FILED
MAR 14 2020
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Ongoing Preparation For Coronavirus/COVID-19 Impact On Court Services	)))	**March 14, 2020 Order**

The preparations by the Iowa Judicial Branch in response to the spread of the novel coronavirus/COVID-19 were detailed in the March 12, 2020 supervisory order (attached). The Iowa Judicial Branch is instituting procedures to keep the courts open to the fullest possible extent while protecting public safety by mitigating the impact of coronavirus/COVID-19. Judicial officers should grant reasonable requests for continuances.

CRIMINAL CASES

As to criminal cases, the court orders as follows:

CRIMINAL TRIALS

1. All criminal jury trials that have not commenced as of March 13, 2020 (i.e., a jury has not been sworn in) and that are scheduled to begin before April 20, 2020 shall be continued to a date no earlier than April 20.
2. In rescheduling criminal jury trials, the court shall give first priority to those trials where speedy trial has not been waived and the defendant is in custody, second priority to those trials where speedy trial has not been waived and the defendant is not in custody, third priority to those trials where speedy trial has been waived and the defendant is in custody.
3. The court finds the COVID-19 outbreak constitutes good cause within the meaning of Iowa R. Crim. P. 2.33 for any extensions of time necessitated by this order.
4. Paragraph 1 does not apply to jury trials that have been commenced as of March 13. Other than criminal jury trials already in progress, there will be no criminal jury trials until April 20.

5. At this time, criminal nonjury trials scheduled to commence before April 20 may go forward as scheduled. However, motions to continue shall be freely granted where the defendant moves for or consents to the continuance, or where any witness is unavailable for reasons of illness or the need to travel.

CRIMINAL PROCEEDINGS OTHER THAN TRIAL

6. Through April 20, district courts may accept written guilty pleas in felony cases in the same manner as in serious and aggravated misdemeanor cases. See Iowa R. Crim. P. 2.8(2)(b) (last paragraph).
7. For sentencing hearings through April 20, district courts may allow any party (the prosecutor, defense counsel, defendant, victims and witnesses) to appear by videoconference with that party's consent. To appear by videoconference, the defendant shall execute a written waiver.
8. Through April 20, for a proceeding where the defendant's personal appearance is required other than trial and sentencing, the defendant may execute a written waiver of appearance, with the consent of the district court.
9. All grand jury proceedings shall be suspended until April 20.
10. Through April 20, the defendant may waive initial appearance by executing a written waiver that provides the information that the defendant is entitled to receive at the initial appearance. See Iowa R. Crim. P. 2.2(1)-(4)(a).

CIVIL CASES

11. All civil jury trials that have not commenced as of March 13 (i.e., a jury has not been sworn in) and that are scheduled to begin before May 4 shall be continued to a date to be determined at a future time.
12. All small claims trials that have not commenced as of March 13 and that are scheduled to begin before May 4 shall be continued to a date to

be determined at a future time. This provision does not apply to forcible entry and detainer proceedings or small claims appeals.

13. At this time, civil nonjury trials and other civil hearings set to commence before May 4 may go forward as scheduled. However, motions to continue shall be freely granted where they would not result in unfair prejudice to a party.

JUVENILE CASES

14. Non-delinquency juvenile matters may go forward as scheduled. With the approval of the court, hearings may be conducted with the parties and/or participants appearing remotely using video or phone conferencing.

15. Juvenile delinquency proceedings shall be subject to any of the foregoing criminal proceeding directives that by the nature would apply to juvenile delinquency cases.

PROBLEM SOLVING COURTS

16. The court may conduct conferences and hearings using video or phone conferencing when it believes it would be practical and efficient to do so.

APPELLATE ORAL ARGUMENTS

17. Through May 15, 2020, the appellate courts will not hear in-person oral arguments.

18. At the court's discretion, cases currently scheduled for oral argument may be submitted nonorally. See Iowa R. App. P. 6.908(2).

19. The appellate court may in its discretion hear currently scheduled oral argument cases by videoconference or telephone conference.

