

TYPOGRAPHY FOR LAWYERS

ESSENTIAL TOOLS FOR POLISHED & PERSUASIVE DOCUMENTS

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FOREWORD BY BRYAN A. GARNER

2ND EDITION



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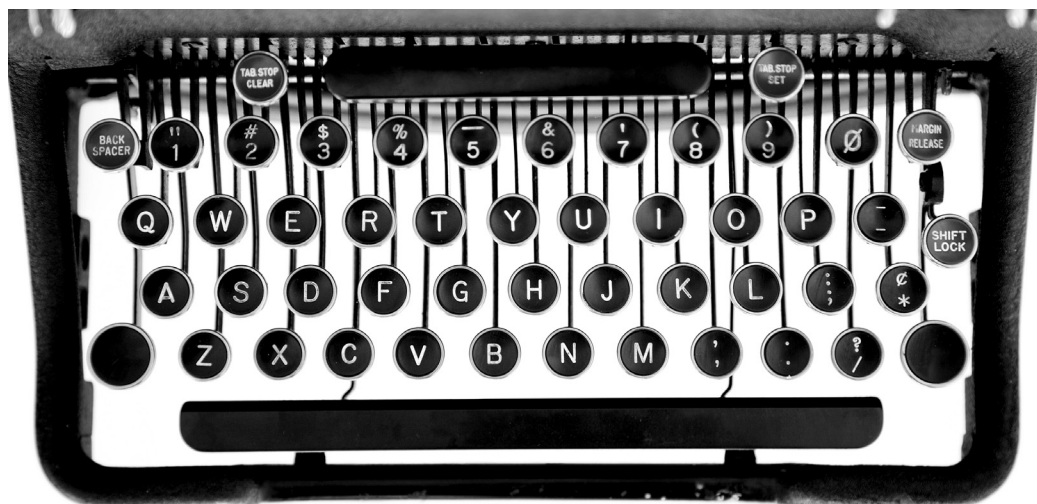
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TYPE COMPOSITION



GOOD TYPOGRAPHY STARTS WITH GOOD typing. This chapter tours the nonalphabetic characters on the computer keyboard—some obscure, some underappreciated, and some well known but misused.

These include accented characters, symbols, and white-space characters—invisible markers that are useful for getting consistent typographic results.

A text is a sequence of characters. Every character is a tool. Your goal: to always use the right tool for the job.

Beware. This chapter is more difficult than it looks. Typing is second nature for most of us. Habits are ingrained. After years of doing things one way, it can be hard to learn a different way.

Today's computer keyboards depict the available characters in almost the same way as a manual typewriter. But this depiction is misleading. The computer keyboard can produce many more characters than the ones visible on its keys.

But it's worth it. By typing the right characters while writing and editing, you'll save time and effort later on when you're formatting and laying out your document.

TOP The keys of a manual typewriter.
BOTTOM The keyboard of a modern computer. Even though the computer keyboard can produce many more characters and symbols than the typewriter, much of that power is hidden from the writer.

straight and curly quotes

Always use curly quotes

On Windows, hold down the alt key and type the four-digit character code on your numeric keypad (num lock must be activated).

On OS X, type the keys simultaneously.

BASIC RULES

Straight quotes are the two generic vertical quotation marks located near the return key: the straight single quote (') and the straight double quote (").

Curly quotes are the quotation marks used in good typography. There are four curly quote characters: the opening single quote (‘), the closing single quote (’), the opening double quote (‘‘), and the closing double quote (’’).

		WINDOWS	OS X	HTML
!	straight single quote	'	'	'
!"	straight double quote	"	"	"
“	opening single quote	<i>alt 0145</i>	<i>option +]</i>	<i>&lsquo;</i>
”	closing single quote	<i>alt 0146</i>	<i>option + shift +]</i>	<i>&rsquo;</i>
““	opening double quote	<i>alt 0147</i>	<i>option + [</i>	<i>&ldquo;</i>
””	closing double quote	<i>alt 0148</i>	<i>option + shift + [</i>	<i>&rdquo;</i>

Straight quotes are a **TYPEWRITER HABIT**. In traditional printing, all quotation marks were curly. But typewriter character sets were limited by mechanical constraints and physical space. By replacing the curly opening and closing quotes with ambidextrous straight quotes, two slots became available for other characters.

