
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