

Chapter 16
Iowa Rules of
Electronic Procedure

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Chapter 16
Iowa Rules of
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Division I
Scope and Authority

17

Rule 16.101 Scope and applicability.

18

16.101(1) The rules in this chapter govern the filing of all documents in the Iowa Judicial Branch electronic document management system (EDMS) in cases commenced on or after the initiation of electronic filing in an Iowa county or in the Iowa appellate courts. The rules of this chapter also govern the electronic filing of documents in cases converted to electronic cases.

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16.101(2) Chapter 16 comments serve solely as explanation of the Iowa Rules of Electronic Procedure and are not a part of the rules.

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1 **16.101(3)** The Iowa Rules of Electronic Procedure will be
2 cited as “Iowa R. Elec. P.”

3 **Comment:**

4 **Rule 16.101.** EDMS is designed to provide a more efficient and less
5 costly access to the Iowa court system for parties, attorneys, and other users by
6 enabling access to their cases 24 hours per day, 7 days per week from anywhere
7 with Internet access.

8 **Rule 16.102 Cases pending prior to electronic filing.**

9 **16.102(1)** A case pending prior to the initiation of electronic
10 filing in a particular county is not subject to the requirements of
11 this chapter. A party, however, may apply to convert a case not
12 subject to the requirements of this chapter to an electronic case.

13 **16.102(2)** If the court approves an application to convert a
14 case to electronic filing, the rules of this chapter govern the
15 electronically converted portion of the case. The court will
16 determine how the case will be converted to an electronic file and
17 which party, if any, should bear the costs of such conversion.

18 **16.102(3)** For efficiency in court operations, the chief judge
19 of the judicial district may order the electronic conversion of any
20 case not already subject to the requirements of this chapter.

21 **16.102(4)** Any electronically converted document is subject
22 to the redaction requirements related to protected information in
23 division VI of this chapter. Documents filed prior to the conversion
24 order may be scanned for the convenience of the court, but the
25 electronic documents will be set at a security level available only to
26 the court. The original paper portion of any converted file is not
27 subject to the Iowa Rules of Electronic Procedure unless the court
28 orders otherwise.

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1 **Rule 16.103 Relationship to other court rules.** To the extent
2 these rules are inconsistent with any other Iowa Court Rule, the
3 rules in this chapter govern electronically filed cases and cases
4 converted to electronic filing.

5 **Rule 16.104 Authority.** These rules are adopted under the
6 authority granted to the Iowa Supreme Court by article V section 4
7 of the Iowa Constitution and by Iowa Code section 602.1614
8 (judicial branch acceptance, distribution, and retention of
9 electronic records).

10 **Rules 16.105 to 16.200 Reserved.**

11 **Division II**
12 Definitions

13 **Rule 16.201 Definitions.** The following terms, as used in this
14 chapter, are defined as follows:

15 **16.201(1) Confidential.** “Confidential” means court files,
16 documents, or information excluded from public access by federal
17 or state law or administrative rule, court rule, court order, or case
18 law.

19 **16.201(2) Court-generated document.** “Court-generated
20 document” means a document that is created and signed by court
21 personnel, including judges, magistrates, court administrators,
22 clerks of court, and any designees of each.

1 **16.201(3)** *Court record.* “Court record” means for all cases
2 the electronic files maintained in EDMS, filings the clerk of court
3 maintains in paper form when permitted by these rules, and
4 exhibits and other materials filed with or delivered to the court that
5 the clerk maintains.

6 **16.201(4)** *Document.* “Document” means an instrument on
7 which is recorded, by means of letters, figures, or marks, the
8 original, official, or legal form of something, which may be used in
9 evidence. A document is any physical embodiment of information
10 or ideas, which may be in electronic or paper form.

11 **16.201(5)** *EDMS.* “EDMS” means the electronic document
12 management system, the Iowa Judicial Branch electronic filing and
13 case management system.

14 **16.201(6)** *Electronic.* “Electronic” means technology having
15 electrical, digital, magnetic, wireless, optical, electromagnetic, or
16 similar capabilities.

17 **16.201(7)** *Electronic cover sheet.* “Electronic cover sheet”
18 means the information that registered filers type into EDMS when
19 they create a new case or electronically file or present documents
20 to the court. The cover sheet enables EDMS to correctly route the
21 filing.

22 **16.201(8)** *Electronic filing.* “Electronic filing” means the
23 EDMS receipt of a document submitted to EDMS for filing. The
24 posting of “received,” “awaiting approval,” or “filed” status in the
25 filer’s EDMS account serves as confirmation that EDMS has
26 received the filer’s submission.

1 **16.201(9)** *Electronic presentation.* “Electronic presentation”
2 means the process by which a party or filer may electronically
3 deliver a document to the court for review or other court action. A
4 document is not filed when electronically presented to the court
5 through EDMS.

6 **Comment:**

7 **“Electronic presentation.”** Formerly, parties and attorneys could
8 physically hand a judge an unfiled document or draft order for consideration.
9 With the implementation of EDMS, this must now be done electronically.
10 Electronic presentation is initiated through the selection of the “Document Type”
11 on the electronic cover sheet. Most document types that are electronically
12 presented are “Proposed Document” types (proposed orders, proposed
13 dissolution decrees, or documents proposed for restricted access, for example).
14 Other document types, however, such as trial informations and accompanying
15 minutes of testimony, are also presented electronically to the court. A document
16 that is electronically presented is available for the court to view, and is not a
17 part of the court file unless the court or a party or attorney later files the
18 document. The electronic presentation of a document has no impact on whether
19 a party or attorney should or must be present when the court reviews the
20 document. In addition, electronic presentation does not modify the ethical
21 obligations or requirements of the parties, attorneys, and court regarding ex
22 parte communications.

23 **16.201(10)** *Electronic record.* “Electronic record” means a
24 record, file, or document created, generated, sent, communicated,
25 received, or stored by electronic means.

26 **16.201(11)** *Electronic service.* “Electronic service” means the
27 EDMS electronic posting of a notice of electronic filing or
28 presentation into the registered parties’ or attorneys’ EDMS
29 accounts, along with a link to the document presented or filed.
30 Although a courtesy copy of the notice of electronic filing or service
31 may be sent by email, service is considered complete when the
32 notice is electronically posted to the user’s EDMS account. The
33 registered party may view and download the presented or filed
34 document. *See* rule 16.315(1)(f) (electronic service of documents).

1 **16.201(12)** *File stamp*. “File stamp” means in the district
2 court the date, time, and county information that is affixed at the
3 top of the first page of a document when it is filed in EDMS. “File
4 stamp” means in the appellate courts the date of filing with the
5 clerk of the supreme court affixed along the left margin of a
6 document’s first page when it is filed in EDMS.

7 **16.201(13)** *Filing agent*. “Filing agent” means an officer,
8 employee, or nonattorney representative of an entity, such as a
9 partnership, association, corporation, or tribe, who is authorized
10 by Iowa law to appear on behalf of that entity because of the
11 nature of the proceeding. See rule 16.201(34) (definition of “self-
12 represented”).

13 **16.201(14)** *Governmental agency*. “Governmental agency”
14 means an executive, legislative, or judicial agency, department,
15 board, commission, authority, institution, or instrumentality of the
16 federal government, the state, or a county, municipality, or other
17 political subdivision of the state, including a court-approved
18 nonprofit designee of such governmental agency.

19 **16.201(15)** *Hyperlink*. “Hyperlink” means an electronic
20 connection or reference to another place in the document or other
21 cited authority which, when selected, shows the portion of the
22 document or the cited authority to which the hyperlink refers.

23 **16.201(16)** *In camera*. “In camera” means in the judge’s
24 chambers, or in private, out of public view.

25 **16.201(17)** *Information*. “Information” means documents,
26 text, images, sounds, codes, computer programs, software,
27 databases, or the like.

1 **16.201(18)** *Judicial branch.* “Judicial branch” means the
2 Iowa Judicial Branch of government and all courts, judicial
3 officers, clerks of court, and offices of the courts of the State of
4 Iowa.

5 **16.201(19)** *Jurisdictional deadline.* “Jurisdictional deadline”
6 means a deadline set by rule or statute that the court may not
7 extend or change.

8 **16.201(20)** *Nonelectronic filing.* “Nonelectronic filing” means
9 a process by which a paper document or other nonelectronic item
10 is filed with the court and retained in nonelectronic form. See rule
11 16.313 (nonelectronic filings). “Nonelectronic filing” means, for
12 parties with an exception from the electronic filing registration
13 requirement, submitting a paper document to the clerk for
14 scanning and electronic filing. See rule 16.303 (submission of
15 paper documents).

16 **16.201(21)** *Nonregistered filer.* “Nonregistered filer” means a
17 party who has received an exception from the Iowa Judicial Branch
18 electronic registration requirement and is authorized to submit
19 nonelectronic documents in a case. See rule 16.302(2) (exceptions
20 from electronic filing requirements).

21 **16.201(22)** *Notice of case association.* “Notice of case
22 association” means an electronic submission by a party or filing
23 agent to obtain access to the case and receive notifications of
24 filings after the party or filing agent has registered in EDMS.

25 **16.201(23)** *Notice of electronic filing or presentation.* “Notice
26 of electronic filing or presentation” means the notice EDMS
27 generates when a document is electronically filed or electronically

1 presented to the court. The notice of electronic filing or
2 presentation indicates the official file stamp date and time of the
3 electronic filing of the document in local time for the State of Iowa.
4 See rule 16.307 (electronic file stamp). When a document or
5 proposed document is electronically filed or presented to the court,
6 EDMS will post a notice of electronic filing or presentation to the
7 EDMS account of all parties who are registered filers in the case.
8 Such parties may view and download the document or proposed
9 document by logging in to their accounts.

10 **Comment:**

11 **“Notice of electronic filing or presentation.”** EDMS sends a courtesy
12 notice of electronic filing or presentation by email to the filer and to any other
13 registered party who has entered an appearance or answer in the case, filed a
14 notice of case association, or filed an appearance as a court-approved
15 intervenor. However, parties are cautioned that such emails are provided only
16 as a *courtesy* service and should not be relied upon as a party’s source for
17 obtaining notifications. A courtesy email message is not an official notification
18 of the filing of a document and is not official service of any document listed in
19 the message. Due to the unique features and settings of individual email
20 accounts, EDMS cannot ensure that emailed notices of electronic filing or
21 presentation will actually be received by a party or that such notices will be
22 received in a timely manner. Parties receive *official* notifications through their
23 EDMS accounts and they should rely solely upon those accounts to obtain
24 notices of electronic filing or presentation. EDMS sends additional courtesy
25 email messages to the filer when the status of a filing is updated to “received,”
26 “approved,” “filed” (for presented documents only), or “returned not filed.” The
27 official update to the status of a filing is posted to the filer’s EDMS account
28 under My Filings.

29 **16.201(24) Party.** “Party” means a person or entity by or
30 against whom a case or part of a case is brought, including a
31 plaintiff, petitioner, defendant, third-party defendant, or
32 respondent. “Party” also includes a court-approved intervenor, or
33 any other person or entity defined as a party to a case by a statute,
34 rule, or court order. When a party appears, the clerk of court will
35 index that party to the case, providing case access and receipt of
36 notifications. When one or more attorneys have entered an

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1 appearance on a party's behalf, references in these rules to service
2 upon or filings by a party mean service upon or filings by that
3 attorney or those attorneys. When a rule or statute requires a
4 criminal defendant to be served with a document, service on the
5 defendant must be made personally or electronically.

6 **16.201(25)** *Proposed document.* "Proposed document"
7 means a document electronically presented to the court for review
8 or other court action. A proposed document, other than a
9 proposed exhibit, is not filed until the court takes action on it. See
10 rule 16.412(2) (electronic submission of proposed exhibits).

11 **16.201(26)** *Protected information.* "Protected information"
12 means the types of information referenced in rule 16.602.

13 **16.201(27)** *Public.* "Public" refers to court files, documents,
14 or information that is not confidential or protected.

15 **16.201(28)** *Public access terminal.* "Public access terminal"
16 means a computer located in a courthouse through which the
17 public may view, print, and electronically file documents.

