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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.