FILED
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CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Ongoing Provisions For Coronavirus/COVID-19 Impact On Court Services	)))	**April 17, 2020 Order**

This order is intended to supplement the supervisory order dated April 2, 2020. In the event of any conflict between the April 2 order and this order, the provisions of this order shall prevail.

The Iowa Judicial Branch continues to carefully monitor the public health situation, balancing the need to take measures to reduce the spread of the virus with its commitment to conducting business as necessary. Accordingly, the supreme court directs as follows pursuant to its available legal authority, including Article III, section 1 and Article V, section 1 of the Iowa Constitution.

CRIMINAL

1. **Extension of deadline for filing pretrial motions**. Unless otherwise ordered by the court, for any case in which the defendant has been arraigned before June 1 and in which trial is scheduled to occur on or after June 1, the deadline for filing motions shall be from 15 days from the date of arraignment or 30 days before trial, whichever is later.
2. **Pretrial motion hearings may be continued**. The supreme court clarifies that if the defendant does not waive personal appearance, the district court has authority to continue any hearing on pretrial motions (including a hearing on a motion to suppress) until a date June 1 or later that allows a reasonable time for determination of motions before the trial date.
3. **Sentencing may be continued**. The supreme court clarifies that through August 3, if the defendant does not waive personal appearance, the district court has authority to continue sentencing until a later date.

4. **Written arraignment.** Through August 3, with the consent of the district court, defense counsel may execute a written arraignment pursuant to rule 2.8(1) on the defendant's behalf, provided that defense counsel have previously reviewed all terms of the arraignment form with the defendant and obtained the defendant's authority to execute the form on the defendant's behalf.
5. **Additional accommodation as to written waiver of personal appearance**. Through August 3, with the consent of the district court, defense counsel may execute a written waiver of appearance on defendant's behalf under paragraph 11 of the April 2 supervisory order provided that defense counsel has previously reviewed defendant's right to be present with the defendant and obtained the defendant's authority to execute the waiver on the defendant's behalf.
6. **Additional accommodation as to written guilty pleas**. Through August 3, defense counsel may execute a written guilty plea on defendant's behalf under Iowa R. Crim. P. 2.8(2)(b) and paragraph 15 of the April 2, 2020 supervisory order by complying with the following steps: (a) defense counsel shall provide the entire guilty plea form to the defendant by electronic communication (e.g., email, text, or fax) and explain the terms of the plea by telephone (or other means of instant oral communication, such as Skype or FaceTime); (b) the defendant shall provide an electronic communication to defense counsel confirming that the defendant has reviewed the entire guilty plea form and agrees and acknowledges in all places where the defendant's agreement and acknowledgment are requested and, further, authorizes defense counsel to execute the guilty plea on defendant's behalf; (c) defense counsel shall execute the guilty plea form on defendant's behalf in all places where the defendant's agreement and acknowledgment are requested; and (d) defense counsel shall submit

to the district court (i) the completed form, (ii) a copy of the defendant's electronic communication, and (iii) a written certification that defense counsel has explained the terms of the plea to the defendant. The district court has discretion whether to accept a plea pursuant to this paragraph and may, among other things, require defense counsel and/or the defendant to appear by video or telephonically before deciding whether to accept the plea. The availability of this procedure is limited to misdemeanors and class D felonies.

CIVIL CASES, INCLUDING FAMILY LAW

7. **Correction of typographical error.** The reference to Iowa Ct. R. 6.012(1)(a) in paragraph 27 of the April 2 order was in error. The court corrects the reference so it is to Iowa Ct. R. 6.102(1)(a).

OFFICE OF PROFESSIONAL REGULATION

The Iowa Judicial Branch continues to carefully monitor the coronavirus/COVID-19 public health emergency in Iowa, especially as it affects Iowa's justice system. The branch is very grateful to the Iowa State Bar Association, Iowa Legal Aid, and Polk County Volunteer Lawyers Project for establishing the COVID-19 Iowa Legal Information Hotline. Iowans are using this hotline to receive free or low cost legal information and advice regarding legal issues arising due to the COVID-19 outbreak.

The court appreciates the work of the almost 100 volunteer attorneys who are donating their services by providing pro bono legal information and services to Iowans. To date, around 1000 calls have been received by the hotline and Iowans' need for legal information and services continues to grow. In order to try to meet Iowans' need for legal services, the court strongly encourages all Iowa lawyers to provide free or low cost legal information and services either through the COVID-19 Iowa Legal Information Hotline or other pro bono options. To encourage Iowa lawyers,

the court makes temporary changes to the rules governing pro bono legal services in Iowa:

8. **Public Health Emergency:** Pursuant to its authority under Iowa Court Rule 31.17 (1)(a), the court determines that the coronavirus pandemic constitutes a public health emergency which affects the justice system in many ways, including the provision of legal services.

9. **Non-Iowa Lawyers and Pro Bono Services:** Non-Iowa lawyers may participate in the COVID 19 Legal Information Hotline pursuant to Rule 31.17, which governs the provision of legal services following a determination of a major disaster. However, such practice is limited to the pro bono temporary practice set forth in Rule 31.17(2). Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or direct or indirect pecuniary gain to the lawyer. The COVID 19 Legal Information Hotline is specifically designated as a qualifying pro bono program for this rule. All other requirements of Rule 31.17 remain in effect.

10. **Inactive Iowa Lawyers**: Iowa lawyers who are currently in legacy inactive status, exempt status, or who have retired and relinquished their law license are encouraged to participate in the COVID 19 Legal Information Hotline as an emeritus lawyer. The court expands the 31.19 emeritus lawyer pro bono participation program to include the providing of pro bono legal advice through the COVID 19 Legal Information Hotline. In this regard, the following <u>temporary</u> rule changes are effective immediately:

    a. Rule 31.19(5)(a) is amended to now read: "A certification from an approved legal aid organization stating that the emeritus attorney is currently associated with that legal aid organization and that all activities of the emeritus attorney will be under the general supervision

of the legal aid organization or a certification from the attorney that the attorney has completed the training provided by the COVID 19 Legal Information Hotline and will limit the attorney's activities to the pro bono provision of legal advice only to individuals referred through the COVID 19 Legal Information Hotline." All other certification requirements set forth in Rule 31.19(5) remain in effect.

b. Rule 31.19(4)(a) is amended to now read: "An emeritus attorney providing legal advice through the COVID 19 Legal Information Hotline program may do so without supervision. An emeritus attorney must perform all other activities authorized by this chapter under the general supervision of the approved legal aid organization."

c. The fee and annual statement filing requirements of Rule 31.19(8) for all emeritus attorneys are hereby suspended until further order of the court.

11. **House Counsel and Pro Bono Services:** House counsel registered under Iowa Rule 31.16 may participate in the COVID 19 Legal Information Hotline pursuant to Rule 31.16(*b*).

These changes will remain in effect until further order of the Court.

THE SUPREME COURT OF IOWA

By _____
Susan Larson Christensen, Chief Justice

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