18 **16.201(29)** *Redact.* "Redact" means to delete, white out,
19 black out, or otherwise hide text or images on a copy of an original
20 document. The original document becomes confidential and the
21 redacted version becomes the public version of the document.

22 **16.201(30)** *Registered filer.* "Registered filer" means a
23 person or entity who has registered with EDMS and uses a login
24 and password to file documents electronically in the Iowa court
25 system. In cases in which the registered filer is a party and has
26 entered an appearance or filed an answer, filed a notice of case
27 association, or filed an appearance as a court-approved intervenor,

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1 the registered filer will electronically serve and receive notice of
2 most filed or presented documents. A registered filer, other than a
3 registered specialized nonparty filer, can also electronically view
4 and download files. See rules 16.305 (registration, logins, and
5 passwords) and 16.315 (service of documents subsequent to
6 original notice). *But see* rule 16.314(3) (service of original notices).

7 **16.201(31)** *Remote access.* “Remote access” means the
8 ability to electronically search, view, copy, or download electronic
9 court documents without visiting a courthouse. Remote access to
10 documents is available to registered filers and specialized nonparty
11 users. The status of the registered filer or specialized nonparty
12 user determines the filer’s or user’s level of remote access to
13 restricted access documents. See rule 16.502 (access to electronic
14 court files).

15 **16.201(32)** *Restricted access.* “Restricted access” means a
16 case, docket entry, or document, including physical or digital
17 exhibits, which the court has placed at a nonpublic security level
18 or that EDMS has automatically placed at a nonpublic security
19 level based on federal or state law or by court rule or
20 administrative rule. See rule 16.405 (restricting access to filings).

21 **16.201(33)** *Scanned document.* “Scanned document” means
22 an electronic version of a paper document created by scanning the
23 document.

24 **16.201(34)** *Self-represented.* “Self-represented” means
25 persons or parties who represent themselves without the
26 assistance of an attorney. An entity such as a partnership,
27 association, corporation, or tribe may be self-represented when it

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1 is otherwise authorized by law to be represented by an officer,
2 employee, or nonattorney representative. See, e.g., Iowa Code §
3 631.14(1); *In re N.N.E.*, 752 N.W.2d 1, 12-13 (Iowa 2008). Except
4 where this chapter specifically indicates otherwise, “attorney”
5 includes self-represented litigants. See rule 16.201(13) (definition
6 of “filing agent”).

7 **16.201(35) Signature.** “Signature” means, for the purpose of
8 electronically filing a document in EDMS, one of three formats.

9 a. For a registered filer electronically filing a document,
10 “signature” means the registered filer’s login and password,
11 accompanied by one of the following approved signature
12 representations and a block of identifying information as described
13 in rule 16.305(4) (signature block):

14 1. “Digitized signature” means an electronically
15 applied, accurate, and unaltered image of a person's
16 handwritten signature.

17 2. “Electronic signature” means an electronic symbol,
18 either “/s/” or “/efiler’s name/,” that a person has executed
19 or adopted with the intent to sign the document.

20 3. “Nonelectronic signature” means a handwritten
21 signature applied to an original document that is then
22 scanned and electronically filed.

23 b. For a nonregistered filer or party signing a document, or
24 for a registered filer signing a document that another filer will
25 electronically file, “signature” means the filer’s or party’s name
26 affixed to the document as a digitized or nonelectronic signature,

1 along with a block of identifying information as described in rule
2 16.305(4).

3 **Comment:**

4 **“Signature.”** For EDMS filing, a “digital signature” must be treated like
5 a nonelectronic signature. *“Digital signature”* means a complex string of
6 electronic data that is embedded in an electronic document for the purposes of
7 verifying document integrity and signer identity. It can also be used to ensure
8 that the original content of the message or document that has been delivered is
9 unchanged. When a document is filed in EDMS it is modified by the electronic
10 file stamp. This causes digitally signed documents to display as altered in
11 EDMS. The filer should print the digitally signed document showing a
12 representation of the signature and the verifying codes, then scan and
13 electronically file the resulting document. If the digitally signed document is an
14 original document as described in rule 16.411, the filer must retain the original
15 document.

16 **16.201(36)** *Specialized nonparty filer.* “*Specialized nonparty*
17 *filer*” means a filer who may file documents in multiple cases
18 without being a party, such as a bail bond agent or a service
19 provider. See rule 16.304(1)(b)(3) (specialized nonparty filer
20 registration).

21 **16.201(37)** *Specialized nonparty user.* “*Specialized nonparty*
22 *user*” means a nonparty other than an attorney registered to
23 electronically view and download information from electronic files
24 that are not confidential or protected. A specialized nonparty user
25 may view or download documents in multiple and may have access
26 to restricted information. A qualified abstractor is a specialized
27 nonparty user who may have access to birth dates and names of
28 children. See rule 16.304(1)(d) (requirements for specialized
29 nonparty user registration) and 16.502(2) (abstractor remote
30 access).

31 **Rules 16.202 to 16.300** Reserved.

1 **Division III**
2 General Provisions

3 **Rule 16.301 Electronic document management system**
4 **(EDMS).** The clerk of court is responsible for maintaining an
5 electronic court file in EDMS for all cases filed under this chapter,
6 receiving case filings into EDMS by electronic transmission and
7 scanning documents into EDMS for nonregistered parties.

8 **Rule 16.302 Electronic filing mandatory.**

9 **16.302(1)** *Electronic registration and filing requirements.* All
10 attorneys authorized to practice law in Iowa, all attorneys admitted
11 pro hac vice, and all self-represented persons, except as this
12 chapter provides, must register to use EDMS as provided in rule
13 16.304(1). Registered filers must electronically submit all
14 documents to be filed with the court unless this chapter or the
15 court otherwise requires or authorizes.

16 **16.302(2)** *Exceptions from electronic filing requirements.*

17 *a. One-time exception.* For good cause, the court at any time,
18 or the clerk of court while the clerk of court office is open, will
19 authorize any filer to submit a document on a one-time basis
20 nonelectronically to the clerk for filing.

21 *b. Self-represented defendant.* A self-represented individual
22 defendant who is not yet a registered filer is permitted to make that
23 defendant's initial filing, such as an answer, in paper.

24 *c. Duration of case exception.* For good cause, the chief judge
25 of the judicial district in which a case is pending, or the chief

1 judge's designee, will excuse a self-represented individual party
2 from registering to file electronically and from filing electronically
3 throughout the case. For purposes of this paragraph, good cause
4 includes lack of regular access to the Internet through a device
5 suitable for reading documents maintained at the party's residence
6 or on the party's person.

7 *d. Court order requirement.* Grants and denials of requests
8 for exceptions from registering to file electronically throughout the
9 case will be made by court order.

10 **Comment:**

11 **Rule 16.302(2).** Implementation of electronic filing in Iowa courts
12 should not impede any person's access to justice. When there are legitimate
13 reasons preventing a person from electronic filing, the court should grant that
14 person an exception. A self-represented individual party not only needs to be
15 able to make electronic filings, but also needs to be able to receive and read new
16 electronic filings in a timely manner. Thus, if a party's only access to the
17 Internet is through a public access terminal at a courthouse or through a public
18 library, this should constitute good cause for an exception, if requested, from
19 the requirements for electronic participation in a case. Other grounds may also
20 constitute good cause for an exception from the EDMS registration requirement
21 in a particular case.

22 **16.302(3) Exceptions by rule.** The following persons are
23 excused from the EDMS registration and electronic filing
24 requirements without the necessity of a court order:

25 *a. Self-represented criminal defendants.* A self-represented
26 criminal defendant is not required to, but may choose to be a
27 registered filer.

28 *b. Confined parties.* A party who is confined pursuant to
29 governmental authority, including but not limited to a person who
30 is incarcerated or civilly committed, is excused from registering to
31 file electronically.

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1 *c. Self-represented parents.* Self-represented parents of a
2 minor who are parties in a juvenile case are excused from
3 registering to file electronically.

4 *d. Excused persons may become registered filers.* If a person
5 excused under this rule chooses to register, the person waives the
6 exception from registering to file electronically and is governed by
7 these rules in the same manner as any registered filer. If the
8 person later desires to be excused from registration, the person
9 must apply for and receive an exception pursuant to the rules of
10 this chapter.
11

12 **Rule 16.303 Submission of paper documents.**

13 **16.303(1)** *Submission of paper documents for scanning.*

14 *a. Delivery to clerk of court.* If a court authorizes the clerk of
15 court to scan a paper document, the document must be printed on
16 only one side and delivered to the clerk with no tabs, staples, or
17 permanent clips, but it may be organized with paperclips, clamps,
18 or some other type of temporary fastener, or it may be delivered to
19 the clerk in an appropriate file folder.

20 *b. Redacted versions of paper documents containing*
21 *protected information.* If a paper document contains protected
22 information, a redacted version of the document must be delivered
23 to the clerk of court with the original document.

24 *c. Civil cover sheet and confidential information form.* When a
25 filing requires it under the Iowa Rules of Civil Procedure, a filer

1 who is excused from registering to file electronically must complete
2 a civil cover sheet and confidential information form in paper.

3 **16.303(2)** *Return of documents by mail.* If a filer wants the
4 clerk to return an original document that was submitted in paper,
5 the filer must provide the clerk of court a self-addressed envelope
6 large enough to accommodate the document.

7 **16.303(3)** *Court retention of paper documents.* Except as
8 otherwise provided in these rules, the court will not retain paper
9 documents submitted to it. *See, e.g.,* rule 16.313(1) (items that
10 may be filed nonelectronically).

11 **16.303(4)** *Paper court files.* Except as otherwise provided in
12 these rules or as the court directs, the clerk of court will not
13 maintain paper court files in cases commenced on or after the
14 initiation of electronic filing in a particular county or in the
15 appellate courts. *See, e.g.,* rule 16.313(1) (items that may be filed
16 nonelectronically).

17 **16.303(5)** *Application of redaction rules for personal privacy*
18 *protection.* The redaction rules for personal privacy protection in
19 division VI of this chapter apply to paper documents submitted for
20 scanning and electronic filing.

21 **Rule 16.304 Registration; logins; passwords.**

22 **16.304(1)** *Registration.*

23 *a. Registration requirement.* Registration is required to file
24 documents electronically in any case this chapter governs and to
25 remotely access and download electronically filed documents. *See*

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1 rules 16.302(1) (electronic registration and filing requirements) and
2 16.502 (access to electronic court files).

3 *b. Filer registration.* To file documents with the court
4 electronically, filers, self-represented litigants, and specialized
5 nonparty filers must complete the EDMS registration process.
6 Filers can request an account and obtain a login and password for
7 EDMS in the electronic filing section of the Iowa Judicial Branch
8 website. Filers can access the registration process with personal
9 computers or by using public access terminals at county
10 courthouses.

11 (1) *Requirements for pro hac vice registration.* Before
12 registering to use EDMS, an out-of-state attorney must first make
13 application for and be admitted pro hac vice pursuant to chapter
14 31 of the Iowa Court Rules, Admission to the Bar. The in-state
15 attorney appearing with the out-of-state attorney in the proceeding
16 must file the application for admission pro hac vice. If the court
17 grants the application, the out-of-state attorney must complete the
18 registration process in the electronic filing section of the Iowa
19 Judicial Branch website and enter an appearance in the case.

20 (2) *Requirements for filing agent registration.* An officer,
21 employee, or other nonattorney representative electronically filing
22 for an entity such as a partnership, association, corporation, or
23 tribe must register as a filing agent. If the filing agent appears on
24 behalf of multiple entities under the rules of this chapter, the agent
25 must register separately for each entity the agent represents. See
26 rule 16.201(13) (definition of “filing agent”).

1 (3) *Requirements for specialized nonparty filer registration.*

2 Specialized nonparty filers must register to file electronically.
3 Specialized nonparty filers may include bail bond agents, process
4 servers, and other persons who generally are not considered
5 parties but who need to file documents in multiple cases.

6 *c. Law student and law graduate registration.*

7 (1) To use EDMS, a law student or law graduate qualified to
8 engage in the practice of law or appear as counsel must contact
9 EDMS Support at the number or email address located on the
10 electronic filing login page of the Iowa Judicial Branch website to
11 obtain an application for registration. The student or graduate
12 must submit a completed application, signed by a supervising
13 attorney, to obtain a login and password.

