

**LEGAL TYPOGRAPHY IN WISCONSIN—MAKING
YOUR BRIEFS MORE READABLE
AND PERSUASIVE**

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Write Away: Effective Legal Writing in 2019
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LEGAL TYPOGRAPHY IN WISCONSIN—MAKING YOUR BRIEFS MORE READABLE AND PERSUASIVE

I. WHY SHOULD ANYONE CARE ABOUT TYPOGRAPHY?¹

The goal of legal writing is to persuade one’s reader.² But before you can persuade, you must first hold your reader’s attention.³ If your reader’s attention expires, you lose any chance at persuading them.⁴ And “readers with limited attention are more likely to make judgments based on typography.”⁵

In the case of the judiciary and its staff, they aren’t doing you a favor—it’s their job to read and digest what you submit.⁶ And that job almost always entails competition for their attention with stacks of other briefs, filings, and submissions.⁷ Given “multiple documents, readers will make more judgments based on typography as they find it harder to make judgments based on substance.”⁸ As the late U.S. Supreme Court Justice Antonin Scalia and longtime *Black’s Law Dictionary* Editor in Chief Bryan Garner explained, a “brief that is an ugly typeface, with crowded lines, will not invite careful perusal.”⁹

Therefore, because a reader’s attention is essential to an advocate’s ability to persuade, any tool that encourages that attention is both valuable and vital.¹⁰ Typography is one of those tools.¹¹ Good typography enables the reader to devote less energy to deciphering writing and more to considering it.¹² In this way, “[g]ood typography is measured by how well it reinforces the goals of the text.”¹³

¹ I would like to extend special thanks to Matthew Butterick, alongside whom I’ve presented this paper twice before and upon whose excellent work I’ve ~~brazenly plagiarized~~ heavily relied.

² MATTHEW BUTTERICK, *TYPOGRAPHY FOR LAWYERS: ESSENTIAL TOOLS FOR POLISHED & PERSUASIVE DOCUMENTS* 24 (2d ed. 2015) [hereinafter *TYPOGRAPHY FOR LAWYERS*].

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 28.

⁶ *See id.* at 23.

⁷ *Id.*

⁸ *Id.* at 28.

⁹ *See* HON. ANTONIN SCALIA & BRYAN A. GARNER, *MAKING YOUR CASE: THE ART OF PERSUADING JUDGES* 136 (Thomson/West 2008).

¹⁰ *See* *TYPOGRAPHY FOR LAWYERS* at 24.

¹¹ *Id.* “[T]ypography is the visual component of the written word.” *Id.* at 235.

¹² *See id.*

¹³ *Id.* at 29.

Typography will never be confused for or trump substantive content, but it will absolutely improve your writing’s appearance and legibility.¹⁴ As the Seventh Circuit has observed, while typographically superior briefs “won’t make your arguments better,” they “will ensure that judges grasp and retain your points with less struggle.”¹⁵ That, the court candidly acknowledges, is a “valuable advantage, which you should seize.”¹⁶ In this way, utilizing good typography can absolutely make already good writing even better.¹⁷ Such nuanced degrees of persuasion can make your brief stand apart from the others in the court’s stack.¹⁸

II. TYPOGRAPHY RESOURCES UPON WHICH TO RELY

The primary legal typography resource you should have in your office is Matthew Butterick’s essential *Typography for Lawyers*.¹⁹ As Professor Garner has noted, if “Matthew Butterick didn’t exist, it would be necessary to invent him.”²⁰ His unique background as an attorney as well as a Harvard-educated typographer and font designer gives Mr. Butterick a unique appreciation not only of the pragmatic science of brief-writing but the nuanced art of it as well.²¹ His writing is informative, funny, and frank.

