

Pay Attention to the Aesthetics of Your Pages

By Bryan A. Garner

Federal District Judge Lynn N. Hughes of Houston says that he can reject more than half the applications he receives for various positions, including judicial clerkships, just by looking at the résumé from across the room. How? By the appearance of the type on the page. Some people have such poor aesthetic judgment that there's no use for them in an office that prides itself on high-quality work product.

The lawyer's aesthetic judgment is on the line more today than ever before. Take how we indicate emphasis, for example. In the days of typewriters, there were two ways to highlight text: capitalizing and underlining. Now we have many more devices available, such as typeface, type size, boldface, italics, and the judicious use of white space.

Yet the legal profession is still largely unaware of how important page layout can be. On the whole, we're still stuck in the ugly typewriting mode: we still tend to rely on all-caps text and underlining as means of emphasis. Professional typographers I've spoken with are bewildered by our naiveté about the importance of not just what words appear on the page, but *how* they appear.

"Plain Language" is a regular feature of the *Michigan Bar Journal*, edited by Joseph Kimble for the Plain English Subcommittee of the Publications and Website Advisory Committee. We seek to improve the clarity of legal writing and the public opinion of lawyers by eliminating legalese. Want to contribute a plain-English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901, or at kimblej@cooley.edu. For more information about plain English, see our website—www.michbar.org/generalinfo/plainenglish/.

Here, then, are a few tips on how to create readable pages that won't cause your readers to think less of your writing. Failing to use document design knowledgeably puts you at a disadvantage because readers have mostly become accustomed to well-designed documents.

1. Choose a readable typeface. For text, a readable typeface typically means a serif typeface—such as the one used throughout this journal—as opposed to a sans serif (/sanz **ser**-if/, it's pronounced in English). Serifs are the short strokes that project from the ends of the main strokes that make up a character. A sans serif typeface is literally "without serifs."

This is a serif typeface: Goudy.

This is a sans serif typeface: Arial.

Although sans serif typefaces often work well in headings and the like, they can be tiresome to read in lengthy blocks of text. That's why publishers everywhere tend to put the body of an article or book in a serif typeface. Among the better ones are Bookman, Caslon, Garamond, Goudy, Palatino, and Times Roman. One typeface, Courier, long predominated in American legal writing, but only because writers had no other choice (on a typewriter). Avoid it at all costs—it's an eyesore.

2. Use white space meaningfully. Ample white space makes a page more inviting. The primary ways to create white space on the page are to use generous margins (more than one inch where possible, preferably 1.2 inches), to supply ample headings and subheadings, and to enumerate items in vertical lists. Cramping type onto a page is always a blunder.

3. Supply headings as needed. The more complicated the document, the simpler and the more overt you should make

the structure. The best way to do this is to use informative, easily accessible headings. Good headings and subheadings make a document much easier to follow. Not only do they serve as navigational aids for readers, but they also help you organize thoughts logically.

4. Put more space above headings than below. It makes perfect sense to group closely related things together. So why should headings and subheadings be equidistant from the bottom of one segment of text and the top of the next? Though it's a common practice, it makes no sense at all. And professional typographers know better. Start looking at books, magazines, even advertisements. There's a lot to be learned from examining how professionals use type.

5. Avoid all-caps and initial-caps text. What's the problem with using all capitals? Because the characters are uniform in height, it's hard to distinguish one from the next. The text letters don't have what typographers call "ascenders" and "descenders," the parts of letters that go above (such as in "b") and below (such as in "p") the line of type. The reading difficulties that all-caps text causes are largely a physiological matter, not a mere question of taste. The ascenders and descenders give words distinct shapes that help us recognize them more efficiently. Even text in headline-style initial caps can be distracting, especially in an argumentative heading that consists of a complete sentence. Try using ordinary capitalization (mostly lowercase), with boldface, in any heading that's a complete sentence.

