Best practices in document design

Skillful writers think very carefully about what their readers want from documents written for those readers. Often, this consideration is confined to the substance of the writer's message to the reader – in other words, *what* the writer will say to the reader. But a good writer also considers *how* that message will be communicated to the reader. This “how” includes the appearance of the document in which the message is conveyed, including the typeface and spacing used for the text in the document.

As lawyers, our readers are often “law-trained” readers, such as other lawyers and judges. Like other accomplished writers, we lawyers carefully consider what we’re going to say to these readers in the memoranda and briefs we write for them. But how often do we truly consider *how* we’re going to convey our message to them? How often do we ponder what an effective memo or brief should look like rather than merely what it should say?

Good document design is a key skill for attorneys to learn. Long gone is the era in which document design was constrained by the limited capabilities of the typewriter.

In the digital world of the 21st century, word processing applications give us the basic tools that professional typographers use, allowing us to create documents that are aesthetically pleasing and easier to read. This article will discuss basic document design principles that will allow you to more effectively convey your message to a law-trained reader.¹

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Why is good document design important?

To be skilled writers, lawyers must cater to their readers' attributes. Law-trained readers have three common attributes. First, law-trained readers are busy people. Many of them, especially judges, read a multitude of documents on a daily basis.² Second, like other readers, law-trained readers have limited attention spans; their interest will wane quickly if a document is difficult to read.³ And third, some law-trained readers – namely judges – are decision-makers. Thus, they expect to be persuaded by documents they read.⁴

Good document design should be important to you as a lawyer because a well-designed document makes the document more readable,⁵ which in turn enables you to cater to a law-trained reader's attributes in three ways. First, well-designed documents are easier for a busy reader to understand and remember.⁶ Second, well-designed documents maintain the reader's attention.⁷ And third, well-designed documents help the author to persuade the reader. More specifically, an effectively designed document can put the reader in a positive mood, make the arguments in the document more memorable to the reader, and make a strong statement to the reader about the authoring attorney's credibility.⁸

Court rules and document-design conventions within your law office will often limit the design choices available to you for the documents you write. But to the extent that rules or conventions permit you to do so, you should follow two main document design principles: (1) use the most readable font in your document, and (2) use effective vertical and horizontal spacing in the text.

1. Use the most readable font

The first consideration in designing your document is the font you will use for your document's text. The term “font” refers to the design and physical appearance of the letters used in text.⁹

a. Use a proportionally spaced font

Fonts fall into two broad categories: monospaced fonts and proportionally spaced fonts.¹⁰ A monospaced font uses the same width for each letter in the alphabet.¹¹ An example of a monospaced font is *Courier*. By looking at the word *Courier*, you will see that all letters in the word, including a narrow letter like “i” and a wide letter like “o,” are actually the same width. In contrast, a proportionally spaced font uses different widths for different letters.¹² Examples of proportionally spaced fonts are Times New Roman and Calibri. By looking at the words in these font names, you will see that different letters in the words have different widths. For example, the “i” used in both font names is narrower than the “a.”

According to studies of adult readers, proportionally spaced fonts are easier to read than monospaced fonts.¹³ Therefore, use a proportionally spaced font in your documents, even when the rules or conventions governing the design of your document allow you to use a monospaced font.¹⁴

b. Use a serif font for extended blocks of text

Fonts are further classified as serif or sans serif.¹⁵ Serifs are little strokes appearing at the ends of lines that make up letters.¹⁶ Serif fonts include serifs in their letters.¹⁷ Sans serif fonts do not.¹⁸ For instance, Book Antiqua is a serif font; Helvetica is a sans serif font.

Just as proportionally spaced fonts are more legible than monospaced fonts, serif fonts are more legible than sans serif fonts,¹⁹ especially in extended passages of text, because they lead the reader's eyes across the page.²⁰ For this reason, books and magazines are almost always set in serif fonts.²¹ Most documents that lawyers write for law-trained readers require those readers to read extended passages of text. In this sense, those documents are book-like. Therefore, use serif fonts for extended blocks of text, particularly fonts that were specifically designed for books, such as Baskerville, Book Antiqua, Calisto MT, Century and Century Schoolbook.²² However, a serif font you may want to avoid is Times New Roman because this font was designed for optimal reading in narrow columns with short lines of text, not for optimal reading in the longer lines of text that appear in briefs and memoranda.²³

c. Reserve sans serif fonts for headings and for documents to be read on screen

While you should prefer a serif font for extended blocks of text, you may use a sans serif font for short blocks of text, such as section headings.²⁴ Indeed, using a sans serif font for a document's section headings and a serif font for the rest of the document provides variety that may help to keep your reader engaged.²⁵ But if you choose to use different fonts like this, use only one type of sans serif font for the section headings and one type of serif font for the rest of the text.²⁶ And in any event, never use more than two different fonts in a document because to do otherwise will distract the reader.²⁷

