23 ~~action of a single judge shall must be~~ filed within 10 days after the date of  
24 filing of the challenged order or upon the court's own motion.

25 **6.1002(7)** *Authority of the clerk to entertain motions for procedural*  
26 *orders.*

27 a. The clerk ~~or the deputy clerk~~ of the supreme court is authorized,  
28 subject to the control and direction of the supreme court, to take  
29 appropriate action for the supreme court on motions for procedural orders  
30 upon which the court, pursuant to rule 6.1002(4), could rule without  
31 awaiting a resistance. The clerk may grant a motion only for good cause  
32 shown and when the prejudice to the nonmoving party is not great. Good  
33 cause for an extension includes the illness of counsel, the unavailability of  
34 counsel due to unusual and compelling circumstances, the unavailability  
35 of a necessary transcript or other portion of the record due to  
36 circumstances beyond the control of counsel, or a reasonably good  
37 possibility of settlement within the time as extended.

38 b. An order of the clerk of the supreme court entered pursuant to this  
39 paragraph may be reviewed by the appropriate appellate court supreme  
40 ~~court~~ upon ~~the~~ motion of an adversely affected party filed within 10 days  
41 after the date of filing of the challenged order or upon the court's own  
42 motion.

43 **6.1002(8)** *Authority of the clerk to set motions for consideration.* The  
44 clerk ~~or the deputy clerk~~ of the supreme court is authorized, subject to the

1 control and direction of the supreme court, to set any motion pending in  
2 the supreme court for consideration and set the time allowed for resistance  
3 to the motion.

4 **6.1002(9) *Filing deadlines not extended.*** The filing of a motion will not  
5 stay a filing deadline unless otherwise provided by these rules or ~~an~~ order  
6 of the court.

7 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
8 2016, effective March 1, 2017]

9 **Rule 6.1003 Motions to shorten or extend deadlines.**

10 **6.1003(1) *Jurisdictional deadlines.***

11 *a. Notices of appeal.* The supreme court may not extend the deadline for  
12 filing a notice of appeal except as provided in rule 6.101(5).

13 *b. Applications for interlocutory appeal.* The supreme court may not  
14 extend the deadline for filing an application for interlocutory appeal except  
15 as provided in rule 6.104(1)(b)(3).

16 *c. Applications for discretionary review.* The supreme court may not  
17 extend the deadline for filing an application for discretionary review except  
18 as provided in rule 6.106(1)(b).

19 *d. Petitions for writ of certiorari.* The supreme court may not extend the  
20 deadline for filing a petition for writ of certiorari except as provided in rule  
21 6.107(1)(b).

22 *e. Applications for further review.* The court of appeals may not extend  
23 the deadline for filing an application for further review except as provided  
24 in Iowa Code section 602.4102(5). The supreme court may not extend the  
25 deadline for filing an application for further review.

26 **6.1003(2) *All other deadlines.*** The appropriate appellate court may  
27 upon its own motion or on motion of a ~~party~~litigant for good cause shorten  
28 or extend a non-jurisdictional deadline set by these rules or by an order of  
29 the court. In cases where the expedited deadlines of rule 6.902 apply, the  
30 motion ~~shall~~must so state. Good cause for an extension includes the  
31 illness of counsel, the unavailability of counsel due to unusual and  
32 compelling circumstances, the unavailability of a necessary transcript or  
33 other portion of the record due to circumstances beyond the control of  
34 counsel, or a reasonably good possibility of settlement within the time as  
35 extended.

36 [Court Order October 31, 2008, effective January 1, 2009]

37 **Rule 6.1004 Limited remands.** The appropriate appellate court may on  
38 its own motion or on motion of a ~~litigant~~party remand a pending appeal to  
39 the district court, which ~~shall~~will have jurisdiction to proceed as directed  
40 by the appellate court. Jurisdiction of the appeal ~~shall~~will otherwise  
41 remain with the remanding appellate court. A motion for limited remand  
42 ~~shall~~must be filed as soon as the grounds for the motion become apparent.

43 [Court Order October 31, 2008, effective January 1, 2009]

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

2 **6.1005(1) Applicability.** The procedures in this rule apply when court-  
3 appointed counsel moves to withdraw on the grounds that the appeal is  
4 frivolous or good cause cannot be established for an appeal from a guilty  
5 plea to a crime other than a class “A” felony pursuant to Iowa Code section  
6 814.6(1)(a)(3). These withdrawal procedures cannot be used in  
7 ~~termination of parental rights~~ termination of parental rights and ~~child in~~  
8 ~~need of assistance~~ child in need of assistance appeals under Iowa Code  
9 chapter 232, in direct criminal appeals following a trial, or in appeals from  
10 the denial of an application for postconviction relief following a reported  
11 evidentiary hearing on that application, unless the application was  
12 ultimately denied based upon the statute of limitations, law of the case, or  
13 res judicata principles. ~~Although not permitted to withdraw from such~~  
14 ~~appeals, counsel are not required to raise in such appeals claims of~~  
15 ~~ineffective assistance of counsel that require the development of an~~  
16 ~~additional record in a further postconviction relief proceeding.~~

17 **6.1005(2) Motion to withdraw from direct appeal of guilty plea to a crime**  
18 other than a class “A” felony subject to Iowa Code section 814.6(1)(a)(3) for  
19 lack of good cause. If, after a diligent investigation of the entire record, the  
20 appellant’s counsel is convinced the appellant cannot make an argument  
21 establishing good cause to appeal from a guilty plea to a crime other than  
22 a class “A” felony to satisfy the requirements of Iowa Code section  
23 814.6(1)(a)(3), counsel may file a motion to withdraw. The motion must be  
24 accompanied by:

25 a. A brief that explains why good cause cannot be established.