14 (2) The student or graduate must enter an appearance in
15 each case in which the student or graduate is practicing and must
16 file to withdraw from each case when the student's or graduate's
17 practice is completed.

18 (3) Upon termination of the supervision of the student's or
19 graduate's practice, the supervising attorney must notify EDMS
20 Support to have the student's or graduate's registration
21 inactivated.

22 (4) A law student or law graduate in good standing who
23 resumes practice before admittance to the bar must reinstate his
24 or her former registration by submitting a new application for
25 registration signed by a current supervising attorney.

26 (5) Once the student or graduate is licensed to practice law
27 in Iowa, the new attorney must withdraw from the law student

1 account and register with the attorney identification number (AT
2 PIN) assigned by the office of professional regulation.

3 *d. Registration requirements for specialized nonparty users*
4 *and abstractors.*

5 (1) To register, specialized nonparty users must request an
6 application through EDMS Support at the telephone number or
7 email address located on the electronic filing login page of the Iowa
8 Judicial Branch website.

9 (2) Abstractors are specialized nonparty users. For the
10 purpose of remote access to court documents and otherwise
11 restricted information, an abstractor must either qualify as a
12 “participating abstractor” as recognized by the Title Guaranty
13 Division of the Iowa Finance Authority, be a licensed abstractor at
14 such time that abstractors are licensed in the State of Iowa, or be
15 substantially equivalent to a “participating abstractor” as
16 determined by the state court administrator or the state court
17 administrator’s designee.

18 *e. Changing passwords.* Once registered, registered filers
19 must change their password. If a registered person or entity
20 believes the security of an existing password has been
21 compromised, the person or entity must change the password
22 immediately. The court may require password changes
23 periodically.

24 *f. Changes in filer’s contact information.* If a registered filer’s
25 email address, mailing address, or telephone number changes, the
26 filer must promptly make the necessary changes to the registered
27 filer’s account information on the My Profile page in the filer’s

1 EDMS account. The filer must provide appropriate notice of
2 changes in contact information to any nonregistered filer in every
3 active case.

4 *g. Duties of registered filer.*

5 (1) *To update email.* Registered filers must maintain current
6 registered email account information.

7 (2) *To monitor account.* Registered filers must monitor their
8 account regularly and ensure that notifications sent to the account
9 are timely opened.

10 (3) *To notify the court when no longer able to participate.*
11 Registered filers who can no longer participate electronically in
12 their cases must notify the court and request an exception from
13 electronic filing in each case. See rule 16.302(2). When the
14 registered filer has received an exception in each of the filer's open
15 cases, the registered filer must withdraw from participation in
16 electronic filing before the exceptions become effective.

17 *h. Withdrawal from electronic filing.* A registered filer may
18 withdraw from participation in EDMS by logging in to the My
19 Profile page of the filer's EDMS account or by contacting the clerk
20 of court. Upon withdrawal, the person's or entity's registration,
21 login, and password are canceled and the filer's name is deleted
22 from any applicable electronic service list. A registered filer's
23 withdrawal from participation in EDMS is not authorization to file
24 cases or documents nonelectronically. To file nonelectronically,
25 the filer must obtain an exception from the electronic filing
26 requirement from the chief judge of each judicial district where the
27 filer has a case pending. Exceptions from electronic filing should

1 be obtained before withdrawing from EDMS. A registered filer's
2 withdrawal from participation in EDMS is not a withdrawal from a
3 case.
4

5 **16.304(2)** *Logins and passwords.* Filers must use logins
6 and passwords to file documents electronically.

7 a. Any electronic filing, downloading, or viewing of an
8 electronic file or document is deemed to be made with the
9 authorization of the person registered to use the login and
10 password unless and until clear and convincing evidence proves
11 otherwise.

12 b. A registered filer must not knowingly permit the filer's
13 login and password to be used by any other person except:

14 (1) A registered attorney may permit the attorney's login and
15 password to be used by an authorized member or staff of the
16 attorney's law office.

17 (2) A registered filer for an entity or governmental agency
18 may permit the filer's login and password to be used by an
19 authorized member or staff of the entity or governmental agency.
20

21 c. If a login or password is lost, misappropriated, misused,
22 or compromised in any way, the person registered to use that login
23 or password must promptly contact EDMS Support at the number
24 or email address located on the electronic filing login page of the
25 Iowa Judicial Branch website. If a login or password is lost,
26 misappropriated, misused, or compromised in any way, the court
27 may cancel the registration. The registered person or entity may

1 be required to apply for a new password and login by completing a
2 new registration.

3 *d.* For good cause, the court may refuse to allow a user or a
4 filer to electronically file or download information in EDMS. The
5 affected user or filer may apply with the court to reregister.
6 Improper use of electronic filing, such as an intentional misuse or
7 reckless use of a password or login, may subject a person to court
8 sanctions. A person prohibited from electronic filing is not
9 excluded from using the court system, but the person must obtain
10 authorization under rule 16.302(2) to submit paper documents to
11 the clerk for filing.

12 *e.* For system security reasons, a registration may be
13 immediately suspended.
14

15 **Rule 16.305 Signatures.**

16 **16.305(1)** *Registered filer.* A registered filer's login and
17 password required for submission of documents to EDMS,
18 accompanied by a digitized, electronic, or nonelectronic signature
19 representation and a signature block as described in rule
20 16.305(4)(a), serve as the registered filer's signature on all
21 electronic documents filed with the court. These also serve as a
22 signature for purposes of the Iowa Rules of Civil Procedure, any
23 other applicable Iowa Court Rules, and for any other purpose for
24 which a signature is required in connection with proceedings
25 before the court.

1 **16.305(2)** *Nonelectronic signature.* If a document contains a
2 nonelectronic signature, the signed document must be scanned for
3 electronic filing.

4 **16.305(3)** *Documents requiring oaths, affirmations,*
5 *verifications, acknowledgements, or notarization.* Any document
6 requiring that a signature be made under oath or affirmation or
7 with verification or acknowledgement, or any document being
8 notarized, must be either signed by the subscriber
9 nonelectronically and scanned for electronic filing or signed by the
10 subscriber with a digitized signature. The same requirements
11 apply to any oath giver's or witness's signature.

12 **Comment:**

13 **Rule 16.305(3).** A notary signature cannot be an electronic /s/
14 signature; it must be a digitized or nonelectronic signature. The notary seal may
15 be electronic pursuant to Iowa Code chapter 9B. If the law requires the
16 document to be signed in the notary's presence, the oath giver's and witness's
17 signatures must be either nonelectronic or digitized (applied by a mechanism
18 such as a signature pad that captures an unaltered image of the signer's
19 signature). See Iowa Secretary of State website for additional information on
20 notarization.

21 **16.305(4)** *Signature block.* Any filing requiring a signature
22 must be signed with a signature representation authorized by
23 these rules and accompanied by a block of identifying information.

24 *a.* The following identifying information about the person
25 signing the filing, to the extent applicable, must be typewritten or
26 printed under the person's signature representation:

- 27 1. Name.
- 28 2. Law firm or name of partnership, association, corporation,
29 or tribe on behalf of which the filing agent is signing.
- 30 3. Mailing address.
- 31 4. Telephone number.

1 5. Email address.

2 6. The email addresses of any other persons at the law firm
3 who are to be notified of additions or corrections to the electronic
4 file.

5 *b.* Victims and protected persons may omit mailing
6 addresses, telephone numbers, and email addresses from their
7 signature block when necessary for their protection.

8 *c.* Registered filers are responsible for promptly updating the
9 information in (1) through (6) in their EDMS account.
10 Nonregistered filers are responsible for informing the court of any
11 changes in this information with respect to all cases in which they
12 have appeared.

13 **Comment:**

14 **Rule 16.305(4).** Under the signature rules of chapter 16, the following
15 signature blocks are valid:

16
17 /s/Judith Attorney
18 Attorney Law Firm
19 1111 Court Ave., Des Moines, IA 50209
20 515-555-5555
21 JAttorney@Law.gov

22
23 Or,

24
25 /s/ with name typed beside symbol as follows:
26 /s/ Judith Attorney
27 Judith Attorney
28 Attorney Law Firm
29 1111 Court Ave., Des Moines, IA 50209
30 515-555-5555
31 JAttorney@Law.gov

32
33 Or,

34
35 /Judith Attorney/
36 Judith Attorney
37 Attorney Law Firm
38 1111 Court Ave., Des Moines, IA 50209
39 515-555-5555
40 JAttorney@Law.gov

41
42 Or,

1



2

Judith Attorney

3

Judith Attorney

4

Attorney Law Firm

5

1111 Court Ave., Des Moines, IA 50209

6

515-555-5555

7

JAttorney@Law.gov

8

9

If the attorney logged in is not the attorney signing, the document must be signed by both, including a signature block for each attorney.

10

11

12

/s/ Judith Attorney

13

Judith Attorney

14

Attorney Law Firm

15

1111 Court Ave., Des Moines, IA 50209

16

515-555-5555

17

JAttorney@Law.gov

18

19

And

20

21

/s/ Andrew Attorney

22

Andrew Attorney

23

Attorney Law Firm

24

1111 Court Ave., Des Moines, IA 50209

25

515-555-5555

26

AAttorney@Law.gov

27

28

16.305(5) Multiple signatures.

29

a. By filing a document containing two or more signatures,

30

the registered filer confirms that the content of the document is

31

acceptable to all persons signing the document and that all such

32

persons consent to having their signatures appear on the

33

document. All persons signing the document must be registered

34

filers to receive notice of the filing of subsequent documents in the

35

case.

36

b. To receive notice of the filing of subsequent documents in

37

the case, any persons signing the document must be registered

38

filers.

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1 c. After following the requirements of this rule, the
2 registered filer must either:

3 (1) Scan the original document, with all of the signatures
4 attached, and file the document electronically; or

5 (2) Electronically file the document in a portable document
6 format (.pdf) using a signature format set out in the comment to
7 rule 16.305(4).

8 **16.305(6)** *Signatures presumed valid.*

9 a. A signature on an electronically filed document is
10 presumed valid and authentic until established otherwise by clear
11 and convincing evidence.

12 b. A digitized or nonelectronic signature on a document that
13 a governmental agency electronically files for the purpose of
14 obtaining court action or any other signature the court has
15 approved is presumed valid even if the signature is not from a
16 registered filer.

17 **Comment:**

18 **Rule 16.305(6).** This rule does not supersede any foundation or proof
19 requirements contained in the Iowa Code or the Iowa Court Rules.

20 **16.305(7)** *Disputing authenticity or validity of signatures.* An
21 attorney or a party who disputes the authenticity or validity of any
22 digitized, nonelectronic, or electronic signature on an electronically
23 filed document must file an objection to the signature within 30
24 days after the attorney or party knew or should have known the
25 signature was not authentic or valid.

1 **Rule 16.306 Electronic filing.**

2 **16.306(1) *Electronic cover sheet.***

3 a. A registered filer must complete an electronic cover sheet
4 for each filing by entering the proper information into EDMS.

5 b. Governmental agencies may obtain state court
6 administration approval to use alternative software to exchange
7 electronic records with EDMS. The alternative method for filing or
8 presenting documents must enable correct routing and docket
9 entry of the documents to permit an exception to the electronic
10 cover sheet requirement. The alternative method must also
11 accommodate requests for expedited relief and requests to restrict
12 access to documents.

13 **Comment:**

14 **Rule 16.306(1).** A filer must complete the electronic equivalent of a
15 cover sheet when initiating a case or filing or presenting a document or group of
16 documents for electronic filing. The electronic cover sheet is a series of web
17 pages on which the filer enters information. These web pages differ depending
18 on whether the document is related to a criminal or civil case or whether the
19 document is being filed in a new case or an existing case. A properly completed
20 electronic cover sheet will route the document to the correct electronic file and
21 will create a correct docket entry for the document. The electronic cover sheet
22 may also notify the court of a request for expedited relief or ensure access to a
23 document is properly restricted. An electronic cover sheet for a new civil case
24 replaces the paper civil cover sheet required by Iowa Rule of Civil Procedure
25 1.301(2). Only parties excused from registration will file the paper form of the
26 civil cover sheet and the confidential information form.