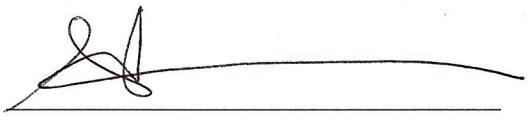
20. Cases scheduled for nonoral submission shall remain nonoral.

GENERAL

21. The court temporarily suspends the operation of any Iowa Court Rules to the extent they are contrary to any provisions of this order.

22. The court will monitor circumstances and update this order as necessary.

THE SUPREME COURT OF IOWA



By _____
Susan Larson Christensen, Chief Justice

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Senior Judges
District Court Judges
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The Iowa State Bar Association
The Iowa State Association of Counties
The Iowa State Sheriffs' and Deputies' Association
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Iowa State Public Defender
Iowa League of Cities
Iowa State Police Association
Iowa Peace Officers Association
Iowa Department of Public Safety
Iowa Association for Justice
Iowa Defense Counsel Association
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Iowa Court Reporters Association
Iowa Clerks Association
Association of Corporate Counsel-Iowa Chapter
Iowa Organization of Women Attorneys

In the Iowa Supreme Court

FILED
MAR 12 2020
CLERK SUPREME COURT

In the Matter of Preparation for Coronavirus/COVID-19 Impact on Court Services	)))	**Order**

The Iowa Judicial Branch is carefully monitoring the situation regarding the spread of the novel coronavirus/COVID-19. In addition, the Governor's Office and the Iowa Department of Public Health have urged Iowans to prepare for its impact "in the same way they prepare for severe weather or other events that could disrupt their normal routine."

Preparation is key to minimizing coronavirus/COVID-19 impact on the services the judicial branch provides Iowans. The following procedures should be followed to protect parties, attorneys, court personnel, jurors, and the many other Iowans who regularly conduct business in or visit Iowa's 100 courthouses:

1) **Notify.** An attorney or party must promptly notify opposing counsel and the respective Clerk of Court's Office if they reasonably suspect that a participant in any scheduled hearing, trial, conference, deposition, or other proceeding may have an elevated risk of transmitting the novel coronavirus that causes COVID-19. Guidance on who is considered to have an elevated risk can be found on the websites for the Centers for Disease Control and Prevention (https://www.cdc.gov/), the Iowa Department of Public Health (https://idph.iowa.gov/) and the Iowa Judicial Branch (www.iowaccourts.gov).

2) **Inquire.** To the extent possible, counsel must affirmatively inquire of their clients and witnesses whether they have an elevated risk of transmitting the novel coronavirus that causes COVID-19.

3) **No in-person attendance.** No person who has an elevated risk of transmitting the novel coronavirus that causes COVID-19 may personally attend any hearing, trial, conference, deposition, or other proceeding without prior authorization from the court.

4) **Jurors.** Potential jurors must notify the jury manager if they have an elevated risk of transmitting the novel coronavirus that causes COVID-19. The jury manager must reschedule potential jurors with an elevated risk to a new term of service.

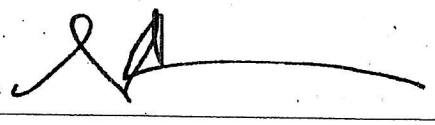
5) **Remote proceedings.** The court may conduct conferences and hearings using video or phone conferencing when it believes it would be practical and efficient to do so and will promptly consider any request by parties to change an in-person proceeding to a remote proceeding.

6) **Continued efforts.** Chief Judges and District Court Administrators will continue to work with State Court Administration on plans to develop mitigating measures to address the effects of the coronavirus/COVID-19 outbreak on their respective courts. **All such efforts must be consistent with keeping courts open to the fullest possible extent while protecting public safety by mitigating the impact of coronavirus/COVID-19.**

7) **Update.** As circumstances change, this order may be updated.

Dated this 12th day of March, 2020.

THE SUPREME COURT OF IOWA

By 

Susan Christensen, Chief Justice

FILED
DEC 01 2009
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF PRIORITIZATION OF CASES AND DUTIES	)))	**SUPERVISORY ORDER**

In the past year as state revenues have plummeted, the legislature and the governor have significantly reduced appropriations to most state programs and governmental bodies, including the Iowa Judicial Branch. In response to these cutbacks and in anticipation of further reductions, the judicial branch has drastically cut its operating expenses. The situation is so serious that the judicial branch has had to downsize its workforce at all levels of the court system. The judicial branch workforce is now 11% less than it was in April of this year and 16% less than it was in 2002.

