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Words on the Page: Font Matters

Tenielle Fordyce-Ruff

As a grade-schooler I learned penmanship. As a high-schooler I learned typing, on a typewriter! I went to my first semester of college with a word processor. **By the time I hit law school, I had a laptop.**

But I never thought much about the font of my work beyond making sure it looked professional. My font of choice: Times New Roman. My Legal Writing Professor required it, so I set the default and never looked back.

Fast forward to a few days ago. I'm discussing point headings with my class, and a student raises her hand. "Professor, why are these in all caps? It makes them so hard to read." Hmm, I pondered—that's just how they are done.

Of course, that doesn't mean all caps is the best choice. I went looking for more information on typeface and how it might affect the reader. Typography, interestingly, is a bit of a hot issue amongst legal writers right now. Turns out, the way words look on a page affects not only the *readability* of the document: the *believability* of the content can change based on font.

This month we will explore how the ways that words look on a page can help (or hurt) your argument by looking at fonts.

Legibility

Legibility means the ease of reading. Factors that affect ease of reading include type and size of font, width of the line, and ratio of black (ink) and white (paper). Each of these factors can make anything much easier or more difficult for the reader. This month, let's stick to fonts.



LEGIBILITY: BLOCK CAPITALS

As it turns out, telling my students to use all caps was bad advice. Readers recognize words mostly by shape, not by the letters. Eliminating the ascenders (letters that go up, like "t" and "h") and descenders (letters that go down, like "g" and "p") also eliminates help the reader gets from shape. That increases the reader's cognitive load, or simply put, makes reading much more difficult. Try reading this:

THE EQUAL RIGHTS AMENDMENT WAS INTRODUCED INTO EVERY CONGRESS BETWEEN 1923 AND 1972, WHEN IT WAS PASSED AND SENT TO THE STATES FOR RATIFICATION. THE ORIGINAL SEVEN-YEAR TIME LIMIT IN THE ERA'S PROPOSING CLAUSE WAS EXTENDED BY CONGRESS TO JUNE 30, 1982, BUT AT THAT DEADLINE, THE ERA HAD BEEN RATIFIED BY 35 STATES, THREE STATES SHORT OF THE 38 REQUIRED TO PUT IT INTO THE CONSTITUTION.

In case you didn't make it through that paragraph, here it is again:

The Equal Rights Amendment was introduced into every Congress between 1923 and 1972, when it was passed and sent to the states for ratification. The original seven-year time limit in the ERA's proposing clause was extended by Congress to June 30, 1982, but at that deadline, the ERA had been ratified by 35 states, three states short of the 38 required to put it into the Constitution.

Most readers (around 90%) prefer the regular font. Reading in all caps takes more energy and slows down reading. Make your reader happy and avoid **BLOCK CAPITALS**. Instead, vary your fonts to draw your reader's attention.

The sex-based classification in Section 15-314 of the Idaho Code, established for a purpose unrelated to any biological difference between the sexes, is a "suspect classification" proscribed by the fourteenth amendment to the United States Constitution.



A. Sex as a Suspect Classification.

Commanding a preference for men and the subordination of women, Section 15-314 of the Idaho Code reflects a view, prevalent in the law a generation ago that, with minimal justification, the legislature could draw “a sharp line between the sexes.” *Goesaert v. Cleary*, 335 U.S. 464, 466 (1948). Similarly, it was once settled law that differential treatment of the races was constitutionally permissible. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

The change for the point heading draws the reader’s attention, but is also much more readable than the block capital option:

A. SEX AS A SUSPECT CLASSIFICATION.

Legibility: Serif Fonts

When trying to increase legibility, stick to serif fonts. These are more readable than sans serif fonts. Scratching your head? Let me give you a quick course on font lingo.

A “serif” is the extra little dangly part on the bottom of letters. Look carefully at the next sentence, and you will most easily see this on the letters “m” and “n.”

Serif fonts have this extra line on the bottom of letters; sans serif fonts don’t.

Turns out, fonts that have serifs make large blocks of text easier to read. Compare:

We note finally that if section 15-314 is viewed merely as a modifying appendage to section 15-312 and as aimed at the same objective, its constitutionality is not thereby saved. The objective of section 15-312 clearly is to establish degrees of entitlement of various classes of persons in accordance with their varying degrees and kinds of relationship to the intestate. Regardless of their sex, persons within any one

of the enumerated classes of that section are similarly situated with respect to that objective. By providing dissimilar treatment for men and women who are thus similarly situated, the challenged section violates the Equal Protection Clause.

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Was the second paragraph easier to read? Did you get through it faster?

Font and Credibility

So we can use fonts to make our work easier to read, but it turns out a simple change in font can also make our writing more believable.

In 2012, Errol Morris of the *New York Times* experimented on the newspaper’s readers. He wanted to know the effect of typeface on credibility. Turns out, the font information is presented in can make it more believable.

Which sentence is the most believable?

The 19th amendment guarantees all American women the right to vote. (Helvetica)

The 19th amendment guarantees all American women the right to vote. (Times New Roman)

The 19th amendment guarantees all American women the right to vote. (Baskerville old face)

The 19th amendment guarantees all American women the right to vote. (Comic Sans)

The 19th amendment guarantees all American women the right to vote. (Georgia)

That sentence is true no matter what font. According to Morris’s study, the sentence in Helvetica is the most believable, while that in Comic Sans is the least believable. So, when constructing your next great argument, don’t let your font choice dissuade the reader.

Conclusion

Curiously, the most believable font is a sans serif font. For what it’s worth, I would advise using a slightly less believable but more legible font. Try using Georgia for your next document. It’s a little softer than the Baskerville I’ve used for most of this essay, so it has a great balance of legibility and believability. It just might make enough of a difference!

Sources

- www.badlanguage.net/typography. Errol Morris, *Hear All Ye People; Harken, O Earth* (Part I).
- Ruth Ann Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, Fall 2004 JALWD

About the Author

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