You may also use a sans serif font for the whole document if you know your reader will read your document on a computer or electronic tablet screen rather than in a print document because sans serif fonts are generally easier to read on screen than serif fonts.²⁸ Typography expert Matthew Butterick recommends the sans serif fonts Helvetica, Franklin

Gothic, Gill Sans and Optima instead of the more common Arial.²⁹

d. Use a readable font size

Fonts come in different sizes as well. Font size is measured according to two units of vertical measurement. The first unit is called

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a “point.”³⁰ In typography parlance, a point is 1/72 of an inch.³¹ The second unit is called “x-height.”³² X-height refers to the vertical size for a particular font’s lowercase “x.”³³

Choosing the most readable font size can be a bit tricky for a couple of reasons. First, typography

experts disagree on an optimal font size, so there is no one best font size for legibility. Second, court rules sometimes limit your choice of font size. For example, the Indiana Rules of Appellate Procedure require documents filed with the state’s appellate courts to use a font size of at least 12 point,³⁴ and the Federal

Rules of Appellate Procedure require a minimum font size of 14 point for briefs.³⁵

Even though typography experts don’t agree on an optimal font size, they do agree that large fonts don’t necessarily promote readability. Indeed, fonts larger than 14 point may decrease reading speed and may look inappropriately aggressive to the reader.³⁶ Conversely, fonts smaller than 10 point aren’t as legible as larger fonts.³⁷ Therefore, even if a minimum font size hasn’t been imposed on you, you should use a font in your document that is at least 10 point. And in any case, you should use a font that is no larger than 14 point, even if rules or conventions do not impose a maximum font size for the document.

As a final consideration in choosing the appropriate font size, keep in mind that different fonts of the same point size will not necessarily appear to be the same size on the page because of variations in x-height.³⁸ Consider the following fonts. Both are 10-point fonts:

This is an example of
Garamond 10 point.

This is an example
of Book Antiqua 10 point.

Note how the words in the sentence using Book Antiqua appear larger than the words in the sentence using Garamond. That’s because Book Antiqua has a larger x-height than Garamond. Therefore, if you choose a 10-point font for your document, consider using a font with a large x-height to enhance legibility. Conversely, if you choose a 14-point font for your document, consider using a font with a small x-height so your readers won’t feel like you’re yelling at them on the page. To figure out the x-height of a font, you’ll have to type the same phrase using several

different fonts of the same point size and see which fonts look smaller and larger on the page.³⁹

e. Avoid using all caps for extended blocks of text

Readers draw meaning from words by looking at the shapes of those words, focusing particular attention on the tops of the letters used in the words.⁴⁰ Perceiving the shapes of words is easier for a reader when the shapes are more distinct than they are similar.⁴¹ Lowercase letters convey more distinctive word shapes than do capital letters. This is because capital letters uniformly use rectangular shapes, while lowercase letters do not.⁴² Therefore, text using lowercase letters is more legible than text conveyed in all capital letters. Consequently, avoid using all capital letters in your documents for extended passages of text.⁴³ If you feel that you must draft something in all caps, do it only for short headings that have no more than a few words, such as the headings for brief sections (e.g., “STATEMENT OF THE ISSUES,” “ARGUMENT”).⁴⁴

f. Don't underline text

When typewriters were the primary tools used to generate print documents for lawyers, the only way to indicate emphasis in a document's text was to underline that text because typewriters did not possess keys for boldface type or italic type.⁴⁵ But word processing applications now give you more typeface choices than simply underlining. And underlined text is more difficult to read than text that isn't underlined.⁴⁶ Therefore, if you must emphasize a portion of the text in your document, use italics instead of underlining.⁴⁷ Furthermore, use boldface only for headings rather than in the text to avoid the appearance of shouting at your reader.⁴⁸

2. Use effective horizontal and vertical spacing

Making a document more legible isn't limited to using the most readable font. You should also lay out each page in a way that optimizes legibility. To do this, you need to achieve the proper balance between the document's white space and text through the use of effective horizontal and vertical spacing.

a. Use one space after punctuation

If you learned to type on a typewriter, you undoubtedly learned to space twice after periods. This horizontal spacing convention served a purpose when typewriters were the prevailing publication tool because typewriters used monospaced fonts.⁴⁹ Because each letter in a monospaced font is the same width, using two spaces after sentences helped to set off sentences for the reader.⁵⁰