26 (1) The brief must, at a minimum, discuss whether the appellant was  
27 adequately advised of the right to file a motion in arrest of judgment and  
28 whether the appellant waived that right, whether the sentencing  
29 proceedings substantially complied with the rules of criminal procedure,  
30 whether the appellant received a sentence that was mandatory or agreed  
31 to as part of a plea bargain, whether the State complied with its obligations  
32 under any plea agreement, and whether the sentence was authorized by  
33 the Iowa Code, caselaw, and the rules of criminal procedure. The brief  
34 must contain specific citations to the sections of the Iowa Code, the Iowa  
35 Court Rules and caselaw that are applicable to the determination of  
36 whether the sentence imposed was within the statutory limits and  
37 compare those sections to the sentence imposed, along with proper  
38 citation to the record. The brief must also address any other issues that  
39 might arguably establish good cause.

40 (2) Counsel on direct appeal from a criminal proceeding is not required  
41 to review potential claims of ineffective assistance of counsel. See Iowa  
42 Code § 814.7.

43 b. A copy of the rule 6.1005(6) notice.

44 c. A certificate showing service of the motion, brief, and notice upon the

1 client.

2 **6.1005(32)** *Motion to withdraw from all other cases. In all other*  
3 *applicable circumstances, if,* after a diligent investigation of the entire  
4 record, court-appointed counsel is convinced the appeal is frivolous, and  
5 that counsel cannot, in good conscience, proceed with the appeal, counsel  
6 may file a motion to withdraw. ~~For purposes of this section, a potential~~  
7 ~~claim of ineffective assistance of counsel that requires the development of~~  
8 ~~an additional record in a postconviction relief proceeding may be~~  
9 ~~considered frivolous.~~ The motion must be accompanied by:

10 a. A brief referring to anything in the record that might arguably support  
11 the appeal. ~~The motion and brief must be in the form specified in rule~~  
12 ~~6.1007 and must contain citations to the record.~~

13 (1) If the appeal is from a guilty plea to a class “A” felony or sentence,  
14 the motion must, at a minimum, address whether a factual basis existed  
15 for each and every element of the crime, whether the plea and sentencing  
16 proceedings substantially complied with the rules of criminal procedure,  
17 whether the State complied with its obligations under any plea agreement,  
18 and whether the sentence was authorized by the Iowa Code, ~~case~~  
19 ~~lawcaselaw,~~ and the rules of criminal procedure. The brief must contain  
20 specific citations to the sections of the Iowa Code and the Iowa Court Rules  
21 that are applicable to the determination of whether the sentence imposed  
22 was within the statutory limits and compare those sections to the sentence  
23 imposed, along with a proper citation to the record. The brief must also  
24 contain citations to the record establishing each of the elements of the  
25 crime and establishing compliance with the rules of criminal procedure  
26 and the Iowa Code.

27 (2) Counsel on direct appeal from a criminal proceeding is not required  
28 to review potential claims of ineffective assistance of counsel. See Iowa  
29 Code § 814.7.

30 b. A copy of the rule 6.1005(36) notice.

31 c. A certificate showing service of the motion, brief, and notice upon the  
32 client.

33 **6.1005(4)** *Format of motion and brief. The motion and brief that is filed*  
34 *pursuant to rule 6.1005 must be in the form specified in rule 6.1007, and*  
35 *must contain citations to authorities relied on and references to the*  
36 *pertinent parts of the record.*

37 **6.1005(5)** *Request to transmit record. At the time of filing the motion to*  
38 *withdraw under rule 6.1005(3), counsel must file a request with the clerk*  
39 *of the district court to transmit the record to the clerk of the supreme*  
40 *court.*

41 **6.1005(36)** *Written notice to client. Counsel ~~shall~~ must notify the client*  
42 *in writing of counsel’s conclusion that good cause cannot be established*  
43 *under rule 6.1005(2) or that the appeal is frivolous under rule 6.1005(3)*

1 and that counsel is filing a motion to withdraw. The notice ~~shall~~must be  
2 accompanied by a copy of counsel’s motion and brief. The notice ~~shall~~  
3 must advise the client:

4 a. If the client agrees with counsel’s decision and does not desire to  
5 proceed further with the appeal, the client ~~shall~~must within 30 days from  
6 service of the motion and brief clearly and expressly communicate such  
7 desire, in writing, to the supreme court.

