

Memo

To: Iowa Supreme Court, Rules Committee
From: Ed Cook, Legislative Service Bureau
Date: July 10, 1995
Re: Reformatting the Iowa Court Rules

I. Overview

This memo is intended to provide a brief overview of a proposal from the Legislative Service Bureau (LSB) to reformat the Iowa Court Rules. Pursuant to Iowa Code sections 2B.5 and 602.4202, the Legislative Service Bureau is given the authority to publish the Iowa Court Rules and to make suggestions to the Supreme Court on the proper style and format of some of the court rules. The intent of the proposal is to try to reorganize and renumber the rules in a more consistent, reader-friendly, and computer-friendly, format while not changing the substance of the rules.

II. Current Organization and Format of the Rules - Why change?

The initial question in any discussion about changing the format of the rules is why should they be changed and for what reasons. Some of the concerns about the format of the rules came about when LSB agreed to place the court rules on CD-ROM along with other selected portions of the Iowa Administrative Code. Because of the current format of the court rules, converting them to computer disc took significantly longer and caused many more problems than did converting the administrative rules and the Iowa Code to a disc.

The most frequent concern raised deals with the inconsistent numbering system used throughout the rules. Some of the rules refer to Rules 1, 2, etc., some use Court Rule 101, 102, 103.1, etc., some use section 1, 2. In addition the subparts of the rules are identified differently depending on the category with the first subpart of a rule sometimes formatted as an a., A., or 1. Another concern with the numbering is that it does not allow for an easy numerical reference for all the rules since there is no numerical identifier indicating whether any particular Rule 1 is a probate procedure rule or a grievance commission rule, for example. This inconsistency with the numbering makes it very difficult to take the rules and reformat them electronically in any uniform manner.

Other concerns raised deal with the inconsistent spacing and indentation patterns of the rules and the lack of a subject matter oriented organization of the rules.

III. Proposal to Reformat the Rules

The proposal to reformat the rules is based, primarily, on the system used for the Iowa Administrative Code. The current rules would be reorganized under 5 broad categories with each current grouping of rules or guidelines given a chapter number under the broad categories. The following is an abbreviated look at a possible table of contents for the reformatted rules. Please don't hesitate to consider whether the various chapters are appropriately placed or whether there needs to be more, fewer, or different category headings.

APPELLATE COURT OPERATION (10)

Chapter 1. Rules of Appellate Procedure
Chapter 2. Supreme Court Rules

01

PRACTICE OF LAW (20)

Chapter 1. Rules of Civil Procedure
Chapter 2. Rules of Criminal Procedure

02

- Chapter 3. Rules of Evidence
- Chapter 4 Rules of Probate Procedure (Supreme Court Probate Rules)
- Chapter 5. Juvenile Procedure
- Chapter 6. Time Standards for Case Processing — *Just Admin*
- Chapter 7. Small claims
- Chapter 8. Guidelines for Child Support
- Chapter 9. Lawyer Mediators in Family Disputes
- Chapter 10. Involuntary Hospitalization of Mentally Ill
- Chapter 11. Involuntary Commitment or Treatment of Substance Abusers
- Chapter 12. Interpreters for Deaf and Hard of Hearing Persons

JUDICIAL QUALIFICATIONS AND CONDUCT (30) 03

- Chapter 1. Code of Judicial Conduct
- Chapter 2. Judicial Qualification Rules

BAR RULES (40) 04

- Chapter 1. Admission to the Bar
- Chapter 2. Iowa Code of Professional Responsibility for Lawyers
- Chapter 3. Rules of procedure of the Iowa Supreme Court Board of Professional Ethics and Conduct
- Chapter 4. Grievance Commission - complaint procedure
- Chapter 5. Grievance Commission Rules
- Chapter 6. Unauthorized Practice Commission
- Chapter 7. Rules of Procedure of the Commission on the Unauthorized Practice of Law
- Chapter 8. Client Security
- Chapter 9. Regulations of the client security and attorney disciplinary commission.
- Chapter 10. Continuing Legal Education
- Chapter 11. Regulations of the Commission on Continuing Legal Education.

JUDICIAL ADMINISTRATION (50) 05

- Chapter 1. Judicial Administration
- Chapter 2. Guidelines - Costs of Court-Appointed Counsel
- Chapter 3. Lawyer Trust Account Commission.
- Chapter 4. Shorthand Reporters
- Chapter 5. Iowa Court Information System
- Chapter 6. Transition rules re court reorganization

Within each chapter, the rules or guidelines would be numbered consistent with the format used for the Iowa Administrative Code. Thus, for example, Court Rule 2 of the Supreme Court Rules would be referred to as follows: 10 ICR 2.2. This would identify it as an Iowa Court Rule, ICR, within the category for Appellate Court Operation, 10, under chapter 2 of Appellate Court Operation, Supreme Court Rules, and as the second rule of that chapter. A subrule of the rule would be identified by a number inside parens, (1), and a further paragraph under the subrule would be referred to as a lower case letter, a., for example. Current Court Rule 9 "a" (1) of the Supreme Court Rules would then be renumbered, relettered, and referred to as follows: 10 ICR 2.9 (1) "a".

An alternative numbering scheme which you might want to consider would be a scheme more like chapter 602 of the Iowa Code. That numbering scheme is more intricate and includes articles and parts and more distinctive numbering for each unit. Regardless of the scheme used, the key is to establish a uniform approach to apply to the rules.

Ideally, all the Iowa court rules could be renumbered and relettered along a consistent new format. However, we realize that some of the rules, especially the ethics rules and potentially the rules of evidence, civil procedure, and criminal procedure, may not be amenable to such a change since there is some significance to the current numbering or lettering scheme of these rules. Still, we believe reorganizing and reformatting most of the rules would be a significant improvement over the current organization and format of the rules.