However, the prevailing typographic convention for publications, including books and magazines, is to use only one space after

any punctuation, even periods.⁵¹ This is so because professional publishers use proportionally spaced fonts, and the use of two spaces after each period in a proportionally spaced font creates “rivers” of white space that disrupt a reader's eye movement through the text.⁵² Therefore, forget what your typing teacher taught you; use only one space after any punctuation, including periods.⁵³

b. Align your text on the left side of the document

Text may be either justified or left-aligned.⁵⁴ Justified text is horizontally spaced so the left and right sides of the text block are flush with the margins.⁵⁵ In contrast, left-aligned text is flush only at the left side of the text block, leaving the right side of the text block uneven (which is why left-aligned text is also called “ragged right” text).⁵⁶

Just as spacing twice after periods may create disruptive rivers of white space in a block of text, so too may justifying the text because

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extra horizontal spaces must be inserted between words in the text block to make the right side of the text aligned.⁵⁷ Thus, use left-aligned text to promote legibility.⁵⁸

In addition, centered text may reduce legibility, along with text that contains large indents.⁵⁹ Therefore, use centered text sparingly. Reserve it for only main section headings so you do not frequently disrupt the reader's progress through the document.⁶⁰ Furthermore, indent the first line of text a quarter-inch from the left margin rather than a half-inch, which is the default tab setting for most word processing applications.⁶¹ You can change this setting by using your word processing program to insert a tab at a quarter-inch. Finally, left align headings other than main section headings.⁶²

c. Use shorter lines than you might normally use

Court rules and legal writing conventions typically require margins of no less than one inch for documents.⁶³ But long lines of text reduce legibility because the reader must use more time to shift his or her eyes from the end of one line of text to the beginning of the next line of text.⁶⁴ This is why text in newspapers and magazines is set in narrow columns with short lines.⁶⁵

While the default margin setting for most word processing applications is 1.25-inch margins, consider making the left and right margins of your document larger to increase the document's readability, provided that doing so wouldn't cause you to run afoul of any page limit mandated by the applicable court rules. Left- and right-page margins of 1.5 inches will make

the text lines shorter and thus more comfortable to read.⁶⁶

d. Use line spacing that promotes readability

The term "line spacing" refers to the vertical distance between lines of text in a document.⁶⁷ Like other parts of a document's design, the line spacing of a document's text affects the document's readability. Lines that are set closer together are more legible than lines that are set farther apart.⁶⁸

For most fonts, the optimal line spacing for legibility is between 120 percent and 145 percent of the font's point size.⁶⁹ This line spacing range is slightly larger than single-spacing: 1.03 to 1.24 line spacing.⁷⁰ To be sure, some rules require documents filed with the court to have double-spaced text.⁷¹ Other court rules are not as restrictive.⁷² If rules

or conventions do not require a particular line spacing for your document, choose a line spacing for extended passages of text that is within the optimal range. Microsoft Word makes this choice easy because it offers 1.15 line spacing among its standard line spacing choices. That spacing is within the optimal range.⁷³

Conclusion

Now you possess the basic tools to craft a well-designed document for law-trained readers. For an advanced discussion of effective document design for lawyers, consult Matthew Butterick's well-received book, *Typography for Lawyers*.⁷⁴ And if you are writing a brief for the Seventh Circuit, you certainly should read the court's requirements and recommendations for typography.⁷⁵ 📖

1. This article will not discuss document design for documents written for other readers, such as clients.
2. See Seventh Circuit, "Requirements & Suggestions for Typography in Briefs & Other Papers," <http://www.ca7.uscourts.gov/rules/type.pdf>, at 4 (accessed April 14, 2014) (noting that the judges read up to about 1,000 pages per argument session); Linda H. Edwards, *Legal Writing & Analysis* 72 (3d ed., Aspen Publishers 2011).
3. Matthew Butterick, *Typography for Lawyers: Essential Tools for Polished & Persuasive Documents* 22-23 (Jones McClure Publ. 2010); Edwards, *supra* n. 2, at 72.
4. *Id.* at 74-76.
5. Ruth Anne Robbins, "Painting with Print: Incorporating Concepts of Typographic & Layout Design into the Text of Legal Writing Documents," 2 *J. Ass'n Legal Writing Directors* 108, 112 (2004).
6. *Id.* at 110-11.
7. Butterick, *supra* n. 3, at 23.
8. Derek H. Kiernan-Johnson, "Telling Through Type: Typography & Narrative in Legal Briefs," 7 *J. Ass'n Legal Writing Directors* 87, 115 (2010); Robbins, *supra* n. 5, at 110-11.
9. Kiernan-Johnson, *supra* n. 8, at 91.
10. Robbins, *supra* n. 5, at 121.
11. Butterick, *supra* n. 3, at 80.
12. Robbins, *supra* n. 5, at 121.
13. *Id.*
14. Butterick, *supra* n. 3, at 81.
15. Bryan Garner, *The Redbook: A Manual on Legal Style* 77 (2d ed., West 2006).
16. Butterick, *supra* n. 3, at 85.