8 b. If the client desires to proceed with the appeal, the client ~~shall~~must  
9 within 30 days communicate that fact to the supreme court, raising any  
10 issues the client wants to pursue.

11 c. If the client fails to file a response to counsel’s assertion that the  
12 appeal is frivolous under section 6.1005(3) with the supreme court, such  
13 failure could result in the waiver of the client’s claims in any subsequent  
14 postconviction-relief action.

15 ~~6.1005(4) Request to transmit record. At the time of filing the motion to~~  
16 ~~withdraw, counsel must file a request with the clerk of the district court to~~  
17 ~~transmit the record to the clerk of the supreme court.~~

18 **6.1005(57)** *Dismissal upon client’s agreement.* When a client  
19 communicates to the court the client’s agreement with counsel’s decision  
20 the appeal ~~shall~~will be promptly dismissed.

21 **6.1005(68)** *Supreme court ~~examination of record~~review.*

22 a. In considering a motion pursuant to rule 6.1005(2) to withdraw from  
23 appeal of a guilty plea to a crime other than a class “A” felony subject to  
24 Iowa Code section 814.6(1)(a)(3) for lack of good cause, if the supreme  
25 court finds the appeal lacks good cause, it will grant counsel’s motion to  
26 withdraw and dismiss the appeal for lack of appellate jurisdiction. If,  
27 however, the supreme court finds good cause exists or arguably exists, it  
28 will deny counsel’s motion and may remand the matter to the district court  
29 for appointment of new counsel.

30 b. In considering a motion pursuant to rule 6.1005(3) to withdraw from  
31 a frivolous appeal in all other cases the supreme court will, after a full  
32 examination of all the record, decide whether the appeal is wholly  
33 frivolous. If it finds the appeal is frivolous, it may grant counsel’s motion  
34 to withdraw and dismiss the appeal. If, however, the supreme court finds  
35 the legal points to be arguable on their merits and therefore not frivolous,  
36 it ~~shall~~will deny counsel’s motion and may remand the matter to the  
37 district court for appointment of new counsel.

38 **6.1005(79)** *Extension of times.* The filing of a motion to withdraw  
39 pursuant to this rule ~~shall~~will extend the times for further proceedings on  
40 appeal until the court rules on the motion ~~to withdraw~~.

41 [Court Order October 31, 2008, effective January 1, 2009; May 21, 2012;  
42 March 5, 2013, effective May 3, 2013; November 18, 2016, effective March  
43 1, 2017]

1 **Rule 6.1006 Motions to dismiss, affirm, or reverse.**

2 **6.1006(1) Motions to dismiss.**

3 *a. Contents and time for filing.* An appellee may file a motion to dismiss  
4 an appeal based upon the appellant's failure to comply with an appellate  
5 filing deadline established by an appellate rule or court order, the  
6 appellant's filing of a document that fails to substantially comply with the  
7 appellate rules or a court order, or an allegation that the appropriate  
8 appellate court lacks jurisdiction or authority to address the case. The  
9 motion ~~shall~~must state with particularity the grounds justifying dismissal  
10 and, if applicable, ~~shall~~must specify the prejudice to the appellee's  
11 interests. The motion ~~shall~~must comply with the requirements of rule  
12 6.1002(1). A motion to dismiss should ordinarily be filed within a  
13 reasonable time after the grounds supporting the motion become  
14 apparent. Except for instances in which the court allegedly lacks  
15 jurisdiction or authority over the case, the motion to dismiss should be  
16 used sparingly. A motion to dismiss will usually be granted only if the  
17 alleged infractions are repeated or significant and have resulted in  
18 prejudice to another party or the administration of justice.

19 *b. Ruling.* The appropriate appellate court may rule on the motion or  
20 may order the motion submitted with the appeal. One justice, judge, or  
21 senior judge may order submission with the appeal or deny, but only a  
22 quorum of the appropriate appellate court may grant, a motion to dismiss.  
23 An order dismissing an appeal for failure to prosecute ~~shall~~must direct  
24 the clerk of the supreme court to forward certified copies of the docket and  
25 the order of dismissal to the Iowa Supreme Court Attorney Disciplinary  
26 Board unless the appellant was unrepresented. If counsel was court-  
27 appointed, the clerk ~~shall~~must also forward certified copies of those  
28 documents to the State Public Defender.

29 *c. Motion to reinstate an appeal.* Within 10 days after issuance of the  
30 dismissal order an appellant may file a motion to reinstate an appeal  
31 dismissed under this rule. The motion must set forth the grounds for  
32 reinstatement and may be resisted. The ~~supreme~~appropriate appellate  
33 court may, in its discretion, and ~~shall~~must upon a showing that such  
34 dismissal was the result of oversight, mistake, or other reasonable cause,  
35 reinstate the appeal. One justice, judge, or senior judge may deny, but  
36 only a quorum of the appropriate appellate court may grant, a motion to  
37 reinstate an appeal.

