

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

**IN RE: REPORTING OF NON-
TESTIMONIAL HEARINGS**

ADMINISTRATIVE ORDER 2023-39

Iowa Code §602.6603(1) provides that any party can request that a civil or criminal proceeding be reported. Historically, the court has not placed any limits on this ability; however, the current court reporter shortage, and the corresponding limits that shortage places on the availability of reporters to report hearings, requires that a process be implemented to provide more predictability in when hearings are to be reported.

Accordingly, the following is ordered:

1. A request for a hearing to be reported shall be made in the initial motion filed by the moving party, or the initial resistance or response filed by the opposing party or parties. If such a request is not made, the parties' ability to request a record will be deemed waived.


2. The order setting the matter for hearing shall specify whether a record will be made, consistent with the provisions of paragraph 1 of this order. Once the hearing has been set, a later request for a record may be made, but will only be granted upon a finding of good cause. Requests for a record made at the time of the hearing will be denied.

3. This order shall apply to any matter submitted to the court for consideration that does not require the presentation of testimonial evidence (such as routine motion hearings, summary judgment hearings, administrative appeals, and hearings on motions for temporary matters). Hearings that require testimonial evidence are presumed to be reported, subject to the ability of the court to have the hearing electronically recorded

where allowed under Iowa law. The reporting of guilty pleas shall be governed by Iowa Rule of Criminal Procedure 2.8, specifically rules 2.8(3) and 2.8(4).

This order will go into effect on January 2, 2024.

Dated this 20th day of November, 2023.



MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:

Chief Justice Susan Christensen
Liaison Justice Edward Mansfield, Iowa Supreme Court
Bob Gast, State Court Administrator
Marques Wilson, District Court Administrator
District 5 Asst. District Court Administrators
District 5 Judges
District 5 Clerks of Court
District 5 Court Reporters, Court Attendants & Case Coordinators
Iowa State Bar Association
Polk County Bar Association
Kimberly Graham, Polk County Attorney
Valorie Wilson, Adult Public Defender
Matthew Sheeley, Juvenile Public Defender

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