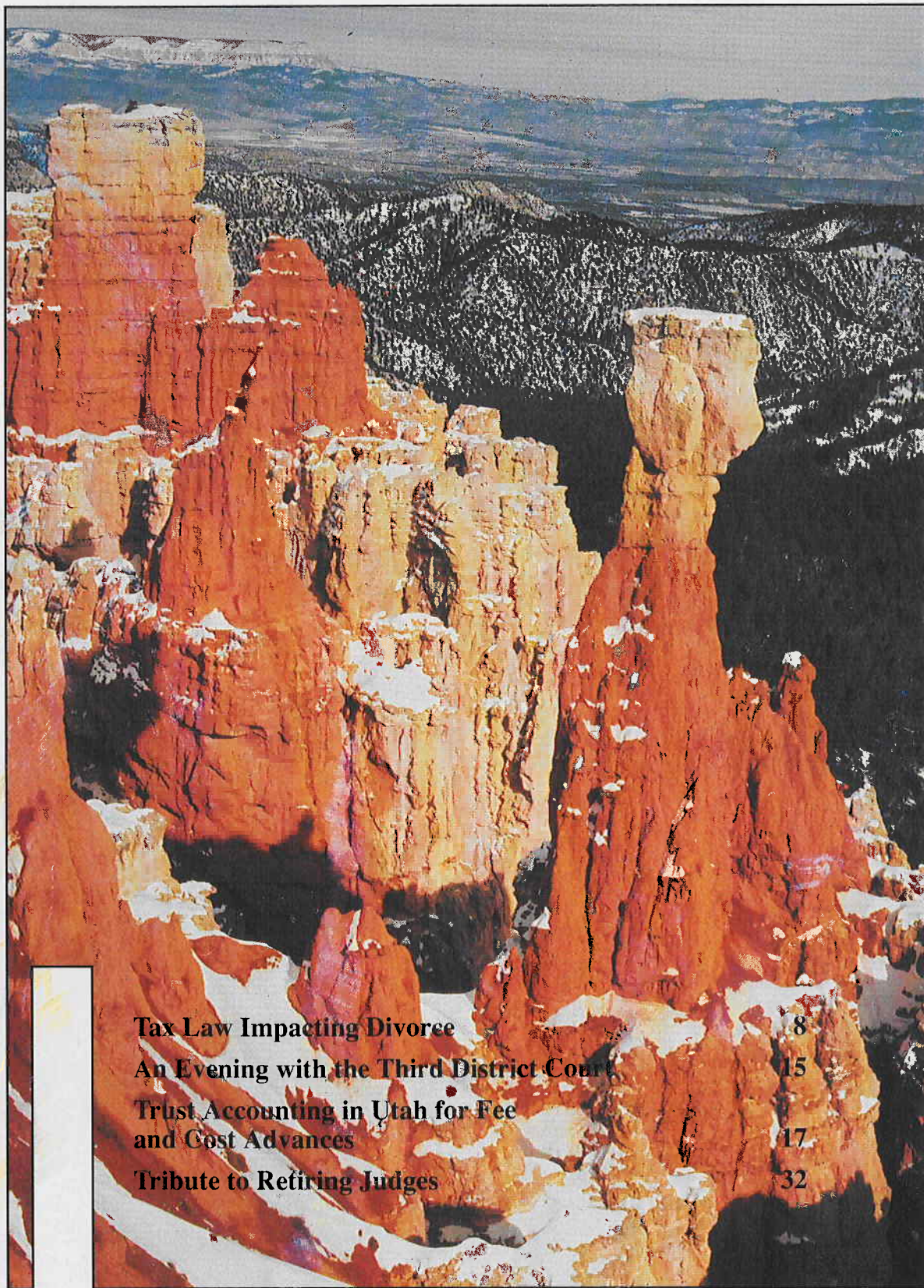


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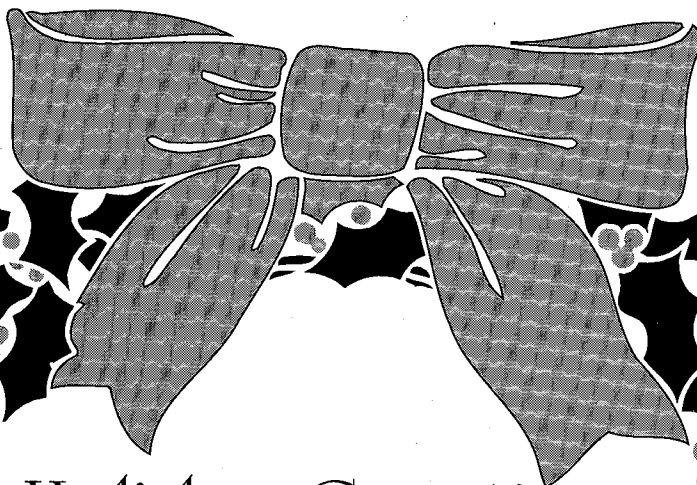
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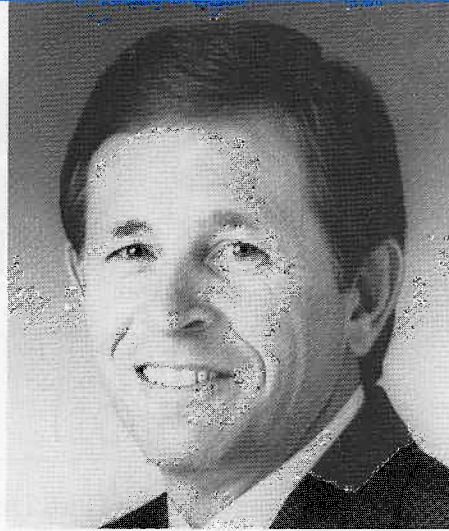
COVER: Bryce Canyon in Winter, taken by Brian D. Kelm, Esq., Salt Lake City, Utah .

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Should Utah's Judiciary Require all Court Filings to be Made on Recycled Paper?

By Randy L. Dryer

An estimated 14 million pieces of paper were filed in Utah's courts during fiscal year 1992, according to the Administrative Office of the Courts. These filings were generated by 655,318 new cases filed during this same time period. If one considers the papers filed in those cases disposed of in FY92, the number grows even larger. This veritable avalanche of paper raises the obvious question of whether the Utah judicial should encourage, or even require, the filing of court documents on recycled paper. Recycling and the use of recycled products is widespread throughout private industry and in many states. Although numerous states have legislatively required the executive and legislative branches to purchase and use recycled paper, very few state judiciaries have moved in this direction. In fact, only Florida presently mandates the use of recycled paper for court filings, although several state judiciaries are considering such a requirement.

THE FLORIDA RULE

Beginning January 1, 1993, the Florida Rules of Judicial Administration will require all filings to be on paper that con-

tains at least 50% waste paper. The rule allows lawyers one year to phase out old paper supplies.