27 **16.306(2) *Filing.*** A document is considered filed or
28 presented at the time EDMS has received it, unless the clerk of
29 court returns it.

30 **Comment:**

31 **Rule 16.306(2).** When EDMS receives a district court document, the file
32 stamp records the date and time and generates a status update in the filer's
33 EDMS account. The document is not considered received until the status of
34 "received," "awaiting approval," or "filed" is displayed in the filer's EDMS
35 account. EDMS will generate a status update upon case initiation or a notice of
36 electronic filing or presentation in all other instances that confirms EDMS has
37 received the document. Subject to security and jurisdictional rules, the system
38 also generates a notice of electronic filing or presentation to indexed case
39 parties. When the clerk of court reviews and approves the submission, the

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1 system generates a date and time stamp on the document that is the same as
2 the date and time the system noted in the status update—the time EDMS first
3 received the filer’s submission in the system. This is the date and time of the
4 official filing of the document with the court system. For example, a filer
5 submits a document to the system at 9:58 p.m. on Thursday, March 30, 2016.
6 Soon after, the status message on the filer’s My Filings page will read “Received”
7 and then “Awaiting approval” (for presented documents, the status will be
8 “Filed”). The filer then knows the date and time that the court has received the
9 filing. The following Monday morning the clerk reviews and approves the filing.
10 The system will place a file stamp on the document of 9:58 p.m., March 30,
11 2016. The clerk of court may also return an incorrect submission with
12 instructions to correct the filing. See rule 16.308(2)(d)(2). In this circumstance,
13 the document is not filed and the date and time of filing that the system tracked
14 are not retained. Upon resubmission of the document, a new date and time of
15 filing are assigned and a new status update and notice of electronic filing or
16 presentation are generated.

17 **16.306(3)** *Emailing or faxing documents does not constitute*
18 *electronic filing.* Emailing or faxing a document to the clerk of
19 court or to the court will not generate a file stamp or a notice of
20 electronic filing or presentation and will not result in filing of the
21 document.

22 **Rule 16.307 Electronic file stamp.**

23 **16.307(1)** Each document electronically filed with the clerk
24 of court receives a file stamp reflecting the date and time that it
25 was initially received by EDMS.

26 **16.307(2)** Each document electronically filed with the clerk
27 of supreme court receives a file stamp reflecting the date that it
28 was received by EDMS.

29 **16.307(3)** The date and time on the file stamp will be
30 consistent with the notice of electronic filing or presentation on the
31 filer’s status update. The electronic file stamp becomes a part of
32 the electronic document and is visible when the document is

1 printed or viewed online. Electronic documents are not officially
2 filed unless they have an electronic file stamp. Electronic file
3 stamps have the same force and effect for electronic submissions
4 as nonelectronic file stamps for nonelectronic submissions. See
5 rule 16.201(12) (definition of “file stamp”).

6 **Rule 16.308 Docket entries.**

7 **16.308(1)** *Selecting a document type.* For each electronically filed
8 document, a filer must choose an accurate document type from the
9 options listed on the electronic cover sheet.

10 **16.308(2)** *Correcting a document type.*

11 *a. Clerk of court to correct document type.* Once a document
12 is submitted into EDMS, only the clerk of court may make
13 corrections to the document type the filer has chosen.

14 *b. Clerk of court to correct docket entries.* If a docket entry is
15 incorrect, only a clerk of court can correct the docket entry. The
16 docket will reflect that the clerk made a change to a docket entry.

17 *c. Errors filers discover.*

18 (1) If a filer discovers an error in the electronic filing or
19 docketing of a document, the filer must contact the clerk of court
20 as soon as possible. When contacting the clerk, the filer must
21 have available the case number of the document that was filed or
22 docketed erroneously.

23 (2) A filer may not refile or attempt to refile a document that
24 has been erroneously filed or docketed unless the clerk of court
25 specifically directed the filer to do so.

1 (3) To meet a deadline, a filer who discovers an error in the
2 electronic filing or docketing of a document but who cannot
3 immediately contact the clerk of court may resubmit a corrected
4 document.

5 *d. Errors clerks of court discover.*

6 (1) If the clerk of court discovers an error in the filing or
7 docketing of a document, the clerk will ordinarily notify the filer of
8 the error and advise the filer of what further action the filer must
9 take, if any, to address the error.

10 (2) The clerk of court may return the submission to the filer
11 with an explanation of the error and instructions to correct the
12 filing. In such instances, it is the responsibility of the filer to keep
13 a record of the notice EDMS generated to verify the date and time
14 of the original submission. The rules of this chapter are not
15 intended to address whether a filer who submits a corrected filing
16 after return of the original submission may have the date and time
17 of the corrected filing relate back to the date and time of the
18 original submission.

19 (3) If the error is minor, the clerk of court may, with or
20 without notifying the parties, either correct or disregard the error.

21 (4) An error in the filing or docketing of a document refers to
22 an error that adversely affects the proper processing of the
23 document by EDMS, such as a document being filed in the wrong
24 case, a document being filed with the wrong event code, or a
25 document that is scanned incorrectly. It also refers to the
26 omission of information necessary to properly identify the parties
27 initiating a new case or the subjects of a warrant, a failure to pay a

1 required filing fee, an error that prevents the correct filing fee from
2 being charged, or the omission of a signature from a filing that
3 must be signed.

4 **Comment:**

5 **Rule 16.308(2).** This rule addresses instances when a filer selects an
6 incorrect document type or submits documents that cannot be correctly filed or
7 docketed. The clerk of court may return a submission to the filer for correction
8 when, for example, a document is scanned upside down or sideways, is scanned
9 in such a way that the file stamp cannot be applied, is improperly attached to
10 other documents, or is submitted under the wrong docket entry such that
11 EDMS cannot process the document correctly. It is the filer's responsibility to
12 keep a record of the original submission date and time, as well as the reason for
13 the return of the filing, contained in the Filing Status Reports available through
14 the filer's EDMS account under My Filings.

15 **Rule 16.309 Date and time of filing; deadlines; technical**
16 **difficulties.**

17 **16.309(1)** *Date and time of filing; deadlines.*

18 a. An electronic filing may be made whenever EDMS is
19 available, including holidays, weekends, and evenings. The
20 availability of electronic filing, however, does not affect deadlines or
21 the provisions for extension of deadlines in the Iowa Code or Iowa
22 Court Rules. When a document is filed electronically, EDMS
23 applies an electronic file stamp to the document reflecting the date
24 or the date and time that it was actually received by EDMS. See
25 rule 16.306(2) and comment and rule 16.307.

26 (1) *Exceptions for trial informations and minutes of testimony.*

27 Trial informations and accompanying minutes of testimony are not
28 file stamped until the court approves them.

29 (2) *Submissions that the clerk of court returns.* A submission

30 that the clerk of court returns unfiled because of an error is given
31 a file stamp when the filer submits the corrected version.

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1 **b.** The date and time of the electronic file stamp are
2 considered the official filing date and time for purposes of
3 computing relevant deadlines.

4 **c.** A document is timely filed if it is filed before midnight on
5 the date the filing is due.

6 **d.** If a deadline established in these rules is different from a
7 deadline established in a court order in a particular case, the
8 deadline established in the court order controls.

9 **16.309(2)** *Technical difficulties.*

10 **a.** A party's technical difficulty or the unavailability of
11 EDMS, does not excuse a party from complying with a
12 jurisdictional deadline.

13 **b.** If a registered filer is unable to meet a nonjurisdictional
14 deadline due to a technical difficulty, the filer must file the
15 document using the soonest available electronic or nonelectronic
16 means. The filing is not timely unless the court determines it to be
17 timely after the filer has had an opportunity to be heard on the
18 matter.

19 **16.309(3)** *Notice of system unavailability.*

20 **a.** *Scheduled maintenance.* When EDMS will not be
21 available due to scheduled maintenance, a notice of the date, time,
22 and anticipated length of the unavailability will be posted on the
23 Iowa Judicial Branch website and to other authorized social media.

24 **b.** *Unexpected unavailability.* When EDMS is unexpectedly
25 unavailable, a notice of the problem will be posted on the Iowa
26 Judicial Branch website and other authorized social media.

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1 **16.309(4)** *Extended system unavailability; filing and service.*

2 In the event of an extended period when EDMS is not
3 available, the filer may take a paper document to the clerk of court
4 during regular business hours for filing. In such instances, the
5 filer is responsible for service of the document on case parties
6 entitled to service.

7 **16.309(5)** *Court-generated documents; computation of*
8 *deadlines.* Electronic filings by the court, such as court orders,
9 may be made at any time. They will receive a file stamp reflecting
10 the date and time when EDMS received the filing. The clerk of
11 court will process such filings with reasonable promptness during
12 regular weekday hours before the filing is served electronically on
13 all registered filers. Regardless of when a party receives notice of
14 electronic filing of a court-generated document, the date and time
15 of the file stamp are the official filing date and time for purposes of
16 computing all relevant deadlines.

17 **Comment:**

18 **Rule 16.309.** Electronic filing enables the filing of documents outside of
19 normal business hours. A document filed before midnight on the date the filing
20 is due is considered timely filed. Filers are cautioned, however, not to wait until
21 the last moment to file documents electronically as EDMS may not always be
22 available. Just as a jurisdictional deadline cannot be extended for a filer who
23 due to vehicle or traffic problems, for example, arrives at the courthouse
24 moments after the clerk of court office has closed, jurisdictional deadlines
25 cannot be extended for the filer who encounters system or other technical
26 difficulties between the time of close of business and a midnight filing deadline.

27 **Rule 16.310 Format of electronic documents.** All documents
28 filed electronically must be formatted according to applicable rules
29 governing formatting of paper documents in the Iowa Rules of Civil
30 Procedure and the Iowa Rules of Appellate Procedure. A document
31 must be converted to a portable document format (.pdf) and must

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1 not be password protected before the document is filed
2 electronically. The filer must ensure that the filing is an accurate,
3 complete, and readable reproduction of the document.

4 **Rule 16.311 Attachments to electronic documents.**

5 **16.311(1)** The following documents must be attached
6 electronically to a filed electronic document without a separate
7 electronic cover sheet:

8 a. When a court order is required to amend a previously
9 filed document, the proposed amendment must be electronically
10 attached to a motion for leave to file that document.

11 b. Any item that is included as an exhibit to a document
12 must be attached to the electronic document.

13 c. Any additional pages required to complete a court form.

14 **Comment:**

15 **Rule 16.311(1).** Supporting materials attached to an application,
16 motion, court form, or verification of account, etc., were called “exhibits” prior to
17 electronic filing. In EDMS, those supporting materials are called “attachments,”
18 and the term “exhibit” is reserved for evidence entered into the record at a
19 hearing or trial. Examples of documents that are attached to other documents
20 include supporting documents that are attached to an adoption petition, a
21 written notice of intention to file an application for default that must be attached
22 to a request for default, additional pages completing a court form, and evidence
23 or affidavits used to support an application or a motion. The filer uploads the
24 application, form, or motion into EDMS, and then selects “Attachment” as the
25 document type for the supporting materials. When the filer picks the
26 “Attachment” document type, the system prompts the filer to pick the document
27 to attach to. The document and attachment are then electronically linked and
28 will show on the case docket as related. See rule 16.412(5) (exhibits to
29 pleadings).

30 **16.311(2)** Separate documents may be submitted at the
31 same time but must be uploaded separately, with an individual
32 document type selected for each document.

33 **Comment:**

34 **Rule 16.311(2).** Examples of such submissions are a petition for
35 dissolution of marriage, a motion for temporary support, and a financial
36 affidavit. There are, however, some documents that cannot have other

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1 documents attached to them. For example, nothing should be attached to a
2 proposed document. Also, a proposed order should not be attached to any other
3 document, including the motion or application regarding that order.