38 **6.1006(2) Motions to affirm.** The Aappellee may file a motion with the  
39 appropriate appellate court to affirm the appeal on the ground that the  
40 issues raised by the appeal are frivolous. The motion ~~shall~~should  
41 ordinarily be served and filed within the time provided for service of the  
42 appellee's ~~proof~~ brief. However, if the motion is based on an allegation that  
43 the result in the case is controlled by an indistinguishable, recently  
44 published decision of an appellate court, the motion may be filed when the  
45 grounds for affirmance become apparent. The appellee ~~shall~~may not file a



1 motion to affirm prior to the filing of appellant's ~~proof~~ brief. The motion  
2 ~~shall~~must comply with the requirements of rule 6.1002(1). One justice,  
3 judge or ~~senior judge~~justice may deny, but only a quorum of the  
4 appropriate appellate court may grant, a motion to affirm.

5 **6.1006(3) *Motions to reverse.*** Any party may file a motion with the  
6 appropriate appellate court to summarily reverse the appeal on the  
7 grounds the result is controlled by an indistinguishable, recently  
8 published decision of an appellate court or where error has been  
9 confessed. The motion must comply with the requirements of rule  
10 6.1002(1). One justice, judge, or ~~senior judge~~justice may overrule, but only  
11 a quorum of the appropriate appellate court may sustain, a motion to  
12 reverse.

13 **6.1006(4) *Excluding time.*** The time between the service of a motion to  
14 dismiss, affirm, or reverse and an order overruling the motion or ordering  
15 its submission with the appeal ~~shall~~will be excluded in measuring the time  
16 within which subsequent acts required by these rules must be done.  
17 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
18 2016, effective March 1, 2017]

19 **Rule 6.1007 Form of motions and other filings.**

20 **6.1007(1) *Format.*** Motions and other ~~similar-related~~ filings must show  
21 clear black text or images on a white background on an 8 1/2<sup>1/2</sup> by 11 inch  
22 document. If filed in paper, they may be reproduced by any process that  
23 yields a clear black image on white paper. The paper must be opaque and  
24 unglazed. Unless handwritten, the text must be double-spaced, but  
25 quotations more than ~~40~~50 words long may be indented and single-  
26 spaced. Margins must be one inch on all sides~~1 1/4 inches on each side and~~  
27 ~~1 inch on the top and bottom~~. Page numbers must be located at the bottom  
28 center of each page. Typeface must conform to rule 6.903(1)(e). Paper  
29 filings must comply with Iowa ~~Rule- of Electronic- Procedure-~~ 16.303.

30 **6.1007(2) *Contents.*** A motion or other similar filing addressed to an  
31 appellate court must contain a caption setting forth the name of the court,  
32 the title of the case, the file number, a brief descriptive title indicating the  
33 purpose of the filing, and the name, address, telephone number, and e-  
34 mail~~email~~ address, ~~and fax number~~ of counsel or the self-represented  
35 party.  
36 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
37 2016, effective March 1, 2017]

38 **Rules 6.1008 to 6.1100** Reserved.

39  
40 **DIVISION XI**

41 **TRANSFER, SUBMISSION, AND FURTHER REVIEW**

42  
43 **Rule 6.1101 Transfer of cases to the court of appeals.**

44 **6.1101(1) *Transfer.*** The supreme court may by order, on its own

1 motion, transfer to the court of appeals for decision any case filed in the  
2 supreme court except a case in which provisions of the Iowa Constitution  
3 or statutes grant exclusive jurisdiction to the supreme court.

4 **6.1101(2) *Criteria for retention.*** The supreme court ~~shall~~ ordinarily will  
5 retain the following types of cases:

6 a. Cases presenting substantial constitutional questions as to the  
7 validity of a statute, ordinance, or court or administrative rule.

8 b. Cases presenting substantial issues in which there appears to be a  
9 conflict between a published decision of the court of appeals or supreme  
10 court.

11 c. Cases presenting substantial issues of first impression.

12 d. Cases presenting fundamental and urgent issues of broad public  
13 importance requiring prompt or ultimate determination by the supreme  
14 court.

15 e. Cases involving lawyer discipline.

16 f. Cases presenting substantial questions of enunciating or changing  
17 legal principles.

18 **6.1101(3) *Criteria for transfer.*** The supreme court ~~shall~~ ordinarily will  
19 transfer to the court of appeals the following types of cases:

20 a. Cases presenting the application of existing legal principles.

21 b. Cases presenting issues that are appropriate for summary  
22 disposition.

23 [Court Order October 31, 2008, effective January 1, 2009]

24 **Rule 6.1102 Order of submission and transfer.**

25 **6.1102(1) *Submission.*** Appeals ~~shall~~will be submitted to the supreme  
26 court or transferred to the court of appeals substantially in the order they  
27 are made ready for submission except when earlier submission is  
28 mandated by statute, rule, or order of the supreme court.