Of note, Mr. Butterick has also released a free web-based typography guide at <https://practicaltypography.com/> that largely if not identically tracks the typographical recommendations contained in his *Typography for Lawyers*.²²

The other typographical resource you should consult—if for no other reason than an actual court promulgated it—is the Seventh Circuit’s compact yet excellent *Requirements and Suggestions for Typography in Briefs and Other Papers*.²³

¹⁴ UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, REQUIREMENTS AND SUGGESTIONS FOR TYPOGRAPHY IN BRIEFS AND OTHER PAPERS 4, available at <http://www.ca7.uscourts.gov/forms/type.pdf> (last visited Nov. 18, 2019) [hereinafter SEVENTH CIRCUIT TYPOGRAPHY].

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See TYPOGRAPHY FOR LAWYERS at 24.

¹⁸ *Id.* at 28.

¹⁹ TYPOGRAPHY FOR LAWYERS.

²⁰ *Id.* at 9.

²¹ See *id.* at 34, 239.

²² MATTHEW BUTTERICK, PRACTICAL TYPOGRAPHY, <https://practicaltypography.com/> (last visited Nov. 18, 2019).

²³ SEVENTH CIRCUIT TYPOGRAPHY

Other typographical tomes no doubt exist that merit perusal and consideration (some of which are cited throughout this paper),²⁴ but these are the main two I consider to represent the most effective use of one’s limited six-minute nonbillable increments.

III. TYPOGRAPHICAL TIPS, TRICKS, AND TRAPS

What follows are some of the most frequently encountered typographical traps and recommended remedial best practices that are the most helpful to one’s practice. Consequently, this discussion is not—and is not intended to be—comprehensive.

A. Fonts²⁵

The readability of your written work product is crucial to its ability to hold the reader’s attention long enough to persuade.²⁶ Because legal writing—apart from an occasional graphic, table, or chart—is *entirely* composed of words set in a given font—the choice of font is the single most consequential typographical election an author can make. So make a good one.

1. Body text

The text that forms the main content your document is referred to as “body text.”²⁷ That is, body text is any text in your document that follows a paragraph structure. In short, body text is generally all text in a document that is not contained in a heading.

For body text, serif fonts are highly recommended.²⁸ “Serifs” are the short lines stemming off of and which are more or less perpendicular to the upper and lower ends of the strokes of a letter.²⁹ That is, “[s]erifs are small horizontal or

²⁴ And many more are noted both in *Typography for Lawyers* and in SEVENTH CIRCUIT TYPOGRAPHY. TYPOGRAPHY FOR LAWYERS at 230–33; SEVENTH CIRCUIT TYPOGRAPHY at 4.

²⁵ Historically, a distinction was made between referring to a *typeface* (the overall family of type—e.g., Century) and *fonts* (the specific instance of type from that family—Century Schoolbook set in 14-point roman). TYPOGRAPHY FOR LAWYERS at 115. But with the demise of the letterpress age, Professor Garner has observed that “[t]echnology has changed the meaning of th[e] term,” font, which now “most often denotes a whole family of styles.” BRYAN A. GARNER, GARNER’S MODERN AMERICAN USAGE 365 (3d. ed. 2009); see TYPOGRAPHY FOR LAWYERS at 115.

²⁶ TYPOGRAPHY FOR LAWYERS at 24.

²⁷ *Id.* at 145.

²⁸ *Id.*

²⁹ *Serif*, MERRIAM-WEBSTER DICTIONARY (2019). *Serif* is pronounced to rhyme with with “sheriff”, not “sir reef.” TYPOGRAPHY FOR LAWYERS at 81.

vertical strokes at the ends of the lines that make up ... letters and numbers.”³⁰ Yet another description is that serif fonts have “‘feet’ protruding from the ends of the vertical strokes”—these “feet are the serifs.”³¹ Below is the example of serifs used by the Seventh Circuit, whereby the capitalized Y on the left has serifs while the one on the right does not.³²



While limiting body text to serif fonts is unquestionably a traditional approach, it nevertheless remains the best one—favored by books, magazines, newspapers, and commercial printers.³³ This is because studies show that “long passages of serif type are easier to read and comprehend.”³⁴ This is why both the Federal and Wisconsin Rules of Appellate Procedure require all non-heading or -caption font to have serifs.³⁵

