

Font of Knowledge: Readability and Accessibility Challenges Caused by Typeface Requirements in North Carolina Appellate Courts^{*†}

Though typography is essential to legal writing, lawyers are frequently prevented from maximizing its benefits. The North Carolina Rules of Appellate Procedure require litigants to submit filings exclusively in serif fonts, which feature decorative “wings” and “feet” on each character, instead of sans-serif fonts, which use straight edges. In contrast, North Carolina trial courts almost unanimously accept filings in any typeface, and there are indications in social science research that sans-serif fonts are more readable on screens and for people with dyslexia. Disability advocates, government agencies, and universities generally advise writers to use sans-serif fonts for accessibility purposes, and other state high courts, such as those in Florida and Maryland, have recently amended their lists of accepted fonts and specifically included sans-serif options. The possibility of using a sans-serif font would benefit not only individuals with learning disabilities who are writing briefs, but also the jurists who are reading them. Therefore, the Supreme Court of North Carolina should amend the state’s appellate rules to allow parties to submit materials in a sans-serif font.

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Because our work matters, our writing matters.

Because our writing matters, our typography matters.¹

INTRODUCTION

Before submitting a court filing, everything is scrutinized.² Whether it is a complaint, motion for summary judgment, or appellate brief, lawyers spare not the smallest detail in the editing process. Paragraphs are deleted and dragged; sentence clauses are picked apart; footnotes are checked and rechecked. Despite this exhaustive review, a filing's font and appearance are passing considerations at best, and more often than not, they are taken for granted entirely.³ In most cases, font choice and aesthetic styling fall victim to a "superstitious refusal to deviate from the form or substance of a document that was successfully used by another lawyer," otherwise known as "boilerplate syndrome."⁴ However, many courts do not mandate formatting requirements as strictly as attorneys tend to assume, meaning there are few tangible

[†] To reflect the best practices that are recommended throughout this Comment, it is printed in Cooper Hewitt, a sans-serif typeface. This typeface was specifically created for and named after the Cooper Hewitt, Smithsonian Design Museum. Jimmy Stamp, *To Redesign a Design Museum Start with the Typeface*, SMITHSONIAN MAG. (Aug. 14, 2014), <https://www.smithsonianmag.com/arts-culture/redesign-design-museum-start-typeface-180952040> [<https://perma.cc/SEM3-RKVW>]. Available to the public, it has been downloaded by users more than 25,000 times, and it is recommended by lawyer and designer Matthew Butterick in his influential guide, *Typography for Lawyers*. *Cooper Hewitt Typeface Around the Globe*, COOPER HEWITT, <https://www.cooperhewitt.org/open-source-at-cooper-hewitt/open-source-at-cooper-hewittcooper-hewitt-typeface-in-the-wild> [<https://perma.cc/XAT8-W597> (staff-uploaded archive)]; MATTHEW BUTTERICK, *TYPOGRAPHY FOR LAWYERS: ESSENTIAL TOOLS FOR POLISHED AND PERSUASIVE DOCUMENTS* 116 (2d ed. 2015). Moreover, the museum's Accessible Virtual Programming Toolkit, which explains that "sans serif fonts are more legible for people with low vision and those with learning disabilities such as dyslexia," is itself written in Cooper Hewitt. COOPER HEWITT, *ACCESSIBLE VIRTUAL PROGRAMMING TOOLKIT* 29, <https://www.cooperhewitt.org/wp-content/uploads/2023/03/CH-Accessible-Virtual-Programming-Toolkit.pdf> [<https://perma.cc/P4W2-R8JL>]. This Comment follows the example of other legal documents that demonstrate their own typographical conclusions through their printed style. *See, e.g.*, *AsymaDesign, LLC v. CBL & Assocs. Mgmt., Inc.*, 103 F.4th 1257, 1261 (7th Cir. 2024) (printing part of an opinion in Bernhard Modern to show "how much harder it is to read" compared to other fonts); Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 J. ASS'N LEGAL WRITING DIRS. 108, 108 (2004) ("Editor's Note: Because the topic of this article is how typography and layout affect the reception of written text, the article's typography and layout conform with the author's suggestions rather than adhering to the page design and heading conventions of J. ALWD.").

1. MATTHEW BUTTERICK, *TYPOGRAPHY FOR LAWYERS: ESSENTIAL TOOLS FOR POLISHED AND PERSUASIVE DOCUMENTS* 14 (2d ed. 2015) [hereinafter BUTTERICK, *TYPOGRAPHY FOR LAWYERS*].

2. Wes Hendrix, *From Good to Great: The Four Stages of Effective Self-Editing*, 14 J. APP. PRAC. & PROCESS 267, 272-82 (2013).

3. *See* BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 33-34.

4. *Id.*; *see also* Don R. Willett, *A Court of Equity: There's a New Serif in Town*, 92 ADVOC. (TEX.) 40, 41 (2020) (commenting that attorneys tend to "default to the default"). In this way, the argument to improve visual design is not unlike the push to phase out archaic legal language in favor of plain English. *See* Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 J. ASS'N LEGAL WRITING DIRS. 108, 112 (2004). There will always be detractors, but the change can improve the understanding of the law for the public and legal practitioners alike. *Id.*

mechanisms actually propagating boilerplate syndrome for lawyers.⁵ Nonetheless, lawyers consistently embrace “self-defeating typography” without a second thought.⁶

However, the appearance of documents *does* make a difference in legal argumentation.⁷ According to Matthew Butterick, a designer and lawyer who is the leading expert on legal typography, what most attorneys do not realize is that legal documents create a “typographical image” for their reader.⁸ A typographical image is the visual presentation of a legal discussion. Because “presentation is key to argumentation,”⁹ a typographical image tangibly benefits or damages an argument.¹⁰ When it is used effectively, a well-designed typographical image helps a writer command attention, improve comprehension, increase retention, and, most importantly, persuade.¹¹ Leveraging a document’s visual appearance can make it “typographically superior,”¹² which is exactly what a filing needs to stand out “in a pile of hundreds, all competing for [a judge’s] attention.”¹³ While attorneys might assume that it is always more dependable to rely on traditional legal typography that blends in, perfunctory formatting can actually communicate a lack of thought and effort.¹⁴ As a result, when lawyers adhere to traditional legal formatting, a document’s typography may actually undermine its substance, making the typography counterproductive and ultimately “self-defeating.”¹⁵

A filing that incorporates accessible and effective design allows its audience to better comprehend and remember the substance.¹⁶ Better formatting leads to a filing

5. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 218–19; Derek H. Kiernan-Johnson, *Telling Through Type: Typography and Narrative in Legal Briefs*, 7 J. ASS’N LEGAL WRITING DIRS. 87, 90 n.8 (2010) (“Not all court rules are as stringent as they are remembered or imagined to be.”).

6. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 33.

7. Robbins, *supra* note 4, at 111 (“Visual effects thus are as critical an element of persuasion as proper grammar and adherence to the rules of court and citation form.”); *see also* BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 235 (“[T]ypography is one more way of expressing the care that’s essential to our work.”).

8. Robbins, *supra* note 4, at 112. Creative typographic choices can be incorporated into materials to enhance a coherent legal narrative, as demonstrated by Derek H. Kiernan-Johnson, *supra* note 5, at 114–21. For an unusual example in practice, see the plaintiff’s complaint in *Skidmore v. Led Zeppelin*, No. 15-CV003462, 2014 WL 9909350 (C.D. Cal. May 31, 2014), which formatted its headings in a style closely resembling Led Zeppelin’s iconic font for a copyright action about one of the band’s songs. *But see* BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 76 (“Novelty fonts, script fonts, handwriting fonts, circus fonts—these have no place in any document created by a lawyer. Save them for your next career as a designer of breakfast-cereal boxes.”).

9. Willett, *supra* note 4, at 44.

10. Robbins, *supra* note 4, at 112.

11. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 23 (attention); *State v. Pavkovic*, 267 N.C. App. 460, 464, 833 S.E.2d 383, 387 (2019) (comprehension); U.S. CT. OF APPEALS FOR THE SEVENTH CIR., *PRACTITIONER’S HANDBOOK FOR APPEALS* § 23, at 173 (2020) (retention); Robbins, *supra* note 4, at 110–11 (persuasion); *see also* AsymaDesign, LLC v. CBL & Assocs. Mgmt., Inc., 103 F.4th 1257, 1258 (7th Cir. 2024) (explaining that the fonts best suited for legal writing “promote the goals of reading, understanding, and remembering”).

12. U.S. CT. OF APPEALS FOR THE SEVENTH CIR., *supra* note 11, at 173.

13. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 23.

14. *See id.* at 119.