29 **6.1102(2) *Early submission or transfer.*** If an appeal involves questions  
30 of public importance or rights that are likely to be lost or greatly impaired  
31 by delay, the supreme court may upon the motion of a party or on the  
32 court's own motion order the submission or transfer of the case in advance  
33 of the time at which it would otherwise be submitted or transferred.

34 [Court Order October 31, 2008, effective January 1, 2009]

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

36 **6.1103(1) *Application.***

37 a. *Time for filing.*

38 (1) An application for further review in an appeal from an Iowa Code  
39 chapter 232 ~~child in need of assistance~~child in need of assistance or  
40 ~~termination of parental rights~~termination of parental rights proceeding

1 ~~shall~~must be filed within 10 days following the filing of the court of appeals  
2 decision.

3 (2) In all other cases, an application for further review ~~shall~~must be filed  
4 within 20 days following the filing of the court of appeals decision.

5 (3) The court of appeals must extend the time for filing an application if  
6 the court determines that a failure to timely file an application was due to  
7 the clerk of the supreme court's failure to notify the prospective applicant  
8 of the filing of the decision.

9 *b. Grounds.* Further review by the supreme court is not a matter of right,  
10 but of judicial discretion. An application for further review will not be  
11 granted in normal circumstances. The following, although neither  
12 controlling nor fully measuring the supreme court's discretion, indicate  
13 the character of the reasons the supreme court considers:

14 (1) The court of appeals has entered a decision in conflict with a decision  
15 of the supreme court~~this court~~ or the court of appeals on an important  
16 matter.;

17 (2) The court of appeals has decided a substantial question of  
18 constitutional law or an important question of law that has not been, but  
19 should be, settled by the supreme court.;

20 (3) The court of appeals has decided a case where there is an important  
21 question of changing legal principles.;

22 (4) The case presents an issue of broad public importance that the  
23 supreme court should ultimately determine.

24 *c. Form.* An application for further review must be a single document in  
25 the form prescribed by rule 6.903(1). An application for further review  
26 must contain all of the following under appropriate headings in the  
27 following order:

28 (1) *Questions presented for review.* The application ~~shall~~must contain  
29 questions presented for review, expressed concisely in relation to the  
30 circumstances of the case, without unnecessary detail. The questions  
31 should be short and should not be argumentative or repetitive. The  
32 questions ~~shall~~must be set out on the first page following the cover, and  
33 no other information may appear on that page.

34 (2) *Table of contents.* The application ~~shall~~must contain a table of  
35 contents including page references.

36 (3) *Statement supporting further review.* The application must contain a  
37 direct and concise statement of the reasons why the case warrants further  
38 review. The statement must not be limited to a recitation of rule  
39 6.1103(1)(b). For example, if the claim is that the court of appeals decision  
40 is in conflict with a decision of the supreme court or the court of appeals  
41 on an important matter, the party must cite to the case in conflict.

42 (4) *Brief.* The application ~~shall~~must contain a brief in support of the

1 request for further review including all contentions and legal authorities  
2 in support of the application. No authorities or argument may be  
3 incorporated into the application by reference to another document;  
4 however, citations to the district court record ~~appendix~~ are permitted.

5 (5) *Decision of the court of appeals.* The application ~~shall~~must contain  
6 or be accompanied by a copy of the court of appeals decision<sup>7</sup>, showing the  
7 date of its filing.

8 (6) *Other attachments.* The only materials that may be attached to or  
9 filed with an application, other than the court of appeals decision, are  
10 relevant materials from the district court record not exceeding ~~ten~~10  
11 pages, district court orders, and administrative agency rulings. The district  
12 court order must be attached if the court of appeals affirmed the decision  
13 of the district court under Iowa Rule of Appellate Procedure~~rule~~ 6.1203,  
14 Iowa ~~Ct. R.~~Court Rule 21.26, or Iowa Code section 602.5106(1).

15 *d. Discretion of supreme court on further review.* On further review<sup>7</sup>, the  
16 supreme court may review any or all of the issues raised in the original  
17 appeal or limit its review to just those issues brought to the court's  
18 attention by the application for further review.

19 *e. Filing fee.* The applicant ~~shall~~must pay to the clerk of the supreme  
20 court a filing fee or file a motion to waive or defer the fee as provided in  
21 rules 6.703(1)(g) and 6.703(2).

22 **6.1103(2) Resistance.**

23 *a. When allowed; time for filing.* No resistance will be received in an Iowa  
24 Code chapter 232 ~~child in need of assistance~~child in need of assistance  
25 or ~~termination of parental rights~~termination of parental rights proceeding  
26 unless requested by the supreme court.

27 *b.* In all other cases, a party may file a resistance within 10 days after  
28 service of the application.

29 *b.c. Form.* A resistance ~~shall~~must be in the form prescribed by rule  
30 6.903(1). The resistance ~~shall~~must be a single document including all  
31 contentions and legal authorities in opposition to the application. No  
32 authorities or argument may be incorporated into the resistance by  
33 reference to another document; however, citations to ~~the appendix~~district  
34 court record are permitted. The only materials that may be attached to or  
35 filed with a resistance are relevant materials from the district court record  
36 ~~an evidentiary exhibit~~ not exceeding 10 pages, ~~and a~~ district court orders,  
37 and administrative agency rulings.