Although serif system fonts like Times New Roman are ubiquitous, they are not necessarily the best typographical choice to use for the body text in your briefing.³⁶ This is due both to their structure and their abundant availability.³⁷

Structurally, many system fonts have been optimized for the screen, not print.³⁸ This results in them looking “chunky” on the printed page.³⁹ Keep in mind that printing to or saving a document as a pdf is functionally the same as printing it to paper. This is due to the fact that pdfs preserve the formatting in a document exactly—including fonts.⁴⁰ This is true even if the reader doesn’t have installed on their computer the font used in the document.⁴¹ Because most every litigation

³⁰ SEVENTH CIRCUIT TYPOGRAPHY at 2.

³¹ TYPOGRAPHY FOR LAWYERS at 81.

³² SEVENTH CIRCUIT TYPOGRAPHY at 2.

³³ TYPOGRAPHY FOR LAWYERS at 145; SEVENTH CIRCUIT TYPOGRAPHY at 2.

³⁴ SEVENTH CIRCUIT TYPOGRAPHY at 2.

³⁵ Compare FED. R. APP. P. 32(a)(5)(A), with WIS. R. APP. P. 809.19(8)(b)–(c).

³⁶ See SEVENTH CIRCUIT TYPOGRAPHY at 3; TYPOGRAPHY FOR LAWYERS at 78. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

³⁷ TYPOGRAPHY FOR LAWYERS at 78.

³⁸ *Id.* And some system fonts like Georgia were optimized for the bygone screen era of the 1990s, so have limited utility with modern, high-resolution screens. *Id.* Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

³⁹ *Id.*

⁴⁰ *Id.* at 222, 229.

⁴¹ *Id.* at 229.

document that is electronically filed nowadays must first be converted to pdf, typefaces optimized for print are preferable to those optimized for screen reading.⁴²

If you must use a system font, consult either or both *Typography for Lawyers* and the Seventh Circuit’s typography guide for recommendations.⁴³ Be aware, however, that some of the system fonts Mr. Butterick views as questionable or even fatal to a writer’s credibility, the Seventh Circuit favors—i.e., Baskerville and Bookman Old Style.⁴⁴ They agree on others—Book Antiqua, Century Schoolbook, and Palatino.⁴⁵ The U.S. Supreme Court favors Century family fonts as well.⁴⁶

As for Times New Roman itself, practitioners should “do better” than choosing to use it simply due to its ubiquity as a default system font.⁴⁷ Times New Roman “*connotes apathy*.”⁴⁸ It says, “I submitted to the *font of least resistance*.”⁴⁹ Employing Times New Roman in legal writing “is not a font choice so much as the *absence of a font choice*, like the blackness of deep space is not a color.”⁵⁰ Put another way, “[t]o look at Times New Roman is to *gaze into the void*.”⁵¹

First created for use in the *Times* of London in 1929, Times New Roman was designed to be slim, allowing for more text to be included in the narrow newspaper columns of the day.⁵² Its prominence in the *Times* led Times New Roman to turn into a “workhorse font” over the ensuing decades that is nominally the default serif

⁴² *Id.* at 171; *see* 5TH CIR. R. 25.2.4, 30.1.2, 31.1; WIS. R. APP. P. 809.19(12)(c).

⁴³ *Compare* TYPOGRAPHY FOR LAWYERS at 79, *with* SEVENTH CIRCUIT TYPOGRAPHY at 5.

⁴⁴ *Compare* TYPOGRAPHY FOR LAWYERS at 79, *with* SEVENTH CIRCUIT TYPOGRAPHY at 5. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁴⁵ *Compare* TYPOGRAPHY FOR LAWYERS at 79, *with* SEVENTH CIRCUIT TYPOGRAPHY at 5. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁴⁶ U.S. SUP. CT. R. 33(1)(b). Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁴⁷ TYPOGRAPHY FOR LAWYERS at 118–19. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁴⁸ *Id.* at 119 (emphasis added). Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁴⁹ *Id.* (emphasis added).

