

RULES OF CIVIL PROCEDURE

CHAPTER 217
RULES OF CIVIL PROCEDURE

IN THE MATTER OF THE
RULES OF CIVIL PROCEDURE

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REPORT OF THE
SUPREME COURT

TO THE 1983 REGULAR SESSION OF THE SEVENTIETH GENERAL ASSEMBLY OF
THE STATE OF IOWA:

Pursuant to Iowa Code sections 684.18(1) and 684.19, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Rules of Civil Procedure as follows:

Rule 82(f).

That rule 82(f) be amended as follows:

"(f) Notice of Orders or Judgments. Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in this rule upon each party except a party against whom a default has been entered and shall make a note in the docket of the mailing. In the event a case involves an appeal or review relating to an administrative agency, officer, commissioner, board, administrator, or judge, the clerk shall mail without cost to the applicable administrative agency, officer, commissioner, board, administrator, or judge a copy of any remand order, final judgment or decision in the case and a copy of any procedendo from the supreme court.

Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in this rule for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the district court to relieve a party for failure to appeal within the time allowed."

Rule 117.

That rule 117 be amended as follows:

"117. Motion Days — Disposition of Motions.

(a) The chief judge of each judicial district shall provide by order for at least one motion day to be held each month in each county, when all motions made prior to trial on issues of fact on file ten days or more shall be deemed submitted unless by other rule, statute or order of court entered for good cause shown another time for submission is fixed. Such motions not orally or telephonically argued for any reason shall be deemed submitted without argument unless they are then, or have previously been, set down for argument at some time somewhere in the judicial district not more than ten days thereafter, when they must be submitted without further postponement. Each motion filed shall set out the specific points upon which it is based. A concise memorandum brief may be appended if it is desired to cite supporting rules, statutes or other authorities.

(b) The court may hear and rule on any motion prior to motion day so as not to delay completing the issues or trial of the case.

(c) The trial court shall rule on all motions within thirty days after their submission, unless it extends the time for reasons stated on record.

(d) A "motion" within this rule is any paper denominated as such, or any other matter requiring attention or order of court before the trial of the issues on their merits, including a special appearance and objections to interrogatories.

(e) The clerk of each court shall maintain a motion calendar on which every "motion" within the purview of (d), above, shall be entered. It shall be arranged to show (1) docket, page and cause number of action in which filed, (2) abbreviated title of the case with surname of the first-named party on each side, (3) counsel of record for parties, (4) denomination of the "motion", (5) date filed, (6) party by whom filed, (7) date entered on calendar, and (8) date of disposition by ruling, order or otherwise. Separate motion calendars for law, equity or other divisions may be maintained.

(f) The court may arrange for the submission of motions under these rules by telephone conference call unless oral testimony may be offered."

Rule 126(b).

That rule 126(b) be amended as follows:

"(b) Scope—Use at Trial. Interrogatories may relate to any matters which can be inquired into under R.C.P. 122, including a statement of the specific dollar amount of money damages claimed, and the answers may be used to the extent permitted by the rules of evidence.

An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time."

Rule 136(b).

That rule 136(b) be amended as follows:

"(b) Pretrial Conference. After issues are joined the court may in its discretion, and shall on written request of any attorney in the case, direct all attorneys in the action to appear before it for, or arrange for their participation by telephone conference call in, a conference to consider, so far as applicable to the particular case:

(1) The necessity or desirability of amending pleadings by formal amendment or pretrial order;

(2) Agreeing to admissions of facts, documents or records not really controverted, to avoid unnecessary proof;

(3) Limiting the number of expert witnesses;

(4) Settling any facts of which the court is to be asked to take judicial notice;

(5) Stating and simplifying the factual and legal issues to be litigated;

(6) Specifying all damage claims in detail as of the date of the conference;

(7) All proposed exhibits and mortality tables and proof thereof;

(8) Consolidation, separation for trial, and determination of points of law;

(9) Questions relating to voir dire examination of jurors and selection of alternate jurors, to serve if a juror becomes incapacitated;

(10) Possibility of settlement and imposition of a settlement deadline;

- (11) Filing of advance briefs when required;
- (12) Setting dates for closing of pleadings and discovery;
- (13) Assigning a date for trial;
- (14) Any other matter which may aid, expedite or simplify the trial of any issue.

The pretrial judge may direct the parties to the action to be present or immediately available at the time of conference."

Rules 139 and 143.

That rules 139 and 143 be stricken.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 14, 1983

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the fourteenth day of January, 1983, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ K. Marie Thayer

Secretary of the Senate, 1983 Regular
Session of the Seventieth 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 fourteenth day of January, 1983, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ Joseph O'Hern

Chief Clerk of the House of Representatives,
1983 Regular Session of the Seventieth
General Assembly of the State of Iowa

CERTIFICATE

I, Robert Anderson, do hereby certify that I am the President of the Senate of the 1983 Regular Session of the Seventieth General Assembly of the State of Iowa; and I, K. Marie Thayer, do hereby certify that I am the Secretary of the Senate of the 1983 Regular Session of the Seventieth General Assembly of the State of Iowa, and we do hereby jointly certify as President and Secretary that on the fourteenth day of January, 1983, the Supreme Court of the State of Iowa reported to the Senate, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making that report to the 1983 Regular Session of the Seventieth General Assembly was within twenty days subsequent to the convening of the 1983 Regular Session of the Seventieth General Assembly;

THAT no other report pertaining to the Rules of Civil Procedure was made or filed by the Supreme Court with the Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure as reported by the Supreme Court were made or enacted at the 1983 Regular Session of the Seventieth General Assembly.

Signed this 14th day of May 1983, being the sine die adjournment of the 1983 Regular Session of the Seventieth General Assembly.

/s/ Robert Anderson

ROBERT ANDERSON
President of the Senate

/s/ K. Marie Thayer

K. MARIE THAYER
Secretary of the Senate, 1983 Regular
Session of the Seventieth General Assembly
of the State of Iowa

CERTIFICATE

I, Donald Avenson, do hereby certify that I am the Speaker of the House of Representatives of the 1983 Regular Session of the Seventieth General Assembly of the State of Iowa; and I, Joseph O'Hern, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1983 Regular Session of the Seventieth General Assembly of the State of Iowa, and we do hereby jointly certify as Speaker and Chief Clerk that on the fourteenth day of January, 1983, the Supreme Court of the State of Iowa reported to the House of Representatives, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making that report to the 1983 Regular Session of the Seventieth General Assembly was within twenty days subsequent to the convening of the 1983 Regular Session of the Seventieth General Assembly;

THAT no other report pertaining to the Rules of Civil Procedure was made or filed by the Supreme Court with the House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure as reported by the Supreme Court were made or enacted at the 1983 Regular Session of the Seventieth General Assembly.

Signed this 14th day of May 1983, being the sine die adjournment of the 1983 Regular Session of the Seventieth General Assembly.

/s/ Donald Avenson

DONALD AVENSON
Speaker of the House

/s/ Joseph O'Hern

JOSEPH O'HERN
Chief Clerk of the House of Representatives,
1983 Regular Session of the Seventieth
General Assembly of the State of Iowa