38 **6.1103(3) Replies.** Replies to a resistance to further review are not  
39 allowed.

40 **6.1103(34) Cover of application or resistance.** The cover of the  
41 application or resistance must contain:

42 *a.* The name of the court and the appellate number of the case.

1     **b.** The caption of the case. See Iowa R. App. P. rule 6.109(2)6.152(2).

2     **c.** The date of filing of the court of appeals decision.

3     **d.** The title of the document.

4     **e.** The name, address, telephone number, and e-mail address, ~~and~~  
5 ~~fax number~~ of counsel or the self-represented party.

6     **6.1103(45)** *Length of application or resistance.*

7     **a.** The application for further review or resistance may not exceed two-  
8 fifths of the length limitations for a required brief specified in rule  
9 6.903(1)(gh) exclusive of the court of appeals decision, table of contents,  
10 table of authorities, relevant materials from the district court record,  
11 district court orders, and administrative agency decisions.

12     **b.** An application for further review or resistance must include a  
13 certificate of compliance using ~~form 10 of~~ rule 6.1401—Form 10:  
14 Certificate of Compliance with Typeface Requirements and Type-Volume  
15 Limitation for an Application for Further Review or a Resistance to an  
16 Application for Ruther Review.

17     **6.1103(56)** *Supplemental briefs.* If an application for further review is  
18 granted, the supreme court may require the parties to file supplemental  
19 briefs on all or some of the issues to be reviewed.

20     **6.1103(67)** *Procedendo.* When an application for further review is  
21 denied by ~~order of~~ the supreme court, the clerk of the supreme court ~~shall~~  
22 will immediately issue procedendo.

23 [Court Order October 31, 2008, effective January 1, 2009; March 5, 2013,  
24 effective May 3, 2013; November 18, 2016, effective March 1, 2017;  
25 February 23, 2017, effective March 1, 2017; July 20, 2017]

26 **Rules 6.1104 to 6.1200** Reserved.

27  
28                                   **DIVISION XII**  
29                                   DISPOSITION OF APPEALS  
30

31 **Rule 6.1201 Voluntary dismissals.**

32     **6.1201(1)** *Dismissal of an appeal.* An appeal may be voluntarily  
33 dismissed by the party who filed the appeal at any time before a decision  
34 is filed by either the supreme court or the court of appeals.

35     **6.1201(2)** *Dismissal of a cross-appeal.* A cross-appeal may be  
36 voluntarily dismissed by the party who filed the cross-appeal at any time  
37 before a decision is filed by either the supreme court or court of appeals.

38     **6.1201(3)** *Effect of dismissal.* The clerk of the supreme court shall~~will~~  
39 promptly issue procedendo upon the filing of a voluntary dismissal unless  
40 another party's appeal or cross-appeal remains pending under the same  
41 appellate docketing number. If only a cross-appeal remains pending  
42 following the dismissal, the cross-appeal ~~shall~~will continue as the primary

1 appeal, and the cross-appellant ~~shall~~will assume the role of the appellant.  
2 The issuance of procedendo ~~shall~~will constitute a final adjudication with  
3 prejudice. A voluntary dismissal of a direct appeal from a criminal case  
4 ~~shall~~will not preclude the subsequent consideration of a claim for  
5 ineffective assistance of counsel in an action for postconviction relief  
6 pursuant to Iowa Code chapter 822.

7 [Court Order October 31, 2008, effective January 1, 2009; May 21, 2012]

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

10 **6.1202(1) Notice of default.**

11 *a. For appellant's failure to comply.* When an appellant fails to comply  
12 with an appellate deadline, the clerk ~~of the supreme court shall~~will serve  
13 a notice stating that the appeal ~~will~~may be dismissed unless the appellant  
14 cures the default by performing the overdue action within 15 days of  
15 issuance of the notice. If the appellant fails to cure the default, the  
16 ~~clerk~~supreme court shall~~may~~ enter an order dismissing the appeal.

17 *b. For appellee's failure to comply.* When an appellee fails to meet the  
18 deadline for filing a brief or statement waiving the appellee's brief, the clerk  
19 ~~of the supreme court shall~~will serve a notice stating that the appellee will  
20 not be allowed to participate in oral argument unless the appellee remedies  
21 the default by filing the overdue brief within 15 days of issuance of the  
22 notice.

23 **6.1202(2) Penalty assessed to attorney.** When a default notice is sent  
24 to a party's attorney for failing to comply with an appellate deadline, the  
25 attorney ~~shall~~will be assessed a penalty of \$150 by the clerk ~~of the~~  
26 ~~supreme court~~ for each violation. Such penalties are to be paid by the  
27 attorney individually and are not to be charged to the client. If such  
28 penalties are not paid within 15 days, the attorney may be ordered to show  
29 cause why ~~he or she~~the attorney should not be found in contempt of the  
30 supreme court.