IV. Other Considerations

The following is a list of other possible changes to the rules:

1. Eliminate, reduce the number of, or update the transitional rules regarding court reorganization. Currently, the rules cite to several out-of-date Iowa code sections and it appears unclear why some of these rules need to be kept since court reorganization occurred over 10 years ago.
2. Consider eliminating court rule 119 as a separate and distinct rule. This court rule provides that the court has separately adopted the code of judicial conduct and the code of professional ethics for lawyers. The substance of this rule could be noted as a footnote to both the code of judicial conduct and lawyer's ethics code instead of as a separate rule. Since court rule 119 refers to different ethics codes, it is somewhat difficult to decide where to place the rule.
3. Consider moving court rule 120, concerning permitted practice by law students, and court rule 120.1, concerning domestic violence victim counselors. These court rules are currently located under the judicial conduct tab of the current rules and they both appear to relate more to what constitutes the unauthorized practice of law. With the proposed new format, these rules could be included within chapter 6 of the Bar Rules concerning the Unauthorized Practice Commission.
4. Consider eliminating court rule 121 and 123. (but still keep court rules 121.1, .2 etc. and 123.1, .2 etc. but renumbered using the new format) Both of these court rules are primarily headings to the rules that follow. By using chapter references under the proposed new format, a specific rule that provides just a title is unnecessary.
5. Eliminate the following lead-in sentence to the rules of the grievance commission. "The following shall be the rules of the grievance commission of the supreme court of Iowa:" This lead-in appears unnecessary given the fact that the title of this chapter already states this.
6. Identify and number the forms. It may be helpful to identify each form as a separate rule or subrule with a short identifying phrase for that form.
7. Consider adopting a uniform spacing and indentation format that would apply to all the rules, even to those rules where the numbering remains unchanged from the current format.

V. What can the Legislative Service Bureau do to help?

Clearly the proposal presented will require that the current court rules be completely redone. However, as part of our mission to publish the Iowa Court Rules, we are willing to provide you with any assistance you need to reformat and renumber the current rules as you desire, and to perform any necessary editing and proofreading services prior to final publication of the new Iowa Court Rules.

*Wiggins
Brown
vanWerden
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Memorandum

*To: Iowa Supreme Court
From: Ed Cook, Legislative Service Bureau
Date: 09/12/1995
Subject: Reformatting the Iowa Court Rules*

I. Overview

This memo is intended to provide a brief overview of a proposal from the Legislative Service Bureau (LSB) to reformat and renumber the Iowa Court Rules. The intent of the proposal is to try to reorganize and renumber the rules in a more consistent, reader-friendly, and computer-friendly, format while not changing the substance of the rules. After consultation with the Rules Committee of the Iowa Supreme Court, and with Pat Burk from your screening staff, attached to this memo are examples of how certain court rules might be renumbered using a new numbering scheme. In reviewing these examples, please keep in mind that it is not the intention of the Legislative Service Bureau to mandate any particular change. The examples are merely suggestions for you to examine in deciding whether you believe it would be beneficial to change the format of the rules.

II. Current Organization and Format of the Rules - Why change?

The initial question in any discussion about changing the format of the rules is why should they be changed and for what reasons. Some of the concerns about the format of the rules came about when LSB agreed to place the court rules on CD-ROM along with other selected portions of the Iowa Administrative Code. Because of the current format of the court rules, converting them to computer disc took significantly longer and caused many more problems than did converting the administrative rules and the Iowa Code to a disc.

The most frequent concern raised deals with the inconsistent numbering system used throughout the rules. Some of the rules refer to Rules 1, 2, etc., some use Court Rule 101, 102, 103.1, etc., some use section 1, 2. In addition the subparts of the rules are identified differently depending on the category, with the first subpart of a rule sometimes formatted as an a., A., or 1. Another concern with the numbering is that it does not allow for an easy numerical reference for all the rules since there is no numerical identifier indicating whether any particular Rule 1 is a probate procedure rule or a grievance commission rule, for example. This inconsistency with the numbering makes it very difficult to take the rules and reformat them electronically in any uniform manner.

Other concerns raised deal with the inconsistent spacing and indentation patterns of the rules and the lack of a subject matter oriented organization of the rules.

III. Proposal to Reformat the Rules

A. Overview

The proposal to reformat the rules is based, in part, on the system used for the Iowa Administrative Code that has been modified based on discussions with your Rules Committee. Attached to this memo is a revised format, identified as Format A, for the Iowa Court Rules. Under this format, the current rules would be reorganized under 4 broad categories with each current grouping of rules or guidelines given a unique chapter number. Under this format, the Rules of Appellate Procedure would be identified as chapter 4. In order to try and provide some separation between each broader category, the first chapter in each new category starts as a multiple of 10 plus 1. (i.e., 1, 21, 41, 51).

B. Numbering within each court rules chapter.

Under this proposal, the numbering within each chapter of the court rules or guidelines would be consistent with the format used for the Iowa Administrative Code. Thus, for example, Court Rule 2 of the Supreme Court Rules would be referred to as ICR, or Rule, 52.2 using Format A. A subrule of the rule would be identified by a number inside parens, (1), and a further paragraph under the subrule would be referred to as a lower case letter, a., for example. Current Court Rule 9 "a" (1) of the Supreme Court Rules would then be renumbered, relettered, and referred to as ICR, or Rule, 52.9(1)"a" under Format A.

C. The major substantive rules: (Civil Procedure, Criminal Procedure, Evidence, Appellate Procedure)

The attached examples, however, have not incorporated the administrative rules numbering scheme when referring to the major substantive rules. Instead, the only change in the examples from the current numbering scheme is by using the chapter identifier, under Format A, before the current rule number. For example, current civil procedure rule 179b would be renumbered as R.C.P. 1.179b. One of the attached examples indicates how the table of contents of the Rules of Civil Procedure would be renumbered using this new format.

D. Citation style.

The primary citation style for purposes of the internal references within the court rules would be to refer to the rule as either Rule, R., Iowa Court Rules, or ICR and then the number identifier. The examples use these styles depending on what seemed most appropriate. Since the number of each rule would be unique under Format A, e.g., only one rule referred to as 4.1, the lead in can be changed as you deem appropriate without affecting the computer usefulness of the rule reference. However, for the major rules, I generally referred to them by using a consistent abbreviation typically used for those rules. As such, a reference to any rule of civil procedure would be preceded by R.C.P., instead of ICR, and then the number.

E. Ethics rules.

None of the examples include renumbered references to the Code of Professional Responsibility or to the Code of Judicial Conduct. Both codes are located under a distinct

chapter number but this does not mean that the internal hierarchy for these rules need to be changed from the current use of DRs, ECs, and Canons.

