

Document Design

Designing a document is deciding how it should look on the page. Design has nothing to do with the content (your words expressing your ideas). Instead, design creates a visual personality for the document — an attractive appearance that's easy to read. Some documents are unfriendly and hard to read just because of the way they appear. Others look good on a page, seem inviting, and are a pleasure to read.

Layout and typeface are the primary elements of document design. Layout is the arrangement of type on the page so that your organization is clear and the reader is not overwhelmed with text.

Typeface is what the letters and numbers look like: font, type size, and features like *italics* and **bold**. A font is a group of letters and numbers with a common design. Type size is how big the letters and numbers are, usually measured in points

Good document design can help persuade a reader. Here's what the Seventh Circuit tells lawyers:

Judges of this court hear six cases on most argument days and nine cases on others. The briefs, opinions of the district courts, essential parts of the appendices, and other required reading add up to about 1,000 pages per argument session. Reading that much is a chore; remembering it is even harder. You can improve your chances by making your briefs 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.¹

¹ *Requirements and Suggestions for Typography in Briefs and Other Papers*, at 4, <http://www.ca7.uscourts.gov/Rules/type.pdf>. See also Derek H. Kiernan-Johnson, *Telling Through Type: Typography and Narrative in Legal Briefs*, 7 J. ALWD 87 (2010); Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 J. ALWD 108 (2004).

Judge Frank Easterbrook of the same circuit speaks more pointedly: “Why should lawyers think that their [briefs] can be physically ugly and hard to read, yet still go over well?”²

If you’re running out of time before an assignment is due, *please stop reading this now*. Write the document. Don’t spend your limited time trying to enhance its appearance on the page. *Just write it*. Content matters much more than document design.

Part 1. Basic Document Design

Your wordprocessor is the software in your computer with which you write documents. It is probably either Word or WordPerfect. What we say here applies to both.

Default justification: Justification determines where lines of type begin and end. If your documents are left-justified, the left side of your text forms a straight vertical line, and the right side is ragged because the text lines do not all end in the same place. If a document is fully-justified, however, both the left and the right sides of the text form straight vertical lines. Most books are fully justified. The default setting on your wordprocessor is probably left-justification. That’s fine. Nobody will criticize you for using it, and many readers will prefer it in the documents you produce. Full justification works well in books and badly on pages that come out of your printer.

White space: Too much type on a page can make a document difficult and unpleasant to read. Creating white space opens up the page and makes it less crowded and easier on the eye. Your wordprocessor’s default margins are probably one inch on each side. You can create white space by moving the left and right margins each a quarter inch toward the center of the page so they become 1.25 inches.

You can also create white space by the way you handle headings. In a single-spaced document, many writers will skip a line above a heading and skip another line below it. Instead, skip two lines above the heading. That would make your organization more visually obvious. The heading would more clearly belong to the text below it because twice as much white space would appear above it as below. If your document is double-spaced, you can get similar results by hitting the Enter key above the heading twice and once below it. With double spacing, you automatically get a skipped line every time you hit Enter.

Don’t go overboard. Too much white space reduces the amount of text on each page so drastically that the reader has to turn pages constantly and can’t easily back up to review what you said a paragraph or two earlier.

² Frank H. Easterbrook, Speech, *Challenges in Reading Statutes*, at 16 (Chi., Ill., Sept. 28, 2007) at <http://lawyersclubchicago.org/docs/Challenges.pdf>.

Adding white space might increase the number of pages in your document. If your document is subject to a word or character size limit, increasing the pages won't matter. But if you're subject to a page limit, adding white space might put you over it.

Default font and type size: Your wordprocessor probably defaults either to Times New Roman, Cambria, or Calibri (fonts) and at 12-point (a type size). At 12-point, they look like this:

Times New Roman
Cambria
Calibri

The pages you're reading right now are in Goudy OlSt BT sized at 11 points. For comparison, here it is at 12-point:

Goudy OlSt BT

Fonts are either *serif* or *sans serif*. In a serif font (like Times New Roman) most letters have little transverse lines called serifs. A sans serif font (like Calibri) has no serifs. (In *sans*; the second *s* is silent. *Sans* is French and means *without* — without serifs. *Serif* is pronounced “SAIR-if” — not “se-REEF.”)

Look closely at the Times New Roman and the Calibri examples above. Calibri looks streamlined because it has no serifs. Later versions of Word default to Calibri because it looks good on a computer screen. On computer and television screens, on signs, and in advertisements, a sans serif font is usually easier to read than a serif font.