4 **Rule 16.312 Hyperlinks and other electronic navigational**
5 **aids.**

6 **16.312(1)** Hyperlinks and other electronic navigational aids
7 may be included in an electronically filed document as an aid to
8 the court and the parties. Each hyperlink must contain a
9 complete text reference to the target of the link. This text
10 reference, when copied, must enable a user to reach the same
11 target that would be reached by activating the hyperlink.

12 **16.312(2)** If an electronically filed document contains
13 hyperlinks, the filer is responsible for creating and embedding the
14 links in the document.

15 **16.312(3)** Material that can be reached through a hyperlink
16 in an electronic filing is not considered part of the official record or
17 filing unless already part of the record in the case.

18 **16.312(4)** Hyperlinks to cited authority may not replace
19 standard citation format for constitutional citations, statutes,
20 cases, rules, or other similarly cited materials.

21 **16.312(5)** Hyperlinks may provide an electronic link to
22 other portions of the same document. It is not possible, however,
23 to hyperlink from one document in the electronic court file to
24 another document in the electronic court file.

25 **Comment:**

26 **Rule 16.312.** Use of hyperlinks for cited legal authorities is encouraged.
27 Hyperlinks may also be used to refer the court to other information. Hyperlinks
28 are not part of the filed document, so the filed document must comply with
29 traditional citation requirements. Filers are cautioned, however, that links to
30 external documents or websites may become invalid over time. Additionally, the

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1 functionality of hyperlinks will depend on the web browser or computer
2 application used to view the document.

3 **Rule 16.313 Nonelectronic filings.**

4 **16.313(1)** *Items that may be filed nonelectronically.* The
5 following documents and other items may be filed nonelectronically
6 and need not be maintained in the electronic court file unless
7 these rules, the clerk of court, or the court otherwise require or
8 authorize electronic filing:

9 a. The administrative record in cases in which the court is
10 asked to rule based on that record, but all other documents,
11 including the petition, answer, briefs, and motions, in the judicial
12 review proceedings must be filed electronically and maintained in
13 the electronic court file.

14 b. Transcripts of proceedings before the court that are not
15 available in electronic format.

16 c. Any item that is not capable of being filed in an electronic
17 format.

18 **Comment:**

19 **Rule 16.313(1)(a).** This rule addresses the cost and time concerns in
20 administrative review cases by allowing the administrative record to be filed in a
21 nonelectronic format. Besides their size, these records often contain sensitive
22 information, such as information protected by federal HIPAA laws. This rule
23 does not encompass cases covered by Iowa Code chapters 252C, 252F, and
24 252H. The documents generated in those cases should be filed electronically.

25 **16.313(2)** *Service of notice of items filed nonelectronically.*

26 For items filed nonelectronically pursuant to rule 16.313(1), the
27 filer must file an electronic notice of filing the item.

1 **Rule 16.314 Original notice.**

2 **16.314(1)** *Form of original notice.* When a party
3 electronically files a new case, the party must submit an original
4 notice as a separate document type along with the petition in the
5 form the Iowa Rules of Civil Procedure require. In addition, the
6 original notice—except in small claims actions—must:

- 7 1. State that the case has been filed electronically.
- 8 2. Direct the other party to chapter 16 of the Iowa Court
9 Rules for general rules and information on electronic filing.
- 10 3. Refer the other party to chapter 16, division VI, of the
11 Iowa Court Rules regarding the protection of personal or
12 confidential information in court filings.

13 **16.314(2)** *Clerks of court affixing seal to original notice.*

14 After a petition is filed, the clerk of court will electronically
15 affix the clerk’s seal to the original notice and electronically return
16 a sealed and signed original notice to the registered filer.

17 **16.314(3)** *Service of original notices.* Original notices must
18 be served upon the party against whom an action is brought in
19 accordance with the Iowa Code and the Iowa Rules of Civil
20 Procedure.

21 **Comment:**
22 **Rule 16.314(3).** Electronic service cannot be used to serve an original
23 notice or any other document that is used to confer personal jurisdiction.

24 **16.314(4)** *Return of service.* After the original notice is
25 served, the filer must scan and electronically file the return of
26 service.

1 **Rule 16.315 Electronic service of documents subsequent to**
2 **original notice.**

3 **16.315(1)** *Electronic service of documents filed by registered*
4 *filers.*

5 *a.* Completing the registration process, *see* rule 16.304(1),
6 constitutes a request for, and consent to, electronic service of
7 court-generated documents and documents other parties file
8 electronically.

9 *b.* When a document is electronically filed, EDMS serves the
10 document on all parties who are registered filers. *See* rule
11 16.201(11) (definition of “electronic service”). Service occurs by
12 posting a notice of electronic filing or presentation into the filer’s
13 EDMS account along with a link to the document or documents
14 presented or filed. The posting of the notice of electronic filing or
15 presentation constitutes service of the document for purposes of
16 the Iowa Court Rules. No other service on those parties is
17 required.

18 *c.* Notice of electronic filing or presentation will only be
19 provided to registered filers and registered case parties who have
20 filed an entry of appearance or filed an answer, filed a notice of
21 case association, or filed an appearance as a court-approved
22 intervenor.

23 *d.* Notices of electronic filing or presentation will continue to
24 be provided to a registered filer until the filer has filed a withdrawal
25 from the case and, if applicable, obtained an order allowing the
26 withdrawal.

1 e. Electronic service is not effective if the filer learns the
2 notice of electronic filing or presentation was not transmitted to a
3 party.

4 f. EDMS will not provide notices of electronic filing or
5 presentation for documents filed pursuant to rule 16.405(4),
6 16.703, 16.704, or 16.802, or on documents that require personal
7 service to confer jurisdiction. The filer is responsible for service of
8 documents that must be personally served to confer jurisdiction in
9 accordance with rule 16.315(2) on service to nonregistered filers.

10 **Comment:**

11 **Rule 16.315(1)(e).** Subject to the exceptions in rule 16.315(1)(f), when
12 EDMS receives a filing covered by this rule, EDMS will automatically generate a
13 notice of electronic filing or presentation, which contains a list of the parties who
14 were served electronically and a list of the parties who must be served by other
15 means. It is the responsibility of the filer to review the notice of electronic filing
16 or presentation to ensure that all parties that require service have received it. If
17 the filer learns of a delivery failure, the filer must provide service to that person
18 by other means. A notice of electronic filing or presentation will not be
19 generated on case initiation, on applications for warrants, on emergency
20 applications (such as emergency removals or emergency detention in juvenile
21 cases), or on documents proposed for restricted access or filed under an order
22 restricting access.

23 **16.315(2)** *Service of paper copies on parties.* Parties must
24 serve a paper copy of any filed document on a party who is not a
25 registered filer in a manner authorized by the Iowa Code or the
26 Iowa Court Rules , unless the parties agree to another method of
27 service. When serving paper copies of electronically filed
28 documents in cases with multiple nonregistered filers other than
29 criminal defendants, the filer must include a copy of the notice of
30 electronic filing or presentation. The clerk of court will provide a
31 copy of the notice of electronic filing or presentation upon a
32 nonregistered filer's request.

1 **16.315(3)** *Service of documents that nonregistered filers file*
2 *or present.*

3 a. Service on registered filers of documents that
4 nonregistered filers file or present will be made by the clerk
5 electronically through EDMS, except for service of restricted access
6 documents filed under rule 16.405. See rule 16.201(11) (definition
7 of electronic service).

8 b. When a nonregistered filer submits a document to the
9 clerk of court, the clerk will process the filing or presentation with
10 reasonable promptness during regular weekday business hours
11 before the filing is served electronically on all registered filers. In
12 such event, the date and time on the file stamp are considered the
13 official date and time of service for purposes of computing all
14 relevant deadlines.

15 c. Nonregistered filers must serve a paper copy of
16 documents they file with or present to the court on all persons
17 entitled to service who are nonregistered filers in the manner the
18 Iowa Rules of Civil Procedure or the Iowa Rules of Criminal
19 Procedure require.

20 d. If a party receives a one-time exception to electronic filing
21 pursuant to rule 16.302(2)(a), the procedures and requirements of
22 rule 16.315(3) apply.

23 **Rule 16.316 Certificate of service.** A certificate of service must
24 be filed for all documents EDMS does not serve. These include
25 documents that must be served on parties who are nonregistered
26 filers, documents that must be served on persons or entities

1 seeking to intervene in a confidential case, documents persons or
2 entities file pursuant to rule 16.319(2), and discovery materials.
3 See, e.g., rules 16.315(1)(b), 16.319(1)(c), and 16.401(1)(a). The
4 certificate must be filed promptly and show the date and manner of
5 service. The certificate of service may be included on the last page
6 of the document.

7 **Rule 16.317 Additional time after electronic service.** When
8 service of a document is made electronically, the time to respond is
9 computed in the same manner as the Iowa Rules of Civil Procedure
10 and the Iowa Rules of Appellate Procedure require for service by
11 mail, fax, or email.

12 **Rule 16.318 Service of court-generated documents.**

13 **16.318(1)** *Electronic notice and service for registered filers.*

14 EDMS will electronically serve any court-generated
15 document on all registered filers entitled to service. See rule
16 16.201(11) (definition of “electronic service”). Posting the notice of
17 electronic filing or presentation in the registered filer’s EDMS
18 account constitutes service or notice of the document. Notice of
19 electronic filing or presentation will only be provided to registered
20 parties who have entered an appearance or filed an answer, filed a
21 notice of case association, or filed an appearance as a court-
22 approved intervenor. Notices of electronic filing or presentation
23 will continue to be provided to a registered filer until the filer has
24 filed a proper withdrawal of appearance in a case and, if
25 applicable, obtained an order allowing the withdrawal.

1 **16.318(2)** *Nonelectronic notice and service for nonregistered*
2 *filers.* The clerk of court will mail paper copies of electronically
3 filed court-generated documents to nonregistered filers entitled to
4 service. In cases with additional nonregistered filers the clerk may
5 include a copy of the notice of electronic filing or presentation with
6 the paper copy of the document. The clerk will not mail paper
7 copies to registered parties who have not properly filed an entry of
8 appearance or filed an answer, filed a notice of case association, or
9 filed an appearance as a court-approved intervenor. The clerk will
10 not mail paper copies of court-generated documents to
11 nonregistered parties represented by counsel unless the rules or a
12 court order otherwise require it.

13 **16.318(3)** *Certificate of service.* For court-generated
14 documents that EDMS does not electronically serve, the clerk of
15 court may note on the docket the parties served and the method of
16 service instead of filing a certificate of service.

17 **Rule 16.319 Filing by a potential intervenor or by a nonparty.**

18 **16.319(1)** *Potential intervenor.*

19 *a. Manner in which to intervene.* A person or entity seeking
20 to intervene to become a party to a case must electronically file the
21 application to intervene and all related documents unless excused
22 from EDMS registration under rule 16.302(2).

23 *b. Access to court file.*

24 (1) Until the court grants the application to intervene, the
25 person or entity seeking to intervene cannot download or view any
26 confidential part of the court file, and the person or entity will not

1 receive a notice of electronic filing or presentation of any document
2 filed in the case.

3 (2) If the court grants the application to intervene, the
4 person or entity must promptly file an entry of appearance or a
5 notice of case association.

6 (3) An entry of appearance or a notice of case association
7 must be filed before the person or entity can receive a notice of
8 electronic filing or presentation.

9 *c. Service.*

10 (1) The documents a person or entity seeking to intervene
11 files must be served pursuant to rules 16.315(1)(b) and 16.315(2).

12 (2) The person or entity seeking to intervene is required to
13 serve a paper copy of the document on parties who are
14 nonregistered filers. *See* rule 16.315(2).

15 (3) If the court or a party files a document related to the
16 application to intervene, a paper copy of the document must be
17 served on the potential intervenor in the same manner as a
18 nonregistered filer. *See* rules 16.315(2) and 16.318(1).

19 (4) If the application to intervene is granted, the intervenor
20 will subsequently be served copies of filed documents pursuant to
21 rules 16.315 and 16.318(2).

22 **16.319(2)** *Nonparty filers.*

23 *a. Filing.* Nonparty persons or entities entitled to file
24 documents in a case without becoming a party need not appear in
25 order to file documents. However, a nonparty filer must use
26 electronic filing unless excused from EDMS registration under rule
27 16.302(2).