IV. What can the Legislative Service Bureau do to help?

Clearly the proposal presented will require that the current court rules be completely redone. However, as part of the mission of the Legislative Service Bureau to publish the Iowa Court Rules, we are willing to provide you with any assistance you need to reformat and renumber the current rules as you desire, and to perform any necessary editing and proofreading services prior to final publication of the new Iowa Court Rules.

Memorandum

To: Iowa Supreme Court Rules Committee
From: Ed Cook, Legislative Service Bureau
Date: 6/11/96
Subject: Reformatting the Iowa Court Rules - Update

I. Overview

This memo is intended to provide you with a brief update on the efforts to reformat and renumber the Iowa Court Rules. Now that the legislative session is over, I am able to spend the time necessary to provide you with the examples and proposals you need to make an informed decision on this issue.

II. Reasons for proposal to reformat the rules

As noted in previous discussions with the committee, the primary reasons identified for changing the current format are to provide a consistent numbering scheme throughout the rules and to provide each rule with its own unique number. By establishing a scheme that meets these reasons these goals, the reformatted rules will hopefully be more user-friendly and computer-friendly.

III. Proposal to Reformat the Rules

A. Overview

The proposal to reformat the rules is based, in part, on the system used for the Iowa Administrative Code with some modifications. Attached to this memo is a revised format, identified as Format P, for the Iowa Court Rules that reflects the discussions from last year. Under this format, the current rules would be reorganized under 4 broad categories with each current grouping of rules or guidelines given a unique chapter number. Under this format, the Rules of Appellate Procedure would be identified as chapter 4. In order to try and provide some separation between each broader category, the first chapter in each new category starts as a multiple of 10 plus 1. (i.e., 1, 21, 41, 51).

B. Numbering within each court rules chapter.

Under this proposal, the numbering within each chapter of the court rules or guidelines would be consistent with the format used for the Iowa Administrative Code. Thus, for example, Court Rule 2 of the Supreme Court Rules would be referred to as ICR, or Rule, 52.2 using Format P. A subrule of the rule would be identified by a number inside parens, (1), and a further paragraph under the subrule would be referred to as a lower case letter, a., for example. Current Court Rule 9 "a" (1) of the Supreme Court Rules would then be renumbered, relettered, and referred to as ICR, or Rule, 52.9(1)"a" under the proposed format.

IV. Substantive concerns - the major rules.

As discussed last year, some questions were raised concerning how extensive the major substantive rules should be renumbered. The rules in question would be the rules of civil procedure, criminal procedure, evidence, and appellate procedure, as well as the ethics codes for lawyers and judges.

A. Ethics rules.

Based on the current unique numbering scheme for the lawyer ethics code, the proposal would be to keep the current DR and EC numbering format the same while merely locating the ethics code under a separate chapter. This could also be done with the judicial ethics code, and its use of canons, although the proposed format could still be applied.

B. Substantive practice rules.

Conceptually, I can perceive of three options in dealing with the major substantive rules.

The first option would be to keep the current numbering system intact with the only change being the insertion of a chapter number. As such, a 179b motion would be numbered as 1.179b with the 1 identifying the rule as a civil procedure rule.

The second option would be to keep the main rule numbers unchanged but would change the internal hierarchy of the rules to be consistent with the format used for the other rules. Thus, for example, current civil procedure rule 42.15(c) (1), would be renumbered as rule 1.42.15(3) (a) and rule 179b would become rule 1.179(2).

The third option would be, in addition to changing the hierarchy like option 2, to completely renumber the rules to eliminate the current use of a point to further subdivide a rule

TABLE OF CONTENTS - PROPOSED FORMAT (P)

(Citation format: Rule or ICR 42.1(1) for the first subrule under the first rule under Supreme Court Rules.)

PRACTICE OF LAW

- Chapter 1. Rules of Civil Procedure
- Chapter 2. Rules of Criminal Procedure
- Chapter 3. Rules of Evidence
- Chapter 4. Rules of Appellate Procedure
- Chapter 5. Rules of Probate Procedure (Supreme Court Probate Rules)
- Chapter 6. Juvenile Procedure
- Chapter 7. Small claims
- Chapter 8. Guidelines for Child Support
- Chapter 9. Lawyer Mediators in Family Disputes
- Chapter 10. Involuntary Hospitalization of Mentally Ill Abusers
- Chapter 11. Involuntary Commitment or Treatment of Substance Persons
- Chapter 12. Interpreters for Deaf and Hard of Hearing Persons

BAR RULES

- Chapter 21. Admission to the Bar
- Chapter 22. Iowa Code of Professional Responsibility for Lawyers
- Chapter 23. Standards for professional conduct (NEW)**
- Chapter 24. Rules of procedure of the Iowa Supreme Court Board of Professional Ethics and Conduct
- Chapter 25. Grievance Commission - complaint procedure
- Chapter 26. Grievance Commission Rules
- Chapter 27. Unauthorized Practice Commission
- Chapter 28. Rules of Procedure of the Commission on the Unauthorized Practice of Law
- Chapter 29. Client Security
- Chapter 30. Regulations of the client security and attorney disciplinary commission.
- Chapter 31. Continuing Legal Education
- Chapter 32. Regulations of the Commission on Continuing Legal Education.

JUDICIAL ADMINISTRATION

- Chapter 41. Judicial Administration
- Chapter 42. Supreme Court Rules
- Chapter 43. Time Standards for Case Processing
- Chapter 44. Guidelines - Costs of Court-Appointed Counsel
- Chapter 45. Lawyer Trust Account Commission
- Chapter 46. Lawyer Trust Account Commission -- grant criteria and procedures
- Chapter 47. Shorthand Reporters
- Chapter 48. Iowa Court Information System
- Chapter 49. Transition rules re court reorganization

JUDICIAL QUALIFICATIONS AND CONDUCT

Chapter 61. Code of Judicial Conduct

Chapter 62. Judicial Qualification Rules

Chapter 63. Rules for Expanded Media Coverage

Supreme Court Studying New Format for Iowa Court Rules

For almost two years, the Iowa Supreme Court Rules Subcommittee has been working with the Legislative Service Bureau to renumber and reformat the Iowa Court Rules to make the Rules easier to access and computer friendly.

Why the change?