Although some statutes require certain types of language—such as warranty disclaimers—to be conspicuous, they typically don't mandate all-caps text. And think about this: the purpose of such a rule is to make sure the reader understands the contract term, but the effect of using all caps is to

make the text harder to read and understand. There's always a better way, such as using boldface or putting the highlighted text in a box.

6. Use boldface type appropriately. That is, use boldface exclusively in headings, *never* in text. Many lawyers, unfortunately, have fallen into the habit of boldfacing any word that seems important to them, either in their own text or in quoted matter. Think to yourself, How do professional writers and editors achieve emphasis without resorting to such crude mannerisms? It's usually by placing the important words toward the end of the sentence—at the climactic point.

7. Avoid underlining. Generally, italicizing is preferable to underlining, which was traditionally (on a typewriter) nothing more than a poor substitute for italics. The effect of underlining is to take up white space between lines, thereby making the lines harder to read. And on computer-set type, the underline obscures the letters' descenders, making the text less legible. Here's what Justice Antonin Scalia and I say about the subject in our book *Making Your Case*: "As for underlining, it's a crude throwback: that's what writers used in typewriting—when italics weren't possible. Nobody using a computer in the 21st century should be underlining text. To the extent that the *Bluebook* suggests otherwise, it should be revised."

8. Use vertical lists when possible, with hanging indents. Enumerate items whenever possible by breaking down lists into paragraphs and subparagraphs, especially in legal drafting. Using a tabulated list allows the writer not only to display the points better but also to improve the sentence structure. Make sure the list falls at the end of a sentence—not at the beginning or in the middle. And use hanging indents. That is, don't let the second line of an enumerated item wrap around to the left margin; instead, make the first character of the second line fall right below the first character, like this:

- (a) The good thing about hanging indents is that progressively indented text cascading from the left-hand side of the page immediately displays the levels of hierarchy.

- (b) In narrow columns (as in this journal), the look isn't terrific, but it's crucial in full-page-size legal documents.

9. Use bullets for lists as needed. When you want to highlight important ideas in a list, there's hardly a better way than to use a series of bullet dots. They effectively take the reader's eye from one point to the next. Although legal writers seem to fear that bullets characterize the breezy journalist's style, in fact they contribute to efficient communication. That's why journalists use them, and it's why you should consider using them. But keep some points in mind:

- End your introduction to the bulleted list with a colon.
- Always use a hanging indent with bulleted items.
- Be sure that the bullets are proportional to the type size (about the size of an "o").
- Use a tab rather than a space after the bullet so that the text of each list item begins at the same spot. Set the tab so that only a small space appears between the bullet and the text.
- Single-space bulleted text, perhaps with an extra half space between items.
- Capitalize the first word in each bulleted item if that item ends with a period.
- Keep items grammatically parallel.
- Resist the temptation to play with computer-generated boxes, arrows, and smiley faces as cutesy substitutes for bullets.

10. Don't create "fine print" or wall-to-wall type. Ideally, a line of type should

accommodate 45 to 70 characters, but the fine print that characterizes so many legal documents often spans 150 characters to the line. In text of that kind, the reader's eye tends to get lost in midline or in moving from the end of one line to the beginning of the next. One way to improve a document with a large block of text—and, typically, small margins on each side—is to use a double-column format. That design can be extremely helpful, for example, in consumer contracts such as warranties and residential leases.

For more information on this important subject, my own favorite sources are Colin Wheildon's *Type & Layout* (1995), Philip Brady's *Using Type Right* (1988) and Robert Bringhurst's *The Elements of Typographic Style* (1992). Consult them and learn all you can. And pay attention to well-designed magazines and books that you read. You'll need a sense of typographic design for the rest of your working life—or else you might discover that you've been judged negatively from across the room. ■

Reprinted from Bryan A. Garner's ABA column in The Student Lawyer.

Bryan A. Garner (lawprose.org) teaches legal-writing and drafting seminars for more than 6,000 lawyers and judges each year. He is editor in chief of Black's Law Dictionary and author of more than 20 books on writing, including Making Your Case with Justice Antonin Scalia, Garner on Language and Writing, and Garner's Modern American Usage.