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This Book is Just My Type

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This Book Is Just My Type

Typography for Lawyers

Matthew Butterick (2d ed., O'Connor's 2015), 240 pages

Jennifer Babcock, rev'r*

Every lawyer puts energy into typography.¹ We follow court rules for margins and line spacing. We emphasize headings in bold and line up the elements on a caption page. We argue with our colleagues about the advantages and disadvantages of underlining versus italicization. Defining typography as the “visual component[] of the written word,”² Matthew Butterick offers concrete instructions in *Typography for Lawyers* to improve the appearance of written work and help lawyers overcome bad typography habits.

Led with a foreword by Bryan Garner,³ *Typography for Lawyers* is a highly usable manual of document design rules, both large and small. Butterick presents the rules by increasing difficulty: first basic rules (e.g., hyphens and dashes), followed by advanced rules (e.g., widow and orphan control). The rules are cross-referenced frequently throughout the text, with an index of rules helpfully set out on the back cover. Readers can pick and choose which rules to focus on, or read cover-to-cover. He encourages his reader to practice his suggestions along the way by following his step-by-step instructions.

Butterick convinces the reader that typography is more than polishing the document at the last minute. Most lawyers' typographical choices are typically not choices at all; instead, they are habits inherited by document sharing and reuse.⁴ Good typography purposefully holds the reader's attention; it allows the reader to be persuaded by the material. As

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¹ ANTONIN SCALIA & BRYAN A. GARNER, MAKING YOUR CASE 136 (2008).

² MATTHEW BUTTERICK, TYPOGRAPHY FOR LAWYERS 20 (2015).

³ *Id.* at 9–11.

⁴ *Id.* at 14.

Butterick suggests, just as a lawyer would not distract from her argument by appearing at a hearing in jeans or speaking in monotone, a legal writer’s good document design choices strengthen her communication and create a distraction-free product.⁵

Readers skeptical about the topic of typography holding their attention can take heart. Using a lively, conversational tone, Butterick makes the material inviting and fun (“[P]lease don’t adopt the slogan ‘A Law Firm Unlike Any Other’ and then set it in Helvetica.”⁶). This short, 240-page book contains colorful explanations throughout; for example, Butterick compares two fonts with a common name by analogizing to the similarities between Bart and Lisa Simpson.⁷

Butterick’s advice is actionable. Most recommendations are accompanied by technical guidance. His instructions cover multiple word processor programs, including Word for Windows, Word for OS X, and WordPerfect. A chapter is devoted to illustrating the effects of typographical choices. Sample before and after captions, motions, memos, and letterhead are displayed, along with annotations about the effect of layout, typeface, letterspacing, line length, line spacing, justification, and other document design elements.⁸

Certain rules stand out. Writers should prevent a single word at the end of a point heading from flowing onto the next line by using a hard line break, as opposed to a “carriage” return. The hard-line-break feature splits the heading in a logical place, resulting in a two-line point heading that is more balanced.⁹ While a carriage return could ultimately generate the same result, it requires additional steps because its use creates a second enumerated point heading that the author must delete. Butterick includes an example¹⁰ of the benefit of a hard line break versus a carriage return:

No treatment	IV. The defendant is entitled to judgment as a matter of law.	Awkward and unbalanced.
“Carriage” return	IV. The defendant is entitled to judgment V. as a matter of law	Wrong.
Hard line break	IV. The defendant is entitled to judgment as a matter of law.	Correct.

My favorite rule is the nonbreaking space, used to avoid the unnatural separation onto the next line of two elements that are better off together, such as a section symbol and a statutory section number.¹¹ A nonbreaking



5 *Id.* at 24.

9 *Id.* at 65.

6 *Id.* at 78.

10 *Id.*

7 *Id.* at 114.

11 *Id.* at 61.