The present numbering system of the Iowa Court Rules does not allow for an easy numerical reference to rules. There is no numerical identifier to indicate whether a rule is a probate rule, a grievance rule, or rule of evidence. In addition, the sub parts of the Rules are numbered or lettered differently depending on the category. Finally, the Rules lack any subject matter orientation. When the Legislative Service Bureau put the Rules on CD-ROM it was a confusing and time-consuming process.

The Rules Subcommittee, working closely with Ed Cook of Legislative Service Bureau, has proposed a complete renumbering of the Rules consistent with the format used for the Iowa Administrative Code. (The current use of 'EC's' and 'DR's' is retained for the Code of Professional Responsibility.)

Under the proposed new format, Court Rules are organized under four broad categories with each current grouping of rules or guidelines

given a unique chapter number within a category.

- **Practice of Law** contains all rules of procedure and evidence, Child Support Guidelines, and small claims forms.
- **Bar Rules** include admission to the Bar, the Code of Professional Responsibility for Lawyers, rules and procedures for the lawyer discipline, Unauthorized Practice, Client Security, and Continuing Legal Education.
- **Judicial Administration** includes Judicial Administration, Supreme Court Rules, Time Standards, Guidelines for Court Appointed Counsel Fees, IOLTA, Shorthand Reporters, and ICIS.
- **Judicial Qualifications and Conduct** contains the Code of Judicial Conduct, Judicial Qualification Commission and Rules for Expanded Media Coverage.

The number hierarchy within each chapter of the proposed new format follows the format used for the Iowa Administrative Code. The hierarchy uses several sub levels under each rule and follows a consistent numbering and lettering scheme.

Under the proposal, the Rules most significantly changed are the Rules of Civil Procedure. The changes to the format happen to coincide with a comprehensive revision of the Rules of Civil Procedure under consideration by the Supreme Court. According to Justice Jerry Larson, the Court will probably defer action on the new format until the substantive changes to the Rules of Civil Procedure are sorted out.

Judicial Branch Wins Savings Bond Campaign Award

On August 19, 1996, Governor Branstad presented the Iowa Judicial Department with an award for having the most improved savings bond campaign for a department with over 500 employees. With a participation rate of 15.5%, the Judicial Branch had an increase of 2.5% from last year. This increase, according to Cathy Hull, Judicial Department Savings Bond Coordinator, came about due to the increased use of

informational stuffers in court personnel pay envelopes.

If you have any questions or would like to have Savings Bonds automatically purchased by deductions from your paycheck, call Cathy Hull at (515) 281-6070.

P. S. The 1996 "One Gift" campaign, entitled "One Gift, Your Present for the Future", was launched on September 11th.

Judicial Fellows Program

The Judicial Fellows Commission invites applicants for the 1997-98 Judicial Fellows Program. The Program, established in 1973 and patterned after the White House and Congressional Fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

States Sentencing Commission. Candidates must be familiar with the federal judicial system, have at least one postgraduate degree and two or more years of professional experience. Fellowship stipends are based on salaries for comparable government work and on individual salary histories, but will not exceed the GS 15, step 3 level, presently \$76,316.

Up to four Fellows will be chosen to spend a calendar year, beginning in late August or early September 1997, in Washington, D.C., at the Supreme Court of the United States, the Federal Judicial Center, the Administration Office of the United States Courts, or the United

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, D.C. 20543. (202) 479-3415. The application deadline is November 15, 1996.

Memorandum

To: Iowa Supreme Court Rules Committee
From: Ed Cook, Legislative Service Bureau
Date: 9/2/97
Subject: Iowa Court Rules renumbering project - update

I. General Overview.

Significant progress has been made this summer in preparing a more complete version of the renumbered and reformatted court rules for your consideration. The version being worked on is based on the court rules as updated through July 1997. The format of the new version and suggested table of contents is almost identical to that presented to you in notebook form last year. Still, changes have been made to the initial version of the renumbered court rules to try to improve the final product. It is my intention to try and complete a final version of the suggested changes soon. This final version would include, if possible, the Civil Procedure rules with the amendments currently under consideration by the court.

In working on the project, though, several issues arose beyond merely a question of how to renumber or reformat the rules. This memo seeks to identify some of these issues for your consideration at the same time when you are deciding whether to adopt the more routine renumbering and reformatting changes recommended.

II. Table of contents

In working on the reformatted rules, it became clear that something needed to be done to try to provide some consistent method to give users of the rules a way to pinpoint a specific rule within a chapter. Currently, some rules have a table of contents, an index, a table of contents and an index, or neither a table of contents nor an index. In addition, some of the current indexes refer to rules that now are placed in several different rule chapters. As such, creating an index for each new rule chapter would be practically impossible since the Administrative Code office has neither the time nor the indexing expertise to undertake such a massive project. Our recommendation, then, would be to create a table of contents for each rule chapter with reference to each separate rule within that chapter and to eliminate the indexes.

III. Prefatory references to the rules.

Another issue concerns developing some consistent pattern concerning the use of a prefatory phrase to the actual rule number referred to within the text of the rules and in the

footnotes to the rules. (Such as Rule 2.14, Rule of Criminal Procedure 2.14, R.C.P 2.14)

The following are possible options in creating a consistent approach in making references to other rules. (Major practice rules refers to the Rules of civil procedure, criminal procedure, evidence, and appellate procedure)

No distinction between major practice and other rules.

Option 1. Text and footnotes: Refer to all rules only by their unique number without a prefatory phrase. (This is the general scheme used in the Iowa Administrative Code.)

Option 2. Text: Refer to all rules as Rule 21.3
Footnotes: Refer to all rules as Ct.R. 21.3

Distinction between major practice and other rules.

Option 3. Text:

Major practice Rules
Civil Procedure Rule 1.201
Criminal Procedure Rule 2.14
Evidence Rule 3.401
Appellate Procedure Rule 4.451
Other Rules:
Rule 29.4 OR 29.4 OR Ct.R. 29.4

Footnotes:
Major practice Rules
Civ.P.R. 1.201
Crim.P.R. 2.14
Evid.R. 3.401
App.P.R. 4.451
Other Rules:
Ct.R. 29.4 OR 29.4 OR Rule 29.4

Option 4. Text:

Major practice Rules
Rule of Civil Procedure 1.201
Rule of Criminal Procedure 2.14
Rule of Evidence 3.401
Rule of Appellate Procedure 4.451
Other Rules:
Rule 29.4 OR 29.4 OR Ct.R. 29.4

Footnotes:
Major practice Rules
R.C.P. 1.201
R.Cr.P. 2.14
Evid.R. 3.401
R.App.P. 4.451
Other Rules:
Ct.R. 29.4 OR 29.4 OR Rule 29.4

Option 5:

Use abbreviations for both text and footnotes.

