

## *I'm a lawyer. Why should I care about typography?*

*Editor's Note: Typography for Lawyers <http://www.typographyforlawyers.com/> has been the topic of much conversation among lawyers and others. Should lawyers really care about typography? Author Matthew Butterick graciously answers questions we posed below.*

### A Q&A WITH MATTHEW BUTTERICK

*[Matthew Butterick](#) is an attorney, designer, and writer in Los Angeles. He is the author of the website and book *Typography for Lawyers* (Jones McClure Publishing).*

*Excuse me! I'm a lawyer. Why should I care about typography?*

No matter what kind of lawyer you are, writing is part of your job. That means every lawyer is a professional writer. But the nature of what we write makes lawyers the most consequential writers in the world. Even if legal writing isn't always good, it's always important. And where the written word is important, typography — which I define as the visual component of the written word — is also important. Typography isn't the core of a lawyer's work, but it can optimize that work.

For instance, there's no rule that says lawyers have to arrive at jury trials wearing a clean shirt and suit. But most do. Nor is there a rule saying that lawyers are forbidden from presenting their opening argument to the jury while chewing gum and mumbling. But most don't. So I think lawyers, especially trial lawyers, are well attuned to the idea that how you present yourself, as well as your argument, affects what jurors and judges think. Typography is no different. Maybe the tools and techniques are unfamiliar, but the goal is the same: persuading an audience.

*Times New Roman: everyone else uses it; judges are used to it; ours is a conservative profession; why not stick with what works?*

First, I should clarify that fonts are part of typography, but typography goes beyond fonts. Typography includes fonts, but also type composition, text formatting, and page layout. Though I want lawyers to be aware that other fonts exist, if you truly prefer Times New Roman, I won't try to talk you out of it.

"Why not stick with what works?" Because even the most conservative lawyer you know doesn't rely on a typewriter, or a fax machine, or an answering service. They rely on a laptop and

an iPhone. We don't stick with things merely because they work; we upgrade because it's better for our clients and better for ourselves. The software and hardware in today's law office can produce documents that rival a professional print shop. Why not take advantage of that technology?

Sometimes I hear that judges "prefer" Times New Roman, which is a generalization unsupported by evidence. Judges write court rules so they can tell us what they prefer. If the court rules don't specify Times New Roman, then judges at that court don't prefer it. In fact, the U.S. Supreme Court forbids lawyers from using Times New Roman. And Chief Judge Frank Easterbrook of the Seventh Circuit is an outspoken critic of Times New Roman – he never uses it, and encourages lawyers to use something else. (Both those courts have also stocked their libraries with copies of my book.)

*I've read the research that says for some audiences you want to present plain facts to optimally persuade and for others you want to present your evidence in the form of a story to optimally persuade. Does a font choice make a difference in persuasion?*

I don't think a font can have some spooky neurological influence on readers that makes them want to agree with you. But I think font choice, and typography more broadly, is one of the many ways a lawyer can quietly make their argument more appealing and more credible. If you're giving a closing argument to the jury, you're going to practice it, right? You're going to make sure your spoken delivery is smooth, and clear, and emphatic. You do this not because you think you'll win purely on speaking skills, but because you want to maximize the persuasive value of your oral argument. So it is with typography in a written document.

*"The judges I practice before use two spaces at the end of a sentence. Shouldn't I do the same?"*

No. If judges were infallible, we wouldn't need appellate courts. But the rule is one space. All typographic authority and professional practice is aligned on this issue. There's no way the two-spacers can debate this, so they invent excuses that boil down to "How can I change? I've been doing it wrong for so long!"

All I can do is give lawyers information to make their own choices. If you know the rule and have a principled reason for departing from it – "the partner I work for makes me use two spaces" – fair enough. But denying that the rule exists is silly.

I get asked about one vs. two spaces a lot, but it doesn't bother me nearly as much as THE OVERUSE OF CAPITALIZED TEXT IN LEGAL DOCUMENTS.

*If you were to recommend specific fonts for legal documents, what would they be for a PC user? And a Mac user?*

I prefer to avoid reducing my recommendations to one or two fonts because it deprives readers of the pleasure of picking a font out for themselves. The Typography for Lawyers website has a large collection of font sample pages with free PDF samples of legal documents set in each font.

In November, I'm also going to be releasing my own text font for lawyers, called Equity.

*Do you recommend differing font choices within the same document? Like for titles, sections, and text or all the same font?*

Mixing fonts is a matter of taste, but I recommend going as far as you can with one font before switching to another. For instance, I'm more likely to emphasize a heading by increasing the amount of white space above it rather than emphasize it by changing the font. Using white space is just as effective, and more understated.

*What about line spacing? Is it easier on the eyes to do a single space or double space or something in between?*

In between — the optimal line spacing is usually between 120% and 145% of the point size. So if your font is 12 point, you'd use between 14.5 and 17.5 points of line spacing. It's good to learn how to set exact line spacing in your word processor. The built-in "single space" and "double space" options are held over from typewriters. Worse, they're not even accurate. For a 12 point font, double spacing should mean 24 points. But on Microsoft Word 2007, double spacing is closer to 28 points. If your local court rules require double-spaced lines and impose page limits, that means you might not be getting all the lines you're entitled to.

*What if I don't know if a judge will read my document on screen or from a hard copy? Do I choose a different font based on how it will be read?*

Many courts are moving to electronic filing using PDFs so I get asked this frequently. The counterintuitive but correct answer is that you should always use a print-optimized font for a PDF, even if you expect it to be read on the screen. The longer, slightly techie answer is that Adobe Acrobat doesn't rely on your operating system to draw text on screen. Acrobat has its own text-rendering software built in, so text will render the same anywhere Acrobat is used. While it's true that the core Microsoft Windows fonts (like Verdana, Georgia, Calibri, and Cambria) look better on screen when used in a word processor (like Microsoft Word), they lose their screen advantage once they get embedded in a PDF.

By the way — a clerk at the Utah Supreme Court discovered *Typography for Lawyers* earlier this year and persuaded the justices to adopt a new template for their opinions, based on my advice. To anyone unsure whether good typography makes a difference in legal documents, or whether lawyers have the skills to do it themselves: I think this settles it.

**Opinion Before**

**Opinion After**