15. *See id.* at 33.

16. Robbins, *supra* note 4, at 111.

that is “more credible” and, consequently, “more persuasive.”¹⁷ Because “typography can make good writing even better,” it is equally true that “bad typography can distract your reader and undermine your message.”¹⁸ By its nature, typography is unavoidable in legal writing, so its effect on the reader should be closely considered: “If you ignore typography, you’re ignoring an opportunity to improve both your writing and your advocacy.”¹⁹

Typography offers a powerful toolbox to improve legal writing,²⁰ and within typography, one tool in particular matters for lawyers: font.²¹ Using an effective font is the “fastest, easiest and most obvious upgrade to [a lawyer’s] typography.”²² For decades, it has been acknowledged that the “[l]egibility of text” makes a difference in the comprehension of legal documents.²³ Just like it is well-accepted that the use of all capital letters is distracting and cumbersome for a reader, font choice makes an impact on audiences.²⁴ Members of the North Carolina bar vocally agree. Writing with prominent appellate attorneys, now-Justice Richard Dietz of the Supreme Court of North Carolina has argued that the most effective fonts improve both “readability and retention.”²⁵

But lawyers are sharply divided about what is most effective: serif or sans-serif fonts.²⁶ Often perceived as more traditional, serif fonts feature small flourishes on

17. See, e.g., *id.* at 134.

18. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 24.

19. *Id.* at 14.

20. *Id.* at 24. Typography includes type composition, text formatting, paragraph and character styles, and page layout. See *id.* at 15. If the category of typography sounds broad, that is because it is: “All writing necessarily involves typography.” *Id.* at 14 (emphasis added).

21. Though Times New Roman, for example, is technically a typeface and its variations (e.g., bolded or italicized) are fonts, “font” will be used to refer to both specific fonts and general font families for the limited purposes of this Comment. *Id.* at 115 (“Internet pedants may carp, but it’s fine to use *font* to mean both the family and a specific style.”). Typeface does indicate a large subclass of typographic variations, but here, it will primarily be used to distinguish between serif and sans-serif styles. See Rebecca Strehlow, *Never Be Confused by Typefaces vs. Fonts Again*, WIX STUDIO: FWD (Nov. 9, 2021), <https://www.wix.com/studio/blog/typefaces-vs-fonts> [https://perma.cc/TAD3-XURF]. Finally, “typography,” “formatting,” and “design” have similar yet distinct meanings, but for ease of flow, they will largely be treated as synonyms. See, e.g., Patrick Hecker, Note, *Legally Alone: The Redeemability of Guardianship and Recommendations Toward Equitable Access*, 18 NW. J.L. & SOC. POL’Y 74, 76 n.3 (2023) (using two imprecise terms interchangeably for “ease [of] readability”).

22. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 112.

23. Robbins, *supra* note 4, at 114.

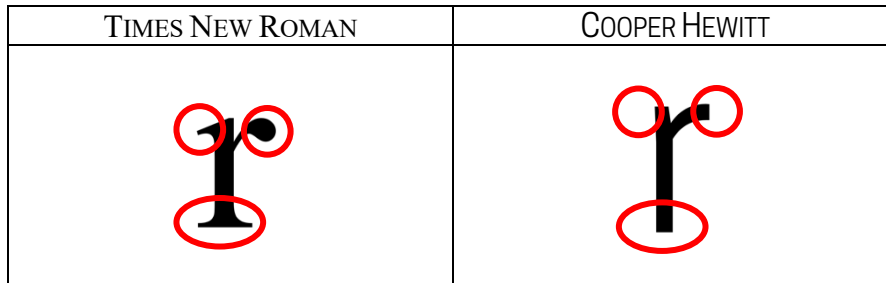
24. *Id.* at 115 (“During repeated tests on adults, the studies indicated that the use of all caps lengthens the reading time by 9.5% to 19%.”); see also *Valentine v. State*, 656 S.E.2d 208, 209 n.1 (Ga. Ct. App. 2007) (explaining that a party’s “use of all capital letters” resulted in a filing that was “extremely difficult to read”).

25. Richard Dietz, Drew Erteschik, Clark Tew & J.M. Durnovich, *Typography for Appellate Lawyers: Improving Appellate Briefs Through Better Fonts*, PER CURIAM (N.C. Bar Ass’n, Cary, N.C.), July 2016, at 4.

26. Though this Comment refers to the difference between serif and sans-serif as binary, there are actually multiple variations of each typeface. Kiernan-Johnson, *supra* note 5, at 101–05. Because most studies and court rules do not make a distinction between the variations, this Comment will simply categorize fonts on whether or not they feature a serif.

each character that are known as “wings” and “feet.”²⁷ Times New Roman, Century Schoolbook, and Cambria are common serif fonts. Sans-serif fonts are viewed as more modern, and they are identifiable by their straight-edged characters.²⁸ Calibri, Arial, and Helvetica are examples of sans-serif fonts. For a close examination of the difference between serif and sans-serif fonts, consider the side-by-side comparison below.

Figure I: Serif vs. Sans-Serif



Relying on precedent has not consistently led to persuasive document design.²⁹ And it is not all about following the rules, since most existing “court rules about typography are not designed to produce good typography.”³⁰ Moreover, courts are far too fractured to reach conclusions themselves about a single consensus candidate.³¹ While there is no total agreement, it is clear that legibility, also referred to as readability,³² is a prominent characteristic in any effective font for legal writing.³³

To add perspective to the typographic debate and better understand the state of legal formatting, this Comment will proceed in four parts. First, it will conduct a survey of trial and appellate court rules around North Carolina to determine what fonts are required by judges. Second, it will examine the intersection between font and accessibility, especially for individuals with learning and reading disabilities. It will dive

27. Harmeet Kaur, *In These Polarized Times, People See Even Fonts as Liberal or Conservative*, CNN, <https://edition.cnn.com/2020/01/28/us/fonts-perceived-liberal-conservative-trnd> [<https://perma.cc/PP2D-CK38>] (last updated Jan. 28, 2020, 4:00 PM) (“If you think about serifs being used in more formal types of print or communications, maybe they’re viewed as more traditional and sans serifs are viewed as more modern.”).

28. *Id.*

29. See BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 29–33.

30. *Id.* at 220.

31. See *infra* Part I; see also Aaron L. Nielson, *Reviewed: The Perfect Opinion*, YALE J. ON REGUL.: NOTICE & COMMENT (May 4, 2019), <https://www.yalejreg.com/nc/d-c-circuit-review-reviewed-the-perfect-opinion> [<https://perma.cc/663U-CL4X>] (compiling the typography characteristics of court decisions from every federal circuit).

32. Legibility is technically defined as the capacity to distinguish specific characters, while readability is the ease or difficulty with which a reader understands entire words or sentences. Sheree Josephson, *Keeping Your Readers’ Eyes on the Screen: An Eye-Tracking Study Comparing Sans Serif and Serif Typefaces*, 15 VISUAL COMM’NS Q. 67, 68 (2008). However, because existing literature treats these terms as synonyms, this Comment will do the same. See, e.g., Mark Sableman, *Typographic Legibility: Delivering Your Message Effectively*, 17 SCRIBES J. LEGAL WRITING 9, 10–15 (2017).

33. Dietz et al., *supra* note 25, at 4; U.S. CT. OF APPEALS FOR THE D.C. CIR., *HANDBOOK OF PRACTICE AND INTERNAL PROCEDURES* § 9(A)(6), at 40 (2021) (advocating for “typefaces [that are] easier to read”).

into both empirical research conducted in the social sciences and best practices recommended by disability advocacy organizations and government agencies. Third, it will present information about font usage in contexts outside of North Carolina, including the general trends of American lawyers, courts in the United States, and other entities outside of the American legal tradition. Fourth, the Comment will provide a brief conclusion and recommendations for North Carolina's appellate courts. Finally, it will provide suggestions of areas for further research to expand on the findings identified here. In total, this Comment will demonstrate that North Carolina's appellate courts should prioritize screen legibility and overall accessibility, especially for readers with disabilities or learning difficulties, by allowing filings to be submitted in sans-serif fonts.

I. BACKGROUND ON FONT REQUIREMENTS IN NORTH CAROLINA

When it comes to the fonts that are accepted in court filings across the state, there is a wide disparity between North Carolina's trial and appellate levels. While most district and superior courts accept a variety of formats and styles, appellate courts impose much stricter limitations.³⁴

The discrepancy is notable, at least in part, because every court in the state is subject to the same requirements under the Americans with Disabilities Act.³⁵ Though the North Carolina Equal Access to Justice Commission works to increase “the accessibility of the civil justice system,”³⁶ it has largely failed to direct its focus toward improvements at the appellate level.³⁷ Consequently, the court rules for trial and appellate courts reflect the uneven focus of accessibility objectives.

