

IN THE SUPREME COURT OF IOWA

O R D E R

**IN THE MATTER OF
IOWA RULES OF APPELLATE
PROCEDURE 14, 21 AND 25
AND SUPREME COURT RULE 10**

By action of this court en banc, Iowa Rules of Appellate Procedure 14, 21, and 25 and Supreme Court Rule 10 are hereby amended, effective immediately, as shown in attached exhibits "A" and "B."

Dated this ____ day of _____, 2001.

THE SUPREME COURT OF IOWA

By _____
Louis A. Lavorato, Chief Justice

EXHIBIT A

IOWA RULES OF APPELLATE PROCEDURE

Rule 14. Brief.

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e. References in briefs to legal authorities. In citing cases the names of parties must be given. In citing Iowa cases, reference must be made to the volume and page where the case may be found in the Iowa Reports, if reported therein, and in the North Western Reporter, if reported therein. In citing cases reference must be made to the court that rendered the opinion and the volume and page where the same may be found in the National Reporter System, if reported therein. E.g., _ Iowa __, _ N.W. __ (20 __); _ N.W.2d __ (Iowa 20 __); _ N.W.2d __ (Iowa Ct. App. 20 __); _ S.W.2d __ (Mo. Ct. App. 20 __); _ U.S. __, _ S.Ct. __, _ L. Ed. 2d __ (20 __); _ F. 2d __ (_ Cir. 20 __); _ F. Supp. __ (S.D. Cal. 20 __). When quoting from authorities or referring to a specific point within an authority, the specific page or pages quoted or relied upon shall be given in addition to the required page references.

~~Except as otherwise provided by the court's rules, unpublished opinions~~ An unpublished opinion of the Iowa appellate courts or of any other appellate court may ~~not~~ be cited as authority in a brief; however, unpublished opinions shall not constitute controlling legal authority. A copy of the unpublished opinion shall be attached to the brief and shall be accompanied by a certification that counsel has conducted a diligent search for, and fully disclosed, any subsequent disposition of the unpublished opinion. For purposes of these rules, an "unpublished" opinion means an opinion the text of which is not included or designated for inclusion in the National Reporter System. When citing an unpublished appellate opinion, a party shall include, when available, an electronic citation indicating where the opinion may be readily accessed online.

When treatises or textbooks are cited, the edition must be designated. In citing authorities other than cases, references shall be made as follows: Codes, to section number; treatises, textbooks and encyclopedias, to section and page; all others, to page or pages. Use of the "supra" and "infra" forms of citation is discouraged.

Rule 21. Oral argument; submission.

a. A party desiring to be heard orally shall so state at the end of his brief; and unless he does so he will not be heard orally except by special permission or order of the appropriate appellate court.

b. In cases submitted with oral argument, ordinarily the opening argument of appellant shall not exceed twenty-five minutes, the argument of appellee shall not exceed twenty-five minutes and appellant's reply argument shall not exceed ten minutes. The chief justice or chief judge of the appropriate appellate court may extend or shorten the time for oral argument.

c. The appropriate appellate court may conclude, prior to submission, that even though a substantial issue exists, oral argument would not be of assistance or should be shortened. In such event counsel will be advised accordingly before submission.

d. Failure to argue orally points properly made in the briefs shall not be deemed waiver thereof.

e. If a party intends to cite during oral argument an authority not previously included in its brief, it shall furnish a copy of the authority to counsel for each party and the presiding judge prior to argument.

e. f. Appeals shall be submitted to the supreme court or transferred to the court of appeals substantially in the order they are made ready except when advance submission is accorded by statute, rule or order of the supreme court.

f. g. If an appeal involves questions of public importance or rights which are likely to be lost or greatly impaired by delay, the supreme court may upon the motion of a party or on its own motion order the submission or transfer of the cause in advance of the time at which it would otherwise be submitted or transferred.

25. Quarterly publication. A list indicating the disposition of all decisions rendered by the supreme court per curiam or under rule 24, rules of appellate procedure, shall be published quarterly in the North Western Reporter, except for such of those decisions as the supreme court specially orders to be published in the regular manner. ~~Such decisions published quarterly shall not be cited or relied upon as authority in any litigation in any court in Iowa except when the decision establishes the law of the case, res judicata or collateral estoppel, or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same respondent.~~

EXHIBIT B

SUPREME COURT RULES

Court Rule 10. Publication of court of appeals opinions.

a. Policy. The principal role of the court of appeals is to dispose justly of a high volume of cases. In order to achieve maximum productivity without sacrificing quality, the court of appeals must devote time, which otherwise might be used in writing and revising full opinions, to deciding cases. Most cases transferred to the court of appeals should meet the criteria specified in court rule 9 for disposition by memorandum opinion. Full opinions shall be written only in the small percentage of cases which do not.

b. Criteria for publication. An opinion of the court of appeals may be published only when at least one of the following criteria is satisfied:

(1) The case resolves an important legal issue; (2) The case concerns a factual situation of broad public interest, or (3) The case involves legal issues which have not been previously decided by the Iowa supreme court.

c. Authority for publication. Subject to this rule, the court of appeals, by majority vote of its members en banc, shall decide which of its opinions shall be published. Its decision to publish an opinion shall be reflected in an order filed with the clerk within 30 days after the opinion becomes final. A copy of the order shall be provided to the court administrator. An opinion may be published only after it is final. Denial of further review shall not constitute approval by the supreme court of the opinion sought to be reviewed. When further review is granted, the supreme court shall decide whether the court of appeals opinion will be published.

d. Manner of publication. Opinions of the court of appeals which are approved for publication shall be transmitted by the chief judge of the court of appeals to West Publishing Company for publication in the North Western Reporter.

e. Abstracts of opinions not otherwise published. The court administrator shall cause to be published an abstract of each opinion of the court of appeals not approved for publication. The abstracts shall consist of the title, docket number, date of decision and disposition of each case. The abstracts shall be published quarterly in the North Western Reporter.

~~*f. Citation of opinions.* An unpublished opinion of the court of appeals may not be cited by a court or by a party in any other action or proceeding except when the opinion establishes the law of the case, res judicata or collateral estoppel, or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same respondent.~~