

Typography & Public Perception of Law

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When I started a website devoted to typography for lawyers, I thought it would appeal to a handful of curious characters like myself. But as its popularity grew, I realized that a lot of lawyers wanted to care about typography. They just didn't know where to start.

Typography isn't a substitute for strong, clear writing. But it can make any writing better. Typography matters because it reinforces the meaning of a text and conserves reader attention. While these are important considerations for any document a lawyer creates — is there a situation where you'd want your work ignored? — they're particularly important for documents that the public will read.

Why? Unless you were born with a Bates stamp in your hand, try to remember what life was like before law school. As a member of the public, you were confronted with a stream of documents created by lawyers: Apartment leases. Credit-card agreements. Software licenses. Product warranties. Liability waivers. Insurance contracts.

What do you remember about the typography of these documents? Let me guess — horrible. And what do you remember about the substance of these documents? Let me guess — you didn't really read them.

Somewhere, a lawyer for a credit-card company is dancing a little jig. “Hey, we sent you the agreement, it's not our fault that you didn't read the acre of six-point type that disclosed the 78% interest rate.”

But you know what, dancing lawyer? It is your fault. Maybe not in terms of legal liability. But you're responsible for the terrible typography. And every time someone has to wade through one of these documents, the public esteem for lawyers drops a little further. That's your fault.

“Butterick, you're overstating the case. Nobody pays that much attention to typography.” Lawyers are attuned to many of the nonverbal aspects of their work. Would you meet a prospective client at a Burger King, wear a track suit, and then talk with your mouth full of onion rings? Of course

not. As a lawyer, you know that the way you present yourself in person matters.

So how is it any different on the printed page? Good typography makes a document easier to understand and reflects positively on the writer. Here are some typographic tips that are particularly important to keep in mind if you're making a document intended for the public.

1. Typography creates the first impression of the document.

Judges and other lawyers are paid to read the documents we create, regardless of how bad they look. Members of the public, however, are not similarly constrained. An ugly document is a deterrent to reading just like onion-ring breath is a deterrent to conversation.

2. Aspire to the standards of professional typography.

Contrary to urban legend, there is no “legal typography” — there is only typography. So before you set that residential lease in a font like Arial Extra Bold Condensed, ask yourself: are any of your favorite books, newspapers, or magazines set in Arial Extra Bold Condensed? I doubt it. Lawyers sometimes behave as if ugly typography magically becomes more tolerable in a legal document. Trust me — it doesn't. And good typography can compensate for the fact that legal documents are often a slog to get through.

3. ENOUGH OF THE ALL-CAPS PARAGRAPHS.

EXCESSIVE CAPITALIZATION IS ONE OF THE MOST RELIABLE TYPOGRAPHIC TICS OF LAWYERS WHO CREATE CONSUMER CONTRACTS. ALL-CAPS TEXT DOESN'T ENCOURAGE READERS TO PAY MORE ATTENTION TO A PARAGRAPH. ON THE CONTRARY, IT CHASES THEM AWAY. STOP IT ALREADY.

4. Enough of the fine print too.

Congratulations, fine-print-loving lawyers: it took decades, but you succeeded in making “fine print” an idiom connoting evasion and deception. For all other lawyers: unless those are qualities you strive for, avoid using fine print. Instead, use more paper (or better, fewer words).

“But nobody at my firm is going to listen to my opinions about typography.” One of the reasons I wrote a book about typography is so lawyers could cite to authority when disputes arose about whether to use bold italic fonts. (Answer: don’t.)

But past that, proponents of good typography prevail when they lead by example, not by decree. If you can’t convince your colleagues, apply the techniques of good typography to your own work where you can. Sooner or later people will say, “Hey, why do your documents look better?” That’s how you win.

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