A. *State Trial Courts*

Most state trial courts in North Carolina do not have any font requirements.³⁸ Fifty-eight percent of judicial districts—twenty-four out of forty-one—will accept

34. *See infra* Sections I.A, I.B.

35. Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (codified as amended in scattered sections of 42 U.S.C.); *Disability Access*, N.C. JUD. BRANCH, <https://www.nccourts.gov/programs/disability-access> [<https://perma.cc/B4VW-FVLN>]. The Americans with Disabilities Act is far from the only law to set standards for typography. Sableman, *supra* note 32, at 22-25.

36. *About Equal Access to Justice Commission*, N.C. JUD. BRANCH, <https://www.nccourts.gov/commissions/north-carolina-equal-access-to-justice-commission/about-equal-access-to-justice-commission> [<https://perma.cc/N4X8-3PF9>].

37. *See* N.C. EQUAL ACCESS TO JUST. COMM'N, 2020 IMPACT REPORT 2 (2020). For comparison, other states have recognized typeface as an accessibility issue for courts, unlike North Carolina. *See, e.g.*, WASH. STATE ACCESS TO JUST. BD. IMPEDIMENTS COMM., ENSURING EQUAL ACCESS FOR PEOPLE WITH DISABILITIES: A GUIDE FOR WASHINGTON COURTS 23 (2006).

38. Telephone Interview with Lisa VanAntwerp-Gates, Trial Ct. Coordinator, N.C. Dist. Ct. 1 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); E-mail from Lisa Fornes, Ct. Manager, Pitt Cnty. Dist. Ct., to Andrew Parco, Staff Member, N.C. L. Rev. (Nov. 6, 2023, 12:06 PM) (on file with the North Carolina Law Review); Telephone Interview with Diane Adams, Deputy Clerk, N.C. Dist. Ct. 3B (Nov. 1, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Sherry Lewis, Ct. Coordinator, N.C. Dist. Ct. 5 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Christina Mitchell, Deputy Clerk, N.C. Dist. Ct. 6 (Dec. 12, 2023) (notes on

documents that are submitted in any typeface, at any size, and with any line spacing.³⁹ Multiple courts will readily accept handwritten complaints,⁴⁰ and the only consistent standard is that documents must be “legible.”⁴¹ Some districts have even set the rule that clerks cannot refuse filings—no matter the format or style—when they are submitted.⁴² Only Beaufort County's District 2 requires that filings be printed in 12-

file with the North Carolina Law Review); Telephone Interview with Victoria Stewart, Trial Ct. Coordinator, N.C. Dist. Ct. 7 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview 1, N.C. Dist. Ct. 8 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview 2, N.C. Dist. Ct. 8 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Sonravea Privett, Assistant Clerk, Crim. Div., N.C. Dist. Ct. 9 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Saya Aller, Ct. Manager, N.C. Dist. Ct. 12 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Miles, Deputy Clerk, N.C. Dist. Ct. 14 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Jennifer Ray, Trial Ct. Coordinator, N.C. Dist. Ct. 15B (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Regina Miller, Deputy Clerk, N.C. Dist. Ct. 15B (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Jill Simmons, Assistant Clerk, N.C. Dist. Ct. 17B (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Dylan Burge, Deputy Clerk of Super. Ct., N.C. Dist. Ct. 18 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Jessica Paul, Assistant Clerk of the Civ. Div., N.C. Dist. Ct. 19A (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Marci Ward, Trial Ct. Coordinator and Ct. Manager, N.C. Dist. Ct. 19C (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Angie Jones, Jud. Assistant, N.C. Dist. Ct. 20A (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Kasey Lopez, Ct. Coordinator, N.C. Dist. Ct. 20B (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Leigh Ann Simpson, Ct. Assistant, N.C. Dist. Ct. 22B (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Derrick Kameron, Deputy Clerk, N.C. Dist. Ct. 23 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Amanda, Deputy Clerk, N.C. Dist. Ct. 26 (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview with Morgan Smith, Trial Ct. Coordinator, N.C. Dist. Ct. 27A (Dec. 12, 2023) (notes on file with the North Carolina Law Review); E-mail from Bradley Baldwin, Assistant Clerk, N.C. Dist. Ct. 27B, to Andrew Parco, Staff Member, N.C. L. Rev. (Dec. 13, 2023, 10:55 AM) (on file with the North Carolina Law Review); Telephone Interview with Heather Holland, Assistant Clerk, Civ. Div., N.C. Dist. Ct. 29A (Dec. 12, 2023) (notes on file with the North Carolina Law Review); Telephone Interview, N.C. Dist. Ct. 30 (Dec. 12, 2023) (notes on file with the North Carolina Law Review). While interviews varied between district and superior court employees, questions were specifically asked about district court rules. At any rate, one deputy clerk attested that font rules would not differ between a superior and district court. Telephone Interview with Dylan Burge, *supra*. Though the interviews were conducted with representatives for each judicial district, that does not mean that every county was contacted. However, it is expected that the rules are uniform throughout the district. Telephone Interview with Kenia Cooper, Assistant, N.C. Dist. Ct. 2 (Nov. 1, 2023) (notes on file with the North Carolina Law Review). Every state district court was contacted for this Comment, and every district that responded is reflected here. *Cf.* Henry Brandis Jr., *The North Carolina Law Review: 1922–1972*, 50 N.C.L.Rev. 965, 967 n.2 (1972) (“The author guarantees the accuracy of the statistics only because of his certainty that no reader will undertake to verify them.”). For each district, the phone call followed the same script: “Hi, my name is Andrew, and I’m doing a project at UNC School of Law on the fonts that are required for court filings around North Carolina. Could I ask what is the required font, size, and line spacing for submitted materials in the [insert number here] district? What is your name and title?” These results represent the majority of North Carolina judicial districts.

39. *See supra* note 38. The statistics presented throughout Section I.A represent an aggregation of the data collected by the author.

40. Telephone Interview with Lisa VanAntwerp-Gates, *supra* note 38; Telephone Interview with Dylan Burge, *supra* note 38; Telephone Interview, N.C. Dist. Ct. 30, *supra* note 38.

41. Telephone Interview with Kate Harrell, Clerk of Ct., Duplin Cnty. (Nov. 1, 2023) (notes on file with the North Carolina Law Review); *see also* Telephone Interview 1, N.C. Dist. Ct. 8, *supra* note 38 (advising that parties should not “use something crazy” for their font).

42. Telephone Interview with Lisa VanAntwerp-Gates, *supra* note 38; Telephone Interview with Morgan Smith, *supra* note 38; E-mail from Bradley Baldwin, *supra* note 38.

point Times New Roman.⁴³ While Bertie County's District 7 prefers the same style, the fact remains that litigants “submit things in all types of fonts.”⁴⁴

B. *State Appellate Courts*

Compared to trial courts, North Carolina appellate courts are much more restrictive on the style of filings. In the North Carolina Rules of Appellate Procedure, Rule 26(g) requires a “proportionally spaced font with serifs.”⁴⁵ The Supreme Court of North Carolina has explained that Rule 26(g), like all of the rules, is “mandatory,” and it has held that “failure to follow [appellate] rules will subject an appeal to dismissal.”⁴⁶

On multiple occasions, the North Carolina Court of Appeals has plainly explained why font choice matters. In *Cornelius v. Corry*,⁴⁷ it asserted that “the rules regarding the spacing and typeface of the briefs are designed to facilitate the reading and comprehension of large numbers of legal documents by members of the Court.”⁴⁸ And in *State v. Pavkovic*,⁴⁹ the North Carolina Court of Appeals explained that “substantial and gross” violations of procedural rules, including Rule 26(g), had actually “impaired [the] Court’s ability to discern the merits of defendant’s arguments.”⁵⁰ Because of the numerous procedural violations, the *Cornelius* and *Pavkovic* courts even went so far as to sanction the defendants’ legal counsel.⁵¹

In an unpublished 2023 decision, the North Carolina Court of Appeals cited the pro se appellant’s incorrect font as part of the reason to dismiss his case.⁵² While there were multiple procedural violations, the court specifically mentioned that the appellant did not “use a proportionally spaced font with serifs.”⁵³ The court found that the

43. Telephone Interview with Kenia Cooper, *supra* note 38.

44. Telephone Interview with Victoria Stewart, *supra* note 38. One other court has a preference for double spacing, but again, there is no binding rule. Telephone Interview with Jennifer Ray, *supra* note 38.