At the same time, the workload of the court system remains relatively unchanged. For the most part, caseload and workload demands have long surpassed resources. Now, however, the problem has reached a tipping point. As a result of the most recent workforce reduction, the amount of work to be done by the judicial branch far exceeds the personnel available to do the work in a reasonably timely manner. For example, clerk-of-court offices are now staffed 12% under the clerk-of-court workload formula. Juvenile Court Services now operates with a staffing level that is 9% under its workload formula. Other employee components, including court reporters, case schedulers, court attendants, law clerks and administrators, are also staffed at 12% or more below long-standing staffing measures. In addition, the judicial branch is holding open judicial vacancies for up to six months. Presently, there are six vacant judgeships, and five more will occur through January 2010. These unfilled judicial positions come at a time when the judicial workload formula shows that the state needs twenty-one more judges to meet caseload demands in a timely manner. Although senior judges alleviate the problem somewhat, there are not enough senior judges to make up the difference. To exacerbate this situation, all judges and court staff will take ten days of unpaid leave over the next seven months. Although our judges and court staff will strive to keep cases moving, even the most productive person can only do so much in a day. Consequently, litigants and others who use the courts will experience long delays and cuts in services. These problems, although undesirable, are unavoidable.

Under the circumstances, it is increasingly important for the judicial branch to concentrate its limited resources on priority cases and duties to ensure that those matters receive timely attention to the greatest extent feasible. Priority cases are cases that involve a constitutional mandate that necessitates timely adjudication, as well as cases that involve the health, safety, and well-being of vulnerable citizens, including children. In recognition of this responsibility, the supreme court solicited and received suggestions of prioritized case lists from three judicial districts, the Iowa Judges Association, the Magistrates Association, and the Clerk of Court Association. Based upon this input, the supreme court has approved the following lists of cases and duties to which judges, magistrates, clerks and other employees should afford priority and those to which they should not afford any priority for purposes of scheduling, hearing, and handling cases and performing other duties.

GENERAL PRIORITIES

Emergency Matters

Highest priority shall be given to emergency matters in case types such as mental health (chapter 229), substance abuse (chapter 125), relief from domestic abuse (chapter 236), waiver of parental notification of abortion, injunctive relief involving an imminent threat of serious harm to health or safety, emergency removal orders in juvenile cases, and criminal warrants.

Priority Cases

Within the following general list of priority cases, judges, magistrates, and staff should exercise their judgment and give precedence based on the facts and circumstances of each case.

- Civil commitment cases under chapters 125 and 229
- Domestic abuse cases under chapter 236
- Juvenile cases under chapter 232, including child in need of assistance, termination of parental rights, and juvenile delinquency
- Criminal cases—especially where defendants demand speedy trial
- Cases involving child custody, physical care, visitation, and child support
- Guardianship cases
- Other cases involving a threat of serious harm to health or safety

Cases That Will Not Be Given Priority

Within the following general list of cases that are not to be given priority, judges, magistrates, and staff should exercise their judgment and give precedence based on the facts and circumstances of each case.

- Dissolutions of marriage not involving children
- Foreclosure actions
- Civil actions for recovery of money damages
- Small claims
- Administrative appeals (chapter 17A)
- Probate other than guardianships
- Other law and equity cases

MAGISTRATE PRIORITIES

(Matters are listed in descending order of priority. This priority list shall apply to district judges and district associate judges when they are exercising the jurisdiction of magistrates.)

As a general matter, magistrates should ensure continuous accessibility to clerks, law enforcement, court personnel, mental health personnel, and lawyers. *See* Iowa Code § 602.6105(3). These "on-call" duties range from high priority cases down to very routine matters of the lowest priority. Magistrates should grant the highest priority to issuance of orders setting up mental health commitments. Magistrates should attempt to comply with all statutory and rule-based timelines to the extent reasonably feasible. However, these timelines may have to give way to pending matters of greater priority.

