FILED
JUL 31 2020
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Ongoing Provisions for Coronavirus/COVID-19 Impact on Court Services	)))	**July 31, 2020 Order**

This order supplements existing supervisory orders relating to the novel coronavirus COVID-19, including the May 22, 2020 order. Those orders remain in effect except to the extent they conflict with the terms of this order. 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.

FORECLOSURES

Paragraph 45 of this court's May 22 supervisory order provides,

> "**Tolling.*** Any statute of limitations, statute of repose, or similar deadline for commencing an action in district court is hereby tolled from March 17, 2020 to June 1, 2020 (76 days). Tolling means that amount of time to the statute of limitations or similar deadline. The 76 days of tolling will apply if the deadline for commencing the action would otherwise expire *any time from March 17, 2020 to December 31, 2020*. In other words, if the statute would otherwise run on July 7, 2020, it now runs on September 21, 2020 (76 days later). However, after December 31, 2020, any tolling will be phased out and eliminated. Thus, if the deadline for commencing the action would otherwise expire on any date from December 31, 2020 to March 16, 2021 (the 76th day of 2021), inclusive, that deadline would become March 17, 2021, and thereafter there would be no tolling at all."

It has come to the court's attention that on or about June 17, 2020, the moratoria on foreclosure actions involving certain federally-related mortgages were extended to August 31, 2020. *See* https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Extends-Foreclosure-and-Eviction-

Moratorium-6172020.aspx; https://www.hud.gov/sites/dfiles/OCHCO/documents/2020-19hsngml.pdf; https://www.benefits.va.gov/HOMELOANS/documents/circulars/26_20_22.pdf; https://www.rd.usda.gov/sites/default/files/USDA_RD_AnnouncesExtension_ForeclosureEvictionReliefDIRECT06232020.pdf; https://content.govdelivery.com/accounts/USDARD/bulletins/291863c. These federal moratoria supersede any contrary state law. Accordingly, the court orders that to the extent any limitations period for bringing a foreclosure action or executing on a foreclosure judgment would have run during a federal moratorium expiring August 31, that limitations period shall be extended for a period of 76 days from August 31, i.e., through November 15.

SPEEDY TRIAL ISSUES

Paragraph 13 of the court's May 22 order provides,

> **Criminal trial postponements.**** As before, the court finds the COVID-19 outbreak constitutes good cause within the meaning of Iowa R. Crim. P. 2.33 for any trial postponements. In addition, because significant logistical issues – including a backlog of cases - are expected even when trials restart, the court finds good cause to extend the speedy trial deadline in rule 2.33(2)(*b*) beyond ninety days. Accordingly, for any case in which an indictment or information has been or is filed prior to September 14, 2020, the ninety-day deadline in rule 2.33(2)(*b*) and rule 2.33(2)(*c*) shall be expanded to 120 days, and shall be restarted with September 14, 2020 as Day 1. For any case in which an indictment or information has been or is filed prior to September 14, 2020, the one-year deadline in rule 2.33(2)(*c*) shall commence from June 22, 2020 or the date of filing, whichever is later.

The court recognizes that there have been new COVID-related developments since May 22 and the backlog of untried cases has mounted since late March. The Jumpstart Jury Trials Task Force has also recently issued its report setting forth steps that need to be followed for the resumption of jury trials in Iowa. Based on these considerations, the court amends paragraph 13 of its May 22 order to read as follows:

Criminal trial postponements.** As before, the court finds the COVID-19 outbreak constitutes good cause within the meaning of Iowa R. Crim. P. 2.33 for any trial postponements. In addition, because significant logistical issues – including a backlog of cases - are expected even when trials restart, the court finds good cause to extend the speedy trial deadline in rule 2.33(2)(*b*) beyond ninety days and even further for cases where the defendant is not in custody. Accordingly, for any case in which an indictment or information has been or is filed prior to September 14, 2020, and the defendant is in custody, the ninety-day deadline in rule 2.33(2)(*b*) and rule 2.33(2)(*c*) shall be expanded to 120 days, and shall be restarted with September 14, 2020 as Day 1. For any case in which an indictment or information has been or is filed prior to September 14, 2020, and the defendant is not in custody, the ninety-day deadline in rule 2.33(2)(*b*) and rule 2.33(2)(*c*) shall be expanded to 180 days, and shall be restarted with September 14, 2020 as Day 1. For any case in which a mistrial is ordered on or before December 31, 2020, and where a retrial is to occur, the case shall be retried within 120 days unless good cause for further delay is shown. For any case in which an indictment or information has been or is filed prior to September 14, 2020, the one-year deadline in rule 2.33(2)(*c*) shall commence from June 22, 2020 or the date of ~~filing~~ arraignment, whichever is later.

The court intends to continue to monitor the situation and may update and further amend this part of its supervisory order in the future.

JUDICIAL OFFICER VACATION CARRYOVER AND SENIOR JUDGE SERVICE TIME

Recognizing that work schedules of active and senior judges have been affected by COVID-19, and that there will likely be a high demand for judicial officer time during the second half of 2020 as in-person services resume, the court suspends for one year only the limit in Iowa Court Rule 22.14(1) on vacation time carryover. In other words, the limit on carryover vacation days will not apply between 2020 and 2021 but will resume between 2021 and 2022. The court further orders that senior judges, with the approval of chief judge of the district or court to whom they have been assigned, may complete required 2020 senior judge service time in 2021.

This does not reduce the senior judge's service time that would be otherwise required in 2021.

UNMODERATED CLE CAP

The May 22 supervisory order temporarily lifted the six-hour cap on unmoderated continuing legal education set forth in rule 41.3(3) for the 2020–21 reporting period. The court has determined that this cap should be lifted on a permanent basis. The court intends to adopt a formal amendment to rule 41.3 memorializing this change. It will do so the next time it makes any change to the Iowa Court Rules relating to professional regulation (chapters 31–49).

Dated this 31st day of July, 2020.

The Iowa Supreme Court

By _____
Susan Larson Christensen, Chief Justice

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