Word processors are not limited in this way. You can always get curly quotes. Compared to straight quotes, curly quotes are more legible on the page and match the other characters better. Therefore, straight quotes should never, ever appear in your documents.

"That's a 'magic' shoe." WRONG
“That’s a ‘magic’ shoe.” RIGHT

Fortunately, avoiding straight quotes is easy: use your word processor’s smart-quote feature, which will substitute curly quotes automatically. Smart quotes are typically turned on by default.

HOW TO TURN SMART QUOTES ON OR OFF

WORD | <File> → <Options> → <Proofing> → <AutoCorrect Options> → <AutoFormat As You Type> → *check or uncheck* <"Straight Quotes" with "Smart Quotes">

OS X WORD | <Word> → <Preferences> → <AutoCorrect> → <AutoFormat As You Type> → *check or uncheck* <"Straight Quotation Marks" with "Smart Quotation Marks">

WORDPERFECT | <Tools> → <QuickCorrect> → <SmartQuotes> → *check or uncheck* <Use double quotation marks as you type> *and* <Use single quotation marks as you type>

Smart-quote substitution has been built into word processors for 20 years. That’s why straight quotes are one of the most grievous and inept typographic errors.

hyphens and dashes

Use them, don't confuse them

Hyphens and dashes look similar, but they're not interchangeable.

		WINDOWS	OS X	HTML
—	hyphen	-	-	-
—	en dash	<i>alt 0150</i>	<i>option + hyphen</i>	<i>&ndash;</i>
—	em dash	<i>alt 0151</i>	<i>option + shift + hyphen</i>	<i>&mdash;</i>

The *hyphen* (-) is the smallest of these marks. It has three uses.

- ① A hyphen appears at the end of a line when a word breaks onto the next line. These hyphens are added and removed automatically by your word processor's HYPHENATION feature.
- ② Some multipart words are spelled with a hyphen (*topsy-turvy*, *cost-effective*, *bric-a-brac*). But a prefix is not typically followed with a hyphen (*nonprofit*, not *non-profit*).
- ③ A hyphen is used in phrasal adjectives (*commercial-speech restriction*, *estate-planning attorney*, *law-school grades*) to ensure clarity. Nonprofessional writers often omit these hyphens. As a professional writer, you should not.

For instance, consider the unhyphenated phrase *five dollar bills*. Is *five* the quantity of *dollar bills*, or are the *bills* each worth *five dollars*? As written, it suggests the former. If you mean the latter, then you'd write *five-dollar bills*.

Dashes come in two sizes—the *en dash* and the *em dash*. The em dash (—) is typically about as wide as a capital H. The en dash (-) is about half as wide.

En and em dashes are often approximated by typing two or three hyphens in a row (-- or ---). Don't do that. Use real dashes.

The en dash has two uses.

- ① It indicates a range of values (*1880–1912*, *116 Cal. App. 4th 330–39*, *Exhibits A–E*). If you open with *from*, pair it with *to* instead of an en dash (*from 1880 to 1912*, not *from 1880–1912*).
- ② It denotes a connection or contrast between pairs of words (*conservative–liberal split*, *Arizona–Nevada reciprocity*, *Sarbanes–Oxley Act*).

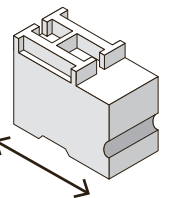
Don't use a slash (/) where an en dash is correct.

Be careful when citing a source like *Local Rule 7-3*. That gets a hyphen, not an en dash, because it's the multipart name of a single rule, not a range of rules.

The em dash is used to make a break between parts of a sentence. Use it when a comma is too weak, but a colon, semicolon, or pair of parentheses is too strong. The em dash puts a nice pause in the text—and it's underused in legal writing.

