

Good Writing, Good Reading: Advice on Typography¹

by Raymond P. Ward²

Many lawyers disregard typography—how their writing looks on the page. If you're one of them, you should cure this failing. The U.S. Seventh Circuit reminds briefwriters that for each argument session, a judge must read about 1,000 pages of briefs and related papers. You can improve the chance that the judge will remember what you wrote by making your brief typographically superior. "It won't make your arguments better, but it will ensure that judges grasp and retain your points with less struggle. That's a valuable advantage, which you should seize." United States Court of Appeals for the Seventh Circuit, *Requirements and Suggestions for Typography in Briefs and Other Papers*, <http://www.ca7.uscourts.gov/rules/type.pdf> (accessed Dec. 12, 2004) (hereafter *Requirements and Suggestions*).

The most important thing you need to understand about typography is that it's based on science, not on opinion, fashion, or taste. For over a century, researchers have studied adult reading, learning what helps and what hinders word recognition and perception. They've measured legibility by the time it takes people to read and understand words. These studies show that good typography increases legibility and reading comprehension. See Ruth Anne Robbins, *Painting with print: Incorporating concepts of typographic and layout design into the text of legal writing documents*, 2 J. Assoc. Legal Writing Directors 108, 113-26 (Fall 2004), http://www.ca7.uscourts.gov/Rules/Painting_with_Print.pdf (accessed Dec. 12, 2004).

There's not enough space in the *Writer's Corner* to tell you everything you need to know about typography. Instead, I will pass on a few nuggets—things that most lawyers probably don't know.

White space

White space is any area on the page where no words appear. It includes all four margins and the spaces around headings, block quotations, and similar material. Bryan A. Garner, *The Redbook* § 4.6(a) (2002). It also includes (if you put it there) the vertical space between paragraphs. How much white space is optimal on a printed page? The experts agree that 50% is about right. Robbins at 124. That's not as hard to achieve as it may sound. A letter-sized page with one-inch margins surrounding a solid block of text has 37% white space. Increase the side margins to 1.25 inches, and you're up to 43% white space.

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Here's another reason favoring 1.25-inch side margins. One-inch margins give you lines of text 6.5 inches wide—and a 3% decrease in legibility. Robbins at 122-23. Increase those side margins to 1.25 inches, and you'll increase both legibility and pleasing white space.

Fonts

Probably the most commonly used font or typeface in legal writing is Times New Roman, usually the default font in both Word and WordPerfect.

While Times New Roman is acceptable for most legal writing, it's not the best font you can use for briefs. It was designed for newspapers, not for books. Because briefs are more like books than like newspapers, the Seventh Circuit advises briefwriters to use fonts designed for books. Fonts in this class include Century, Century Schoolbook, and probably any font with the word "book" in its name. *Requirement and Suggestions* at 5.

Justification

The choice here is between left justification and full justification. Left justification means that only the left side of the text is aligned; the right side is "ragged" as the width of each line varies. Full justification means that your computer makes each line of text the same width, so that both sides line up.

Though there's some debate on the question, most experts prefer left justification. Full justification often results in noticeable, distracting differences in spacing from one line to the next, as the computer tries to stretch each line to make it reach the right margin. Left justification results in more natural spacing on each line, and "[t]he resulting 'ragged right' margin adds variety and interest to the page without interfering with legibility." Patrick J. Lynch & Sarah Horton, *Web Style Guide 2d ed.*, <http://www.webstyleguide.com/type/align.html> (accessed Dec. 12, 2004). The ragged-right margin also increases the white space on the page.

Headings

You want your headings to contrast with your text. To achieve that contrast, use a different-looking font. Use a serif font for text and a sans serif font for headings. Arial (in bold) contrasts nicely with serif fonts like Times New Roman. For different levels of subheadings, alternate bold and italic lettering (e.g. bold, bold-italic, plain, italic).

If your text is left justified, then your headings should also be left justified, not centered.

Spacing

If you took typing in high school, you were probably taught to hit that space bar twice between sentences. That's okay for typewriters and for monospaced fonts like Courier. But if you're using a proportionally spaced font, one space between sentences is enough.

Emphasis

When was the last time you read a good novel and found a passage in all capital letters? Probably never—good writers don't have to shout to make their voices heard.

Emulate the good writers. Never, never put anything in all capital letters. All-capital text is difficult to read. It repels readers who resent the extra effort it imposes and who don't like being shouted at. If you must make one word or phrase stand out, use italics or bold print. Don't underline. Underlining decreases legibility by obscuring parts of letters that drop below the line (*q*, *y*, *p*, *g*, and *j*).

Parting Words

The best one-sentence advice on typography comes from the Seventh Circuit's *Requirements and Suggestions*: Read good books, and try to make your briefs look more like them.