8 *Id.* at 173–92.

space is useful for keeping ellipsis dots together in a *Bluebook*-style ellipsis when reflecting an omission from quoted material.¹² Other rules immediately resonate, such as how to turn off the default conversion of ordinals to superscript.¹³

Butterick also recommends serif fonts for body text because sans serif fonts have weak italic styles, which is problematic in citation.¹⁴ Why concern oneself with font selection in light of local court rules? Local court rules allow more discretion than many lawyers believe. (*See, e.g.*, the U.S. District Court for the Central District of California, which requires “either a proportionally spaced or monospaced font.”¹⁵). In fact, Butterick designs his own professional fonts, which he uses in the book and licenses to others. The middle of the book contains a chart comparing the quality of ubiquitous system fonts with suggested substitutes.¹⁶

He also addresses skeptics. Isn’t the substance of a legal document more important than appearance? Not if the writer intends to conserve her reader’s attention.¹⁷ Why change habits when a less preferred method has been working all along? Many of Butterick’s suggestions serve as time-saving devices (*see, e.g.*, avoiding multiple carriage returns¹⁸ and using paragraph and character styles¹⁹). How can a lawyer circumvent the limitation of system fonts supported by and already installed on her reader’s computer? That’s a tough one, but even system fonts have desirable typeface options, such as those optimized for both print and screen. Butterick provides a chart of preferred system fonts.²⁰ If nothing else, the reality of judges’ bringing attention to typography by imposing monetary sanctions for the nefarious use of document design (*e.g.*, line spacing) to circumvent page length²¹ should give any legal writer pause.

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¹² *Id.* at 53. A *Bluebook*-style ellipsis is represented by “three periods separated by spaces and set off by a space before the first and after the last period.” THE BLUEBOOK 85 (Columbia Law Review Ass’n et al. eds., 20th ed. 2015). In some word-processing applications, an ellipsis can also be made with an ellipsis character. The ellipsis character contains three narrowly spaced ellipsis dots. The spaces between the dots are not as wide as a word space and are nonbreaking. BRYAN A. GARNER, THE REDBOOK 39 (3d ed. 2013).

¹³ BUTTERICK, *supra* note 2, at 101.

¹⁴ *Id.* at 82.

¹⁵ C.D. Cal. L.R. 11–3.1.1.

¹⁶ BUTTERICK, *supra* note 2, at 112–28.

¹⁷ *Id.* at 23.

¹⁸ *Id.* at 66.

¹⁹ *Id.* at 166–67.

²⁰ *Id.* at 78–79.

²¹ *CafeX Commc’ns, Inc. v. Amazon Web Servs., Inc.*, No. 1:17-cv-01349, slip op. 1–2 (S.D.N.Y. Mar. 30, 2017) (imposing sanctions against defendant Amazon for deliberately “flouting” the court’s line spacing rules “to submit a substantially longer memorandum” than permitted).

Readers process more than the substance of a written document. For myself, though I can live without purchasing a small-cap file²² and cannot picture myself using ligatures,²³ the great takeaway is that investing in typography is putting care into one's practice of law. This phenomenon is not limited to legal writing. In a time when readers must filter false online content, typography "establish[es] authenticity" of its source and makes "a big difference in how [one] absorb[s] the news."²⁴ Since every lawyer cares about how her readers absorb her written work, Butterick has made the case for meticulous attention to good typographical quality. *Typography for Lawyers* is an easily digestible resource for making it happen.

²² A small-cap font file provides short capital letters that blend with lower case text and are more visually appealing than the inferior substitute offering by standard word processing systems. BUTTERICK, *supra* note 2, at 104–05.

²³ Ligatures are a stylistic way to present characters, such as “f” and “i” that collide or overlap when set next to one another. *Id.* at 70–71.

²⁴ Leeron Hoory, *This Design Detail Determines If You Trust Your News Source*, QUARTZ MEDIA LLC (July 6, 2017), <http://qz.com/1018086/this-design-detail-determines-if-you-trust-your-news-sources/>.