Understanding the Hidden Power of Fonts
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Abstract	Careful use of fonts can enhance—or destroy—the power of otherwise effective writing. Organizations should consider implementing guidelines and/or educating their employees how to best use fonts in their work.

Effective writing powers society. It provides guidance and instructions, memorializes history, and voices our most personal opinions and feelings. Within the legal community, lawyers obsess over finding the perfect words to express their legal arguments and conclusions, whether these words appear in court filings, contracts, opinion letters, correspondence, or any of the many ways that lawyers use writing in their work.

Effective writing, however, requires presentation as well as substance. The best-written document in the world is ineffective if no one reads it — and a great idea, presented poorly, may well be disregarded regardless of its strengths. Many lawyers think of presentation in terms of vocabulary and writing — hence lawyers' fixation on finding "perfect words" — but typographic fonts, the basic letters used to create those perfect words, also play a surprisingly important role.

Lawyers have a complex relationship with fonts. For lawyers filing documents in court, font choice is relatively straight-forward, as most courts have requirements as to which fonts and font sizes must be used in court filings. Like wearing a charcoal business suit to court, it might not be what you would use elsewhere in your life, but the rules are clear and unambiguous. However, outside of court, where a great deal of legal writing takes place, there are far fewer rules. In particular, as more and more writing takes place electronically and is never printed out (*i.e.*, e-mail, blogs, and web-sites), guidance for printed correspondence can actually be counterproductive when applied to electronic media.

Scientific studies have demonstrated that font choice and font size matters, especially when applied to digital-only presentation of text.[2] These and other studies used eye motion tracking and post-reading questionnaires to capture the impact of words and their presentation. Results were clear: Bayer *et al*. found that subjects reacted faster and more strongly to the same words when they were presented in a large font size than when they were presented in a smaller font size. Larson & Picard's study found that readers presented with an attractively typeset version of an article were consistently more engaged with the article and in an elevated mood compared to readers who read the same text presented in the `courier` font. However, this

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[2] *See e.g.*, Bayer, Sommer, and Schacht, "Font Size Matters—Emotion and Attention in Cortical Responses to Written Words" (2012); Larson and Picard, "The Aesthetics of Reading" (2007).

same study also found that comprehension of the underlying text was the same, whether the text was attractively presented or not—though study authors noted that participants were told in advance that they would be asked questions about what they read, which might have motivated readers of the "unattractive" version to read to the end, in spite of their reaction to the text.

Leveraging Fonts and Document Presentation Strategies

Scientific studies about the legibility, readability, and emotional impact of fonts are interesting in the abstract, but they also provide guidance for real-world writing.

1.   *Different Presentation Modes Require Different Fonts*

Many law firms and legal organizations have worked to create common branding and work product appearance across everything they produce, whether it's a court filing, blog post, or marketing brochure. Such organizations may want to review their policies for hardcopy and electronic content. Studies have shown that serif and san-serif fonts (*e.g.*, Times New Roman vs. Arial) are perceived differently, particularly when displayed digitally; computer screens display at a lower resolution than professionally printed hardcopy, meaning that serif fonts can appear less crisply on a computer screen than they do on paper.[3] Computer screens have continued to gain resolution since 2013, the date of the cited infographic, and while the newest 4K displays start to rival the 1000 DPI resolution of professionally printed publications, many computers and computer users still work with digital displays with far lower resolution. In addition, the increased use of smartphone and tablet screens to view content once viewed only on a large desktop computer display further increases the need for clear presentation, even on the scaled-down displays found on these devices.

2.   *Busy and Crowded Layouts Are A Distraction*

Outside of legal briefs, which have specific formatting guidelines set by their respective courts, law firms are free to set their own guidelines as to margins, line spacing, and other document formatting elements. Fonts play an important role here, too.

As noted by Mikael Cho in a 2017 article, our understanding of fonts and font size has changed considerably over time. In 1929, a study determined that the ideal font size for use in printed document was 10-point proportional type (even then, monospaced fonts like `courier` were disfavored, although they were very common due to technical limitations in typewriters of the time). Today, web designers routinely use 14-point proportional fonts as the default for narrative text, with even larger font sizes used for titles and other emphasized text. Even the courts have evolved significantly: a surprising number of courts have moved from 12-point to 14-point fonts as the required type size for court filings. Courts aside, science supports the use

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[3] *See*, *e.g.*, "Serif vs Sans: The Final Battle," http://www.urbanfonts.com/blog/2013/02/serif-vs-sans-the-final-battle/).

of larger typefaces for faster reading and possibly increased comprehension. Those same eye motion tracking studies mentioned earlier (and other studies, too) examined how humans read printed pages and computer screens. Our eyes do not track linearly across each row of text, but rather jump around the material. Larger letters and shorter blocks of text are easier for eyes to pick up and for the human brain to process.

In practical terms, organizations may want to think about the purpose of the documents that they create — and how to match fonts and font size to them. Marketing materials should probably be presented in larger text that flows easily to even a casual glance, with ample white space to focus the eye on the words. In addition, to the greatest extent possible, graphics should be placed so that they do not interfere with the flow of words. Contracts, which are often drafted in small type to compact voluminous language into fewer pages, may benefit from an analysis of how they will be read — in printed hardcopy or on a screen — and from the inclusion of more titles to separate the different contract provisions.

3. ***E-Mail Requires Special Sensitivity***

E-mail messages have replaced many of the traditional correspondence sent between attorneys, opposing counsel, clients, and even some courts. This makes a great deal of sense, as messages can be sent and received almost instantly, and the sending party can often obtain tracking information to show exactly when a message was sent and when it was read by the recipient. E-mail also remains a primary way that lawyers communicate with case team members and other internal members of their organization (as of this time, few law firms have embraced Slack and other team collaboration solutions). Thus, e-mail serves both as formal communication with outsiders and informal communication with insiders. This duality of e-mail's function can lead to problems, if not carefully managed.

Relatively few law firms and corporate law departments ban their employees from customizing the default backgrounds of their messages and choosing a font that personally appeals to them. After all, this is a no-cost way to boost morale and encourage creativity. However, some of those employees may not always remember to change their message formatting when switching from informal to formal communications — with comically predictable results. More than one senior government official, for example, has been reported as using the highly informal font comic sans for internal e-mail messages and then using the same font and background formatting when sending out official statements of agency policy. The policy statements might have the correct meaning, but their presentation was deeply flawed--and quickly ridiculed by recipients.

Basic education may be one simple way to help reduce the risk of embarrassing mismatch of content and presentation in e-mail messages. Everyone might laugh at extremely inappropriate examples of e-mail misuse, like termination notices delivered in comic sans, but an appropriate class or presentation can also provide tips and checklists for preparing appropriate

formal electronic communications. As an added benefit, a session on this topic will remind employees of the need to be careful in their own work.

Conclusion

While words are essential tools — and weapons, at times — in every legal practice, fonts and document formatting play a surprisingly important role in how successfully an intended message is communicated. Organizations should consider ways in which they can better educate their lawyers and other staff as to the value and power that good presentation can have — and the damage that can be done when inappropriate fonts and presentation cues are used in a document.