31 **6.1202(3) Notice of dismissal due to attorney's failure to comply.**  
32 Following the dismissal of an appeal for failure to comply with an appellate  
33 deadline where the appellant was represented by an attorney, the clerk of  
34 the supreme court ~~shall~~will forward certified copies of the docket, the  
35 notice of default which resulted in dismissal, and the order of dismissal to  
36 the Iowa Supreme Court Attorney Disciplinary Board. In cases where the  
37 attorney was court ~~appointed~~, the clerk ~~shall~~will also forward certified  
38 copies of those documents to the State Public Defender.

39 **6.1202(4) Dismissal on appellate court's motion.** An appeal may be  
40 dismissed, with or without notice of default, upon the motion of the  
41 appropriate appellate court.

42 **6.1202(5) Motion to reinstate an appeal.** Within 10 days after issuance  
43 of the dismissal order, an appellant may file a motion to reinstate an  
44 appeal dismissed under this rule. The motion must set forth the grounds

1 for reinstatement and may be resisted. The ~~supreme~~appropriate appellate  
2 court may, in its discretion, and ~~shall~~must upon a showing that such  
3 dismissal was the result of oversight, mistake, or other reasonable cause,  
4 reinstate the appeal. One justice, judge, or senior judge may deny, but  
5 only a quorum of the appropriate appellate court may grant, a motion to  
6 reinstate an appeal.

7 **6.1202(6) Failure to follow or respond to an appellate court order.** When  
8 a party to an appeal fails to follow or respond to an appellate court order,  
9 the appropriate appellate court may dismiss the appeal or impose a  
10 penalty. If a monetary penalty is imposed on a party's attorney, the penalty  
11 must be paid by the attorney individually and is not to be charged to the  
12 client. If such penalties are not paid within 15 days, the attorney may be  
13 ordered to show cause why the attorney should not be found in contempt  
14 of the court.

15 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
16 2016, effective March 1, 2017]

17 **Rule 6.1203 Affirmed or enforced without opinion.** A judgment or  
18 order may be affirmed or enforced without opinion if the appropriate  
19 appellate court concludes the questions presented are not of sufficient  
20 importance to justify an opinion, an opinion would not have precedential  
21 value, and any of the following circumstances exists:

22 a. A judgment of the district court is correct.

23 b. The evidence in support of a jury verdict is sufficient.

24 c. The order of an administrative agency is supported by substantial  
25 evidence.

26 d. No error of law appears.

27 [Court Order October 31, 2008, effective January 1, 2009]

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

29 **6.1204(1) Filing does not toll further review deadline.** The filing of a  
30 petition for rehearing with the court of appeals does not toll the 20-day  
31 period provided in Iowa Code section 602.4102(4) for filing an application  
32 for further review of a court of appeals decision with the supreme court.  
33 Nothing in these rules prohibits any party from filing both a petition for  
34 rehearing with the court of appeals and an application for further review  
35 with the supreme court.

36 **6.1204(2) Time for filing.** Any petition for rehearing must be filed within  
37 ~~seven~~7 days after the filing of a court of appeals decision.

38 **6.1204(3) Content.** The petition ~~shall~~must state with particularity the  
39 points of law or fact ~~which~~that in the opinion of the petitioner the court of  
40 appeals has overlooked or misapprehended.

41 **6.1204(4) Response.** No response to a petition for rehearing will be  
42 received unless requested by the court of appeals.

1       **6.1204(5) *Action by court of appeals.***

2       a. Oral argument in support of ~~the a~~ petition for rehearing will not be  
3 permitted.

4       b. If the petition for rehearing is not expressly granted or denied by the  
5 court of appeals within ~~seven-7~~ days after the petition is filed, the petition  
6 will be deemed denied. Upon request of the court of appeals within the  
7 ~~seven7~~-day period, the supreme court may grant an extension not to  
8 exceed ~~seven-7~~ days for the court of appeals to rule upon the petition.

9       c. If the petition for rehearing is granted, the decision of the court of  
10 appeals is vacated and the court of appeals ~~shall~~ retains jurisdiction of the  
11 case. The court of appeals may dispose of the case with or without oral  
12 argument, order resubmission, or enter any other appropriate order. The  
13 decision after rehearing ~~shall~~ will be subject to further review as provided  
14 in Iowa Code section 602.4102(4).

15       **6.1204(6) *Stay of pending application of further review.*** Upon motion of  
16 a party or request of the court of appeals, the supreme court may stay any  
17 pending application for further review for consecutive periods of up to 30  
18 days during the pendency of a petition for rehearing.

19       **6.1204(7) *Form of petition.*** The petition for rehearing shall must be in  
20 the form prescribed by rule 6.903(1). Except by permission of the court of  
21 appeals, a petition for rehearing ~~shall~~ may not exceed one-fifth of the  
22 length limitations for a required brief specified in rule 6.903(1)(~~gh~~).