45. N.C.R. App. P. 26(g)(1). While the scope of this Comment is not expansive enough to cover the history of the state’s appellate rules, it is worth noting that this font requirement is not static. The list of acceptable fonts and styles has changed over time, most recently in 2017. *See* Order Adopting the 2017 Rules of Appellate Procedure, 369 N.C. 763, 829–30 (2016); *see also* App. Rules Comm., N.C. Bar Ass’n, A STYLE MANUAL FOR THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE 150 (2023) (“Prior fonts endorsed by the Rules, including Courier New, were prohibited by the 2017 changes to the Rules.”).

46. *Steingress v. Steingress*, 350 N.C. 64, 65, 511 S.E.2d 298, 299 (1999) (affirming the dismissal of a defendant’s appeal for, *inter alia*, improperly formatting the line spacing of her brief).

47. No. COA06–107, 2006 WL 2947389 (N.C. Ct. App. Oct. 17, 2006).

48. *Id.* at *1 (cleaned up); *see also* *Asyma Design, LLC v. CBL & Assocs. Mgmt., Inc.*, 103 F.4th 1257, 1261 (7th Cir. 2024) (“Judges are long-term consumers of lengthy texts. To present an argument to such people, counsel must [use highly legible fonts to] make the words easy to read and remember.”).

49. 267 N.C. App. 460, 833 S.E.2d 383 (2019).

50. *Id.* at 465, 833 S.E.2d at 388.

51. *Cornelius*, 2006 WL 2947389, at *1; *Pavkovic*, 267 N.C. App. at 465–66, 833 S.E.2d at 388; *see also* *Dafford v. JP Steakhouse LLC*, 210 N.C. App. 678, 684, 709 S.E.2d 402, 407 (2011) (imposing printing costs on defense counsel for failing to adhere to spacing requirements in their brief); *State v. Lockhart*, 181 N.C. App. 316, 319, 639 S.E.2d 5, 7 (2007) (same); *State v. Riley*, 167 N.C. App. 346, 347–48, 605 S.E.2d 212, 214 (2004) (same).

52. *In re* Campbell, No. COA22–842, 2023 WL 5211566, at *2, *4 (N.C. Ct. App. Aug. 15, 2023).

53. *Id.* at *2.

appellant had “failed to substantially comply” with the North Carolina Rules of Appellate Procedure, which properly dictate “the form and content of appellate briefs.”⁵⁴

As the legal landscape stands, state appellate courts have made it clear that some fonts and formatting styles obstruct the reading and comprehension of briefs. This obstruction then damages an attorney’s ability to communicate about “the merits” of a case. Meanwhile, trial courts tend to maintain a highly lenient policy, accepting documents in nearly any form or manner.⁵⁵

II. HOW FONTS AFFECT ACCESSIBILITY

The law can take its style cues from the graphic design and social science fields, which have extensively studied and debated best practices for visual formatting.⁵⁶

A. *Scientific Research on Best Practices for Fonts*

For decades, researchers have conducted empirical studies to investigate the impact of serifs on legibility.⁵⁷ The common belief is that sans-serif fonts are better for screens because they appear sharper.⁵⁸ The logic is that the ornamentation that makes up serifs—the “wings” and “feet” on individual characters—are too fine for pixels to properly render.⁵⁹ Even though screen-optimized fonts have been designed in both typefaces, “the common wisdom on the Web” remains pervasive that “sans serif type is still more legible than serif type.”⁶⁰

However, the technological capacity of digital screens has increased exponentially over the past twenty years, to the extent that a modern computer’s image quality can easily surpass the capabilities of the human eye.⁶¹ Most screens can

54. *Id.* at *4; *Fields v. Fields*, No. COA20-855, 2022 WL 1549576, at *4 n.2, *13 (N.C. Ct. App. May 17, 2022) (noting that the appellant, who lost his appeal, used a noncompliant font); *see also* *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) (affirming a district court’s refusal to consider filings that “failed to comply with local rules regarding page limitations and typefaces”).

55. Though this Comment is focused on state courts, it seems worth mentioning that federal district courts in North Carolina are mostly similar to their state-level counterparts. There is no typeface requirement in the U.S. District Courts for the Eastern, Western, or Middle Districts of North Carolina. *See* E.D.N.C. Loc. Civ. R. 10.1(a); W.D.N.C. Loc. Civ. R. 7.1(d); M.D.N.C. Loc. R. 7.1(a). Each district does, however, instruct parties to use double spacing and 11-, 12-, or 13-point font, respectively. *Id.* Federal appellate courts, on the other hand, vary widely. *See infra* Section III.A.

56. Robbins, *supra* note 4, at 111.

57. Sabina Sieghart, *The Influence of Fonts on the Reading Performance in Easy-to-Read Texts: A Legibility Study with 145 Participants*, 39 DESIGN ISSUES 30, 32 (2023) (“Legibility studies have been conducted for 150 years. For almost as long, studies have addressed the question of whether fonts are more legible with serifs or without them.”).

58. Ana Rita Teixeira, Sónia Brito-Costa, Sílvia Espada & Maria Fernanda Antunes, *Brain Computer Interface: Behavioral Differences in the Calmness Level and Reading Time, Considering Screen or Paper, Serif or Sans Serif Typefaces*, in ADVANCES IN DESIGN AND DIGITAL COMMUNICATION IV 26, 27 (Nuno Martins & Daniel Brandão eds., 2024).

59. *See* Beat Stamm, *Opportunities: Constraints*, RASTER TRAGEDY LOW-RESOLUTION REVISITED, www.rastertragedy.com/RTRCh3.htm#Sec22 [https://perma.cc/DZ3X-343F] (last updated Mar. 14, 2011).

60. Josephson, *supra* note 32, at 69.

61. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 171.

now display serif typefaces just as sharply as sans-serif ones,⁶² seemingly suggesting that there is functionally little to no difference in screen readability between the two.⁶³ Nonetheless, research shows that image quality may not tell the entire story. Some studies show that people still benefit from reading sans-serif fonts compared to serif fonts, even on high-resolution screens.⁶⁴

Screen versus print reading is just one aspect of font legibility subject to scrutiny. Research has examined different types of fonts, familiarity with typefaces, and readers with varying ability levels. The studies fall into three groups: those supporting serif fonts, those supporting sans-serif fonts, and those with mixed results.

1. Studies Supporting Serif Fonts

A 2023 study led by a longtime design expert tested the theory that sans-serif fonts are inherently more legible than serif options.⁶⁵ Five fonts were tested for reading speed and legibility, three serif and two sans-serif. The data showed that more participants read quickest when text was formatted in fonts with a serif typeface than did participants when they read texts formatted in a sans-serif typeface; specifically, about fifty-one percent of participants experienced their fastest reading in a serif font.⁶⁶ However, when the fonts were individually ranked by average reading speed across all participants, the two sans-serif options were each read faster by more people than the three serif fonts.⁶⁷ The results did not show a large difference in the legibility of text between serif and sans-serif fonts, even when there were similarly appearing characters placed next to each other.⁶⁸ In its totality, the study contended that the “propagated special solution [to legibility issues]—sans serif fonts, such as Arial, in size 14 pt—is simply wrong.” The author reasoned that accessibility goals should not necessarily restrain designers from using serif fonts.⁶⁹

Another study measured reading speed and comprehension specifically on tablet screens, testing the common refrain that sans-serif fonts are better suited for the screens.⁷⁰ The researchers tested fonts in multiple languages with both young and old readers, and while typeface did not affect reading time, they found that participants

62. *Accessible Typography*, AM. PSYCH. ASS'N, <https://apastyle.apa.org/style-grammar-guidelines/paper-format/accessibility/typography> [<https://perma.cc/TDH7-JABG>] (last updated Feb. 2024) (“[S]creen resolutions in use today throughout the world can typically accommodate either type of font.”).

63. See BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 171 (“What does this mean for screen typography? For font choice, it means you should use whatever font you’d prefer on the printed page.”).

64. Berrin Dogusoy, Filiz Cicek & Kursat Cagiltay, *How Serif and Sans Serif Typefaces Influence Reading on Screen: An Eye Tracking Study*, in *DESIGN, USER EXPERIENCE, AND USABILITY: NOVEL USER EXPERIENCES 578, 583* (Aaron Marcus ed., 2016); Teixeira et al., *supra* note 58, at 34.

65. Sieghart, *supra* note 57, at 30.

66. *Id.* at 36, 39.

67. *Id.* at 36–37.

68. *Id.* at 39.

69. *Id.* at 43–44.

