

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)

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- ✓ Chapter 1. Rules of Civil Procedure.
- ✓ Chapter 2. Rules of Criminal Procedure
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- ✓ 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
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II. JUDICIAL ADMINISTRATION

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III. BAR ADMISSION AND CONDUCT

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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.