⁵⁰ *Id.* (emphasis added). Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁵¹ *Id.* (emphasis added).

⁵² *Id.* at 119; SEVENTH CIRCUIT TYPOGRAPHY at 5. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

font available on most word-processing platforms.⁵³ Before most appellate rules throughout the country were modernized to limit words instead of pages, fonts like Times New Roman had some utility in enabling attorneys to “shoehorn more argument into a brief.”⁵⁴ But now, “everyone gains from a more legible typeface, even if that means extra pages.”⁵⁵

For those wishing to experiment with professional fonts, *Typography for Lawyers* contains invaluable recommendations worth reviewing.⁵⁶ Personally, I use the serif font Mr. Butterick developed specially for lawyers—Equity—in all my state-court filings.⁵⁷ Indeed, I have used it throughout this paper as well. For all my federal filings, I follow the U.S. Supreme Court’s lead and use only Century fonts. Specifically, I use a Century font Mr. Butterick designed called Century Supra (used in this sentence) that is narrower than the more ungainly Century Schoolbook system font.⁵⁸

2. Headings

Headings can employ either serif or sans serif fonts.⁵⁹ However, the Federal Rules of Appellate Procedure contemplate using sans serif typeface in headings.⁶⁰ To this end, and to more quickly visually distinguish sans serif headings from the serif body text that follows, I prefer to use sans serif headings for briefs outside of the U.S. Supreme Court.⁶¹ Generally, serif and sans serif fonts by the same designer work well in tandem.⁶² The sans serif font I use in my state and most of my federal

⁵³ TYPOGRAPHY FOR LAWYERS at 119. Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁵⁴ SEVENTH CIRCUIT TYPOGRAPHY at 5. *See, e.g.*, FED. R. APP. P. 32(a)(7)(B); WIS. R. APP. P. 809.19(8)(c). Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁵⁵ SEVENTH CIRCUIT TYPOGRAPHY at 5.

⁵⁶ TYPOGRAPHY FOR LAWYERS at 112–18.

⁵⁷ *See* EQUITY DESIGNED BY MATTHEW BUTTERICK, <https://typographyforlawyers.com/equity.html> (last visited Nov. 18, 2019).

⁵⁸ *See* CENTURY SUPRA DESIGNED BY MATTHEW BUTTERICK, <https://practicaltypography.com/century-supra.html> (last visited Nov. 18, 2019).

⁵⁹ TYPOGRAPHY FOR LAWYERS at 109–10. Sans is pronounced to rhyme with “hands” not “cons.” TYPOGRAPHY FOR LAWYERS at 81.

⁶⁰ FED. R. APP. P. 32(a)(5)(A).

⁶¹ *See* TYPOGRAPHY FOR LAWYERS at 110.

⁶² *Id.*

briefing is Mr. Butterick’s **Concourse**, which naturally pairs with his serif font, Equity.⁶³ The headings in this paper have all been set in **Concourse** font.

3. *Real small caps*

Another reason to consider using non-system fonts is that only professional fonts offer real small caps.⁶⁴ Using MS Word’s small caps font formatting option produces only “inferior counterfeit” approximations of small caps, but not true small caps.⁶⁵ An example of the difference in appearance is below, with MS Word’s facsimile of small caps above and authentic small caps below.⁶⁶

WITNESS PROTECTION

WITNESS PROTECTION

The two body texts I use in state (Equity) and federal (Century Supra) briefing also offer excellent true small-cap options:

EQUITY SMALL CAPS VERSUS CENTURY SUPRA SMALL CAPS.⁶⁷

B. Margins

The margins of a page form the boundaries within which all text resides.⁶⁸ Most form rules specify that margins must be *at least* one inch on all sides.⁶⁹ But one inch is not enough.⁷⁰ With body text set in 12-point font, page margins should be somewhere between 1.5 and 2 inches.⁷¹ By way of example, this paper is set with inch and a half margins. Most court rules will allow for margins larger than the default minimum of one inch.⁷²