23 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
24 2016, effective March 1, 2017]

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

26       **6.1205(1) *Time for filing.*** ~~A Any~~ petition for rehearing ~~may~~ must be filed  
27 within 14 days after the filing of a supreme court opinion unless the time  
28 is shortened or enlarged by order of that court. A party may not file a  
29 petition for rehearing from an order denying an application for further  
30 review.

31       **6.1205(2) *Content.*** The petition ~~shall~~ must state with particularity the  
32 points of law or fact which in the opinion of the petitioner the supreme  
33 court has overlooked or misapprehended.

34       **6.1205(3) *Response.*** No response to a petition for rehearing will be  
35 received unless requested by the supreme court, but a petition for  
36 rehearing will ordinarily not be granted in the absence of such a request.

37       **6.1205(4) *Action by supreme court.*** Oral argument in support of the  
38 petition will not be permitted. If a petition for rehearing is granted, the  
39 supreme court may make a final disposition of the case with or without  
40 oral argument, order resubmission, or enter any other appropriate order.  
41 The supreme court may deny the rehearing but simultaneously amend the  
42 opinion.



1       **6.1205(5) Form of petition.** The petition ~~shall~~must be in the form  
2 prescribed by rule 6.903(1). Except by permission of the supreme court, a  
3 petition for rehearing ~~shall~~may not exceed one-fifth of the length  
4 limitations for a required brief specified in rule 6.903(1)(~~g~~h).

5 [Court Order October 31, 2008, effective January 1, 2009; November 18,  
6 2016, effective March 1, 2017]

7       **Rule 6.1206 Remands.** When a judgment is reversed for error in  
8 overruling a motion and granting the motion would have terminated the  
9 case in favor of the appellant, the appropriate appellate court may enter or  
10 direct the district court to enter final judgment as if such motion had been  
11 initially ~~sustained~~granted. However, if it appears from the record that the  
12 material facts were not fully developed at the trial or if in the opinion ~~of~~  
13 the appropriate appellate court the ends of justice will be served, a new  
14 trial ~~shall~~will be awarded on all or part of the case.

15 [Court Order October 31, 2008, effective January 1, 2009]

16       **Rule 6.1207 Costs.** All appellate fees and costs ~~shall~~will be taxed to the  
17 unsuccessful party, unless otherwise ordered by the appropriate appellate  
18 court.

19 [Court Order October 31, 2008, effective January 1, 2009]

20       **Rule 6.1208 Procedendo.**

21       **6.1208(1) Procedendo from supreme court action.** Unless otherwise  
22 ordered by the supreme court, ~~no~~ procedendo ~~shall~~may not issue for:

23       a. Twenty-one days after an opinion of the supreme court is filed, nor  
24 thereafter while a petition for rehearing or an application for extension of  
25 time to file a petition for rehearing, filed according to these rules, is  
26 pending.

27       b. Twenty-one days after an order is filed that both denies a petition for  
28 rehearing and amends the original opinion.

29       c. Seventeen days after an order dismissing the appeal is filed, nor  
30 thereafter while a motion requesting that the dismissal be set aside, filed  
31 according to these rules, is pending.

32       **6.1208(2) Procedendo from court of appeals action.** Unless otherwise  
33 ordered by the court of appeals, ~~no~~ procedendo ~~shall~~may not issue for:

34       a. Seventeen days after an opinion is filed in a chapter 232 ~~child-in-~~  
35 ~~need-of-assistance~~child in need of assistance or termination ~~of~~ ~~parental~~  
36 ~~rights~~ ~~or~~ ~~CINA~~ case, nor thereafter while an application for further review  
37 by the supreme court is pending.

38       b. Twenty-seven days after an opinion is filed in all other cases, nor  
39 thereafter while an application for further review by the supreme court is  
40 pending.

41 [Court Order October 31, 2008, effective January 1, 2009; March 9, 2009;  
42 November 18, 2016, effective March 1, 2017]

1 **Rule 6.1209 Quarterly publication.** A list indicating the disposition of  
2 all decisions rendered by the supreme court per curiam or under rule  
3 6.1203 ~~shall~~will be published quarterly in the North Western Reporter,  
4 except for such of those decisions as the supreme court specially orders to  
5 be published in the regular manner.  
6 [Court Order October 31, 2008, effective January 1, 2009]

7 **Rules 6.1210 to 6.1300** Reserved.

8  
9 **DIVISION XIII**  
10 **AMENDMENT TO RULES**

11  
12 **Rule 6.1301 Amendments.**

13 **6.1301(1)** ~~The a~~Amendments of to rules 6.101 ~~—through~~ 6.105, 6.601  
14 ~~—through~~ 6.603, and 6.907 shall be reported to the legislature in  
15 compliance with Iowa Code sections 602.4201 and 602.4202.

16 **6.1301(2)** The amendment of all other appellate rules ~~shall~~must be by  
17 court order and ~~shall~~will take effect at such time as the court prescribes.  
18 [Court Order October 31, 2008, effective January 1, 2009]

19 **Rules 6.1302 to 6.1400** Reserved.