But in a long document printed on paper a serif font is easier to read. The serifs actually help the reader's eyes travel through extended text. Books are printed in serif fonts, although in some books the headings are sans serif. In law practice, memos and briefs are printed in serif fonts.

You can change computer's default settings. Unless they are changed, your wordprocessor will automatically produce one or another of these fonts every time you start a new document. If you want to consider other fonts, Part 3 (beginning on page 5) can help you choose.

Part 2. Headings

Each component of a memo or brief gets a heading, and the component headings are usually the largest in the document.

Office memos: The components include the Issue, Brief Answer, Facts, Discussion, and Conclusion. Sometimes you'll want to break up the Facts or Discussion with additional headings. They should be smaller than the component headings and can be italicized to set them off from the text. Here's a reasonable way of sizing the headings and text, but it's not the only way:

component headings: TIMES NEW ROMAN 13-POINT ALL CAPS

lesser headings: *Times New Roman 12-point italics*

text: Times New Roman 12-point

Persuasive document submitted to a court: In a *trial court memo* or an *appellate brief*, the components would include — among others — the Statement of the Case and the Argument. The Argument is divided by point headings and might further be divided by lesser headings called subheadings. The Statement of the Case might also be divided by lesser headings similar in size to the Argument subheadings. Here is a reasonable way — but not the only way — of sizing the headings and text:

component headings: TIMES NEW ROMAN 13-POINT ALL CAPS

Argument point headings: **Times New Roman 13-point bold**

lesser headings: *Times New Roman 12-point italics*

text: Times New Roman 12-point

Lawyers typically place the component headings at the center of the page. They do the same thing with point headings in persuasive documents. Legal documents have looked that way for generations, and your readers will expect it. Some document design specialists say that if you left-justify the text, you should probably left-justify headings as well (move them to the left margin, like the section headings on these pages). Lawyers, however, almost always center the component headings and the point headings. Some center lesser headings as well, but some move them to the left margin.

Lawyers traditionally all-cap the component headings. That's fine. Component headings are short, usually one to four words, and all-capping them causes no problems.

Lawyers have traditionally all-capped point headings as well. You'll see that in many trial court memos and appellate briefs. In the typewriter era, all-capping was the only way to make a point heading stand out. But today an increasing number of lawyers use bold print instead of all-caps.

Because point headings have more words than component headings, they're harder to read when all-capped. Compare these point headings:

all caps Times New Roman 13-point:

THE SEARCH OF THE DIGITAL
CONTENTS OF PETITIONER'S
SMART PHONE EXCEEDED THE
BOUNDS OF A LEGITIMATE
SEARCH INCIDENT TO ARREST.

bold Times New Roman 13-point:

**The Search of the Digital Contents
of Petitioner's Smart Phone
Exceeded the Bounds of a
Legitimate Search Incident to
Arrest.**

Part 3. More About Fonts

One of the oldest traditions of the bar seems to be that legal documents should always *look* boring. Many readers of legal documents — including the U.S. Supreme Court — dislike this tradition.

Legal documents should look *professional*. That's not the same as looking boring. Judges spend enormous amounts of time reading briefs and other lawyer-submitted documents, and nearly all the judges who have stated their views on this subject want to read attractive and readable fonts that reflect good taste.

Should you use a font other than Times New Roman for legal documents? Many people assume that Times New Roman 12-point is the normal font and size for text. It might be the most commonly used. But that's only because it was the default font on the original Windows computers two decades ago. It's not because Times New Roman 12-point is the best choice.

An advantage of using Times New Roman is that you don't need to think about it. And most of the time you have more important things to do than playing around with fonts to find the one you like best. Unless you really do have the spare time to choose a new font, stop reading here and go study instead. And if a court or your teacher requires a specific font, there's no reason for you to read further. (*If your teacher requires Times New Roman, do it your teacher's way.*)

Times New Roman can be tiring to read. When you compare it with another commonly used font, you can see how its letters are cramped and tightly packed:

Times New Roman 12-point
Century Schoolbook 11-point

The Seventh Circuit has run out of patience with Times New Roman and implores lawyers to use some other font. This is on the Circuit's website:

Typographic decisions should be made for a purpose. The *Times of London* [a newspaper] chose the typeface Times New Roman to serve an audience looking for a quick read. Lawyers don't want their audience to read fast and throw the document away; they want to maximize retention.³

Times New Roman's letters are crammed close together so they can fit into narrow newspaper columns on the assumption that most readers won't read much more than the first few paragraphs anyway. It was not designed or intended for long, wide-margin documents like memos and briefs. Even newspapers have been switching to other fonts.