1 **b. Access to court file.** A nonparty cannot access the case
2 remotely or download or view any confidential part of the court file.
3 Additionally, a nonparty will not receive a notice of electronic filing
4 or presentation of any document filed in the case.

5 **c. Service.** EDMS will serve on registered parties any
6 documents a nonparty files. See rule 16.315(1)(b). The nonparty,
7 however, must serve a paper copy of the document on parties who
8 are nonregistered filers. See rule 16.315(2). If service of a
9 document on the nonparty is required, a paper copy of the
10 document must be served on the nonparty in the same manner as
11 on a nonregistered filer. See rules 16.315(2) and 16.318(2).

12 **Comment:**

13 **Rule 16.319(1).** Examples of a party seeking to intervene in a case
14 include a grandparent or relative seeking to become a party in a chapter 232
15 Child in Need of Assistance case or an attorney for an interested party in an
16 estate.

17 **Rule 16.319(2).** This rule describes the filing and serving of documents
18 when the filer does not intend to intervene to become a party to the case and will
19 not enter an appearance or file an answer or a notice of case association in order
20 to be indexed to the case by the clerk of court. An example of a nonparty filer
21 who wishes to file on a case but not become a party to the case is a person who
22 seeks to quash a subpoena.

23 **Rule 16.320 Limited appearance.**

24 **16.320(1) Entry of appearance.** An attorney whose role in a
25 case is limited to one or more individual proceedings in the case
26 must file a notice of limited appearance before or at the time of the
27 proceeding. Upon the filing of this document the attorney will
28 receive electronic service of filed documents.

29 **16.320(2) Termination of limited appearance.** At the
30 conclusion of the matters covered by the limited appearance, the
31 attorney must file a notice of completion of limited appearance.

1 Upon the filing of this document the attorney will no longer receive
2 electronic service of documents filed in the case.

3 **16.320(3)** *Service on party.* During a limited appearance,
4 the party on whose behalf the attorney has entered the appearance
5 will continue to receive service of all documents.

6 **Comment:**

7 **Rule 16.320(1).** An entry of limited appearance is made on behalf of a
8 case party and gives the attorney full case access and electronic notifications on
9 the case. If an attorney is not filing on behalf of an existing party, the attorney
10 should file an application to intervene pursuant to rule 16.319(1) or file as a
11 nonparty filer (rule 16.319(2)). Access to some confidential files or documents
12 may require a court order. An example of an attorney filing an entry of limited
13 appearance is an attorney hired by a petitioner in a dissolution case to represent
14 that petitioner at a hearing on temporary custody. This rule is consistent with
15 the Iowa Rules of Civil Procedure on limited appearances in that electronically
16 filing the notice of limited appearance will cause EDMS to serve the notice on all
17 registered parties. If there is a nonregistered party in the case, the filer must
18 serve the notice on that party by other means. See chapter 32:1.2 Rules of
19 Professional Conduct.

20 **Rules 16.321 to 16.400** Reserved.

21 **Division IV**
22 **Filing Processes**

23 **Rule 16.401 Discovery.**

24 **16.401(1)** *Service of discovery materials.*

25 *a. Service.* Parties may serve requests for discovery,
26 responses to discovery, and notices of deposition by email on
27 registered filers.

28 *b. Time service occurs.* When service is made by email the
29 time to respond is computed according to the Iowa Rules of Civil
30 Procedure.

1 **16.401(2)** *Filing notice of discovery requests and responses.*

2 Parties must file a notice with the court when serving a request for
3 discovery, a response to discovery, or a notice of deposition on
4 another party. The notice must identify the document served and
5 include the date, manner of service, and the names and addresses
6 of the persons served. This rule only requires the filing of a notice
7 of deposition or a notice indicating a discovery request or response
8 was made. Parties should continue to follow the Iowa Rules of
9 Civil Procedure with respect to the filing of discovery materials.

10
11
12 **Comment:**

13 **Rule 16.401(2).** This rule adds a layer of protection for parties.
14 Registered filers' computer filters may occasionally filter out an emailed
15 discovery request or response. Rule 16.401(2) assures that registered filers will
16 at least know they should have received a discovery document.

17 **Rule 16.402 Transcripts.** Transcripts must be filed
18 electronically in a secure format in accordance with rule 16.601(2),
19 any administrative directive from the state court administrator,
20 and the formatting requirements of the Iowa Rule of Appellate
21 Procedure 6.803(2). Transcripts of court proceedings on appeal
22 from the district court must be electronically filed into the district
23 court case file.

24 **Rule 16.403 Expedited relief.** Requests for expedited
25 relief must be noted on the electronic cover sheet.

26 **Rule 16.404 Briefs.** Legal briefs and memoranda must be
27 electronically filed.

1 **Rule 16.405 Restricting access to filings.**

2 **16.405(1)** *Scope.* This rule covers restricting access to
3 filings in the court system, including documents, exhibits, docket
4 entries, cases, and other items or materials.

5 **16.405(2)** *Applications to restrict access.*

6 *a.* A filer seeking to restrict access to materials that are not
7 deemed confidential by statute or rule must file an application to
8 restrict access.

9 *b.* If a filer seeks to restrict access to a document or exhibit,
10 the document or exhibit must not be attached to the application or
11 it will become part of the public court file.

12 *c.* Documents or exhibits proposed for restricted access
13 must be electronically presented to the court for review when
14 reasonably practicable.

15 *d.* Either in the application to restrict access or in a
16 proposed order presented with the application, the filer must
17 clearly state who should have access to the materials.

18 *e.* If the court grants the application, restricted access will
19 be placed on the materials at the security level specified in the
20 order. If a document or exhibit is electronically presented with the
21 application, it will be filed with the access specified in the order.

22 *f.* Rules governing electronic filing of restricted access
23 documents in appeals to the Iowa Supreme Court are included in
24 the Iowa Rules of Appellate Procedure.

25 **Comment:**

26 **Rule 16.405(2)(d).** For example: “only attorneys and case parties should
27 have access to this document.”

28 **Rule 16.405(2)(e).** The court may approve the application and restrict
29 access to the material to a specific level, or the court may deny the application

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1 and either order the material filed with public access or order that the material
2 not be filed.

3 **16.405(3)** *Documents or exhibits filed subsequent to order to*
4 *restrict access.* If the court enters a protective order or an order
5 directing or permitting the filing of documents or exhibits with
6 restricted access, the parties must, without further order from the
7 court, designate any document or exhibit filed under this rule as
8 “Filed under order to restrict access” on the electronic cover sheet.
9 All parties to the case must comply with any order restricting
10 access. Any document or exhibit disclosing information that is
11 subject to an order restricting access must also be filed with
12 restricted access.

13 **16.405(4)** *Service of documents or exhibits proposed for*
14 *restricted access or filed under order restricting access.* EDMS will
15 not serve documents or exhibits that are proposed for restricted
16 access or that are filed under an order restricting access. The filer
17 is responsible for service under rule 16.315.

18 **16.405(5)** *System restricted documents, exhibits, or cases.*
19 Access to certain categories of documents, exhibits, or cases is
20 restricted based on statutory or court rule requirements. Within
21 EDMS, access is restricted automatically without application or an
22 order of the court. A current list of system restricted documents,
23 exhibits, and cases is available from the clerk of court and is
24 available on the Iowa Judicial Branch website.

25 **16.405(6)** *Access to restricted documents and docket entries.*
26 EDMS restricts access to documents in three ways:

27 a. Some documents available only to certain parties and the
28 court may be referenced in a docket entry available to the public.

1 In civil cases, most restricted access documents are referenced in a
2 docket entry available to the public, but only certain parties and
3 the court may view the documents themselves.

4 *b.* Some documents available only to certain parties and the
5 court may not be referenced in a docket entry available to the
6 public.

7 *c.* Some documents available only to the court are not
8 referenced in a docket entry available to the parties or the public.

9 **Comment:**

10 **Rule 16.405(6)(a).** Examples of these documents include presentence
11 investigation reports, minutes of testimony, and documents filed under
12 restricted access pursuant to this rule.

13 **Rule 16.405(6)(c).** Examples of these documents include applications
14 for search warrants and search warrants that have not been executed.

15 **16.405(7) *Nonelectronic filings.*** All nonelectronic filings with
16 the court must conform to the personal privacy rules that apply to
17 electronic documents.

18 **Rule 16.406 In camera inspection.** When the court
19 orders in camera inspection of material, such material may be
20 electronically presented to the court. After the court has examined
21 the material and has entered an order concerning the issues raised
22 by the material, if the court does not order the material to be
23 produced in whole or in part, the court will file the presented
24 material and restrict access to the level of security available to
25 clerks of court and judges only.

26 **Rule 16.407 Subpoenas.** The clerk of court may
27 electronically make subpoenas available to registered filers in
28 accordance with the Iowa Rules of Civil Procedure and the Iowa
29 Rules of Criminal Procedure.

1 **Rule 16.408 Clerk of court certification of documents.**

2 Certified copies of electronically filed documents may be obtained
3 from the clerk of court electronically or nonelectronically. The fee
4 for a certified copy is established in the Iowa Code and the Iowa
5 Court Rules. The clerk may certify documents by digitized or
6 electronic signature and seal.

7 **Rule 16.409 Proposed orders.** A proposed order may be
8 electronically presented with a motion or without a motion. The
9 proposed order must be submitted in an editable format capable of
10 being read by Microsoft Word. Acceptable fonts are: Arial, Times
11 New Roman/Times, Courier New, Tahoma/Geneva, Helvetica,
12 Calibri, and Cambria. The document must not be password
13 protected.

14 **Rule 16.410 Court reporter notes.** Court reporters who
15 have computer-aided transcription capability must electronically
16 file court reporter notes.

17 **Rule 16.411 Original documents.**

18 **16.411(1) Generally.**

19 *a.* When the law requires the filing of an original document,
20 such as a will, codicil, mortgage document, note payable, birth
21 certificate, foreign judgment, or other certified or verified
22 document, the filer must scan the original document and
23 electronically file the scanned document.

24 *b.* The filer must retain the original document for a period of
25 no less than two years or until the conclusion of the case,

1 conclusion of the appeal, conclusion of the estate, or as required
2 by other applicable law.

3 c. The filer must immediately deliver the original document
4 to the court upon request of the court or a party for inspection and
5 nonelectronic preservation.

6 d. When the document is an original will, codicil, or a
7 document having physical characteristics that must be present for
8 the document to be valid or enforceable, the filer may, after filing
9 the document electronically, submit it to the clerk of court for
10 nonelectronic preservation.

11 **16.411(2)** *Exceptions for authorized governmental agencies.*

12 A governmental agency with statutory authority to destroy an
13 original document after making an unaltered image or electronic
14 reproduction of the original document, must retain and, upon
15 request of the court or other party, immediately deliver an
16 unaltered image or electronic reproduction of the original
17 document to the court or other party for inspection and
18 reproduction, if necessary.

19 **Rule 16.412 Exhibits.**

20 **16.412(1)** *Maintenance of hearing and trial exhibits.*

21 a. Exhibits offered at a hearing or a trial must be maintained
22 electronically for purposes of the record, except as provided in
23 subsections (b), (c), and (d) of this rule.

24 b. Exhibits offered at a hearing or a trial that cannot
25 reasonably be maintained electronically may be maintained
26 nonelectronically for purposes of the record.

1 c. When the number of exhibits offered at a hearing or a trial
2 is voluminous, the court may allow the exhibits to be filed on a
3 media storage device such as a CD, DVD, or flash drive, which will
4 be maintained as part of the record.

5 d. When an exhibit offered at a hearing or a trial can be
6 maintained electronically but exceeds the required size limit as
7 posted in the electronic filing section of the Iowa Judicial Branch
8 website, the offering party must submit the exhibit to the court on
9 a media storage device such as a CD, DVD, or flash drive, which
10 will be maintained as part of the record consistent with these
11 rules. All files submitted on the storage device must conform to
12 the format requirements of these rules, including rules 16.310 and
13 16.412(7).

14 e. Prior to offering an exhibit, the submitting party must
15 redact the exhibit pursuant to division VI of these rules (Personal
16 Privacy Protection), except as provided in rule 16.601(3) (exhibits).