Generally, line length (i.e., the distance between the left and right edges of a text block) is inversely proportional to margin size.⁷³ That is, “as page margins

⁶³ See *id.*; see also CONCOURSE DESIGNED BY MATTHEW BUTTERICK, <https://practicaltypography.com/concourse.html> (last visited Nov. 18, 2019). Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁶⁴ TYPOGRAPHY FOR LAWYERS at 104–05.

⁶⁵ *Id.*

⁶⁶ *Id.* at 104.

⁶⁷ Any font mentioned in the sentence, *ante*, has been set in that typeface as an exemplar.

⁶⁸ See TYPOGRAPHY FOR LAWYERS at 141.

⁶⁹ See, e.g., FED. R. APP. P. 32(a)(4).

⁷⁰ See, e.g., TYPOGRAPHY FOR LAWYERS at 141.

⁷¹ *Id.*

⁷² See, e.g., FED. R. APP. P. 32(a)(4).

⁷³ TYPOGRAPHY FOR LAWYERS at 140–41.

increase, line length decreases.”⁷⁴ Wisconsin practitioners should keep in mind Wisconsin Appellate Rule of Procedure 809.19(8)(b)(3)(c)’s requirement that line length be limited to just **60** characters.⁷⁵ This limit is squarely within the recommended line-length recommendation of 45–90 characters.⁷⁶ That said, it will likely require margins more narrow than the 1.5 inch margins used herein, which allow an average line length (including spaces) of around **80** characters.

C. Sentence Spacing

Sentences should only be separated by *one* space—not *two*.⁷⁷ Utilizing two spaces between sentences in proportionally-spaced type⁷⁸ leads to undesirable “rivers” of wide, meandering white space throughout the text.⁷⁹

I understand the typographic outrage this pronouncement may evoke—I used to be an avowed “two-spacer” myself. My argument was that having two spaces after a sentence helped more effortlessly orient one’s eye to the sentence structure on a given page. While I still think that’s nominally true, I find now that I do indeed prefer one space to two, and that the text flows much better without the extra space. Plus, doublespacing is a “quaint, Victorian habit” from the typewriter era that has no place in digital drafting and publication.⁸⁰

D. Heading Placement

Semantically, headings relate to the text that follows them.⁸¹ Therefore, and in order to avoid having headings stranded at the bottom of a page without any text below, turn on the “keep with next” option in the paragraph setting of MS Word.⁸² This will ensure that a heading is always found on the same page as the text below

⁷⁴ *Id.* at 141.

⁷⁵ WIS. R. APP. P. 809.19(8)(b)(3)(c).

⁷⁶ TYPOGRAPHY FOR LAWYERS at 140.

⁷⁷ *Id.* at 41–44; SEVENTH CIRCUIT TYPOGRAPHY at 5.

⁷⁸ Proportionally-spaced fonts are all those that employ characters of varying widths, as compared to monospaced fonts in which every character has the same width. TYPOGRAPHY FOR LAWYERS at 77. Monospaced fonts (like *Courier*) were developed to suit the mechanical constrictions of typewriters and are far less readable than their modern-day proportional successors. *Id.* Only proportionally-spaced fonts are discussed and employed in this paper. Remember, “[t]here are no good reasons to use monospaced fonts” — “so don’t.” *Id.* Any font mentioned in this sentence has been set in that typeface as an exemplar.

⁷⁹ SEVENTH CIRCUIT TYPOGRAPHY at 5.

⁸⁰ TYPOGRAPHY FOR LAWYERS at 41, 43 (quoting ROBERT BRINGHURST, THE ELEMENTS OF TYPOGRAPHIC STYLE 29 (4th ed. 2013)); SEVENTH CIRCUIT TYPOGRAPHY at 5.

