

Cindy L. Bedsaul
4222 East Fairmount Avenue
Phoenix, Arizona 85018
(602) 667-3255
clb@gknet.com

IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO AMEND RULE 10(D),
ARIZONA RULES OF CIVIL
PROCEDURE

Supreme Court No. R-_____

**Reply to Comment of John A.
Furlong's Comment Re Petition to
Amend Rule 10(d), Arizona Rules of
Civil Procedure**

Petitioner submits the following Reply to John A. Furlong's April 2, 2012,
Comment.

Mr. Furlong seems to focus more on font size and lines per page rather than
the line spacing requirements of Rule 10(d). The intent of the proposed
amendment is to eliminate any ambiguity regarding the double-spaced text
requirement contained in the Rule.

Contrary to Mr. Furlong's Comment, there is widespread inconsistency
interpreting the Rule and it is being abused in its current form. The "28 lines of
text per page" language is interpreted by many parties as an option to use whatever
line spacing will allow 28 lines of text to fit on a page and they are using a myriad

of settings to accomplish this (i.e., "exactly" 22.75, 23.5 or 24 point – the same spacing used by Mr. Furlong in his Comment).

To fit 28 lines of double-spaced text on one page, the font size has to be approximately 10-point (*see* Exhibit A attached hereto). It is doubtful any court or judge in Arizona would accept such a pleading.

Mr. Furlong also suggests any noncompliance or abuse of Rule 10(d) can be resolved by the courts' enforcement of the rule. It is unreasonable to expect judges or their staff to bear the burden of reviewing each individual pleading for compliance with line spacing requirements. It is also unreasonable to expect practitioners to "police" each other on this issue by filing motions to strike based upon noncompliance with Rule 10(d).

As far as creating an "unnecessary inconsistency with the federal local rule governing line spacing" as suggested by Mr. Furlong, the federal local rule (LRCiv 7.1(b)(1)) is also misleading and ambiguous for the same reasons as stated in the Petition. However, this issue should be addressed in the proper federal court rules forum and not here.

There is *no* discrepancy between the line spacing requirements of both Arizona and federal courts – both courts require double-spaced text in the body of pleadings. Thus, removing the "28 lines per page" language from Rule 10(d) will

not require practitioners to comply with "differing line-spacing standards depending on the court in which they are appearing" as suggested by Mr. Furlong.

Mr. Furlong is correct that some superior court counties permit the use of 12-point font in pleadings, which does allow 23 lines of double-spaced text per page (but not 28 lines). Mr. Furlong also states that "Amending the rule . . . would inadvertently and unnecessarily regulate the typefaces and fonts which have . . . been left to the discretion of the superior courts on a county-by-county basis." Font size is not the issue here – line spacing is. Too much emphasis is placed on the number of lines per page rather than the line spacing used in pleadings. This is an excellent argument in favor of eliminating *any* reference to "lines per page" from Rule 10(d).

Many counties in Arizona also have local rules limiting the number of pages for motions or memoranda (i.e., fifteen pages). Attached hereto as Exhibit B is a fifteen-page document containing 28 lines of text per page with line spacing set at exactly 23.5 point. When that same document is changed to double line spacing, it requires more than 19 pages for the same amount of text (*see* Exhibit C). This is a perfect illustration of how parties are using the "28 lines per page" as a loophole to avoid exceeding page limits set by local rules.

When parties insist on using different settings for line spacing, it also necessitates time-consuming reformatting and "cleaning up" of documents (i.e.,

joint pretrial memorandum, etc.), which can cause delays in timely filing of court documents.

An alternative would be to amend Rule 10(d) by replacing the language "all documents shall be double spaced and shall not exceed 28 lines per page" with "all documents shall be double spaced (**or exact line spacing of no less than 29 point**)" to avoid any further ambiguity in Rule 10(d).

Rule 10(d) states text shall be double spaced –anything less should not be accepted by the courts. If parties want to be “creative” by using the exact line spacing feature in their computers, they should limit it to documents not filed with the courts.

DATED this 18th day of May, 2011.

/s/ Cindy L. Bedsaul
Cindy L. Bedsaul
4222 East Fairmount Avenue
Phoenix, Arizona 85018