BY THE WAY

- ➔ Even though the en dash is used for joint authors (*Sarbanes–Oxley Act*), use a hyphen for compound names. If the children of Sarbanes and Oxley married, they'd be known as *Mr. & Mrs. Sarbanes-Oxley* (with a hyphen), not *Mr. & Mrs. Sarbanes–Oxley* (with an en dash).
- ➔ Em and en dashes are typically set flush against the surrounding text. But if your em dashes look like they're being squeezed, it's fine to add WORD SPACES before and after.
- ➔ *Em* and *en* refer to units of typographic measurement, not the letters M and N. (Yes, the homophony is confusing. To disambiguate, loud print shops referred to them as *mutton* and *nut*.) In a traditional metal font, the em was the distance from the top of a piece of type to the bottom (also known as the POINT SIZE). The en was half the size of the em. Originally, the width of the em and en dashes corresponded to these units. In today's digital fonts, they run smaller.



the **em** on a piece of metal type

No hyphen is needed in phrasal adjectives that begin with an adverb ending in **-ly** (it's a **closely held company**, not a **closely-held company**). Nor is a hyphen necessary in multipart foreign terms or proper names used as adjectives (**habeas corpus appeal on the Third Circuit docket**, not **habeas-corpus appeal on the Third-Circuit docket**).

caption pages

Use a table for best results

If this book were a law-school class, reformatting a caption page could be the final exam. Caption pages pack a lot of typographic issues into a small area. How many can you spot?

BEFORE

- ① MONOSPACED FONT.
Too much text in ALL CAPS.
No LETTERSPACING of caps.
- ② Unnecessary UNDERLINING.
LINE SPACING too tight.
RULES AND BORDERS made out of punctuation.
- ③ Vertical rules too thick.
FIRST-LINE INDENT is too large.
LINE NUMBERS don't align with BODY TEXT.
Inconsistent capitalization in HEADING.
Awkward line break in heading.

Despite its appearance, this example did not come from 1957. It's a nearly exact replica of a document filed in 2010 by the U.S. government in a criminal case I worked on.

The best way to lay out a caption page is with a TABLE. At minimum, the party names and title should go in a two-column table, like so:

Party names	Title
-------------	-------

You can also start the table at the top of the page and put the attorney names and court name in it too. That's how I prefer to do it—the table makes it easy to adjust the position of each element. To make cells spanning two columns, add new rows and then merge the cells in each row.

Attorney names	
Court name	
Party names	Title

The text at the bottom of the page starts outside the table.

BEFORE

```
1 GEORGE CRUIKSHANK
  United States Attorney
2 LAURENCE STERNE
  Assistant United States Attorney
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  Los Angeles, California 90012
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  Facsimile: (213) 555-3713
5 E-mail: laurence.sterne@usdoj.gov
6
7 Attorneys for Plaintiff
  United States of America
8
9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11
12 UNITED STATES OF AMERICA, ) Case No. _____
13 )
14 Plaintiff; ) GOVERNMENT'S NOTICE OF REQUEST
15 ) FOR DETENTION
16 v. )
17 TRISTRAM SHANDY, )
18 Defendant. )
19 -----
20
21 Plaintiff, United States of America, by and through its
22 counsel of record, hereby requests detention of defendant and gives
23 notice of the following material factors:
24
25 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
26 following grounds:
27
28 a. present offense committed while defendant was on
    release pending (felony trial), (sentencing),
    (appeal), or on (probation) (parole).
```

typo.la/17301

Call me a scofflaw, but I've never aligned the text in the top half of the page to the line numbers. It's possible, but it takes a lot of fiddling and often results in less legible text.

AFTER

In the address block, notice that surplus words (e.g., "Telephone," "Email") have been deleted. Cutting unnecessary words will always make your text easier to read. This is especially true when you need to fit a lot of text in a small space. (See also BUSINESS CARDS.)

- ① Monospaced font replaced with Equity. All caps replaced with bold, or nothing. (SMALL CAPS would be another option.) Address lines separated with HARD LINE BREAKS. Letterspacing added to court name.
- ② Underlining removed. Line spacing looser in top half of page. Rules and borders made with table-cell borders. POINT SIZE of party names and title slightly bigger than other text.
- ③ First-line indent reduced. Line numbers align with body text. Capitalization in heading fixed. Hard line break inserted in heading before "on."

