

# The Right Tool for the Job

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Your computer is probably loaded with hundreds of typefaces — on mine, I counted 530. The vast majority of these are of no use to legal writers; you would never, for example, write a brief in a comic-book typeface or a letter to a client in Old English. A good writer steers clear of anything, including fancy typefaces, that calls attention to itself.

But if you limit yourself to the default Times New Roman for everything, you're doing your readers and yourself a disservice. Typefaces, like tools, are each designed for a particular purpose. Using just one typeface for everything is like using a flathead screwdriver on a Phillips screw: it may work, but it's not the right tool for the job.

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## For text, use serif type.

A serif is a little stroke at the end of a main stroke composing a letter or number. In the example below, the letter on the left has five serifs, while the one on the right has none:

E E

Studies show that long passages of serif type are generally easier to read than long passage of sans-serif type (type without serifs). Ruth Anne Robbins, *Painting With Print*, 2 J. ALWD 108, 120 (2004). More importantly, many courts require text in briefs to be in serif typeface. See, e.g., Fed. R. App. P. 32(a)(5)(A).

Times New Roman is a serviceable serif typeface, but it's not the best choice

for briefs. It was designed for newspapers, which means it was designed for skimming. For briefs, you want a typeface designed for thoughtful reading: one designed for books. The U.S. Seventh Circuit recommends Baskerville, New Baskerville, Bembo, Book Antiqua, Bookman Old Style, Calisto, Century, Century Schoolbook, Caslon, Deepdene, Galliard, Jenson, Minion, Palatino, Pontifex, Stone Serif, Trump Mediäval, and Utopia. *Requirements and Suggestions for Typography in Briefs and Other Papers* 5, <http://www.ca7.uscourts.gov/Rules/type.pdf>. Try one of these on your next brief.

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## For headings, use bold sans-serif type.

If you're still using the same typeface for both headings and text, try this experiment. Take a page of anything you've written lately that includes one or more headings. Put the entire page in a serif typeface with the headings in bold, and print it out. Now make one change to the page: convert just the headings into a sans-serif typeface (e.g. Arial), again in bold. Print out this page, lay it next to the one you printed out earlier. The contrast between the serif and sans-serif typefaces should make the latter jump off the page.

Use the same technique for anything that you want to stand out. When I compose the cover of a brief, I put everything in plain serif type except for two items: the docket number and the title (e.g. "Brief of Appellant") — these two items I put in slightly larger bold sans-serif type. Try that on the cover of your next brief.

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## For writing intended for on-screen reading, use Georgia or Verdana.

Georgia is a serif typeface designed to remain legible at low resolutions on a computer screen. This makes Georgia the best choice among serif typefaces for on-screen reading. The same goes for Verdana, a sans-serif typeface also designed for on-screen reading. See Daniel Will-Harris, *Georgia & Verdana: Typefaces designed for the screen (finally)*, <http://www.will-harris.com/verdana-georgia.htm>.

If you're tech-handy, set your e-mail program to display all plain-text e-mail in Georgia or Verdana — your eyes will thank you. And set it to put all your out-going e-mail in Georgia or Verdana — your readers' eyes will thank you.

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## For drafts, try Courier.

Courier is much maligned. Judge Mark Painter calls it "the most unreadable font." *The Legal Writer* 45 (3d ed. 2005). And Virginia appellate lawyer Steve Minor describes it as "just another random relic of history that's long since lost its purpose." Steven R. Minor, SW Virginia Law Blog, *Reason No. 1001 why all orders and opinions should be published, on the Web, and in the public eye*, <http://swvalaw.blogspot.com/> (Nov. 19, 2007).

I agree that nothing intended for someone else's eyes should be submitted in Courier when so many more attractive and more legible alternatives are available. But every tool, no matter how ugly, has its uses. Courier, in all its monospaced ugliness, may be ideal for preliminary drafts.

According to a *Slate* article, many professional authors compose in Courier. *My Favorite Font*, <http://www.slate.com/id/2166947/> (May 25, 2007). The main reason they do so is to facilitate ruthlessness in editing. Luc Sante puts it this way: “I like Courier because it seems provisional—I can still change my mind—whereas Times New Roman and its analogues look like book faces, meaning that they feel nailed down and immovable.” Jonathan Lethem expresses the same thought more succinctly: “I dislike the temptation of making a raw draft look like it’s already typeset.”

Sir Arthur Quiller-Couch advised would-be writers to edit themselves ruthlessly. “Murder your darlings,” he said. *On the Art of Writing* 203 (Dover 2006). If your darlings are in ugly Courier, you may feel less compunction about murdering them.

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### **Before the final edit, convert to a different typeface.**

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Another advantage of using Courier for your first draft is that it forces you at some point to convert the typeface. If you switch typefaces between writing

and editing, you may find yourself a more effective self-editor.

This idea comes from Susan Bell’s book, *The Artful Edit*. Apparently it works, according to lawyer and author Gretchen Rubin. After reading Bell’s book, she tried drafting something in Times New Roman, then printing it out in Georgia. She found that “the changed look of the page made it easier to spot awkward spots.” Gretchen Rubin, *The Happiness Project, The happiness of finding a new technique to improve my writing*, <http://www.happiness-project.com/> (July 12, 2007). I tried it myself while writing this article, and instantly spotted two structural glitches that I missed before converting typefaces.

This technique may help you out of the mental rut you create when you edit yourself. In his book *Expectations*, George Gopen describes the problem: When you revisit a sentence you have written in order to judge whether it needs revision, you *think* the following is happening:

You see these words.

You know the meaning of each of these words.

When you put these words with those

meanings into this syntactical structure, the meaning of the whole is *X*.

Since *X* is what you intended to convey, you judge the sentence to be fine.

You move on.

What *actually* is happening is the following:

You see these words.

You *remember* those words.

Those are the words you summoned when you were trying to articulate *X*.

Mere association. Since those were the words you chose when you were trying to convey *X*, naturally they will remind you of *X* when you reencounter them.

George D. Gopen, *Expectations* 15–16 (2004). By changing typeface between drafting and editing, you may break the association between what you see when editing and what you saw when writing.

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### **Conclusion**

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If you strive to blend in with the herd, then do as they do: use Times New Roman for everything. But if you strive for excellence, then select for each writing project the best typeface — the one most suitable for that project. Be like the master craftsman, who always selects the right tool for the job.