In a unanimous per curiam opinion adopting the new rule on October 8, 1992, the Florida Supreme Court noted that the Florida State Legislature requires the use of recycled paper by all state agencies and subdivisions that receive state funds. Florida lawmakers have legislatively set a goal to reduce waste going to landfills by 30% by 1994. The Board of Governors of the Florida Bar opposed the proposal because it was yet another mandatory regulation on lawyers and would be difficult to enforce. The court rejected the bar's arguments, noting as follows:

Because the legislature has expressly established a policy for governmental entities of this state to use recycled paper and to promote the development of markets for recycled papers, we conclude that we should follow that policy unless we can show its implementation would have adverse effect.

The court also noted that the new rule "places the judicial branch in a position consistent with the other branches of state government" and that opponents to the rule

failed to demonstrate any adverse impact from adoption. The court found that recycled paper is readily available in Florida, is of the same quality as non-recycled paper, and that the cost seldom varies more than 10% from non-recycled paper.

UTAH'S LEGISLATIVE POLICY

In 1990, the Utah legislature enacted Section 63-56-20.7 entitled "Preference for Recycled Paper and Paper Products." This provision requires every "public procurement unit" to give preference to purchasing recycled paper (defined as paper which has a total weight of not less than 50% of secondary waste paper material) unless the price for the recycled paper exceeds by more than 5% the cost of non-recycled paper or there is no recycled paper reasonably available of the quality needed. The act also requires at least 10% of the annual paper purchases by each public agency to be recycled paper and increases the percentage requirement 5% each year until the minimum purchase requirement reaches 50%. Thus, by 1998, at least half of the paper products purchased by state government will be recycled products. The Administrative Office of the Courts, most court clerk's