Recall the second MAXIM OF PAGE LAYOUT—*divide the page into foreground and background*. The vertical rules on a caption page should seem like part of the background—they shouldn't be darker or more prominent than the body text in the foreground. Removing unnecessary rules will make the foreground feel less cramped. Use as few as possible. In this revised version, I removed the vertical rule on the right and one on the left. I made the remaining rule thinner and moved it away from the text.

Court filings have ugly typography as a matter of habit, not requirement. Court rules can be strict, but there's still plenty of room for good typography (see HOW TO INTERPRET COURT RULES).

AFTER

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6 (213) 555-3713 fax
7 laurence.sterne@usdoj.gov ①
8
9 Attorneys for Plaintiff
10 United States of America
11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14
15 **United States of America,** Case No. _____
16 Plaintiff;
17 v.
18 **Tristram Shandy,** **Government's Notice of**
19 Defendant. **Request for Detention**
20 _____ ②
21
22 Plaintiff, United States of America, by and through its counsel of record, hereby
23 requests detention of defendant and gives notice of the following material factors:
24 _____ 1. **Temporary 10-day detention requested (§ 3142(d))**
25 **on the following grounds:**
26 a. present offense committed while defendant was on release
27 pending (felony trial), (sentencing), (appeal), or on
28 (probation) (parole). ③

typo.la/17501

HOW TO MAKE A PDF

There's a right way and a wrong way to make a PDF. Based on an unscientific survey of the PDFs I've gotten from lawyers, just about all of you are doing it the wrong way.

The wrong way: print the document on paper and scan it to PDF.

The right way: “print” the document directly to PDF.

HOW TO PRINT DIRECTLY TO PDF

WINDOWS | *Install a printer driver that outputs PDFs instead of sending a file to a physical printer. If you have a commercial version of Adobe Acrobat (not just the free Acrobat Reader), the <Adobe PDF> driver should already be installed. If you don't have Adobe Acrobat, numerous third-party PDF printer drivers are available. When you issue the print command, you'll see the <Print> dialog box. At the top of this box is a popup menu listing the installed printers. Select your PDF printer. Set other options as needed and click <OK>.*

OS X | *You don't need a special print driver—printing directly to PDF is built into OS X. Issue the <Print> command. The dialog box that appears will have a button at the lower left labeled <PDF>. Click this button. From the menu that appears, select <Save as PDF>. In the next dialog box, enter a filename and click <Save>.*

“What's the difference? Either way, you end up with a PDF.” True. But one PDF is much better than the other.

When you print a document and then scan it to PDF, you're defeating most of the benefits of using a PDF at all. Essentially, you're making a series of photos of your document and packaging them inside a PDF. These photos occupy a lot of disk space, they're slow to view or print, they have to go through optical character recognition (OCR) to be searchable, and any care you've put into typography will be diluted by the reduced quality of the scan.

But printing directly to PDF stores your document in a compact, high-resolution format. Instead of a series of photos, the document pages are stored as highly compressed digital data. These pages take up very little space on disk, are fast to view or print, are searchable without OCR, and preserve your typography with perfect fidelity.

“But my document has exhibits. How am I supposed to get those into the word-processing document?” You don't. Print the word-processing document to PDF as described above. Then add the exhibits to the PDF using Acrobat or another PDF-editing tool.

Got it? Good.

BY THE WAY

➔ Many lawyers rely on the built-in PDF generators in Word and WordPerfect. For bad and arbitrary reasons, they only work with TrueType-format fonts, not OpenType, which is the established industry standard. I recommend that lawyers rely on the Adobe PDF maker because it doesn't suffer from these deficiencies and makes the most reliable PDFs. If you insist on using your word processor's PDF generator, make sure you have the TrueType versions of the fonts.

What about fonts? When you print directly to PDF, fonts are embedded in the PDF as necessary to preserve the text formatting. So readers of the document will always see your intended fonts, even if they don't have the same fonts installed on their machines.