

The Quick brown Typography for judges fox jump\$ over

Not so long ago, the prevailing standard for typography in opinions and briefs was atrocious. The entire profession seemed to believe that the way to make a document look lawyerly and serious was to make reading it difficult and dreary. Unscalable walls of capitalized and underlined text — in a typewriter-style font — predominated.

Then came Butterick. In 2010, a lawyer and professional typographer named Matthew Butterick changed everything with his book *Typography for Lawyers: Essential Tools for Polished & Persuasive Documents*. Butterick taught a generation of lawyers that they could make their documents vastly easier to read simply by embracing basic design choices that professional typographers have agreed on for decades.

Today, competent typography is an element of quality legal writing. If you're going to go to all the effort of choosing the right words, you may as well put in a little effort to make people want to read them, too.

One judge who understands the importance of good typography is Judge Stephanos Bibas of the United States Court of Appeals for the Third Circuit. Before joining the bench in 2017, Judge Bibas was a law professor who led a Supreme Court clinic and a highly regarded appellate advocate. Now, as a judge, his opinions aren't just clearly written, they're also models of good typography. Because the Third Circuit doesn't have a uniform style for its slip opinions, its judges are able to make their own typography choices. The choices that Judge Bibas makes point the way to opinions that are more professional-looking and readable.

Heading capitalization. In Judge Bibas's opinions, the claim headings use Title Caps, not ALL CAPS, both in the opinion body and the table of

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contents. And all of his subsidiary headings use normal text. The section headings in the body of the opinion use SMALL CAPS; the table of contents uses Title Caps. The key point: No multi-line all-caps headings. Too many opinions and briefs still get this wrong and, to any reader who cares about typography, it's like a lawyer showing up for oral argument wearing a propeller cap.

One space after periods. As Butterick observes, lawyers still debate about one space versus two, but typography authorities and professionals don't.

Zero underlining, and easy on the **boldface.**

Smaller paragraph indents. Just say no to 1-inch paragraph indents.

Hyphenation on with justified text. Either left-aligned or justified is a fine choice, but, if you choose justified, turn on automatic hyphenation to avoid awkward spacing between words.

Better vertical line spacing. Court opinions often are single-spaced, but Judge Bibas uses slightly more open vertical line-spacing or "leading" to improve readability. A little extra space between lines (Microsoft Word's line-spacing setting of 1.15 is a sound choice) is far more visually pleasing than single spacing, though typographers generally agree that double spacing is too much. When double spacing is required, however, we can

still get closer to the ideal by using 28-point line spacing (*actual* double-spacing for 14-point type) instead of Word's default double-spacing.

Hard spaces after § symbols. A hard space binds together the text on both sides, so the symbol isn't left dangling at the end of the line. To create a hard space, press **Ctrl+Shift+Spacebar** keys.

No orphan headings. Select the "keep with next" setting in Word (found in *Home>Paragraph>Line and Page Breaks*).

Bulleted lists for emphasis.

En dashes for number ranges. Use it between spans of years (1986–87) and pages (55–57). A good mnemonic is that "an en dash means within."

Real em dashes — not two hyphens autocorrected as en dashes. Find both en and em dashes under *Insert>Advanced Symbol*, where you can also create your own shortcut keys.

Citations in text, not footnotes. Bouncing from text to footnote and back can be a chore for legal readers, but it's extra tedious for people reading on tablets. While there are still hold-outs, the growing consensus favors keeping citations in the text.

Sure, a professional typographer could still pick some nits. Using *Times New Roman* is the biggest; Third Circuit judges may not have the option of picking a better font, but if you do, you should. I use *Equity* for maximum font-nerd cred.

For more on good typography, see Butterick's *Typography for Lawyers*, now in its second edition, Butterick's superb website, **practicaltypography.com**, and the Seventh Circuit's typography guide at **www.ca7.uscourts.gov/forms/type.pdf**.

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