17. Robbins, *supra* n. 5, at 119.
18. *Id.*
19. Garner, *supra* n. 15, at 77.
20. Robbins, *supra* n. 5, at 119-20.
21. Garner, *supra* n. 15, at 77.
22. Seventh Circuit, *supra* n. 2, at 5; see also Butterick, *supra* n. 3, at 83 (listing serif fonts that are suitable for law-related documents). The manuscript for this article was prepared using Century Schoolbook. [The magazine's body type is Minion.] The Solicitor General's Office and the U.S. Supreme Court also use fonts from the Century family in their documents. Kiernan-Johnson, *supra* n. 8, at 114. Be aware, however, that court rules may limit the types of fonts you may use in a document. For example, the Indiana Rules of Appellate Procedure list 16 fonts that are acceptable in briefs and petitions filed with the state's appellate courts. Ind. Appellate Rule 43(D).
23. Seventh Circuit, *supra* n. 2, at 5.
24. Garner, *supra* n. 15, at 77; see also Fed. R. App. P. 32(a)(5)(A) ("A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions.")
25. Robbins, *supra* n. 5, at 127.
26. Garner, *supra* n. 15, at 78-79.
27. *Id.*
28. Tonya Kowalski, *Appellate Advocacy Blog*, "A Font of Wisdom," http://lawprofessors.typepad.com/appellate_advocacy/2014/03/a-font-of-wisdom.html (accessed April 17, 2014); Robbins, *supra* n. 5, at 127. The likelihood that a law-trained reader might be reading documents on screen is increasing. For example, Fifth Circuit judges read the majority of their briefs on iPads. Daniel Sockwell, *Columbia Business Law Review*, Announcements, "Writing a Brief for the iPad Judge," <http://cblr.columbia.edu/archives/12940> (accessed April 18, 2014).
29. Butterick, *supra* n. 3, at 83.
30. Kiernan-Johnson, *supra* n. 8, at 94.
31. *Id.*
32. *Id.* at 95.
33. *Id.*
34. Ind. Appellate Rule 43(D).
35. Fed. R. App. P. 32(a)(5)(A).
36. Garner, *supra* n. 15, at 79; Robbins, *supra* n. 5, at 122.
37. Garner, *supra* n. 15, at 79.
38. Kiernan-Johnson, *supra* n. 8, at 95.
39. Butterick, *supra* n. 3, at 91.
40. Robbins, *supra* n. 5, at 116.
41. Butterick, *supra* n. 3, at 86.
42. Robbins, *supra* n. 5, at 116.
43. *Id.*
44. Butterick, *supra* n. 3, at 87.
45. Garner, *supra* n. 15, at 78.
46. Robbins, *supra* n. 5, at 118.
47. Antonin Scalia & Bryan Garner, *Making Your Case: The Art of Persuading Judges* 122 (West 2008).
48. *Id.*
49. Butterick, *supra* n. 3, at 41.
50. *Id.*
51. *Id.* at 41-42.
52. *Id.*
53. *Id.* at 41; Garner, *supra* n. 15, at 83; Seventh Circuit, *supra* n. 2, at 5.
54. Butterick, *supra* n. 3, at 135.
55. *Id.* at 135; Garner, *supra* n. 15, at 82.
56. Butterick, *supra* n. 3, at 135; Garner, *supra* n. 15, at 82.
57. *Id.*
58. *Id.*; Robbins, *supra* n. 5, at 130.
59. *Id.* at 131; Garner, *supra* n. 15, at 81.
60. Butterick, *supra* n. 3, at 134; Garner, *supra* n. 15, at 82.
61. *Id.* at 81; see also Butterick, *supra* n. 3, at 136 (recommending an indent of 0.17 to 0.67 inches).
62. Garner, *supra* n. 15, at 87.
63. E.g. Ind. Appellate Rule 43(G).
64. Robbins, *supra* n. 5, at 122.
65. Kiernan-Johnson, *supra* n. 8, at 111.
66. Butterick, *supra* n. 3, at 142.
67. *Id.* at 139.
68. Garner, *supra* n. 15, at 85.
69. Butterick, *supra* n. 3, at 140.
70. *Id.*
71. E.g. App. R. 43(E).
72. See Lake County Local Court Rule LR45-TR10-2 (containing no restriction on using single-spaced text).
73. Butterick, *supra* n. 3, at 140.
74. Matthew Butterick, *Typography for Lawyers: Essential Tools for Polished & Persuasive Documents* (Jones McClure Publ. 2010).
75. Seventh Circuit, "Requirements & Suggestions for Typography in Briefs & Other Papers," <http://www.ca7.uscourts.gov/rules/type.pdf> (accessed April 14, 2014).

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