- Emergency hospitalizations. *See* Iowa Code § 229.22 (requiring immediate attention when contacted).
- Arrest and search warrant applications. *See* Iowa Code §§ 804.1 and 808.3.
- Initial appearances. *See* Iowa R. Crim. P. 2.2(1) (requiring initial appearance without unnecessary delay after arrest); Iowa R. Crim. P. 2.1(2)(*d*) (defining unnecessary delay as unexcused delay longer than 24 hours).
- Involuntary hospitalization hearings. *See* Iowa Code § 229.11 (requiring hearing within 5 days if immediate custody is ordered).
- FED hearings. *See* Iowa Code § 648.5 (requiring hearing within 7 days of petition).
- Preliminary hearing. *See* Iowa R. Crim. P. 2.2(4)(*a*) (requiring hearing within 10 days of initial appearance if incarcerated).
- Preliminary hearing. *See* Iowa R. Crim. P. 2.2(4)(*a*) (requiring hearing within 20 days of initial appearance if not in jail).
- Mental health hearings without immediate custody.

- Simple misdemeanor & traffic trials. *See* Iowa R. Crim. P. 2.64 (requiring trial at least 15 days after plea is entered).
- Small claims hearings. *See* Iowa Code § 631.5 (requiring hearing not less than 5 days nor more than 20 days after latest timely appearance unless otherwise ordered by the court).
- Entry of small claims defaults and rulings.
- Routine matters including issuance of citations, and periodic involuntary hospitalization reports if no change in placement required.

CLERK OF THE IOWA DISTRICT COURT PRIORITIES

(Matters are listed in descending order of priority.)

Clerks should attempt to comply with all statutory and rule-based timelines to the extent reasonably feasible. However, these timelines may have to give way to pending matters of greater priority.

- Emergency*
- Accounting and depositing of receipts
- Criminal - felony and indictable misdemeanor
- Mental health and substance abuse commitments
- Juvenile
- Equity – child custody only
- Child support, including cases filed by CSRU
- Adoption/conservatorship/guardianship
- Criminal – simple misdemeanor excluding scheduled violations and non-scheduled traffic
- Equity – other than child custody
- Law cases
- Small claims
- Criminal – simple misdemeanor - scheduled violations and non-scheduled traffic
- Probate
- Seized property
- Name change
- Check monthly "filings" statistical reports

*Emergency: This category includes the mandated and practical urgent processing of applications/petitions and subsequent orders and warrants on matters which maintain the immediate health, welfare, and safety of the public. Emergency matters falling within this category will arise in case types such as mental health and substance abuse, relief from domestic abuse, waiver of

parental notification of abortion, injunctive relief, emergency removal orders in juvenile cases, and criminal.

Dated this 1st day of December, 2009.

THE SUPREME COURT OF IOWA

By Marsha Ternus

Marsha K. Ternus, Chief Justice

FILED
FEB 04 2010
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF PRIORITIZATION OF CASES AND DUTIES: AMENDMENT TO ORDER OF DECEMBER 1, 2009	**SUPERVISORY ORDER**

On December 1, 2009, this court entered a supervisory order that set forth three lists of cases and duties to which judges, magistrates and staff should afford priority. The court now amends that order, in particular, the list of **General Priorities**, to include cases involving restrictions of an individual's liberty. This change is intended to clarify that sexually violent predator cases and postconviction relief actions, when they involve restrictions on an individual's liberty, are included in the general list of priority cases. Accordingly, the amended general priority case list that should guide judges, magistrates and court staff in the scheduling, hearing and handling of cases shall read as follows:

Priority Cases

Within the following general list of priority cases, judges, magistrates, and staff should exercise their judgment and give precedence based on the facts and circumstances of each case.

- Civil commitment cases under chapters 125 and 229
- Domestic abuse cases under chapter 236
- Juvenile cases under chapter 232, including child in need of assistance, termination of parental rights, and juvenile delinquency
- Criminal cases—especially where defendants demand speedy trial
- Cases involving child custody, physical care, visitation, and child support
- Guardianship cases
- Other cases involving a threat of serious harm to health or safety, or the restriction of an individual's liberty

Dated this 4th day of February, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice