

QUESTIONS OF LAW

CHAPTER 1210
UNIFORM CERTIFICATION OF QUESTIONS OF LAW

IN THE MATTER OF RULES OF
PROCEDURE CONCERNING THE
ANSWERING AND CERTIFICATION
OF QUESTIONS OF LAW UNDER
THE UNIFORM CERTIFICATION
OF QUESTIONS OF LAW ACT



REPORT OF THE
SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to section 6 of the Uniform Certification of Questions of Law Act and section 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly new Rules of Appellate Procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act as follows:

That the Iowa Rules of Appellate Procedure be amended by adding the following new division VI consisting of rules 451-461:

"VI. CERTIFICATION OF QUESTIONS OF LAW

"Rule 451. Procedure for certification of question of law. The procedure for answering and certifying questions of law shall be as provided in the Uniform Certification of Questions of Law Act, Laws of the 1979 Regular Session of the 68th General Assembly, chapter 144; and this division VI of the rules of appellate procedure.

"Rule 452. Contents of certification order. The certification order shall contain the matter required by section 3 of the Uniform Certification of Questions of Law Act and shall be captioned as the matter was in the certifying court with the party, if any, who moved for certification of the question identified as the 'movant.' If the question is certified on the court's own motion, the certification order shall specify which party is to file a brief first. The certification order shall contain the names and

addresses of the interested parties or their counsel if they are represented by counsel.

"Rule 453. Docketing. Upon receipt of a certified question the clerk of the supreme court shall prepare a docket page and assign a number to the matter. Within ten days after the filing of the certification order the movant or party who is to file his brief first shall pay to the clerk of the supreme court the docket fee in the amount prescribed pursuant to section 685.3, The Code, for docketing an appeal from a final judgment or decree. Upon receipt of the docket fee, the clerk of the supreme court shall enter the matter upon the docket and give notice to the certifying court and all parties or their attorneys of the date on which the matter is entered on the docket.

"Rule 454. Briefs. The movant or party who is to file his brief first shall file and serve the initial brief within twenty days after the matter is entered upon the docket. The responding party shall file and serve a responsive brief within twenty days after service of the initial brief. A reply brief may be filed and served within ten days after service of the responsive brief. Rules 13(e), 14, and 16(a), rules of appellate procedure, shall apply to briefs with those portions applicable to appellant's briefs applying to briefs of the movant or the party who is to file a brief first and those portions applicable to appellee's brief applying to the brief of the responding party.

"Rule 455. Appendix. The movant or party who is to file his brief first shall file and serve with his initial brief an appendix to the briefs. The appendix shall contain the certification order and such portions of the record relevant to the question as the parties by agreement or the certifying court by order may determine. Rules 15(a), 15(d), 15(e), and 16(a), rules of appellate procedure, shall apply to the appendix to the greatest extent possible.

"Rule 456. Record. The certifying court shall attach to its certification order a copy of the portions of the record made in that court which it deems necessary for a full understanding of the question. If the entire record is not included, the supreme court may, in its discretion, order that a copy of all or any portion of the remaining record be filed with its clerk.

"Rule 457. Submission and oral argument. The matter shall be considered ready for submission after the certification order, initial brief, appendix, and responding brief have been filed. Rule 21, rules of appellate procedure, shall apply.

"Rule 458. Opinion and rehearing. Upon the filing of an opinion on a certified question the clerk of the supreme court shall comply with section 7 of the Uniform Certification of Questions of Law Act. A petition for rehearing shall not be allowed.

"Rule 459. Costs and fees. Printing costs shall be certified by the parties as provided in rule 16(c), rules of appellate procedure. Upon the filing of the supreme court's opinion on a certified question, its clerk shall prepare and transmit to the clerk of the certifying court a bill of costs indicating the docket fee and reasonable printing costs and the parties who paid them. The clerk of the certifying court shall be responsible for collecting and apportioning the fee and costs pursuant to section 5 of the Uniform Certification of Questions of Law Act.

"Rule 460. State as amicus curiae. When the constitutionality of an act of the legislature of this state affecting the public interest is drawn in question in a certification to which the State of Iowa or an officer, agency, or employee thereof is not a party, the supreme court shall notify the attorney general and shall permit the State of Iowa to file an amicus curiae brief pursuant to rule 18, rules of appellate procedure, on the question of constitutionality.

"Rule 461. Changes in rules. Rules of procedure concerning the answering and certification of questions of law may be revoked, changed, or supplemented as provided in rule 701, rules of appellate procedure."

That existing divisions of the Iowa Rules of Appellate Procedure numbered "VI, VII, and VIII" be respectively renumbered "VII, VIII, and IX."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act.

/s/ Frank Stork

Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act.

/s/ David L. Wray

Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR
Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM
Assistant Chief Clerk of the House
of Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State of
Iowa.