70. Maneerut Chatrangsan & Helen Petrie, *The Effect of Typeface and Font Size on Reading Text on a Tablet Computer for Older and Younger People*, 2019 PROC. 16TH INT’L WEB ALL CONF. 1, 2–3.

correctly answered more comprehension questions when reading a serif font from a tablet.⁷¹ This research supported the idea that serif fonts are more useful than sans-serif fonts in at least one crucial respect.

2. Studies Supporting Sans-Serif Fonts

Seeking to address longstanding beliefs about font legibility, the authors of a 2005 study acknowledged a traditional perspective was that serif fonts improve readability, but their results actually revealed the shortcoming of serif fonts.⁷² It was the first study to develop a font specifically for its own use, allowing researchers to adjust the presence and size of serifs and remove other variations that typically exist between fonts.⁷³ It presented text to participants both on paper and on screen, and the sample size included individuals with age-related vision impairments.⁷⁴ The study found that any improvement serifs added to legibility could actually be traced to kerning—the difference in spacing between letters.⁷⁵ In other words, kerning made a larger impact for readability than serifs alone. In contrast with conventional twentieth-century wisdom, the researchers postulated that the serifs themselves “actually interfere[d] ever so slightly with legibility.”⁷⁶

A study from 2008 used eye tracking for six participants to measure the legibility differences between four fonts: one serif and one sans-serif that were developed for print material and one of each developed for screen usage.⁷⁷ The respective fonts were Times New Roman, Arial, Georgia, and Verdana, chosen because they “appear[ed] to be the most widely used fonts on the Internet.”⁷⁸ The study found that the sans-serif font designed for screens, Verdana, was read the fastest, though readers fixated on characters less in the print serif font, Times New Roman.⁷⁹

What the researchers described as “the most interesting results” concerned regression frequency, or the number of times that participants’ eyes moved back to rescan text that had already been read.⁸⁰ The screen-optimized sans-serif font led to the fewest regressions (16.83), and the print serif font led to the most (23.17).⁸¹ In plain terms, readers were forced to make “backward movements” thirty-seven percent

71. *Id.* at 9. That being said, it seemed like cultural or linguistic differences could have played a role. Thai participants found the serif typefaces less tiring, while the English participants “found sans serif easier to read and less tiring than serif.” *Id.*

72. Aries Arditi & Jianna Cho, *Serifs and Font Legibility*, 45 VISION RSCH. 2926, 2926–27, 2931–32 (2005).

73. *Id.* at 2927–28.

74. *Id.*

75. *Id.* at 2931–32.

76. *Id.* at 2932.

77. Josephson, *supra* note 32, at 74.

78. *Id.* at 74.

79. *Id.* at 76.

80. *See id.* Regressions occur “when readers need to refixate because a forward saccade landed in a position that’s not ideal or when readers need to revisit the content because of a failure to understand the material.” *Id.* at 77.

81. *Id.* at 76.

more often while reading Times New Roman than they were while reading Verdana.⁸² As the print sans-serif font, Arial produced the second-least fixations and regressions.⁸³ Surveyed after the study, not a single participant chose Times New Roman as the “easiest to read onscreen” or the “font they liked most,” while readers’ “preference for Verdana was twice as strong.”⁸⁴

A 2016 study assigned ten participants a proofreading task to compare the speed and accuracy of reading serif versus sans-serif fonts.⁸⁵ Participants read from a high-quality screen, and researchers used eye tracking equipment to analyze eye movement behavior.⁸⁶ While the study found no difference between the typefaces for fixation duration, it did conclude that a sans-serif typeface enabled participants to read “faster and more accurate[ly] than serif.”⁸⁷ Finding that their results aligned with previous studies, the researchers speculated that “difficulty in eliciting information” from serif fonts could have caused the increased time.⁸⁸

While previous research analyzed data with small groups of participants, another 2016 study by Luz Rello and Ricardo Baeza-Yates investigated eye tracking, comprehension ability, and font preferences of ninety-seven individuals.⁸⁹ To gauge the effects of font characteristics on readability for people with learning disabilities, researchers selected participants with dyslexia, who were compared against a control group of participants without dyslexia. Twelve fonts were included in the study, and it focused on reading on screens.⁹⁰

Though the results did not prove that sans-serif fonts produce quicker reading, the study demonstrated with statistical significance that the sans-serif fonts led to shorter fixation times for all participants.⁹¹ Fixation duration directly impacts reading performance: “Shorter fixations are associated with better readability, whereas a greater number of fixations and longer fixations can indicate that processing loads are greater.”⁹² What this means is that readers were forced to stop and concentrate on words written in a serif typeface for longer periods than they were on words in a sans-

82. *Id.*

83. *Id.*

84. *Id.* at 77–78.

85. Dogusoy et al., *supra* note 64, at 580.

86. *Id.* at 580–81.

87. *Id.* at 583.

88. *Id.* at 583–84.

89. Luz Rello & Ricardo Baeza-Yates, *The Effect of Font Type on Screen Readability by People with Dyslexia*, 8 ACM TRANSACTIONS ON ACCESSIBLE COMPUTING 15:1, 15:5 (2016).

90. *Id.* at 15:2, 15:5 (“We limit our study to on-screen fonts because reading online content is the most frequent case today and also because this allows us to use standard eye-tracking techniques.”). The twelve fonts used in the study were “Arial, Arial Italic, Computer Modern Unicode (CMU), Courier, Garamond, Helvetica, Myriad, OpenDyslexic, OpenDyslexic Italic, Times Italic, and Verdana.” *Id.* at 15:5.

91. *Id.* at 15:24.

92. *Id.* at 15:8.

serif typeface. The results indicated that the same fonts and typefaces that are “good for people with dyslexia” are “also good for people without dyslexia.”⁹³

Eye tracking is a common method for font research, but it is not the only way to assess people’s responses to text. In 2023, a study measured brain activity and reading time when participants read passages in various fonts.⁹⁴ The researchers found that text using a sans-serif typeface was correlated with “shorter times of reading and higher levels of calmness” compared to a serif style.⁹⁵ The differences between sans-serif and serif fonts were even more notable on screens than on paper.⁹⁶ The study concluded that usage of a sans-serif typeface “may help to improve comprehension” across “a wide range of contexts.”⁹⁷

3. Studies with Mixed Results

For all the research comparing serif and sans-serif fonts, some commentators suggest that the result is nothing more than a deadlock.⁹⁸ It is inherently difficult to compare fonts on the single basis of serifs since “virtually all [pre-existing] fonts differ in more than a single characteristic.”⁹⁹ Multiple experiments have come to a draw, finding no significant readability difference between serif and sans-serif typefaces.¹⁰⁰

93. *Id.* at 15:29.

94. Teixeira et al., *supra* note 58, at 28–29.

95. *Id.* at 34.

96. *Id.*

97. *Id.*

98. SIMON GARFIELD, *JUST MY TYPE: A BOOK ABOUT FONTS* 53 (2011) (“Serif and sans serif faces are also equally legible, so long as the serifs aren’t too heavy and thick.”); Dmitry A. Tarasov, Alexander P. Sergeev & Victor V. Filimonov, *Legibility of Textbooks: A Literature Review*, 174 *PROCEDIA—SOC. & BEHAV. SCIS.* 1300, 1304 (2015) (“Almost equal numbers of studies showed advantages and disadvantages of serifs.”); Off. of Disease Prevention & Health Promotion, *3.3 Use a Readable Font That’s at Least 16 Pixels*, HEALTH LITERACY ONLINE, <https://health.gov/healthliteracyonline/display/section-3-3> [<https://perma.cc/Z7G6-NCYG>] (last updated June 8, 2016) (“There’s been a lot of debate about which type of font is easier to read online—and overall, the research is inconclusive.”); Uroš Nedeljković, Kata Jovančić & Nace Pušnik, *You Read Best What You Read Most: An Eye Tracking Study*, 13 *J. EYE MOVEMENT RSCH.* 1, 8 (2020), <https://ncbi.nlm.nih.gov/pmc/articles/PMC7963459/pdf/jemr-13-02-i.pdf> [<https://perma.cc/WV7E-SN73>] (“Although theoreticians and practitioners had been intensively debating whether serifs affected legibility or not, not even empirical research could give them an answer.”). However, not all studies are made equal. Combing through decades of typographic research, a recent systematic review concluded that “there is no difference in the legibility of serif and sans serif typefaces *either* when reading from paper *or* when reading from screens.” JOHN T.E. RICHARDSON, *THE LEGIBILITY OF SERIF AND SANS SERIF TYPEFACES: READING FROM PAPER AND READING FROM SCREENS* 130 (2022). But the review appeared to fall subject to an unconscious bias: when studies recommended sans-serif fonts, the review capitalized on characteristics that qualified those studies, while it overlooked similar shortcomings for other findings that recommended serif fonts. *Compare, e.g., id.* at 71, 73 (dismissing a study supporting sans-serif fonts because its nine participants amounted to a “very small sample”), *with id.* at 117–18 (positively highlighting research that supported serif fonts even though it only featured twelve participants).