17 **Comment:**
18 **Rule 16.412(1).** EDMS is designed to store or maintain in an electronic
19 form as many exhibits as possible. Rule 16.412 does not specify when exhibits
20 should be converted to electronic form and decisions on when to do so will need
21 to be made on a case-by-case basis. Examples of exhibits that may not be
22 reasonably maintained electronically include physical exhibits, large or original
23 photographs, and blueprints.

24 **16.412(2)** *Electronic submission of proposed exhibits.*

25 a. A party may submit proposed exhibits to the court prior to
26 the hearing or trial in which the party intends to offer the proposed
27 exhibits for admission into evidence. Upon submission through
28 EDMS, each proposed exhibit will receive a file stamp. Case
29 attorneys and self-represented case parties will have access to
30 proposed exhibits. Exhibits offered or admitted into evidence are

1 subject to the public access and personal privacy rules of divisions
2 V and VI of this chapter.

3 *b.* Each proposed exhibit must be submitted as a separate
4 docket event. The filer must insert a description into the
5 “Additional Text” field. An exhibit that exceeds the required size
6 limit as posted in the electronic filing section of the Iowa Judicial
7 Branch website must be separated into parts of an acceptable size,
8 and each part must be filed as a separate attachment under the
9 same docket event. When an exhibit is filed in multiple parts, the
10 filer must insert a description for each part into the “Additional
11 Text” field.

12 *c.* At the conclusion of the trial or hearing, the court, except
13 in juvenile court proceedings, will enter an exhibit maintenance
14 order that states which proposed exhibits were offered or admitted
15 into evidence. If no party files an objection to the exhibit
16 maintenance order within 10 business days, the clerk of court
17 thereafter may delete proposed exhibits that are not listed in the
18 order.

19 **Comment:**

20 **Rule 16.412(2).** Access to proposed exhibits filed before trial is
21 restricted to self-represented case parties, attorneys indexed to the case, and
22 the court. The court may ask attorneys who have filed proposed exhibits to
23 bring paper copies to trial for the court and jury. If an exhibit in a public case
24 contains protected information, the party offering it, or the party filing it as
25 proposed, must redact the protected information before the exhibit becomes
26 public. Rule 16.601(3) allows the submitting party 14 days to redact the exhibit
27 before it becomes public. Admitted exhibits that a party has not identified as
28 containing protected information become public. Exhibits in juvenile cases are
29 the exception: they never become public. Exhibits submitted in paper in all
30 proceedings, including proceedings listed in rules 16.412(3) and 16.412(6), may
31 remain in paper unless the matter is appealed, at which time the clerk of court
32 will scan the exhibits. Examples of descriptions in the “Additional Text” field for
33 proposed exhibits include “Exhibit 1—Contract” or “Exhibit A—Letter from Jane
34 Doe.” Examples of “Additional Text” field descriptions for exhibits filed in
35 multiple parts include “Exhibit 1.1—Contract (Part 1)” or “Exhibit 1.2—Contract
36 (Part 2).”

1 **16.412(3)** *Exhibits offered at a hearing or a trial that were*
2 *not submitted as proposed exhibits.* When offered or admitted at
3 hearing or trial, an exhibit that can reasonably be maintained
4 electronically, but that was not previously submitted as a proposed
5 exhibit, will remain nonelectronic unless the court orders
6 otherwise. Upon an appeal in the case, the clerk of court will
7 electronically file the exhibit.

8 **16.412(4)** *Index of nonelectronic exhibits.* When a party
9 offers one or more exhibits that will be maintained
10 nonelectronically under rule 16.412(1)(b), (c), or (d), the party must
11 electronically file an index of the exhibits. The index should list
12 and briefly describe the nonelectronic exhibits.

13 **16.412(5)** *Exhibits to pleadings.* Under rule 16.311(1),
14 evidentiary material that is submitted with or attached to a motion
15 or other pleading must be filed as an attachment and should not
16 be submitted as a proposed exhibit.

17 **16.412(6)** *Submission of proposed exhibits in small claim,*
18 *simple misdemeanor, traffic, and municipal infraction cases.*
19 Proposed exhibits may be, but are not required to be, submitted
20 electronically in small claim, simple misdemeanor, traffic, and
21 municipal infraction cases. The submitting party must redact
22 proposed exhibits, whether electronic or nonelectronic, pursuant to
23 division VI of this chapter prior to submitting the proposed
24 exhibits. Upon initiation of an appeal in the case types included in
25 this rule, the clerk of court will convert exhibits admitted in
26 nonelectronic form to an electronic form when possible.

1 **16.412(7)** *Submission of video and audio exhibits.*

2 *a. Video exhibits.* Video exhibits must be submitted in the
3 following format: .avi, .flv, .mpeg, .mp4, .wms, or .mov. Or, the
4 video exhibit must be submitted with a player application that
5 allows the exhibit to be viewed. Video exhibits cannot be
6 electronically filed but may be submitted to the court on a media
7 storage device such as a CD, DVD, or flash drive. The media
8 storage device must contain only the exhibit or exhibits and any
9 required player application and no other files or applications.
10 Upon initiation of an appeal the clerk of court will provide any
11 video exhibits to the appellate court.

12 *b. Audio exhibits.* Audio exhibits must be submitted in the
13 following format: .wav, .mp3, or .wma. Or, the audio exhibit must
14 be submitted with a player application that allows the exhibit to be
15 heard. Audio exhibits cannot be electronically filed but may be
16 submitted to the court on a media storage device such as a CD,
17 DVD, or flash drive. The media storage device must contain only
18 the exhibit or exhibits and any required player application and no
19 other files or applications. Upon initiation of an appeal, the clerk
20 of court will provide any audio exhibits to the appellate court.

21 *c. Video and audio exhibits in an appeal to district court.*
22 Transcribed portions of a video or audio exhibit may be included in
23 documents filed in an appeal to the district court, provided the
24 transcribed material was properly admitted in the underlying court
25 case. The parties must not embed or include actual audio or video
26 in any documents filed in an appeal to the district court.

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1 court files. Access to the birth dates and names of children in
2 cases in which an attorney has not entered an appearance, is
3 limited to confirmation of the information the attorney supplies
4 regarding the birth date or child's name in a particular case.

5 *b. Attorneys admitted pro hac vice.* Registered attorneys
6 admitted pro hac vice have remote access only to the documents
7 filed in the cases in which the attorneys are admitted pro hac vice.

8 *c. Self-represented litigants and parties to a case.* Registered
9 self-represented litigants and parties to a case who have obtained a
10 login and password have remote access only to documents filed in
11 the cases in which they are a party.

12 **16.502(2)** *Abstractors.* Abstractors have remote access to
13 all public documents in public court files. See rule 16.304(1)(d).
14 Abstractors have limited access in public court files to birth dates
15 and names of children, normally considered protected information
16 under rule 16.602. Access to birth dates and names of children is
17 limited to confirmation of information the abstractor supplies
18 regarding the birth date or child's name in a particular case.

19 **16.502(3)** *Specialized nonparty filers.* Specialized nonparty
20 filers, see rule 16.304(1)(b), may file documents in cases in which
21 they are not a party but do not have remote access to electronic
22 court files.

23 **16.502(4)** *Members of the general public.*

24 *a.* Members of the public may view electronic documents in
25 public cases at public access terminals in the county courthouse
26 in which the case is pending.

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1 *b.* To view electronic documents in public cases on appeal to
2 the Iowa Supreme Court, members of the general public may use a
3 public access terminal located in the Judicial Branch Building in
4 Des Moines, Iowa, or a public access terminal located in the county
5 in which the underlying case originated.

6 **Rule 16.503 Public access terminals.** The Iowa Judicial Branch
7 will maintain at least one public access terminal in each county
8 courthouse and in the Judicial Branch Building.

9 **Rule 16.504 Bulk distribution.** The Iowa Judicial Branch may
10 fulfill requests for copies or reproductions of public electronic
11 documents or records filed in more than a single electronic case if
12 fulfilling such requests will not impair or interrupt the regular
13 operation and efficiency of EDMS and complies with administrative
14 directives or approvals from the state court administrator.

15 **Comment:**
16 **Rule 16.504.** Such state court administrator directives or approvals
17 may take into consideration the system, staffing, and equipment capacity of
18 EDMS.

19 **Rules 16.505 to 16.600** Reserved.

1 **Division VI**
2 Personal Privacy Protection

3 **Rule 16.601 Responsibility to redact or mask protected or**
4 **confidential information.**

5 **16.601(1)** *Responsibility of filer generally.*

6 *a.* It is the responsibility of the filer to ensure that protected
7 information is omitted or redacted from documents before the
8 documents are filed. This responsibility exists even when the filer
9 did not create the document.

10 *b.* The clerk of court will not review filings to determine
11 whether appropriate omissions or redactions have been made. The
12 clerk will not, on the clerk's own initiative, redact or restrict access
13 to documents containing protected information.

14 *c.* A filer waives the protections of the rules in division VI as
15 to the filer's own information by filing it without redaction.

16 **16.601(2)** *Transcripts.*

17 *a.* When a transcript is filed that contains protected
18 information, the court reporter must also file a notice of transcript
19 redaction along with a redacted version of the transcript in
20 accordance with administrative directives from the state court
21 administrator.

22 *b.* The parties to the action are responsible for ensuring the
23 appropriate information in the transcript is redacted. After the
24 court reporter has filed a notice of transcript redaction, each party
25 must within 21 days from the date of the filing of the notice of
26 transcript redaction review the designated material and, if

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1 necessary, request additional designation of protected information
2 or note where information was improperly redacted. To stipulate
3 to additional redactions or corrected redactions, the parties must
4 file the Stipulation Re: Transcript Redaction form found in the
5 electronic filing section of the Iowa Judicial Branch website.

6 c. The court will resolve any disagreement on the
7 designation of protected information.

8 d. The redacted transcript will not be available to the public
9 until all requests for additional designation or claims of improper
10 redaction are resolved.

11 e. A party's failure to file a response within 21 days from the
12 date the notice of transcript redaction is filed is deemed the party's
13 agreement that the transcript is properly redacted.

14 **16.601(3) Exhibits.**

15 a. *Electronically submitted exhibits.* If protected information
16 must be included in an exhibit pursuant to rules 16.603(2) and
17 16.603(4), the submitting party must redact the proposed exhibit.

18 b. *Nonelectronic exhibits offered at hearing or trial.* If
19 protected information is included in a nonelectronic exhibit that
20 was offered at a hearing or trial, the offering party must inform the
21 court of the inclusion of protected information and request that the
22 exhibit be treated as a confidential document. Within 14 days of
23 offering the nonelectronic exhibit identified as containing protected
24 information, the offering party must electronically file a redacted
25 copy of the exhibit that will be available to the public.

26 **Comment:**

27 **Rule 16.601.** The redaction rules in division VI apply to all documents
28 filed electronically as well as to filings submitted to the court in paper on
29 electronic cases, such as exhibits that are offered in paper at a hearing or trial

1 or filings an excused filer submits in paper for the clerk of court to scan. The
2 personal privacy protection rules, 16.601 through 16.609, assist in protecting
3 certain identifying information from widespread dissemination and possible
4 misuse. To provide greater protection, parties should not put this information in
5 documents filed with the court unless it is required by law or material to the
6 proceedings. If the information is required by law or material to the
7 proceedings, parties should carefully follow the redaction rules in division VI.
8 Disclosure of protected information in orders and other court-generated
9 documents that require enforcement or action by someone outside the court
10 falls under rule 16.603(4).

11 **Rule 16.602 Protected information.** Protected information
12 includes the following:

- 13 1. Social security numbers.
- 14 2. Financial account numbers.
- 15 3. Dates of birth.
- 16 4. Names of minor children.
- 17 5. Individual taxpayer identification numbers.
- 18 6. Personal identification numbers.
- 19 7. Other unique identifying numbers.
- 20 8. Confidential information as defined in rule 16.201.

21 **Rule 16.603 Omission and redaction requirements.**

22 **16.603(1)** *Protected information that is not required by law or*
23 *material to the proceedings.* A filer may omit protected information
24 from documents filed with the court when the information is not
25 required by law or is not material to the proceedings.

