

CHAPTER 271
RULES OF CIVIL PROCEDURE

IN THE MATTER OF CHANGES IN
RULES OF CIVIL PROCEDURE

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REPORT OF THE
SUPREME COURT

TO: THE HONORABLE DONALD V. DOYLE, CHAIR OF THE SENATE JUDICIARY
COMMITTEE OF THE 1984 REGULAR SESSION OF THE SEVENTIETH
GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202 (Supp. 1983), the Supreme Court of Iowa has prescribed and hereby reports to the Senate Judiciary Committee the attached Exhibit A, constituting changes in Rules of Civil Procedure, which have been issued on this date. Pursuant to Iowa Code section 602.4202(3) (Supp. 1983), these rules and forms are to take effect 60 days after the date of this report.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
September 5, 1984

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee, hereby acknowledge delivery to me on the fifth day of September, 1984, of the Report of the Supreme Court pertaining to Rules of Civil Procedure.

/s/ Donald V. Doyle
Chair of the Senate Judiciary Committee of
the 1984 Regular Session of the Seventieth
General Assembly

EXHIBIT "A"

Rule 178.1. Reporter's fee -- small cases. No court reporter shall be provided in the trial of actions when the amount in controversy as shown by the pleadings is less than ~~one~~ two thousand dollars, unless the party demanding one shall pay the clerk in advance the taxable fee of the reporter for one day, at the beginning of each day. Amounts so paid shall be taxed as costs in the case, unless otherwise ordered by the court.

Rule 196. Instructions. The court shall instruct the jury as to the law applicable to all material issues in the case and such instructions shall be in writing, in consecutively numbered paragraphs, and shall be read to the jury without comment or explanation; provided, however, that in actions triable to a jury where the amount in controversy as shown by the pleadings is less than ~~one~~ two thousand dollars, and in any action where the parties so agree, the instructions may be oral. At the close of the evidence, or such prior time as the court may reasonably fix, any party may file written requests that the jury be instructed as set forth in such requests. Before argument to the jury begins, the court shall furnish counsel with a preliminary draft of instructions which it expects to give on all controversial issues, which shall not be part of the record. Before jury arguments, the court shall give to each counsel a copy of its instructions in their final form, noting this fact of record and granting reasonable time for counsel to make objections, which shall be made and ruled on before arguments to the jury. Within such time, all objections to giving or failing to give any instruction must be made in writing or dictated into the record, out of the jury's presence, specifying the matter objected to and on what grounds. No other grounds or objections shall be asserted thereafter, or considered on appeal. But if the court thereafter revises or adds to the instructions, similar specific objection to the revision or addition may be made in the motion for new trial, and if not so made shall be deemed waived. All instructions and objections, except as above provided, shall be part of the record.