99. Arditi & Cho, *supra* note 72, at 2926.

100. Barbara Daxer, Wolfgang Radner, Michael Radner, Thomas Benesch & Armin Ettl, *Towards a Standardisation of Reading Charts: Font Effects on Reading Performance*, 42 *OPHTHALMIC & PHYSIOLOGICAL OPTICS* 1180, 1186 (2022) (“Our results show that the use of Helvetica versus Times New Roman does not affect the legibility of text paragraphs, as measured by reading speed or the number of reading errors.”); Hassan Soleimani & Elham Mohammadi, *The Effect of Text*

For example, a 2020 study concluded that legibility is just a matter of familiarity.¹⁰¹ Among eighty-four participants, it tested three fonts: one recognizable font with a basic structure familiar to most readers, one unrecognizable font that still maintained the basic structure, and one unrecognizable font that used an unfamiliar structure.¹⁰² Researchers timed participants' reading multiple times, so it could be determined whether increased exposure to the fonts improved speed.¹⁰³

The data revealed that the reading time for the first two fonts did not change after exposure, likely because the structure—or “universal skeleton”—was already familiar to the readers even if the specific font itself was not.¹⁰⁴ But the reading time for the third font did change after an exposure period.¹⁰⁵ Increasing readers' familiarity with a font led to “a positive effect on legibility, whether or not the typeface matche[d] the universal skeleton.”¹⁰⁶ Therefore, the researchers managed to conclude “that some typefaces are more legible than others due to their familiarity, i.e. decades or centuries-long exposure to them.”¹⁰⁷ Though not every researcher comes to as precise a conclusion, others do raise the possibility that reader familiarity with certain fonts, such as Times New Roman, plays a role in performance.¹⁰⁸ A popular mantra for type designers quips, “[Y]ou read best what you read most.”¹⁰⁹

Though the question is not definitively settled for people with normal vision and reading abilities, there is at least some data suggesting that sans-serif fonts are more beneficial than serif fonts on screens and for people with dyslexia or other learning difficulties. Even more supportive of sans-serif fonts are widespread accessibility best practices.

B. *Guidance from Disability Advocates, Government Agencies, and Universities on Best Practices for Fonts*

This section will focus on readers with a learning disability and the organizational best practices that optimize legibility through font for those readers. About fifteen to

Typographical Features on Legibility, Comprehension, and Retrieval of EFL Learners, 5 *ENG. LANGUAGE TEACHING* 207, 213 (2012), <https://files.eric.ed.gov/fulltext/EJ1079769.pdf> [<https://perma.cc/ZL45-7DTJ>]; Nedeljković et al., *supra* note 98, at 8 (“The results of various experiments showed that when it came to legibility, there is no difference between serif and sans-serif typefaces.”).

101. Nedeljković et al., *supra* note 98, at 14–15.

102. *Id.* at 11–12.

103. *Id.* at 13.

104. *Id.* at 14–15.

105. *Id.* at 15.

106. *Id.*

107. *Id.* at 2, 8.

108. Josephson, *supra* note 32, at 70 (“The two fonts used widely in print—Times New Roman and Arial—were the fonts read most quickly onscreen possibly due to the participants' familiarity with these typefaces.”); GARFIELD, *supra* note 98, at 53–54 (“Preferences for typefaces such as Times Roman exist by habit, because those typefaces have been around longest. When those typefaces first came out, they were not what people were used to either. But because they got used, they have become extremely legible.”).

109. GARFIELD, *supra* note 98, at 53. *But see* Sieghart, *supra* note 57, at 40 (“The comments from the test subjects also show that [the tested] serif fonts in particular are unfamiliar, but that they do not affect reading performance.”).

twenty percent of people around the world experience a “a language-based learning disability” such as dyslexia.¹¹⁰ According to preference rankings, individuals with dyslexia liked sans-serif fonts more than their serif counterparts.¹¹¹ Some research shows that fonts developed specifically for readers with dyslexia decrease the number of mistakes and increase reading fluency compared to serif fonts.¹¹² But overall, specialized fonts have not existed for long enough to consistently prove whether they have any effect, either positive or negative, on reading performance.¹¹³

There is valid disagreement about the most legible fonts for readers without disabilities, but advocacy and government organizations largely agree that sans-serif fonts should be used to accommodate people with reading and learning difficulties.¹¹⁴ The British Dyslexia Association’s Dyslexia Style Guide recommends sans-serif over serif formatting,¹¹⁵ and other dyslexia advocacy and teaching organizations concur.¹¹⁶

Health Literacy Online, a project led by the U.S. Department of Health and Human Services (“HHS”) to improve web experiences for individuals across all ability levels, advises developers and designers to use a sans-serif typeface.¹¹⁷ Because “some evidence suggests that serif fonts may make reading on the web more difficult for users with reading disorders,” Health Literacy Online explains that formatting text in “sans serif fonts is [the] best practice when writing for the web.”¹¹⁸ By its recommendation, HHS demonstrates that empirical evidence does not need to be completely settled before public agencies make minor adjustments that can improve the experience for individuals with reading difficulties.¹¹⁹ In addition, federal standards mandate the use of sans-serif fonts in certain contexts, such as physical signs, screen displays, and websites.¹²⁰

110. Rello & Baeza-Yates, *supra* note 89, at 1. It is worth reiterating, though, that the appearance of text does directly affect “reading performance” for everyone, regardless of whether dyslexia is a factor. *Id.* at 24 (“[F]ont types have an impact on readability for both people with and without dyslexia.”).

111. *Id.* at 24.

112. Maja Filipovska, Goran Ajdinski & Aleksandra Karovska Ristovska, *Dyslexia Typeface: Does It Affect Reading Fluency?*, 7 PRIZREN SOC. SCI. J. 46, 49 (2023).

113. See Rello & Baeza-Yates, *supra* note 89, at 25. It has been suggested, though, that dyslexia-optimized fonts may impact speed and comprehension when people read out loud. *Id.*

114. Off. of Disease Prevention & Health Promotion, *supra* note 98.

115. BRITISH DYSLEXIA ASSOCIATION, *DYSLEXIA STYLE GUIDE 1*, 1 (2023), <https://www.bdadyslexia.org.uk/advice/employers/creating-a-dyslexia-friendly-workplace/dyslexia-friendly-style-guide> [<https://perma.cc/MC7E-HK48>].

116. *Fonts*, Dyslexic.com, <https://www.dyslexic.com/articles/fonts> [<https://perma.cc/HU53-K4R9>]; Jill Staake, *Best Fonts for Dyslexia and Why They Work*, WE ARE TCHRS. (June 29, 2022), <https://www.weareteachers.com/best-fonts-for-dyslexia> [<https://perma.cc/2Q7G-N9E6>].

117. Staake, *supra* note 116; Off. of Disease Prevention & Health Promotion, *supra* note 98.

118. Off. of Disease Prevention & Health Promotion, *supra* note 98.

119. *But see Typography*, U.S. WEB DESIGN SYS., <https://designsystem.digital.gov/components/typography> [<https://perma.cc/5E78-3AMV>] (advising that “any site that requires long stretches of continuous reading could benefit from using a serif body typeface”).

120. *Americans with Disabilities Act Accessibility Standards*, U.S. ACCESS BD., <https://www.access-board.gov/ada> [<https://perma.cc/5RYR-YJZ2>]; *Information and Communication Technology: Revised 508 Standards and 255 Guidelines*, U.S. ACCESS BD., <https://www.access-board.gov/ict> [<https://perma.cc/C6CS-C9D7>].

Accessibility offices at American colleges tend to recommend sans-serif fonts for use by staff and faculty. While not every college agrees,¹²¹ major flagship universities have mostly coalesced around recommending a sans-serif typeface for the bulk of text, including the University of North Carolina at Chapel Hill,¹²² University of Alabama,¹²³ University of California, Berkeley,¹²⁴ University of Florida,¹²⁵ and University of Michigan.¹²⁶ Private institutions such as New York University¹²⁷ and Princeton University¹²⁸ offer similar guidelines, explaining that sans-serif fonts “are easier to read for those with vision loss and cognitive disabilities and anyone reading on a digital device.”¹²⁹

Beyond dyslexia, research has indicated that older adults and readers with low vision prefer sans-serif fonts,¹³⁰ and some experts suggest that individuals with other types of learning difficulties might benefit from sans-serif fonts. One such example relates to people with autism spectrum disorder (“ASD”).¹³¹ Because research indicates that “simplicity is key” to avoiding overstimulating environments, “clear and easily

121. See, e.g., *Accessibility Checklist*, RUTGERS UNIV., <https://radr.rutgers.edu/resource/accessibility-checklist> [<https://perma.cc/BZ94-XCZ7>]; *Utilizing Universal Design Principles*, TEX. A&M UNIV., https://itaccessibility.tamu.edu/help/web_design.php [<https://perma.cc/J9D2-S7P8>]; *Visual Design*, YALE UNIV., <https://usability.yale.edu/usability-best-practices/visual-design> [<https://perma.cc/K4BE-YVVQ>].