26 **16.603(2)** *Protected information that is required by law or is*
27 *material to the proceedings.* When protected information is
28 required by law to be included or is material to the proceedings, a
29 filer may record the protected information on a separate protected
30 information form. See rule 16.606. The filer must ensure the

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1 protected information is redacted from any other document before
2 filing the document with the court. See rule 16.605 (manner in
3 which to redact protected information).

4 **16.603(3)** *Restricted access documents.* Parties are not
5 required to redact protected information from documents that are
6 confidential by statute, rule, or court order. Redaction is required,
7 however, however, for materials that are initially confidential but
8 which later become public, such as documents in dissolution
9 proceedings.

10 **16.603(4)** *Disclosure allowed.* A filer may disclose protected
11 information only when that information is an essential or required
12 part of the document or the court file. Disclosure of protected
13 information must be as narrow as reasonably practicable.

14 a. All orders and other court-generated documents
15 containing protected information that require enforcement or
16 action by someone outside the court fall under rule 16.603(4).

17 b. Judicial officers may include protected information in a
18 nonpublic court order to obtain required enforcement or action
19 with a redacted public version of that order.

20 **Comment:**

21 **Rule 16.603(4)(a).** Such documents include, but are not limited to, the
22 following: writs of execution that require a full financial account number;
23 juvenile transportation orders and placement orders containing a child's full
24 name and identifying information; letters of appointment with full names of
25 minors in guardianship and conservatorship cases; qualified domestic relation
26 orders; protective orders and other orders containing full names of juveniles;
27 and applications, orders, and resulting arrest warrants, juvenile summons, and
28 writs of mittimus containing a defendant's full name, date of birth, and social
29 security number.

30 **16.603(5)** *Full disclosure of the names of minor children.*
31 The name of a minor child may be case information that is an
32 essential or material part of the court record. See rule 16.801(2)(a)

1 (regarding use of the full name of minors in juvenile delinquency
2 cases).

3 **Comment:**

4 **Rule 16.603(5).** Examples of when the name of a minor child is
5 essential to the court record include: the name of a minor child who is the ward
6 in a guardianship or conservatorship case or who is the subject of a civil name
7 change petition; or the name of a minor child who is a criminal defendant,
8 defendant on a traffic citation or municipal infraction, or defendant in a
9 domestic abuse or elder abuse case or other such case.

10 **16.603(6)** *Redaction on cases after disposition.* A party
11 must apply to the court to file a redaction of a document in a case
12 in which judgment is final. The application must state the reasons
13 for and manner of redaction. When the court has approved the
14 application, the filer must electronically file the redaction.

15 **Rule 16.604 Information that may be redacted.** A filer may
16 redact the following information from documents available to the
17 public unless the information is required by law or is material to
18 the proceedings:

- 19 1. Driver's license numbers.
- 20 2. Information concerning medical treatment or diagnosis.
- 21 3. Employment history.
- 22 4. Personal financial information.
- 23 5. Proprietary or trade secret information.
- 24 6. Information concerning a person's cooperation with the
25 government.
- 26 7. Information concerning crime victims.
- 27 8. Sensitive security information.
- 28 9. Home addresses.

1 **Rule 16.605 Manner in which to redact protected**
2 **information.**

3 **16.605(1)** *Documents created for filing with the court.* When
4 protected information that is required by law or is material to the
5 proceedings must be included in a document that a filer is creating
6 specifically for filing with the court, when reasonably practicable
7 only a portion of the protected information should be used.

8 **Comment:**

9 **Rule 16.605(1).** Examples of portions of protected information include:
10 if a Social Security number must be included in a document, only the last digit
11 of that number is used; if financial account numbers are relevant, only
12 incomplete numbers are recited in the document; if a person’s date of birth is
13 necessary, only the year is used; if a minor child’s name must be mentioned,
14 only the child’s initials are used.

15 **16.605(2)** *Original documents that are required to be filed*
16 *with the court.* When original documents that are required by law
17 or are material to the proceedings contain protected information as
18 specified in rule 16.602, the filer must redact that information.
19 The filer must make a copy of the document, masking the
20 protected information on the copy, and then scan and file the copy,
21 selecting “Redaction” as the document type on the electronic cover
22 sheet. The filer must then relate the redaction to the original
23 document. EDMS will file the original as restricted access and the
24 redacted copy as the public version of the document.

25 **Rule 16.606 Protected information form.**

26 **16.606(1)** *Protected information form required.* When a filer
27 is required to include protected information in a filed document,
28 the filer may file a protected information form. The electronic filing
29 section of the Iowa Judicial Branch website provides the form. The

1 protected information form must contain the protected information
2 in its entirety as well as the redacted version of the information
3 used in the filed document. All references in the case to the
4 redacted information included in the protected information form
5 will be construed to refer to the corresponding complete protected
6 information. The protected information form is not available to the
7 public but is available to case parties.

8 **16.606(2)** *Supplementing protected information form.* When
9 new information is needed to supplement the record or if
10 information already contained in the protected information form
11 needs to be updated or corrected, the parties must file an updated
12 protected information form including all previously disclosed
13 protected information plus any additions, changes, or corrections.

14 **Rule 16.607 Orders and other court-generated documents.** All
15 orders and other court-generated documents will follow the
16 omission and redaction requirements in rule 16.603. Orders and
17 other court-generated documents will use the redacted version of
18 the protected information found in the protected information form
19 the parties file. See rule 16.606. Orders and other court-
20 generated documents containing protected information that require
21 enforcement or action by someone outside the court are governed
22 by rule 16.603(4).

23 **Rule 16.608 Improperly included protected information.**

24 **16.608(1)** A party may apply to the court to redact
25 improperly included protected information from a filed document

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1 or court file and may request an immediate order to temporarily
2 restrict access to the document or court file pending notice and
3 opportunity to be heard by all parties.

4 **16.608(2)** If, after all parties have been provided an
5 opportunity to be heard, the court finds protected information was
6 improperly included in a filed document, the court may restrict
7 access to the document and may order a properly redacted
8 document to be filed.

9 **Rule 16.609 Sanctions.** If a filer incorrectly files documents
10 containing unredacted protected information, the court, upon its
11 own motion or upon the motion of any party, may impose
12 sanctions. A sanction imposed under this rule must be limited to
13 that which will deter repetition of the conduct or comparable
14 conduct by others. The sanction may include nonmonetary
15 directives or an order to pay a penalty into court. If a party is
16 required to file a motion to address a violation of division VI
17 personal privacy rules, the court may award to the moving party
18 reasonable attorney's fees and other expenses directly resulting
19 from the violation.

20 **Rules 16.610 to 16.700** Reserved.

1 **Division VII**
2 Criminal Cases

3 **Rule 16.701 Criminal cases generally.**

4 **16.701(1)** *EDMS in criminal cases.* All criminal cases will be
5 opened using EDMS.

6 **16.701(2)** *Applicability of other chapter 16 rules to criminal*
7 *cases.* The rules in divisions I through VI of the Iowa Rules of
8 Electronic Procedure, including rules on the protection of personal
9 privacy, apply in criminal cases except as stated in this division.

10 **16.701(3)** *Self-Represented criminal defendants.* A self-
11 represented criminal defendant is not required to, but may choose,
12 to register for electronic filing. If a person excused from electronic
13 filing chooses to register, the person waives the exception and is
14 governed by these rules in the same manner as any registered filer.
15 A person who subsequently desires to be excused must apply for
16 and receive an exception pursuant to these rules.

17 **Rule 16.702 Warrants and other similar applications.** When
18 made during regular court hours, applications for search warrants,
19 applications for arrest warrants, and other similar applications
20 may be electronically presented to the court. Applications made
21 when the courthouse is closed may be electronically presented to
22 the court in the same manner as proposed orders are presented
23 pursuant to rule 16.409. If the applicant or the court does not
24 have immediate access to such technology, the application must be
25 presented to the court in paper form and later scanned into EDMS.

1 **Rule 16.703 Documents initiating criminal cases.**

2 **16.703(1)** *Trial informations and indictments.*

3 *a. Trial informations.* Trial informations must be
4 electronically presented to the court for approval. If the court
5 approves the trial information, the information is electronically file
6 stamped and filed. If the court refuses to approve the trial
7 information, the prosecuting attorney is electronically notified.

8 *b. Indictments.* Indictments containing a nonelectronic
9 signature of a foreperson of a grand jury must be scanned before
10 being electronically filed in EDMS.

11 **16.703(2)** *Complaints, traffic tickets, and similar citations.*

12 Complaints, traffic tickets, or similar citations containing the
13 electronic signature of an arresting officer or other person must be
14 transmitted to EDMS in such a manner as to legibly reproduce an
15 unaltered image of the required signature or display a realistic
16 image of the signature.

17 **Rule 16.704 Signature of criminal defendants.** When a
18 criminal defendant's signature is required on a document, the
19 signature may be placed on the document in the following ways.

1 **16.704(1)** *Nonelectronic signature.* A criminal defendant
2 may sign a document nonelectronically, and the document must
3 be scanned for electronic filing.

4 **16.704(2)** *Computer tablet signature.* A criminal defendant
5 may electronically sign a document using a computer tablet or
6 similar technology.

7 **16.704(3)** *Login and password.* A criminal defendant who is
8 a registered filer may sign the document using the defendant's
9 login and password accompanied by a digitized or electronic
10 signature. See rule 16.705 (documents requiring oaths,
11 affirmations, or verifications).

12 **Rule 16.705 Documents requiring oaths, affirmations, or**
13 **verifications.** Any document requiring a signature to be made
14 under oath or affirmation or with verification may be signed either
15 nonelectronically and scanned into EDMS or may be signed with a
16 digitized signature.

17 **Comment:**
18 **Rule 16.705.** Uniform citations and complaints are examples of
19 documents under rule 16.705.

20 **Rule 16.706 Copies of documents for self-represented**
21 **defendants.** The court will provide self-represented criminal
22 defendants who have not registered for electronic filing paper
23 copies of all documents submitted to the court or filed by the
24 court.

1 *b. Exception for nonregistered self-represented parents,*
2 *guardians, or legal custodians.* Nonregistered self-represented
3 parents, guardians, or legal custodians of a minor child in a
4 juvenile case are excused from registration and electronic filing.

5 *c. Exception to exhibit maintenance order.* The juvenile court
6 may use but is not required to use the exhibit maintenance order
7 in juvenile proceedings.

8 **Rule 16.802 Emergency applications.** When made during
9 regular court hours, applications for emergency orders may be
10 electronically presented to the court. Applications made when the
11 courthouse is closed may be electronically presented to the court
12 in the same manner as proposed orders are presented pursuant to
13 rule 16.409. If the applicant or the court does not have immediate
14 access to such technology, the application may be presented to the
15 court in paper form and later scanned into EDMS.

16 **Comment:**

17 **Rule 16.802.** Examples of emergency applications include applications
18 for placement in shelter care, placement in detention, requests for emergency
19 medical care, and removal from parental custody.

20 **Rule 16.803 Signatures.** When the signature of a parent,
21 guardian, custodian, child as defined in the Iowa Code, or adult
22 within the jurisdiction of the juvenile court is required on a
23 document, the signature may be placed on the document in one of
24 the following ways:

1 **16.803(1)** *Nonelectronic signature.* The person may sign a
2 document nonelectronically and the document must be scanned
3 for electronic filing.

4 **16.803(2)** *Computer tablet signature.* The person may
5 electronically sign a document using a computer tablet or similar
6 technology.

7 **16.803(3)** *Login and password.* If the person is a registered
8 filer, the person may sign the document using the person's login
9 and password, accompanied by a digitized or electronic signature.
10 See rule 16.804 (documents requiring oaths, affirmations, or
11 verifications).

12 **Rule 16.804 Documents requiring oaths, affirmations, or**
13 **verifications.** Any document requiring a signature to be made
14 under oath or affirmation or with verification may be signed either
15 nonelectronically and scanned into the electronic document
16 management system or may be signed with a digitized signature.

17 **Rules 16.805 to 16.900** Reserved.