The Supreme Court will reject any brief printed in Times New Roman. The Court insists on fonts in the Century family, such as Century Schoolbook (see the example above).⁴ "The Justices are tired of bad typography," says Judge Easterbrook of the Seventh Circuit.⁵ Many other fonts look professional, and you might like one of them better.

The Maryland Court of Appeals allows any of 16 fonts.⁶ The California court rules handle this very simply: "Any conventional font may be used."⁷

How to choose a replacement font: Choosing a new serif font is not a substitute for studying or for doing a writing assignment. It's a study-break activity.

You'll want a font that looks professional, is easy to read, and pleases the eye. Eye appeal is not the same as readability. An attractive font makes a good impression visually by inviting a reader warmly into the document and helping the reader feel comfortable — all by being pleasant to look at. Lawyers might think it odd to consider the reader's pleasure, but the Seventh Circuit recommends doing exactly that.

³ *Requirements and Suggestions*, *supra* note 1, at 3.

⁴ Supreme Court Rules 24.1 and 33.1(b).

⁵ Easterbrook, *supra* note 2, at 15.

⁶ Maryland Rules 8-112 and 8-504.

⁷ California Rules of Court, Rule 8.204(b)(2) (*italics added*).

Below are some professional-looking fonts, with Times New Roman for comparison.

Book Antiqua 11-point

Book Antiqua 12-point — *might be too big for legal documents*

Calisto MT 11-point

Calisto MT 12-point

Cambria 11-point

Cambria 12-point — *a default on many Windows computers*

Century 11-point

Century 12-point — *probably too big for legal documents*

Century Schoolbook 11-point

Century Schoolbook 12-point — *too big for legal documents*

Constantia 11-point

Constantia 12-point

Garamond 11-point — *too small for legal documents*

Garamond 12-point

Goudy Old Style 11-point

Goudy Old Style 12-point

Goudy OlSt BT 11-point — *the text font on the pages you're reading now*

Goudy OlSt BT 12-point

Palatino Linotype 11-point

Palatino Linotype 12-point — *too big for legal documents*

Times New Roman 11-point

Times New Roman 12-point — *a default on many Windows computers*

Book Antiqua and Palatino are similar except that Palatino has more space between the lines. The two Goudys are closely related but are not identical. Goudy OlSt BT is more spacious than Goudy Old Style.

Courts with typeface rules usually require that the text of submitted documents be printed in a serif font. You will not be able to use **Calibri** for most documents you write in a law office. If it's your default font now, you might consider changing it.

As you can see from the examples, the best text size is 11 points for some fonts and 12 points for others. (The words you're reading right now are sized at 11 points.)

If you like any of the fonts you see here, take a document you've already written, change its font, and see how it looks. If you're not happy with the result, change it again until you find the font you're most happy with. *But don't do this when you should be writing the document. Do it as a study break — not as a substitute for work.*

How to change a font in your wordprocessor: Near the top left of your Word or WordPerfect screen is a little window that tells you which font the wordprocessor is using. (In Word you might need to click the Home button.) Next to it is an even smaller window that tells you the size of the type (a number).

From each of those windows, a drop-down menu lets you change the font or the point size. To open the menu, click on the little down-arrow next to it. Click on the font you want. Then click on the point size you want.

When you create a new document in either Word or WordPerfect, you can set its font and point size by placing the cursor at the very beginning of the document and clicking on the font and point size you want. In Word, you may have to do this before you type anything. To change a existing document's font and point size in Word, you may have to block the entire document and click on a font in the drop-down menu. In WordPerfect, just put the cursor at the beginning of the document and click on a font and a point size from the drop-down menus, and the whole document should change.

It's more complicated to reset your wordprocessor's defaults so that *all* new documents will be in the same font and point size. But if you'll be using the same font often in the future, it'll take less effort in the long run to change the default once rather than choose the font every time you start a new document. Search your wordprocessor's help function for how to change the default font and the default point size.

The most attractive fonts were created by artistic people, and some fonts are considered art. In *The Elements of Typographic Style*, Robert Bringhurst wrote that letters on the page

“have a life and dignity of their own. . . . Well-chosen words deserve well-chosen letters.”⁸

⁸ Robert Bringhurst, *The Elements of Typographic Style* 18 (1992, 2002) (italics omitted).