122. *‘Designing-in’ Accessibility*, UNIV. N.C., <https://access.web.unc.edu/designing-in-accessibility> [<https://perma.cc/V9G6-GKHA> (staff-uploaded archive)].

123. *Resources for Faculty and Staff*, UNIV. ALA., <https://ods.ua.edu/faculty-staff/resources-for-faculty-staff> [<https://perma.cc/FVZ7-YH86>].

124. *Manual Testing Checklist*, UNIV. CAL. BERKELEY, <https://dap.berkeley.edu/testing/checklist-manual-reviews> [<https://perma.cc/PM5M-SNBC>].

125. *Font and Font Size*, UNIV. FLA., <https://accessibility.ufl.edu/faculty--staff/top-tips/font-and-font-size> [<https://perma.cc/7ZJ2-VECA>].

126. *Accessibility*, UNIV. MICH., <https://brand.umich.edu/design-resources/accessibility> [<https://perma.cc/4V6N-GH4Q>].

127. *Inclusion and Accessibility for All*, N.Y. UNIV., <https://www.nyu.edu/employees/resources-and-services/media-and-communications/nyu-brand-guidelines/telling-the-nyu-story/inclusion-and-accessibility-for-all.html> [<https://perma.cc/5JMP-9LG4>].

128. *How to Design for Accessibility*, PRINCETON UNIV., <https://accessibility.princeton.edu/how/design> [<https://perma.cc/H7G2-6FQE>].

129. N.Y. UNIV., *supra* note 127.

130. Michael L. Bernard, Chia Hui Liao, Barbara S. Chaparro & Alex Chaparro, *Examining Perceptions of Online Text Size and Typeface Legibility for Older Males and Females*, 6TH ANN. INT’L CONF. ON INDUS. ENG’G—THEORY APPLICATIONS & PRAC., Nov. 18–20, 2001, at 1, 8 (“[B]oth males and females greatly preferred as their first or second choice the 14-point sans serif fonts Verdana and Arial to the 14-point serif fonts, Georgia and Times.”); Elizabeth Russell-Minda, Jeffrey W. Jutai, J. Graham Strong, Kent A. Campbell, Deborah Gold, Lisa Pretty & Lesley Wilmot, *The Legibility of Typefaces for Readers with Low Vision: A Research Review*, 101 J. VISUAL IMPAIRMENT & BLINDNESS 402, 410–11 (2007).

131. Vinh Le Quang, *Ease: A Cross-Platform Application for Supporting Individuals with ASD in Managing Overstimulation and Social Anxiety* 13 (July 2023) (B.A. thesis, Universidad Politécnica de Madrid), https://oa.upm.es/76004/1/TFG_VINH_LE_QUANG.pdf [<https://perma.cc/E3L2-SRDF>].

readable typefaces are recommended.¹³² Fonts with a sans-serif typeface are specifically highlighted as good options to optimize design for people with ASD.¹³³

The use of sans-serif fonts is also described as a best practice for creating materials for students with attention-deficit/hyperactivity disorder (“ADHD”).¹³⁴ Law professors are advised to avoid fonts that students with ADHD might find “potentially distracting.”¹³⁵ Presentations, documents, and other classroom materials should “use a sans serif font” instead of “a serif font such as the usual go-to, Times New Roman.”¹³⁶

However, the preference for sans-serif fonts is not universal among professional organizations. The American Psychological Association (“APA”) Style Guide lists out myths about accessible fonts, including that “[s]erif fonts are not accessible” and “[d]yslexia-friendly fonts always improve readability.”¹³⁷ APA Style asserts that serif fonts are usually just as legible as their sans-serif counterparts.¹³⁸ Similarly, high-profile companies involved in web design advocate for the use of serif fonts in certain contexts. For example, among the many benefits Adobe lists for serif fonts, it claims that serifs are highly readable at a small scale.¹³⁹ The website building service Wix includes six serif recommendations in its ranking of the best fonts to use on the internet.¹⁴⁰ For its part, online design company Canva suggests employing serif fonts for “more traditional businesses,” like accounting firms.¹⁴¹

The research community has not reached a definitive consensus on whether a serif or sans-serif typeface is more legible. As illustrated by the sampling of studies discussed here, results vary based on the fonts used, criteria measured, and even the specific participants involved. However, best practices from government organizations, design experts, and accessibility advocates tend to gravitate toward

132. *Id.*

133. *Id.*; *Guidance for Assembly Staff on Involving People with Autism in Committee Meetings and Events*, N. IR. ASSEMBLY, <https://www.niassembly.gov.uk/visit-and-learning/autism-and-the-assembly/useful-information/guidance-for-assembly-staff-on-involving-people-with-autism-in-committee-meetings-and-events> [<https://perma.cc/43XF-GKJM>] (“While everyone has individual preferences, generally the best fonts to use are sans-serif fonts such as Helvetica, Verdana or comic sans.”).

134. Lorna McKnight, *Designing for ADHD: In Search of Guidelines*, 9 INT’L CONF. ON INTERACTION DESIGN & CHILD. 3 (2010), <https://homepage.divms.uiowa.edu/~hourcade/idc2010-myw/mcknight.pdf> [<https://perma.cc/CT2Z-HTLW>]. *But see id.* (“While sans-serif fonts are often used for children, research has not shown any reliable and clear benefit in this form of typeface over serif fonts for readability”).

135. Dyane L. O’Leary, *Flipped Out, Plugged In, and Wired Up: Fostering Success for Students with ADHD in the New Digital Law School*, 45 CAP. U. L. REV. 289, 327 (2017).

136. *Id.*

137. *Accessible Typography*, APA STYLE, <https://apastyle.apa.org/style-grammar-guidelines/paper-format/accessibility/typography> [<https://perma.cc/4AGH-PE4E>] (last updated Feb. 2024).

138. *Id.*

139. Dylan Todd & Madeline DeCotes, *Picking the Right Font: Serif vs. Sans Serif*, ADOBE, <https://www.adobe.com/creativecloud/design/discover/serif-vs-sans-serif.html> [<https://perma.cc/2NXS-DDWW> (staff-uploaded archive)].

140. Ana Cvetkovic, *17 of the Easiest Fonts to Read*, WIX BLOG (Feb. 17, 2024), <https://www.wix.com/blog/easiest-font-to-read> [<https://perma.cc/33KG-UPWW> (staff-uploaded archive)] (EB Garamond, Times New Roman, Palatino, Baskerville, Merriweather, and Georgia).

141. Deanna deBara, *Serif vs. Sans Serif Fonts on Canva*, CANVA, <https://www.canva.com/learn/serif-vs-sans-serif-fonts> [<https://perma.cc/HYC5-EASK> (staff-uploaded archive)].

sans-serif fonts as easier to read and better for screens than serif fonts. No single font ever satisfies everyone, and “one size never fits all.”¹⁴² But adherence to accepted typographic guidelines can at least ensure that materials are designed “to fit most.”¹⁴³

III. LANDSCAPE OF FONT USAGE OUTSIDE OF NORTH CAROLINA REQUIREMENTS

A. *American Lawyers*

The research about the readability of serif versus sans-serif fonts has changed over time, but the popularity of certain fonts in the legal field remains largely static.¹⁴⁴ Many attorneys still rely on serif fonts primarily because they represent “the traditional choice” and thus “the best choice.”¹⁴⁵ A prevalent, long-standing notion among lawyers is that serifs are always more readable than sans-serif fonts.¹⁴⁶ In 2009, an Ohio appellate judge asserted that “[s]cientific studies support always using a serif type for text.”¹⁴⁷ Even at the time the judge’s article was written, the claim was not backed up by fact; no research had agreed on “always” formatting with one font or another.¹⁴⁸ However, the Ohio judge is far from the only person in the legal field with this misconception.¹⁴⁹

For lawyers, the most popular serif font is Times New Roman.¹⁵⁰ However, typography experts and legal scholars alike have questioned whether Times New Roman remains popular in the legal field due to “its quality or merely its ubiquity.”¹⁵¹ Dubbed “the font of least resistance,” Times New Roman communicates “apathy” to a court and to a client, and one federal appellate judge called it “utterly inappropriate” for

142. O’Leary, *supra* note 135, at 327; *see also* Kenneth H. Ryesky, *From Pens to Pixels: Text-Media Issues in Promulgating, Archiving, and Using Judicial Opinions*, 4 J. APP. PRAC. & PROCESS 353, 409 (2002) (identifying an “accuracy and accessibility” problem in both serif and sans-serif fonts where “certain characters in some fonts resemble other characters in the same font”).