⁸¹ TYPOGRAPHY FOR LAWYERS at 157.

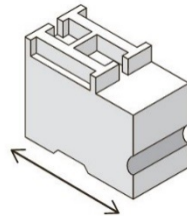
⁸² *Id.* at 160.

it.⁸³ For that matter, also turn on the “keep lines together” option in the paragraph setting of MS Word.⁸⁴ This option will keep heading text together and prevent it from breaking across a page.⁸⁵ Both of these tricks will keep your reader from being forced to jarringly flip or scroll to another page to find either the rest of a heading or the body text that explicates it.

Finally, make the space between a heading and the text below it smaller than between the heading and the text that precedes it.⁸⁶ This visually orients the reader’s eye and associates the heading with the text that it introduces.⁸⁷ In my briefing and in this paper, I accomplish this by setting in the paragraph module of MS Word the spacing before a heading to 12 points but just 6 after.

E. En and Em Dashes

Interestingly, the terms, “en” and “em” don’t, in fact, refer to the horizontal distance above an “m” as compared to an “n.”⁸⁸ In practice, however, the em dash is usually about as wide as a capital H, while the en dash is roughly half as wide.⁸⁹ The em and en dash are actually yet more artifacts of the typesetting age, where an “em” was a typographical unit of measurement spanning the vertical distance from the top of a piece of type to the bottom, as shown below.⁹⁰



In turn, an “en” measured half that distance.⁹¹ In modern digital fonts, however, both em and en dashes run more narrowly than they did historically.⁹²

The differing applications of “em” and “en” dashes—not to mention hyphens—are often confusing. En dashes should always be used when denoting a

⁸³ *Id.*

⁸⁴ *Id.* at 158.

⁸⁵ *Id.*

⁸⁶ *Id.* at 157.

⁸⁷ *Id.*

⁸⁸ *Id.* at 46.

⁸⁹ *Id.*

⁹⁰ *Id.* at 47.

⁹¹ *Id.*

⁹² *Id.*

range of values (“1–6”),⁹³ and em dashes are utilized to set off words, phrases, or short sentences that clarify or elaborate on the preceding text.⁹⁴ Em dashes can also be used effectively to highlight a parting thought at the end of a sentence, in which case only a preceding em dash is needed.

While there is some debate what precise role an em dash should play in one’s writing—whether it interchangeably replaces a colon, semicolon, or parentheses; or whether it operates as a stronger alternative to a comma, but weaker than a colon, semicolon, or parentheses⁹⁵—it is generally underused in legal writing.⁹⁶ Typically, I use em dashes when I want to emphasize a point visually more so than could be done with just a comma, or if the preceding passage is already replete with commas and adding more would only disorientate the reader.

Below are the handy keyboard shortcuts for en and em dashes in Windows, Apple, and HTML.⁹⁷

		WINDOWS	MAC OS	HTML
-	hyphen	-	-	-
—	en dash	<i>alt 0150</i>	<i>option + hyphen</i>	–
---	em dash	<i>alt 0151</i>	<i>option + shift + hyphen</i>	—

F. Nonbreaking Spaces

To avoid forcing a reader to awkwardly roll back to the beginning of a new line on the opposite side of the page, nonbreaking spaces should be used before any numeric or alphabetic reference including between section symbols and section numbers (“§ 1983”), as well as between pilcrow and the paragraph they reference (“¶ 9”).⁹⁸ See below for the keyboard shortcuts to inserting pilcrow and section symbols.⁹⁹

		WINDOWS	MAC OS	HTML
¶	paragraph mark	<i>alt 0182</i>	<i>option + 7</i>	¶
§	section mark	<i>alt 0167</i>	<i>option + 6</i>	§

⁹³ *Id.*

⁹⁴ *See id.*

⁹⁵ *See id.*

⁹⁶ *See id.*

⁹⁷ *Id.* at 46.