Clearly, these are not the only options (for instance, the evidence rules could contain some reference to "Iowa") but the options represent the primary methods of resolving the issue.

IV. Gender neutrality

One of the more significant changes made in the new version not specifically based on formatting or renumbering is the elimination of gender references in the rules. (Appropriate gender specific references were left, such as in the rules governing parental notification of abortion.) Although gender specific language exists in several rules chapters, the problem is most prevalent in the major practice rules. In most cases, I have tried to select the most appropriate gender neutral reference as a replacement. In one instance, however, the most appropriate replacement was not clear. In both the rules of civil procedure and criminal procedure, reference is made to the jury "foreman." Some jurisdictions have replaced this term with "head juror", while others have used "jury supervisor" or "foreperson." After consultation with several individuals in our office and the Administrative Code Office, our recommendation would be to use "head juror" but we felt that the decision should be left to you.

V. Miscellaneous

ICIS chapter:

It might make some sense to consider moving the rules governing the Iowa court information system from their own separate chapter and to include them within either the chapter on judicial administration or some other chapter. The only major substance in the ICIS chapter governs the use of a personal identification number as well as a list of operational counties as of September 1991. Unless some additional rules governing ICIS are being considered, the rule is now so short that it could easily be absorbed in another rule chapter. I have currently kept ICIS as a separate rule chapter but would strongly suggest your consideration in adding it to another already existing chapter.

History:

The recommendation would be to delete the old historical references in the current rules and to only add new historical references to the new edition of the rules based on the effective date of any amendment to any particular rule after the publication of the new edition.

Transition rules:

For purposes of this version, I have eliminated the transition rules.

Examples:

In order to give you a better idea of how the project is progressing, I have attached a copy of the renumbered rules of

evidence as well as selected portions of the chapters on client security and judicial administration. The renumbered rules of evidence contain several changes based on attempting to eliminate gender specific references which should be examined closely to ensure that I have selected the most appropriate replacement word. The other attached rules highlight the most significant reconfiguring of the current rules I have done. In both cases, I have attempted to reorder and reconfigure current court rule 121.3, governing the client security trust fund, and current court rule 203.1, governing preaudit claims of the judiciary, into a more understandable form. No other rules throughout the Iowa court rules were reordered as significantly as these two examples and clearly my modification is merely a suggestion and not the only way to do it.

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(Citation format: Rule or ICR 42.1(1) for the first subrule under the first rule under Supreme Court Rules.)

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JUDICIAL QUALIFICATIONS AND CONDUCT

Chapter 61. Code of Judicial Conduct

Chapter 62. Judicial Qualification Rules

Chapter 63. Rules for Expanded Media Coverage



Supreme Court

STATE CAPITOL
DES MOINES, IOWA 50319

JAMES H. CARTER
JUSTICE

RECEIVED

AUG 14 1998

LEGISLATIVE SERVICE
BUREAU

August 12, 1998

Ed Cook
Legislative Service Bureau
State Capitol
LOCAL

Dear Ed:

At the rules subcommittee's last meeting, we considered your memo of July 17. We appreciate the great deal of work you have put into the project and look forward to moving forward on it. At the present time we believe that we will want to refer the proposed changes for consideration by our various advisory committees (*e.g.*, criminal rules advisory committee, probate rules committee, etc.) Specifically, we would like the advisory committees' comments about proposed "lead-in" and word changes. We want to ensure that proposed changes intended to make a rule more clear do not inadvertently change its meaning.

As you noted in your memorandum, the renumbered rules presently included in the blue notebook are only current through July 1997. In order to facilitate the advisory committees' review of the proposed changes, we would like to have the blue notebook brought current. We think the advisory committees could more quickly review your proposed changes and return comments to us if they did not have to first ascertain if the rules they are reviewing are in fact current.

A review of our records reveals the following rules and forms have been amended or adopted since July 1997:

8-1-97	Iowa R. Crim. P. 30
8-1-97	Iowa R. App. P. 32
10-3-97	Court R. 218
10-3-97	Court R. 102(a)(8)
10-30-97	Iowa R. App. P.1
10-31-97	Iowa R. Civ. P. (extensive revision of civil rules and forms)
11-20-97	Iowa R. Crim. P. 30
12-9-97	Grievance Commission Complaint Form
1-9-98	Court R. 114
3-13-98	Domestic Abuse Forms
5-6-98	Small claims form for combined FED and money judgment actions

5-29-98
7-1-98

Code of Prof. Resp. DR 2-111 and definitions section
Iowa R. App. P. 15

Copies of all of these changes are enclosed, and the subcommittee would like you to incorporate them into the blue notebook. When we receive the updated version, we, with the assistance of our advisory committees, will determine whether the proposed word and lead-in changes are acceptable. At that time we will be able to approve in principle the proposed renumbering project and can further proceed as outlined in your memo.

One additional concern that the subcommittee had was the proposal to strike the historical references. The court frequently uses these references to research prior versions of a rule. Because rule changes will no longer be published in the Iowa Acts, it seems particularly important to continue to include the historical references in the Iowa Court Rules. The subcommittee would like to know the reasons behind this proposal.

Sincerely,



JAMES H. CARTER
Chairperson, Supreme Court Subcommittee
on Rules of Practice and Procedure

JHC/tjhb

Attachments

Memorandum

To: Iowa Supreme Court
From: Ed Cook, Legislative Service Bureau
Date: 9/16/98
Subject: Iowa Court Rules Renumbering Project - Addendum to July memo

I. General Overview.

Thank you for your prompt consideration and response to my memo dated July 17, 1998. I certainly appreciate your considered attention to this renumbering project and remain willing to provide you with as much information as you need to assist you in making a decision concerning the renumbering proposal. I am certainly available to the court or any of the bar association subcommittees tasked with reviewing this proposal so please don't hesitate to give me a call if any questions arise.

II. Replacement Pages.

As you requested, I have redone several portions of the rules to reflect the changes to the court rules since July 1997. The replacement pages are attached to this memorandum. To differentiate the replacement pages with the original notebook pages, the new pages contain in the page heading the word "redo". The following is a list of the changes made.

