

Font-Cramming Best Practices for Maximum Words per Page?

Once again, I want to tell the court more than my page limit will allow. Short of a motion for a longer brief, I wonder, what do Sezzers consider to be the most frugal fonts (in terms of most-words-per-page) for a brief, where the Court just specifies 12pt proportional?

Times New Roman is a very narrow font. The only time I use it is when court rules require it, or if the court uses a page limit instead of the more modern word count method *and* the brief would otherwise be too long.

With that said, you may also want to run your brief by a colleague or perhaps a professional legal editor (hmm, wonder where you might find one of those <looks at ceiling>). If you can tighten up your brief by editing for concision, you'll have more room for your substantive arguments. Even experienced lawyers are often surprised to discover the many ways in which their writing can be improved.

Lisa Solomon, New York

Garmond font is what you need.

Garmond fonts create letters that are 15% smaller than traditional 12 point fonts such as Times New Roman. This is because the size of the font is defined by the size of the type-body of the typewriter key (harking back to the days of mechanical printers) and not the size of the letter on that

key. Thus, 12-point Times New Roman and 12-point Garamond would have had the same size type-body in a typewriter even though the Garamond letters that appear on the paper are, on average, 15% smaller than Times New Roman letters. See, e.g., <http://www.fastcodesign.com/3028436/why-garamond-wont-save-the-government-467-million-a-year> (accessed Oct. 6, 2014).

Andy Simpson, U.S. Virgin Islands

| Garamond font is what you need.

| Garamond fonts create letters that are 15% smaller than traditional 12 point

I don't know how dumb your judges are, but our judges in lil' Missoula District Court know you're cheating when they discover their glasses have suddenly gone dead.

If you can't find your court's sheet requirements for filed docs, call the clerk of court and ask if your judge has a requirement. My guess is that your court requires a certain font of a certain size with certain line height.

And, in my opinion, not many folks' prose is so golden that it can't be prudently edited for length.

Carolyn J. Stevens, Montana

To me, the essence of good brief-writing is conciseness. I try very hard to condense my briefs to their essence. As a former law clerk who read many, many briefs, I can tell you that judges don't want a bunch of hyperbole, they want to know what you think the facts and the law are and how the latter applies to the former. Briefs here in Texas are limited by the number of words. I can't remember the last time that one of my briefs was even closing in on the limit.

FWIW

Jimmy Verner, Texas

As they say, there is no such thing as legal writing, just legal re-writing. Editing is the cure for the problem, not a specific font. Concise legal argument wins over verbosity, and paring down one's argument is the correct approach.

Everyone knows when rules are skirted. You can get called out, or not, but it is visible.

If it is not something you can reduce further, work with another person to evaluate what needs to be re-phrased. Short direct action sentences throughout can dramatically reduce the average lawyer's writing, as but one example.

Darrell G. Stewart, Texas

The best book on writing, ever: ³The Elements of Style,² by Strunk & White

http://www.amazon.com/Elements-Style-Fourth-William-Strunk/dp/020530902X/ref=sr_1_1/176-0196024-9395451?ie=UTF8&qid=1423244235&sr=8-1&keywords=strunk+and+white+4th+edition

Jimmy Verner

I agree with Lisa that Times or Times New Roman are likely your best choices for compact typefaces. Times was developed for the London Times for the purpose of cramming in as much type as they could on a page. While there are smaller typefaces that technically qualify as 12 point fonts, you run the risk of pissing off the judge. For example, Microsoft Himalaya in 12 point takes up about 2/3 of the space that Times New Roman does, but it comes across as an 8 point font.

If you really want to go this direction, you can adjust the line spacing a little to perhaps get one additional line per page. Also, it is considered standard by many to put footnotes in 10 point font. Also, editing is a worthwhile approach. Sometimes you can remove a few words per paragraph, or substitute shorter words, to shorten paragraphs.

Bert Krages, Oregon

Good comments, all, and appreciated. The rules in this case are specifically non-specific. 12pt proportional -- any font you like if those two conditions are met. And certainly, writing short, clear, concise sentences will make a better brief, even if they take twice as long to write. But even with the best writing and editing, sometimes all you need is that little nudge that takes care of that one little word that made the

paragraph an extra line long, or cause it to break onto the next page. I've sometimes found that just doing a full justification suffices to trim a few lines.

John Mitchell, Washington, D.C.

