

IOWA COURT RULES

FOURTH EDITION



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ADMINISTRATIVE CODE EDITOR

Rule 23.5 Forms for implementing time standards.
Rule 23.5 — Form 1: Notice of Civil Trial-Setting Conference.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

<p>_____</p> <p>_____</p> <p>Plaintiff(s),</p> <p>vs.</p> <p>_____</p> <p>_____</p> <p>Defendant(s).</p>	<p>No. _____</p> <p style="text-align: center;">NOTICE OF CIVIL TRIAL-SETTING CONFERENCE <i>(Use of this form is mandatory.)</i></p>
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To the parties or their attorneys of record:

In accordance with Iowa Rule of Civil Procedure 1.906, notice is hereby given that this case has been set for trial-setting conference on _____ at _____, m.* before _____.

(date) (person and location)

This conference shall be held:

_____ By telephone with the conference call to be initiated by _____. The court administrator shall be connected to the call at (telephone number of court administrator).
_____ In person.

Attorneys for all parties appearing in the case shall participate at this conference. A party shall participate in person if the party does not have an attorney.

At this trial-setting conference, every case shall be set for trial within the time periods provided by chapter 23, Time Standards for Case Processing.

At the trial-setting conference, each party shall be prepared to discuss all matters contained in the Trial Scheduling Order, Iowa Court Rule 23.5—Form 2.

In judicial districts that allow it, the parties may, in lieu of holding a trial-setting conference, obtain a trial date from the court administrator that complies with the provisions of chapter 23 and complete the Trial Scheduling Order and submit it to the court/court administrator for entry prior to the date scheduled for the trial-setting conference.

The trial date that is agreed upon at this conference shall be a firm date. Continuances shall not be granted even if all parties agree unless for a crucial cause that could not have been foreseen.

The Clerk of Court shall notify all counsel of record and parties not represented by counsel.

Dated this _____ day of _____, 20 _____.

Clerk of Court/District Court Administrator

*This date shall be no later than 150 days after commencement of the action unless set sooner by special order on application of one or more parties.

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008]

Rule 23.5 — Form 2: Trial Scheduling Order.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s),

vs.

Defendant(s).

Civil Case No. _____

TRIAL SCHEDULING ORDER
(Use of this form is mandatory.)

REQUIRED INFORMATION:

Date Petition filed: _____

Case type: Civil _____ Equity _____

PCR _____ Judicial Review _____ Other _____

Trial type: Jury _____ Non-Jury _____

Expected trial length _____ day(s)

The amount in controversy exceeds \$10,000.
Yes _____ No _____

Appearances:

Plaintiff(s)/Petitioner(s) _____

Defendant(s)/Respondent(s) _____

IT IS ORDERED:

1. **TRIAL.** Trial of this case is set for the _____ day of _____, 20____, at _____m. in the District Court in the courthouse of the above-named county.
2. **PRE-TRIAL CONFERENCE. (Check one)**
 _____ A pre-trial conference shall be held on _____, at _____m. The conference may be held telephonically with prior approval of the court.
 _____ A pre-trial conference shall be held upon request.
3. **NEW PARTIES.** No new parties may be added later than 180 days before trial or _____.
4. **TRANSCRIPTS AND RECORDS.** All required agency records or prior criminal transcripts shall be filed within 30 days of the date of this order or by _____.
5. **PLEADINGS.** Pleadings shall be closed 60 days before trial or _____.
6. **DISCOVERY.** All written discovery shall be served no later than 90 days before trial. All depositions shall be completed no later than 60 days before trial. Or, all discovery shall be completed by ____/____/____.
 _____ No discovery of electronically stored information is expected in this case.
 _____ The parties have conferred about discovery of electronically stored information and reached agreement as set out in Exhibit A attached.
 _____ The parties have conferred about discovery of electronically stored information and have been unable to reach agreement. A hearing is set ____/____/____ at _____m. at the _____ County Courthouse, (Room _____) (Courtroom).
7. **EXPERT WITNESSES.**
 - a. A party who intends to call an expert witness, including rebuttal expert witnesses, shall certify to the court and all other parties the expert's name, subject matter of expertise and qualifications, within the following time period, unless the Iowa Code requires an earlier designation date (See, e.g., Iowa Code § 668.11):
 - (1) Plaintiff: 210 days before trial or _____.
 - (2) Defendant/Third-Party Plaintiff: 150 days before trial or _____.
 - (3) Third-Party Defendant/Others/Rebuttal: 90 days before trial or _____.