Iowa Rules of Civil Procedure - Chapter 1.

✓ Replace all of chapter 1 in the notebook and replace it with the attached replacement pages.

The entire document was redone to eliminate the strikes and underscores reflective of the October 1997 changes. Now, the strikes and underscores in the redone version of the rules reflect only those changes that I made.

Iowa Rules of Criminal Procedure - Chapter 2.

No replacement pages needed for these changes.

The two amendments to current Iowa R. Crim. P. 30 are to forms which were not completely reproduced in the notebook. As such, no change to the current notebook is needed.

Iowa Rules of Appellate Procedure - Chapter 4.

Replace pages ✓1 through 4, ✓21 through 24, and 37 through 38 with the applicable replacement pages. ✓

Replacement pages 1 through 4 reflect the change to current Rule of App. Pro. 1. Replacement pages 21 through 24 reflect the changes

to current Rule of App. Pro. 15. Replacement pages 37 through 38 reflect the change to current Rule of App. Pro. 32.

✓ **Small Claims - Chapter 7.**

Replace the entire chapter in the notebook with replacement pages 1 through 6.

This reflects the change that added a small claims form for combined FED and money judgment actions.

Domestic abuse - Chapter 10.

✓ Replace the entire chapter in the notebook with replacement pages 1 through 18.

This reflects the changes made to the domestic abuse forms.

✓ **Bar Admission - Chapter 21.**

Replace pages 3 through 4 with replacement pages 3 through 4.

This reflects the change to Iowa court rule 102(a)(8).

Code of Professional Responsibility - Chapter 22.

✓ Replace the entire chapter in the notebook with replacement pages 1 through 88.

This reflects the court's order moving the definitions to the beginning and relocating the comments to DR 2-111. In addition, I gave the preamble, preliminary statement, and definitions a unique rule number and I reordered the definitions alphabetically.

✓ **Grievance Procedure Rules - Chapter 25.**

Replace pages 23-24 with replacement pages 23-24

This change reflects the modification to the Board of Ethics complaint form.

✓ **Unauthorized Practice of Law - Chapter 27.**

Replace the entire chapter in the notebook with replacement pages 1 through 4.

This change reflects the change to Iowa court rule 114.

✓ **Judicial Administration - Chapter 41.**

Replace pages 23 - 30 with replacement pages 23 - 31.

This change reflects the changes to Iowa Court Rule 218 and the appendix to that rule.

III. Additional Comments concerning Civil Procedure Changes.

I noticed several instances where the words "these rules" appeared wherein it was not clear whether it applied to all of

the rules of civil procedure or a particular part or division of the rules. In most cases, I merely changed it to "the rules in this chapter" except where a contrary intent seemed obvious. The following rules were ones where it seemed that the reference to "these rules" might be to a particular part of the rules but I was not sure: 1.402; 1.441; 1.503.

I also added the word "former" prior to references to the current numbering scheme in the comments to several rules made by the court as a result of the January 1998 changes.

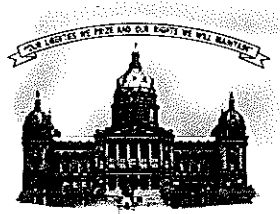
Another issue for the court to consider in regards to the civil procedure rules is what to do with the comments to the rules made as a result of the January 1998 changes. Questions I can think of are: How long does the court intend to keep these comments within the body of the rules? What would the court suggest be done if one of the commented rules is amended in the future: amend the comment, delete the comment, leave as is? I certainly understand the usefulness of the comments for the bar in explaining the changes but it seems like some thought should be given as to a long range plan for the use of the comments. One possibility would be, I suppose, to combine all the comments into one rule that could be added at the end of the rules; at a minimum, though, I think the date of the order making the comments should be included.

IV. Historical References.

Our office has no objection to keeping the historical references in the rules. Since a conversion table identifying the old and new rule numbers would be included in any new edition of the court rules, we would suggest that a reference in every rule to the court order that approved the renumbering would not be necessary; those rules with wording changes should probably have a reference, however. In any event, given the rather inconsistent manner in which the historical references are currently made, i.e., by year, date of court order, effective date, combination thereof, etc., the court might want to give some thought to developing a consistent way of making historical references in the future. A possibility could be to number the court orders in some fashion, such as 98-1, e.g., for the first order of 1998, so as to allow some differentiation if several different orders are entered on the same day.

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April 19, 2000

MEMORANDUM

TO: JUSTICES OF THE IOWA SUPREME COURT
FROM: DIANE BOLENDER ^{DB} AND KATHLEEN BATES ^{KB}
RE: PUBLICATION OF THE FOURTH EDITION OF THE IOWA COURT RULES

Fourth Edition of Iowa Court Rules

The Legislative Service Bureau has been working with the Iowa Supreme Court for the last several years to reorganize and renumber the Iowa Court Rules. Nearly all decisions have been made by the Iowa Supreme Court concerning the renumbering and rearranging for the new Fourth Edition of the Iowa Court Rules. Decisions must now be made by the Court about the format, publication, and packaging of the Fourth Edition. It is anticipated that the loose-leaf notebook arrangement of the Court Rules will continue.

Publication Numbers

The Printing Division of the Department of General Services, which is responsible for the distribution and sale of the Court Rules, currently prints about 2,500 copies of loose-leaf replacement pages for the Court Rules. According to records from the Printing Division from the 1996/1997 fiscal year, 1,749 copies were distributed (1,227 copies were distributed at no cost and 522 copies were purchased). More recent records (the accuracy of which cannot be verified) indicate that the free distribution is only 410 and that 280 copies have been purchased.

Code section 18.97 governs the free distribution of the Iowa Court Rules. Section 18.97 provides for free distribution of the Court Rules to federal and state courts, the General Assembly, state departments and agencies, and local governments. Persons not entitled to free distribution, must pay \$112.35 to purchase a complete set of the Court Rules or \$80.34 per year for any loose-leaf pages published during the year..

