

**Oregon State Bar
Sustainable Future Section**

Photo: J. Michael Mattingly

The Long View



Not Seeing Double: Double-Sided Pleadings Haven't Caught on in Oregon Circuit Courts

By Amie Jamieson

For more than a decade, the Uniform Trial Court Rules (UTCRCs) have allowed for the filing of double-sided pleadings in Oregon circuit courts. See UTCRC 2.010(4). To evaluate the prevalence and acceptability of double-sided pleadings, members of the Sustainable Future Section spoke with a number of judges, court administrators, and lawyers across Oregon. We found that even with the increased interest in sustainable law office practices in recent years, double-sided pleadings haven't caught on with Oregon lawyers. Circuit courts have seen few double-sided pleadings, and some circuit courts report not having seen any at all.

If the UTCRCs specifically provide for double-sided pleadings, what is preventing lawyers from implementing the practice? Some lawyers have reported being concerned that double-sided pleadings are disfavored by the courts. Their concerns are not necessarily misplaced. Even for judges and court administrators who support sustainability efforts, double-sided pleadings present logistical challenges. It is difficult for court administrators to process and file double-sided pleadings when virtually all other documents they receive are single-sided. And it is more burdensome for judges to read and sign double-sided documents in the current filing system that attaches documents with two-hole punches at the top.

Many of these logistical challenges could probably be resolved if the UTCRCs required double-sided pleadings and systems were modified to accommodate these pleadings as the default format. But is it worth the time and cost to do so? Many judges and lawyers say no. They expect that electronic filing systems, already in effect at the Court of Appeals and Supreme Court, will be implemented in the near future and eliminate the need to specify single- or double-sided pleadings.

Although e-filing would eliminate the specific question of how lawyers should file hard copies with the courts, it doesn't address the courts' internal processes. Even with an e-filing system, courts maintain hard-copy files and judges and other court personnel print out pleadings for review and signature. The question in the wake of e-filing will be whether courts will default to double-sided copying in their internal processes.

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