Trial Scheduling Order (*cont'd*)

- b. This section does not apply to court appointed experts.

(The deadlines listed in paragraphs "5," "6," and "7" may be amended, without further leave of court, by filing a Stipulated Amendment to Scheduling Order with the clerk listing the dates agreed upon and signed by all counsel and self-represented litigants. Such an Amendment shall not serve as a basis for a continuance of the trial date or affect the date for pre-trial submissions.)

8. PRE-TRIAL SUBMISSIONS. At least 7 days before trial, counsel for the parties and self-represented litigants shall:

- a. File a **witness and exhibit list** with the clerk, serve a copy on opposing counsel and self-represented litigants and exchange exhibits. Rules governing exhibits and exhibit lists:
- (1) Plaintiff shall use numbers and Defendant shall use letters. Pre-trial exhibit lists shall identify each exhibit by letter or number and description. Exhibits shall be marked by counsel before trial.
 - (2) Immediately before commencement of trial, the court shall be provided with a bench copy, and the reporter with a second copy, of the final exhibit list, for use in recording the admission of evidence.
 - (3) In non-jury cases, immediately before commencement of trial, the court shall be provided with a bench copy of all exhibits identified on the exhibit lists.
 - (4) Within 5 days after the filing of an exhibit list, counsel and self-represented litigants shall file with the clerk, and serve on each party, any identification, authentication, and foundation objections to the exhibits listed; otherwise such objections shall be deemed **WAIVED** for trial purposes.
- b. File with the clerk, and deliver to the ____ Trial Judge ____ Court Administrator, **Motions In Limine**, with supporting legal authority.
- c. File with the clerk, and deliver to the ____ Trial Judge ____ Court Administrator, all **proposed jury instructions** in a form to be presented to the jury, including a statement of the case, the stock jury instruction numbers and verdict forms. (The court shall be provided the instructions in written form and by either E-mail attachment; USB Thumb drive download; or on CD-ROM with MS Word compatible format.)
- d. Deliver to the ____ Trial Judge ____ Court Administrator and opposing counsel/self-represented litigants a concise **trial brief** addressing factual, legal and evidentiary issues, with citation to legal authorities.

9. MOTIONS. All motions including motions for summary judgment and except motions in limine, shall be filed with the clerk of court's office at least 60 days before trial, with copies to the assigned judge.

10. SETTLEMENT CONFERENCE. (Check one)

____ A settlement conference shall be held on _____, at _____ . m. All parties with authority to settle must be present.

____ A settlement conference may be held upon request.

The parties are encouraged to consider alternative dispute resolution including private mediation or arbitration.

11. SETTLEMENTS. The parties shall have the responsibility of immediately notifying the court administrator of settlement.

12. LATE SETTLEMENT FEES. Late settlement fees under Iowa Rule of Civil Procedure 1.909 are applicable.

13. CONTINUANCES. Continuances are discouraged and shall only be granted for good cause. Motions to continue are governed by Iowa Rule of Civil Procedure 1.910. In the event the trial date is continued, all time deadlines in this order and stipulated amendments shall remain in effect relative to the new trial date unless the court approves new deadlines.

14. NOTICE. A failure to comply with any of the provisions of this order or an amendment to scheduling order may result in sanctions being imposed by the court pursuant to Iowa Rule of Civil Procedure 1.602(5) including limitation and exclusion of evidence and witnesses and payment of costs or attorney fees. The original of this order shall be filed at the time the trial date is obtained. The court shall resolve disputes regarding oral agreements on scheduling by reference to this scheduling order or any written amendments to this order.

Dated this _____ day of _____, 20____.

Judge of the District Court/Court designee

Judicial District of Iowa

Trial Scheduling Order (cont'd)

(The following signature lines are optional)
Approved (signed) by counsel/self-represented litigants:

PLAINTIFF(S)
(Include addresses and telephone numbers)

DEFENDANT(S)
(Include addresses and telephone numbers)

Original filed with the Clerk of Court
Copies to: counsel of record/self-represented litigants

For questions regarding documents filed with the court in this case, please see www.judicial.state.ia.us/Online_Court_Services/Online_Docket_Record/ or call the Clerk's Office.

If you or your client requires the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your ADA Coordinator at _____.
If you or your client is hearing impaired: call Relay Iowa TTY at 1-800-735-2942.

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008]