

## 12/1/15 Change Regarding Surrender of Original Note

The EDMS Business Advisory Committee has determined that the original note or proof of indebtedness that must be surrendered under Iowa Rule of Civil Procedure 1.961 shall be electronically filed.

*Motion: Notes or other written evidence of indebtedness are governed by Rule 16.411 which trumps the application of Rule 1.961 in EDMS counties. Motion seconded and unanimously approved.*

In all cases where the original note or written evidence of indebtedness must be surrendered pursuant to Rule 1.961, the note or other proof of indebtedness must be electronically filed. The filer must retain the original document per Rule 16.411.

**Rule 1.961 Notes surrendered.** The clerk shall not, unless by special order of the court, enter or record any judgment based on a note or other written evidence of indebtedness until such note or writing is first filed with the clerk for cancellation. [Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

### **Rule 16.411 Original documents.**

**16.411(1) Generally.** When the law requires the filing of an original document, such as a will, mortgage document, birth certificate, foreign judgment, or other certified or verified document, the filer shall scan the original document and file the scanned document in the electronic document management system. For a period no less than two years or until the conclusion of the case or the conclusion of an appeal, or the conclusion of the estate, whichever is later, the filer shall immediately deliver the original document to the court upon request of the court or the other party for inspection and electronic preservation, if necessary.

**16.411(2) Exceptions for authorized governmental agencies.** A governmental agency with statutory authority to destroy an original document after making an unaltered image or reproduction of the original document shall retain and, upon request of the court or other party, immediately deliver an unaltered image or reproduction of the original document to the court or other party for inspection and reproduction, if necessary.

## 1/21/14 Written Plea of Guilty Changes

Changes to accommodate presenting a Written Plea of Guilty for Judicial Review prior to it being filed with the court. Effective Monday, 12/23/2013.

Rule 16.707 says "Written plea agreements may be electronically presented to the court, but need not be filed prior to the plea proceeding. If the plea is accepted the electronically presented plea agreement shall be filed." To accommodate either practice, of filing the plea document with the clerk or of presenting the proposed plea document to the judge, the following Document types have been added for filers to choose from based on which their local practice dictates:

1. Written Plea of Guilty (Filed with Clerk) - which goes directly to the clerk and is file stamped and docketed by clerk before the judge sees it.
2. Written Plea of Guilty (Presented to Judge) - which is NOT file stamped or docketed unless approved by a judicial officer. This document routes the same way any electronically presented document does, going directly to the Judge for judicial review before going to the clerk for docketing.

## 1/16/14 Letters of Appointment Changes

The clerks of court have new guidelines for letters of appointment. These changes are based on Iowa Code 633.178. Here is a summary of the new procedures as they will affect fiduciaries in all counties.

1. The clerks will no longer accept letters of appointment submitted to them by attorneys and other filers. Upon the filing of an oath of office, or certification and a bond, the clerk will issue the letters of appointment in a newly approved format.
2. The letters will contain the seal of the clerk of court and the clerk's signature. In counties where the Electronic Document Management System (EDMS) is in use, the clerk's signature will be an electronic signature, in compliance with the Chapter 16 rules.
3. The clerk will no longer certify any new or reissued letters, as this is not consistent with the Iowa Code. However, upon request, the clerk will affix a raised seal to the letters.
4. If there are multiple fiduciaries, the clerk will not issue any letters until all fiduciaries are qualified (by oath, etc.), and the issued letters of appointment will contain all fiduciaries on one document. Separate letters will not be issued for multiple fiduciaries.
5. No fee will be collected for issuing letters of appointment.
6. In EDMS counties, the LEAP document will be available on the docket.
7. Letters, once issued, are valid until the probate case is closed or until there is a change in fiduciary and the court orders that new letters of appointment be issued.
8. No letters of appointment will be issued once the estate is closed.

## 10/22/13 Exhibit Changes

Exhibit Changes to EDMS Effective Wednesday, 10/23/13.

As a result of user feedback, the EDMS Business Advisory Committee has resolved to change the process for identifying electronic exhibits.

Here is a summary of the changes approved by the committee:

- The system will continue to assign a sequential number to exhibit submissions. This "System Number" will be appended to the exhibit submission for system maintenance purposes, and is not intended for use as an identifier for electronically submitted exhibits.
- When submitting a proposed exhibit to the court, the filer will be required to identify it using new "Exhibit #" and "Exhibit Description" data fields that have been added to the Filer's Interface. The convention for identifying exhibit submissions by "Exhibit #" and "Exhibit Description" will be based upon local practice, a judge's order, or whatever practice is appropriate in the courtroom.
- Exhibit submissions will be labeled "Exhibit - Proposed" in the docket and when admitted by a judge, will be marked as "Admitted." Admitted exhibits will be labeled "Exhibits" in the docket.
- The "Exhibit #" and "Exhibit Description" will be the designation used to identify exhibits on Exhibit Lists submitted to the court.
- A template order for exhibits will be used by the judge or a judge's assistant to designate the exhibits by the newly added "Exhibit #" and "Exhibit Description." The order will also indicate whether the exhibit was "Offered," "Admitted," and in what "Form" (Electronic or Other). Additional information about security requirements for an exhibit may be typed in the template.
- Filers are required per rule 16.601(3) to inform the court when protected information is contained in exhibits that they submit.