Publication Size and Format

Options for the Supreme Court to consider:

- Retain the current 6" x 9" format and continue placing the Court Rules in 2 or 3 dark red binders. Current holders of the binders could continue to use them. The cost of the dark red binders is \$11.20 each when at least 250 are ordered.
- Adopt an 8 ½" x 11" two-column, three-hole format for the Court Rules and select one binder in which to place the Court Rules. Persons purchasing the Fourth Edition might choose to use an inexpensive notebook in lieu of purchasing a more expensive binder. The Printing Division of the Department of General Services estimates a cost of approximately \$8,400 per 1000 binders for this larger size with a five-hole format.

Additional information on Publication Size and Format

- The Court may view the samples of the two type size formats. The 8 ½" x 11" samples include both 9-point and 10-point type size in a two-column format, which is considered to be easier to read than a one-column format for this page size.
- In analyzing the type size, the Court may consider readability of the sample documents.
- The 8 ½" x 11" size is a standard size for photocopy machines and the text of rules and forms can more easily be reproduced in that size.
- For the long term, fewer binders would be required under the larger 8 ½" x 11" size.
- The binders could also be made large enough to allow users to add standard size supplementary materials, such as local court rules.

Use of Tabs

- The Third Edition of the Court Rules uses 33 divider tabs to divide each separate chapter of the Court Rules. Due to the number of divider tabs used in the current edition, the tabs significantly overlap one another and are not particularly helpful, especially in locating chapters that consist of only a few rules.
- The Fourth Edition of the Court Rules currently has been divided into 4 divisions and approximately 35 chapters. Numbered chapters will be arranged sequentially, and both the rule numbers and the page numbers will reflect the number of each chapter, making it easy to locate specific chapters.
- The Supreme Court may wish to use four divider tabs, one for each division, rather than providing separate divider tabs for each chapter. If the tabs are limited to delineation of divisions in the Court Rules, individual users may be able to individually flag a particular chapter for immediate access.
- Divider tabs significantly affect the cost of the Court Rules. In January 2000, the cost of adding a single divider tab to the Third Edition of the Court Rules was \$410.05 (33 tabs at this amount per tab would equal approximately \$13,530).
- If the 8 ½" x 11" format is used, fewer pages will be needed for chapters compared to the 6" x 9" format.

Memo

To: Ed Cook, Diane Bolender, and Kathleen Bates
From: Roberta Gilbert RG
Date: 4/26/00
Re: Rules Renumbering Project—Formatting Decisions

The rules subcommittee met on Thursday April 20 to review the various options available for the format of the fourth edition of the Iowa Court Rules. It passed on its recommendations to the full court on Friday April 21. The full court has now approved the following:

1. The court approved the 8 ½ by 11 paper with a dual column format and 10 point type.
2. The court approved the inclusion of four tabs which are to contain the names of the four divisions of the rules. The court would like some type of colored paper to be included between the chapters to assist readers in being able to differentiate where the chapters begin and end.
3. The court wishes to *retain* the historical notes which follow each rule (the bracketed material which contains the dates on which rules were adopted and amended). This is to be distinguished from the bracketed material which merely contains explanatory language about the relocation of the civil rules following the 1998 amendments. The rules subcommittee previously decided that material should be *deleted* from the fourth edition.
4. The court has approved a table of contents which contains four divisions and 36 chapters. A copy of the table of contents is enclosed. Since the court first reviewed Ed's proposed table of contents in November 1998, the court has made several changes to the names of the various chapters. The version enclosed with this memo reflects the most current (and presumably final) version.
5. With the exception of the Iowa Code of Professional Responsibility and the Iowa Code of Judicial Conduct, all of the rules will be renumbered using the

chapter, rule, subrule, paragraph, subparagraph scheme used in the Iowa Administrative Code.

6. The court approved one exception to the renumbering scheme. It wants the rules of evidence to continue to mirror the numbering of the federal rules. Accordingly, current Iowa Rule of Evidence 804(b) (hearsay exceptions when declarant is unavailable) will become 5.804(b) (chapter number followed by current numbering) rather than 5.804(2) (the administrative code numbering scheme).

The court has completed its review of all of the LSB's proposed changes to the Iowa Court rules. It has sent several memos to Ed Cook setting forth which changes it has approved, which it has rejected, and what additional changes it wants to have made. Those memos include:

- | | |
|----------------------------|---|
| 11-11-98 | memo re format, citation issues, the retention of internal numbering, and the renumbering of the evidence rules |
| 12-28-98 | memo re the table of contents |
| 12-31-98 | memo re italicization of rule subheadings |
| 2-10-99
revised 5-25-99 | memo re civil rules |
| 3-30-99
revised 5-25-99 | memo re criminal rules |
| 3-31-99
revised 5-25-99 | memo re evidence rules |
| 5-25-99 | memo re probate and juvenile rules |
| 5-25-99 | memo re the court's preferred terminology when referring to the subparts of a rule, the revision of the prior civil, criminal and evidence memos, and the court's preferred citations to be used when citing to the civil, criminal, appellate, supreme court, and probate rules. |
| 5-27-99 | memo re appellate and supreme court rules |

- 8-12-99 memo re small claims forms, family mediators, domestic abuse forms, involuntary hospitalizations of mentally ill, and involuntary commitment for substance abusers
- 12-7-99 memo re child support guidelines
- 3-13-00 memo re interpreters for deaf, admission to bar, code of prof. resp., stds for prof. conduct, bd of ethics and grievance commission
- 3-16-00 memo re addl change to format of code of prof. resp.
- 3-17-00 memo re time stds for case processing, ct-apptd counsel fee guidelines, lawyers trust acct commission, lawyer trust account commission grant criteria, rules of the bd of shorthand examiners, judicial conduct, rules of the judicial qualifications commission, and rules for expanded media coverage
- 3-20-00 memo re rules of the grievance commission, unauthorized practice commission, rules of the unauthorized practice commission, client security, regs of client security, cle, regs of cle, and judicial administration
- 3-20-00 memo re name of jud adm rules which was inadvertently listed in last memo as judicial adm commission
- 3-20-00 memo re addl changes to chapter 45, lawyer trust acct commission
- 3-20-00 memo re comments to civil rules

Once the LSB has incorporated all of the court's changes into a final draft, the rules subcommittee will conduct a final proof of the project and then submit it to the full court for adoption. The committee is striving for an August competition date but that is not firm and will depend, in part, on how quickly the LSB can complete the final draft for its review. Please feel free to call (515-281-4009) or e-mail me (roberta.gilbert@jb.state.ia.us) if you have any questions.

