
Kluwer Arbitration Blog

Typography in Arbitration: An Underused Advocacy Tool?

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As arbitration lawyers, we often reflect on the power of the written word, but rarely do we consider the design's role in emulating the tone of the word or sentence. With the same emphasis as we strive not to talk in a monotone at a hearing, we should strive to give our written submission the typographic edge.

What is typography?

Typography is the art of arranging letters to make text legible, clear, and visually appealing to the reader. It involves font style, point sizes, line lengths, line-spacing and page layout. Typography aims to elicit certain emotions and convey specific messages.

In short, typography is what brings a text to life. It is the visual component of the written word.

Why should typography matter to arbitration lawyers?

Typography matters because it helps conserve the most valuable resource you have as an advocate: the tribunal's attention.

The goal of advocacy is persuasion. Attention is a precondition for persuasion. Once the tribunal's attention evaporates, your argument will not persuade. Typography is a tool to conserve the tribunal's attention and thus enable you to persuade.

Good typography helps your tribunal devote less attention to the mechanics of reading and more attention to your message. On the other hand, bad typography will divert your tribunal's attention and undermine your message.

Undisputedly, the quality is more important than the typography of your writing. But typography can make good writing even better, the same way an engaging speaking style makes a good opening statement better.

Aside from conserving the tribunal's attention, good typography also reflects professionalism. Before reading the first sentence of your submission, the tribunal will glance over the submitted text. This is the first impression that your submission will make on the tribunal. And first

impressions matter.

How do you improve the typography of your next arbitration submission?

Typography is visual, so it is alluring to assume that it is largely an artistic pursuit. At least in legal writing, this would be a misconception. Typography is above all utilitarian. Typography is for the benefit of the tribunal, not the advocate.

Effective typography should convey professionalism and hold the tribunal's attention without becoming a distraction. So we need to ask ourselves what conveys professionalism and helps the tribunal conserve attention when reading our submission.

As starting point, the typography should be consistent throughout your submission. For example, use the same font and point size for the main text, format headings according to their hierarchical position and apply uniform page margins throughout the document. Law firms ensure this consistency by using templates. Often, a law firm's submission template has remained unchanged for years and nobody dares question its immaculacy.

But there is much more to typography. By making small amendments to the typography of your submissions, you can increase the legibility of your text and thus the attention your arbitrator will lend to your words. The below suggestions (in non-hierarchical order) should give you an idea of how optimal typography can make your next submission (at least visually) more appealing to the tribunal.

The right font: There are as many fonts out there as there are flavours of ice cream. Err on the side of caution. By choosing Arial or Times New Roman, your arbitrator will unlikely be thrown off by your choice of font. For the more daring among you, Garamond, Helvetica or Gill Sans MT might be an option. If you really want to gain the typographic edge, it might be worth looking at fonts that are not pre-installed on your Microsoft Word. For example, you may want to consider [Equity](#), a font that was specifically designed for legal writers.

Emphasizing words: Underlining or setting words in all caps makes text harder to read. You will unnecessarily drain your tribunal's attention. Rather than underline, use bold or italic to emphasize words. Whether to give preference to bold or italic depends on your font. For sans serif fonts¹⁾ (such as Arial), use bold for emphasis, as such fonts' italic form only has a gentle slant that does not stand out on the page. For serif fonts (such as Times New Roman), use italics for gentle emphasis, and bold for stronger emphasis.

Point size: Depending on your font, choose a point size between 11 (Arial) and 12 (Times New Roman) for optimal ease of reading. That said, no rule dictates that you use the same point size throughout the entire document. Slightly increasing or decreasing point size for certain parts of your text can help you establish an information hierarchy (e.g., when quoting a long email with several paragraphs).

Curly quotes: Compared to straight quotes (“...”), curly quotes (“...”) are more legible on the page and match the other characters better. Straight quotes originate from typewriters and their mechanical constraints, they should have no place in a Microsoft Word processed document. Strangely enough, some lawyers seem to hold an almost religious attachment to the use of straight

quotes.

Nonbreaking space: Any numeric or alphabetic reference should always be preceded by a nonbreaking space (ctrl (option on Mac) + shift + spacebar in Word documents), i.e. “EUR[nonbreaking space]100”. Without the nonbreaking space, the mark and the reference may end up on separate lines or pages. This can confuse your tribunal.

En dash: An en dash (–) looks much like a hyphen (-), but it is slightly longer. It is used when stating a range of values (“1998–2022” instead of “2020-2022”). In Microsoft Word, you can insert an en dash by typing the required words or numbers with a spaced hyphen in between and, subsequently, deleting the spaces.

Math symbols: Use the plus sign (+) and equals sign (=) as usual. For the minus sign insert the en dash (–). For multiplication, division and beyond add real math symbols by hand (Insert ? Symbol), instead of “x”, “ * ” and “ / ”:

“(15 × 7 – 3) ÷ 2 = 46”, instead of “(15 x 7 – 3) / 2 = 92”

Line spacing: Line spacing is the vertical distance between lines of text (e.g., single, double spaced). Leaving sufficient space between lines prevents the tribunal from getting lost on its way from the end of one line to the beginning of the next line. Usually, the optimal line spacing is between 120% and 145% of the point size (Paragraph à Line spacing à Multiple à insert a value of 1.03–1.24, not 1.20–1.45 – Word uses odd line-spacing math).

Line length: The distance between the left and right edges of a text should not be too long. The longer the line the more your arbitrator’s eyes have to move from the end of one line to the beginning of the next. This impacts your arbitrator’s focus and attention span. Shorter lines increase legibility and the professionalism of your layout. Aim for an average line length of 45–90 characters, including spaces. You can establish the basic line length using page margins (layout à page margins). As page margins increase, line length decreases.

The power of white space: When setting page margins with the line length in mind, there will undoubtedly be some white space left on your page. This is good. White space improves readability, legibility and comprehension (see [Chaparro et al., Reading Online Text: A Comparison of Four White Space Layouts, Usability News July 2004](#)). Balancing content and white space in your page layout will help your arbitrator maintain focus and understand your submission. So take good care of your line length and line spacing.

While these basic suggestions will provide you with a good start on your way to immaculate typography, there is much more to be learnt. In his book “[Typography for lawyers](#)”, Matthew Butterick provides you with a plethora of suggestions (although sometimes worded as sacrosanct rules) for improving the typography of your legal writing. The above selection of suggestions presents merely a fraction of what his book has to offer.

Conclusion

Typography is important for arbitration lawyers. It is our job to persuade. We must avoid losing a tribunal’s attention at all costs, for without their attention, we cannot persuade. Good typography

helps us conserve the tribunal's attention.

Strangely enough, it seems that many arbitration lawyers do not give their precious submission templates any second thought. This must change. We need to realize that good typography has the power to enhance our written submissions. With the same eagerness as we tend to our voice for our oral arguments, we should consider typography an asset for our written advocacy.

In this blog post, some basic suggestions for improving the typography of your next submission have been provided. But there is much more to discover.

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References

“Serif” means “any of the short lines stemming from and at an angle to the upper and lower ends of the strokes of a letter” (source: [Merriam-Webster online](#)), while “sans serif” means without such short lines.

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