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# Writing for E-Readers: Tips and Tricks to Craft Effective Briefs

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# Writing for E-readers: Tips and Tricks to Craft Effective Briefs

Tenielle Fordyce-Ruff

**W**ith the second wave of counties in Idaho ready for e-filing, it seemed like a good time to talk about the difference in document design for e-readers versus paper-readers. Put simply, people have different expectations and read differently when they read on a screen, according to reading experts Laura Levey and Chad Baruch.

Computer readers skim more frequently than paper readers, navigating text rapidly. They seek out headers and summaries, tending to read the first paragraph of a text then skim the remainder. Research suggests that when people read on screens, ‘sustained attention seems to decline’ and retention suffers.<sup>1</sup>

Because reading on screen takes more mental effort, the reader devotes less mental energy to comprehension.<sup>2</sup> And screen-readers pay more attention to the information at the top left and less on the bottom right as their eyes move in a pattern that resembles an “F”<sup>3</sup>

Wow! The implications for attorneys could be overwhelming: the judge is now more likely to skim and absorb less of the content of every filing. So how can an advocate file an effective brief on a complex issue of law when he knows the reader wants easily accessible information at her fingertips? This essay will provide tips that can help brief writers meet the readers’ expectations and still effectively advocate for their clients.

## Provide summaries

As early as possible (as soon as the rules allow), provide the reader with a summary. Note here that I



suggest a summary rather than a roadmap. Screen-readers are impatient and want to get to the good stuff right away. Summaries should contain substance and advance your reasoning and argument rather than simply point the reader to where to locate general topics.

## Provide introductions

While introductions are always important in good legal writing, they are even more important with the beginning of e-filing. Take the time to introduce the reader to your client’s case, set out your argument, and explain the legal and factual basis for why your client should win.

Good introductions also eschew legalese. They are short, sweet, and plain.

*Ms. Smith lives in Georgia and hosts a blog. Mr. Jones runs a restaurant in Idaho. An anonymous commenter posted false information about Jones’s restaurant on Smith’s blog. Ms. Smith has never been to Idaho,*

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Summaries should contain substance and advance your reasoning and argument.

*yet the Plaintiff asks this court to exercise jurisdiction over her based on an another’s writing.*

This short intro engages the reader while providing a short and sweet overview of the facts and argument in three sentences.

## Use topic sentences

Because screen-readers pay more attention to the beginning of paragraphs, it’s particularly important to use a topic sentence for each para-

graph. Make sure each paragraph begins with a strong sentence that summarizes the content of the paragraph. Also, while some of us were taught that topic sentences could come at the end of a paragraph, do not follow that odd practice.

### **Use headings (and align them on the left)**

Knowing that the screen-reader is more likely to skim and jump around the text, make your document more easily skimmable by providing frequent headings. And use left justification to play to the e-reader's tendency to pay closer attention to information on the left-hand side of the screen.

In addition to the main headings (Facts, Argument, Conclusion), use short sentence type headings for the main issues in the argument and consider adding phrase or clause type headings in other sections. For instance, the fact section could include the following headings:

*Ms. Smith's Blog*

*The Anonymous Comments and Reactions*

*The Underlying Lawsuit*

*The District Court's Decision*

Using short headings throughout will make the brief more readable and understandable.

### **Be brief**

While all writing should be as short as possible to be clear, complete, and correct, e-briefs should be even more concise (and I do mean concise when I use short here). Screen readers tend to have less patience in addition to absorbing less material.

When editing for conciseness, eliminate verbosity, eliminate unnecessary passive voice, and use active predicates and concrete subjects.<sup>4</sup>

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Using visuals in briefs has always been available, but the tendencies of screen-readers to skim and want easily absorbable material means that writers should consider adding more visuals to illuminate facts and persuade judges.

### **Use clean fonts**

I've covered font choice and legibility before, but screen-readers will be doubly annoyed by fonts that make reading more difficult. Use a serif font that is simple and proportional, and consider using a larger font size if the rules allow.<sup>5</sup>

Also, avoid ALL CAPS and underlining. These are difficult enough to read on paper, but a screen-reader is even more apt to simply skip text in ALL CAPS or underlined text. If you want to ensure your frequent headings stand out, use consistent numbering, use bold or italics, or use a larger font size. These choices allow the headings to grab the reader's attention.

### **Use more white space**

The use of white space allows readers to focus. Screen-readers simply need more white space in a document to allow them to understand more easily. Here are a few simple tips to increase the white space in an e-filing.

- Add an extra space between paragraphs and sections
- Use frequent headings
- Use shorter paragraphs
- Break up chunks of information

This bullet-pointed list would be very easy for a screen-reader to ab-

sorb. Think about using lists like it for any lists (like the elements of a cause of action).

### **Use visuals**

Using visuals in briefs has always been available, but the tendencies of screen-readers to skim and want easily absorbable material means that writers should consider adding more visuals to illuminate facts and persuade judges.

It's easy to insert a picture, chart, or map into a document formatted for e-filing. The use of these types of visuals helps the reader imagine the facts much more easily and can help them understand more deeply. Also, because of the technology, these images are much crisper than the photocopied map or picture of yesteryear.

### **Conclusion**

Rather than simply creating briefs as you always have and then converting them to .pdf and filing, use these tips to help your filings look better on the screen and help the screen-reader be able to absorb more of the content. And don't worry, even if the judge still prints your filings to read from paper, these tips will enhance the readability of the hard copy.

## Endnotes

1. Laura Lavey & Chad Baruch, *101 E-filing: How to Craft Effective Motions and Briefs in the Digital Era*, available at [www.wisbar.org/NewsPublications/WisconsinLawyer/Pages?Article.aspx?Volume=89&Issue=10&ArticleID=25200](http://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages?Article.aspx?Volume=89&Issue=10&ArticleID=25200).
2. Christyna Hunter, *The Physical Effects of E-Reading*, Public Libraries Online, available at <http://publiclibrariesonline.org/2014/02/the-physical-effects-of-e-reading/>.
3. Wayne Schiess, *Austin Lawyer* ii (Dec. 2012/Jan. 2013).
4. For more detailed tips on conciseness, see my article in the January 2013 edition of *The Advocate*. Tienielle Fordyce-Ruff, *Five Tips to Combat Verbosity*, 56-JAN Advocate (Idaho) 48.
5. More information on fonts and typography is available at Tienielle Fordyce-Ruff, *Words on the Page: Font Matters*, 57-MAY Advocate (Idaho) 50 and Tienielle Fordyce-Ruff, *Typography Matters: Document Design*, 57-DEC Advocate (Idaho) 44.

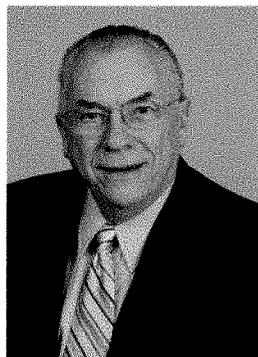
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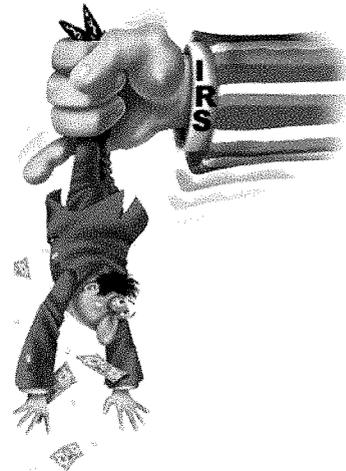
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