IOWA COURT RULES

4th Edition (REVISED)

TABLE OF CONTENTS

I. RULES OF PRACTICE AND PROCEDURE

- ✓ Chapter 1. Rules of Civil Procedure.
- ✓ Chapter 2. Rules of Criminal Procedure
- ✓ Chapter 3. Standard Forms of Pleadings for Small Claims *Actions* ~~Forms~~
- Chapter 4. Standard Forms for Domestic Abuse Orders
- ✓ Chapter 5. Rules of Evidence
- ✓ Chapter 6. Rules of Appellate Procedure.
- ✓ Chapter 7. Rules of Probate Procedure
- ✓ Chapter 8. Rules of Juvenile Procedure
- ✓ Chapter 9. Child Support Guidelines
- ✓ Chapter 10. § 598.21(8A) Bond Guidelines
- ✓ Chapter 11. Rules Governing Standards of Practice for Lawyer Mediators in Family Disputes
- ✓ Chapter 12. Rules for Involuntary Hospitalization of Mentally Ill
- ✓ Chapter 13. Rules for Involuntary Commitment or Treatment of Chronic Substance Abusers
- ✓ Chapter 14. Supreme Court Rules on the Qualifications and Compensation of Interpreters for Hearing-Impaired Persons

II. JUDICIAL ADMINISTRATION

- Chapter 21. Supreme Court Administrative Rules
- Chapter 22. Judicial Administration
- Chapter 23. Time Standards for Case Processing
- ~~Chapter 24. Guidelines -- Costs of Court-Appointed Counsel~~
- Chapter ~~25. 24.~~ Rules of the Board of Examiners of Shorthand Reporters
- Chapter ~~26. 25.~~ Rules for Expanded Media Coverage

III. BAR ADMISSION AND CONDUCT

- Chapter 31. Admission to the Bar
- Chapter 32. Iowa Code of Professional Responsibility for Lawyers
- Chapter 33. Standards for Professional Conduct
- Chapter 34. Rules of Procedure of the Iowa Supreme Court Board of Professional Ethics and Conduct

- Chapter 35. Attorney Discipline, Disability and Reinstatement
- Chapter 36. Rules of the Grievance Commission
- Chapter 37. Commission on the Unauthorized Practice of Law
- Chapter 38. Rules of Procedure of the Commission on the Unauthorized Practice of Law
- Chapter 39. Client Security and Attorney Disciplinary Commission
- Chapter 40. Regulations of the Client Security and Attorney Disciplinary Commission
- Chapter 41. Continuing Legal Education for Lawyers
- Chapter 42. Regulations of the Commission on Continuing Legal Education
- Chapter 43. Lawyer Trust Account Commission
- Chapter 44. Lawyer Trust Account Commission Grant Criteria and Guidelines

IV. JUDICIAL QUALIFICATIONS AND CONDUCT

- Chapter 51. Iowa Code of Judicial Conduct
- Chapter 52. Rules of Procedure of the State of Iowa Commission on Judicial Qualifications

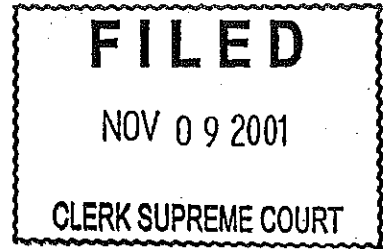
(Please note the LSB has recommended we leave room for additional chapters within each category, thus division II begins with chapter 21 rather than chapter 15 to allow for expansion within division I.)

The revised rules would have 4 divisions and 36 chapters.

IN THE SUPREME COURT OF IOWA

ORDER

IN THE MATTER OF THE
AMENDMENT AND
RENUMBERING OF THE
IOWA COURT RULES



By action of this court en banc, chapters 3-4, 9-11, 14, 21-25, 31-44, 51-52 and rules 6.10 – 6.751 of chapter 6 of the Iowa Court Rules are amended and renumbered, effective February 15, 2002. Copies of the renumbered rules may be found on the court's web site at www.judicial.state.ia.us.

Dated this 9th day of November, 2001.

THE SUPREME COURT OF IOWA

By 
Louis A. Lavorato, Chief Justice

Copies to:

Members of the Court
Senior Judges
Court of Appeals
Judicial Council
State Court Administrator
District Court Administrators
Code Editor
Administrative Code Editor
Iowa State Bar Association
West Publishing Company

IOWA LEGISLATIVE COUNCIL

STATE CAPITOL BUILDING
DES MOINES, IOWA 50319



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TELEPHONE (515) 281-3566
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December 14, 2001

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Ms. Roberta Gilbert
Supreme Court
State Capitol
LOCAL

Dear Roberta:

Please notify Chief Justice Lavorato that the Legislative Council met on Tuesday, December 11, 2001, and considered amendments to the Iowa Court Rules proposed by the Supreme Court. Under Section 602.4202 of the Iowa Code, the amendments to the Iowa Court Rules submitted to the Legislative Council take effect 60 days after the submission to the Legislative Council or at a later date specified by the Court unless the Legislative Council delays the effective date.

Rules amendments to Iowa Rule of Criminal Procedure 54 relating to notice and record of appeals and to Iowa Rule of Civil Procedure 260 relating to levy on personalty were submitted to the Legislative Council on July 2 and August 1, respectively. The Legislative Council did not meet prior to the effective dates of these two rules amendments. However, copies were provided by mail to Council members and no questions were raised.

Rules amendments to Iowa Rules of Appellate Procedure 5 and 6 and the adoption of Iowa Rule of Juvenile Procedure 4.15 relating to the time for appeals from a juvenile court order terminating the parent-child relationship or dismissing a petition to terminate and requiring an information notice regarding the appeal, scheduled to take effect January 1, 2002, were considered by the Legislative Council at its meeting. The Legislative Council did not delay the effective date of these rules amendments.

The portion of the new 4th Edition of the Iowa Supreme Court Rules that renumbers and amends chapters 1, 2, 5, 7, 8, 12, and 13 and the first nine rules of chapter 6, scheduled to take effect February 15, 2002, were considered by the Legislative Council at its meeting. The Legislative Council did not delay the effective date of the rules amendments to those chapters.

Sincerely,

A handwritten signature in cursive script that reads "Diane Bolender".

Diane Bolender

Secretary to the Legislative Council