

CHAPTER 1203**BRIEFS AND MEMORANDA; DEPOSITIONS; LATE SETTLEMENT****IN THE SUPREME COURT OF IOWA**

IN THE MATTER OF CHANGES)	
IN THE IOWA RULES OF CIVIL)	REPORT OF THE
PROCEDURE)	SUPREME COURT

TO: THE HONORABLE AL STURGEON, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 1993 REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed amendments and hereby reports on this date to the Chair of the Senate Judiciary Committee concerning amendments to Iowa Rules of Civil Procedure 82(d), 152(b), and 181.4* as shown in the attached Exhibits "A", "B", and "C".

Pursuant to Iowa Code section 602.4202(2), these changes are to take effect January 3, 1994.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin

ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
October 15, 1993

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee hereby acknowledge delivery to me on the thirtieth day of October, 1993, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Al Sturgeon

Chair of the Senate Judiciary Committee

*See Chapter 1205 herein relating to suspension of the amendments to R.C.P. 181.4

EXHIBIT "A"

82. Service and filing of pleadings and other papers.

d. Filing. All papers after the petition required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter; however, no party shall file legal briefs or memoranda unless expressly ordered by the court. Such briefs and memoranda shall be served upon the parties with an original copy delivered to the presiding judge. The party submitting the legal brief or memoranda shall file a statement certifying compliance with this rule. Whenever these rules or the rules of appellate procedure require a filing with the district court or its clerk within a certain time, the time requirement shall be tolled when service is made, provided the actual filing is done within a reasonable time thereafter.

EXHIBIT "B"

152. Certification and return—copies.

b. Depositions may be filed, but filing is not required unless requested by the court. If requested by the court, the party who ordered the original of the deposition shall promptly file the original. Any party may file a deposition, which may be a copy shall be filed only with the approval of the court upon showing good cause or upon the court's own order.

EXHIBIT "C"

181.4. Fee for settlement of jury trial.

a. Assessment. In the event notice of settlement is given later than two full working days, excluding Saturdays, Sundays and holidays scheduled by the administrator, before: (1) a civil action is scheduled to be tried to a jury or is reached for jury trial, whichever is later, a fee of \$500 shall be assessed as court costs; or (2) before a nonjury civil action is scheduled to be tried or is reached for trial a fee of \$200 shall be assessed as court costs.

b. Application. The assessment of fees pursuant to this rule shall not be waived except in child support and child custody cases. The assessment extends to those cases in which trial has already commenced.

c. Collection. Fees so collected pursuant to this rule shall be remitted by the clerk to the treasurer of the state to be deposited in the general fund of the state to the state court administrator for deposit in the general fund of the state by the treasurer of the state.