⁹⁸ *Id.* at 45, 61–62; OFFICE OF THE SOLICITOR GENERAL, THE SOLICITOR GENERAL’S STYLE GUIDE 111 (Jack Metzler ed., 3d ed. 2018) [hereinafter SOLICITOR GENERAL’S STYLE GUIDE].

⁹⁹ TYPOGRAPHY FOR LAWYERS at 45.

In this fashion, nonbreaking spaces act as the “glue that keeps the mark joined with the numeric reference that follows.”¹⁰⁰ To this end, I prefer to use nonbreaking spaces with chapter designations (“ch. •3”), rule citations (“WIS. R. APP. P. •809.19”), and the like. Following the direction of the U.S. Solicitor General’s *Style Guide*, I also insert nonbreaking spaces in certain two-word terms like “United •States”; procedural phrases like “per •curiam,” “pet. •denied,” “en •banc,” “orig. •proceeding,” “mem. •op.”; or within reporter citations (“137 •S. •Ct. •1718” or “1 •S.W.3d •75”), including in short-cites between “at” and the pincite (“1 •S.W.3d at •75”).¹⁰¹

Basically, my preference is to never strand a procedural descriptor or a source numeral so that the reader has to search for the remainder of the citation. To insert a nonbreaking space, simultaneously depress the Ctrl, Shift, and Space Bar keys.¹⁰²

G. Ellipses, Curly Quotation Marks, and Apostrophes

There are several common marks used throughout legal writing that have typographically correct forms that are quite different from their more commonly-used counterfeits. This section discusses how to utilize the correct versions of each.

1. ... *not* ••••• or •••••

We all know that an ellipsis indicates an omission in quoted material.¹⁰³ But fewer of us realize that an ellipsis is an actual punctuation mark and not simply three periods strung together with or without intervening spaces.¹⁰⁴ But using successive periods in a row is a mere approximation of the actual character.¹⁰⁵ Simply typing three or four periods together is too short, and following the *Bluebook* rule of including spaces between each period—resulting in *seven* characters

¹⁰⁰ *Id.* at 45, 61.

¹⁰¹ See SOLICITOR GENERAL’S STYLE GUIDE at 111.

¹⁰² TYPOGRAPHY FOR LAWYERS at 61.

¹⁰³ *Id.* at 52.

¹⁰⁴ *Id.* at 52–53.

¹⁰⁵ *Id.* at 52.

(“.....”)—is too long.¹⁰⁶ But, as shown below, the actual ellipses mark not only has the correct spacing between the dots, it counts as only *one* character.¹⁰⁷

from a ... to z	WRONG
from a . . . to z	WRONG
from a ... to z	RIGHT

The keyboard shortcut to inserting an ellipsis is below.¹⁰⁸

	WINDOWS	MAC OS	HTML	
...	ellipsis	alt 0133	option + semicolon	…

2. “” not ""

As both the Seventh Circuit and *Typography for Lawyers* advise, “[u]se *real* typographic quotes (“ and ”) and real apostrophes (’), not foot [(‘)] and inch [(’)] marks.”¹⁰⁹ Indeed, the only reason the straight version of these marks exist is due to the mechanical constraints of typewriters when the physical space on metal typesets was limited.¹¹⁰

IV. GOING FORWARD

At the end of the day, each of these typographical recommendations are mere subtext. They are subtle ways to establish your credibility with the court before it even gets to the merits of your argument. In essence, employing these approaches signals to your reader that this is not your first rodeo.

Conversely, use of a straight quote, Times New Roman font, 1-inch margins, or a stranded heading may be viewed as glaring “tells” that either your preparation or skills are lacking. Avoid this inference—unfounded or not—at all costs. Following these typographical best practices not only ensures your baseline aptitude won’t be immediately questioned, but greatly increases your chances of holding the reader’s attention long enough to be able to persuade them.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ SEVENTH CIRCUIT TYPOGRAPHY at 5.

¹¹⁰ TYPOGRAPHY FOR LAWYERS at 39.