Another reason to lament the passing of WordPerfect. (I mean how fewer people still use it and every one now needs to know and use Word). With WordPerfect, under the "format" menu, there is an option called "Make it Fit". You tell WordPerfect how many pages the document should be and the program "makes it fit" your page limit. Make it Fit allows you to change the parameters (e.g. keep existing margins or line spacing, etc.)

Michael L. Boli, California

Check this link: <https://support.microsoft.com/kb/2664217>. The shrink to fit command has been available a long time.

T. B. Patterson, Jr. ("Brownie"), South Carolina

The Microsoft knowledge base article explicitly says that the command reduces the font size. Thus, using it would violate the court rules, which require a 12 pt font.

Lisa Solomon

There is a rule in the Vermont Rules of Appellate Procedure which actually designates particular fonts and minimum point size, as well as maximum word count which must be listed on a certificate of compliance. Vermont Supreme Court is a gracious tribunal, however, and I have never seen them bounce a brief.

L. Maxwell Taylor, Vermont

Dear Ms. Solomon:

Of course that's correct--I was just responding to the comment about shrink to fit--I think it is/was the same in WordPerfect.

T. B. Patterson, Jr. ("Brownie")

The Pennsylvania Super Court has now made 14 points for the minimum font size. I guess justices are getting blind like me. I don't recall if they up the page counts. Personally I think shorter is better. I recall reading the opinion on self-help evictions where it was the 2nd argument.

John Davidson, Pennsylvania

I read the article. Have you ever had a court think you were trying to fool it when you used Garamond? I ask because I'm working on a page-limited opposition brief now. No matter how much I cut, we still have to respond to the multiplicity of arguments the movant raised, requiring a change from my preferred font (Palatino).

Lisa Solomon

After clerking for a judge, this is a very legitimate concern. Judges (and their clerks) aren't dumb. Just like adjusting the margins on your papers in college to expand them... the professors knew.

'Monica Elkinton, Alaska

See, that's the thing: using 12 point Garamond strictly complies with the letter of the law, so to speak. If all courts would simply join this century and require certification of a word count instead of using page limits, we wouldn't have to go through these machinations.

Lisa Solomon

FWIW, I use Garamond for everything because I think it gives a clean look to documents. I am not a font expert, but I did spend five years as a copy editor/page designer for three newspapers and I think I have a pretty good eye. Plus when I was starting out as a lawyer I read some articles on

typography and Garamond was either specifically recommended or fit the description of characteristics to look for.

I have not had any courts comment on the font choice. I think it helps that Garamond is my default font and I don't write to the page limit, so it doesn't look like I am trying to pull a fast one.

Ryan Ballard, Idaho

I'm sorry to put it this way, but there is no best practice for a worst practice. Cramming more type on a page is a worst practice. Many ways to do it exist, but they all make your brief less legible. You want to make your brief easy to read. You don't want judges or law clerks to put your brief aside because of eye strain (or boredom) and pick up your adversary's brief instead.

Since you say, "Once again ...," staying within the page limit appears to be recurring problem. The solution is to learn to write more concisely. Most judges complain that briefs are too long, too repetitious, include too many insignificant details that do not pertain to the issues, and are generally too wordy--and our job is to persuade these judges. Courts design length limits to accommodate cases that are more complex than most; briefs in a typical case should not get anywhere near the page limit. The federal Appellate Rules Advisory Committee proposes to shorten the maximum word count for appellate briefs by 10.7%.

Many good books and CLE programs teach effective written advocacy. Practically all of them teach how to make writing more concise. The big payoff of concise writing is not staying within the length limit. The big payoff is that concise writing is always more persuasive and more likely to win cases.

Steven Finell, California

Obviously editing is critical, and consider hard whether you really need each of the arguments you're making or whether a footnote would serve to preserve a losing issue for appeal, for example. Sometimes the law is just too complex to reasonably answer all of the questions a judge might have--but the best bet is usually to make the strongest two to three arguments, and only touch **very** briefly on any other argument the judge has a decent chance to latch on.

For space-crunching, there are three techniques that come to mind: (1) look for any paragraphs where the last sentence covers less than 20% or so of the last line. You only need to cut a few words from these paragraphs to save an entire line, so find the words to cut. (2) Select everything and unset the "Keep with next" setting--it is probably in the paragraph styles. Then manually check section headings for big sections in case you want to make sure a heading isn't by its own on the bottom of a page, for example. (3) Adjust paragraph spacing/font leading for the normal style so that rather than being fully double-spaced, the lines are spaced at 1.9, 1.8, or whatever appears visually acceptable. Leave a little more room between lines than you think you need.

Kind Regards,

Tom White, Washington
