

House File 102 - Introduced

HOUSE FILE 102

BY WOLFE

A BILL FOR

1 An Act relating to the scope of review in appellate
2 proceedings.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 625A.19 Scope of review.

2 1. *Equity cases.* Review in equity cases shall be de novo.

3 2. *Other cases.* In all cases, other than equity cases,
4 the appellate courts shall constitute courts for correction of
5 errors at law, and findings of fact in jury-waived cases shall
6 have the effect of a special verdict.

7 3. *Review of plain error.* A plain error that affects
8 substantial rights may be considered even though the error was
9 not brought to the court's attention.

10 Sec. 2. AMENDMENT OF RULES OF APPELLATE PROCEDURE BY THE
11 SUPREME COURT. The supreme court shall amend rule of appellate
12 procedure 6.907, relating to scope of review, to be consistent
13 with the provisions of this Act.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the scope of review in appellate
18 proceedings.

19 The bill provides that review in equity cases shall be
20 de novo, and in all other cases the appellate courts shall
21 constitute courts for correction of errors at law, and findings
22 of fact in jury-waived cases shall have the effect of a special
23 verdict. Both of these provisions are consistent with rule of
24 appellate procedure 6.907. The bill further provides that a
25 plain error that affects substantial rights may be considered
26 even though the error was not brought to the court's attention.

27 The bill directs the supreme court to amend rule of appellate
28 procedure 6.907 to be consistent with the provisions of the
29 bill.