143. O’Leary, *supra* note 135, at 327.

144. *See, e.g.*, Robbins, *supra* note 4, at 120.

145. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 145.

146. *See, e.g.*, Mark Painter, *Good Writing Needs a Good ‘Look,’* MONT. LAW., June 2009, at 18.

147. *Id.*

148. *See* Robbins, *supra* note 4, at 119–20 (explaining that “little conclusive evidence” existed to settle the typeface debate); Kiernan-Johnson, *supra* note 5, at 101–05 (“Although often repeated, the claim that sans serif fonts should not be used in extended text, that they are not as legible as serif typefaces, is not entirely true.”).

149. *See, e.g.*, K.K. DuVivier, *The Blackletter Law of Form*, COLO. LAW., Jan. 1999, at 31 (contending that serif fonts lead to the “best readability”); Tenielle Fordyce-Ruff, *Words on the Page: Font Matters*, 57 ADVOC. (IDAHO) 50, 51 (2014) (“When trying to increase legibility, stick to serif fonts. These are more readable than sans serif fonts.”); Chad Baruch, *Everything You Wanted to Know About Legal Writing but Were Afraid to Ask*, J. CONSUMER & COM. L. 9, 11 (2013) (recommending that lawyers “prepare documents in a serif typeface” to “enhance readability” because contracts would not be as understandable in sans-serif fonts).

150. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 119 (crowning Times New Roman “as the default font of the legal profession”). Chad O. Propst & Joey A. Wright, *Taking Your Written and Oral Advocacy to the Next Level* 16 (unpublished manuscript) (“Virtually every legal document” can be found “drafted in Times New Roman.”) (on file with the North Carolina Law Review).

151. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 119.

court documents.¹⁵² Justice Dietz and other appellate experts have remarked that Times New Roman may be common, but the font “was not, however, designed for intensive reading.”¹⁵³

The primary reason Times New Roman is not optimized for legal writing is because it was originally created to fit as much printed text as possible in columns for *The London Times*.¹⁵⁴ The newspaper even admitted during the font’s debut in 1932 that Times New Roman is “hardly a book type” because the font “is strictly appointed for use in short lines.”¹⁵⁵ In many jurisdictions, filings are constrained by word count and not page count,¹⁵⁶ so there is no practical purpose in using an unnecessarily narrow font.

Another key reason Times New Roman is suboptimal for modern legal writing is because it was designed for an outdated printed medium.¹⁵⁷ For example, Times New Roman has periods and commas that can be difficult to notice; they are small because it was expected that ink would bleed, thus making punctuation and text larger on paper.¹⁵⁸ Not only are most court filings now read on screens,¹⁵⁹ but even when documents are printed, ink does not bleed with laser printers.¹⁶⁰ Despite these arguments, many lawyers steadfastly stick to Times New Roman. In comparison, *The London Times* itself phased out Times New Roman over fifty years ago.¹⁶¹

152. *Id.*; Kiernan-Johnson, *supra* note 5, at 88. Satirically, it has also been referred to as the “Official Font of the Patriarchy.” Amanda Patanow, *Time’s Up, Times New Roman: Official Font of the Patriarchy*, LINKEDIN (Mar. 9, 2021), <https://www.linkedin.com/pulse/times-up-new-roman-official-font-patriarchy-amanda-patanow> [https://perma.cc/HM9R-3K8T].

153. Dietz et al., *supra* note 25, at 3; *see id.* (labelling Times New Roman “the beige of fonts”).

154. BUTTERICK, *TYPOGRAPHY FOR LAWYERS*, *supra* note 1, at 119; Kiernan-Johnson, *supra* note 5, at 88. Envisioned by Stanley Morrison, drafted by Victor Lardent, and meticulously drawn by Dora Pritchett, Dora Laing, and other clerks in the Monotype Corporation’s Type Drawing Office, Times New Roman served to “maximiz[e] the amount of type that would fit on a line.” Alice Savoie, *The Women Behind Times New Roman: The Contribution of Type Drawing Offices to Twentieth Century Type-Making*, 33 J. DESIGN HIST. 209, 220 (2020); Meredith Mann, *Where Did Times New Roman Come From?*, N.Y. PUB. LIBR. (Dec. 9, 2014), <https://www.nypl.org/blog/2014/12/09/times-new-roman> [https://perma.cc/98BK-TGF6].

155. Mann, *supra* note 154.

156. Propst & Wright, *supra* note 150, at 17.

157. Painter, *supra* note 146, at 18.

158. *Id.*

159. *See* Raffi Melkonian, *Thoughts and Worries About Appellate Practice Post-Pandemic*, 19 LEGAL COMM’N. & RHETORIC 129, 131–32 (2022) (finding that “long brewing trends towards e-reading have accelerated” due to the COVID-19 pandemic); *see also* Eric M. Fraser, Thomas L. Hudson & Joseph N. Roth, *Arizona’s Appealing New Rules: The Overhaul of the Arizona Rules of Civil Appellate Procedure*, ARIZ. ATT’Y, Jan. 2015, at 52–53 (“[M]ost judges now read briefs on screens.”); Ellie Margolis, *Is the Medium the Message? Unleashing the Power of E-Communication in the Twenty-First Century*, 12 LEGAL COMM’N. & RHETORIC 1, 11 (2015) (“[T]here is growing evidence that judges are increasingly reading cases and briefs on screens.”); Gerald Lebovits, *E-Filing: Mastering the Tech-Rhetoric*, 83 N.Y. ST. BAR ASS’N J., May 2011, at 64, 56 (“Some judges will print your materials. Most will read them on their computers.”).

160. CDW Expert, *Inkjet vs. Laser Printers: Which Printer Is Best for You?*, CDW (Mar. 14, 2022), <https://www.cdw.com/content/cdw/en/articles/hardware/inkjet-vs-laser-printers.html> [https://perma.cc/5W94-BRG2] (“[S]ince laser printers use dry toner, the ink doesn’t bleed or smear . . .”).

161. *Times New Roman*, MYFONTS, <https://www.myfonts.com/collections/times-new-roman-font-monotype-imaging> [https://perma.cc/PSJ5-7C7S].

Even though boilerplate syndrome has locked in Times New Roman as “the Buick of fonts,”¹⁶² there is evidence indicating that sans-serif fonts are more readable than serif fonts by at least some metrics, especially on screens and for individuals with learning difficulties.¹⁶³ Additionally, the COVID-19 pandemic upended legal practice and led to inevitable changes in the way advocates write, argue, and learn.¹⁶⁴ Included in this sweeping wave of pandemic-forced adjustments is typography, due to the fact that “old fonts may no longer serve as well in the context of iPads and smart phones.”¹⁶⁵ Boilerplate syndrome may be a stubborn obstacle to overcome, but it is possible that “notions of both legibility and readability in sans faces may change” when “readers of legal texts read more and more documents set in sans serif faces.”¹⁶⁶

B. *Courts in the United States*

While the traditionally uniform American legal system has not permitted much divergence from proportionally spaced serif fonts, there are some state courts that do allow typographical variation in their filing requirements.¹⁶⁷ Multiple courts have enacted these changes within the past five years.¹⁶⁸ While few courts mandate the use of sans-serif fonts, these changes demonstrate the possibility that courts are not only open to change, but that they are eager for it.

One wrinkle in any analysis of the fonts used in American courtrooms is the distinction between fonts accepted by the court and fonts used by the court itself. In other words, while most courts do not have rules for the fonts in which briefs and filings are submitted, some courts *do* exhibit a font preference when publishing their own opinions.¹⁶⁹ For example, the First Circuit Court of Appeals does not require a specific

162. Willett, *supra* note 4, at 41. In comparison, Don Willett, judge of the U.S. Court of Appeals for the Fifth Circuit, referred to the font “Equity as ‘a Rolls-Royce (or better, a fully loaded Ford F-150).” Matthew Butterick, *Choose Wisely: 2020 Edition*, CHRON (Sept. 20, 2020), <https://matthewbutterick.com/chron/choose-wisely-2020-edition.html> [<https://perma.cc/87LQ-YB7K>] (quoting Willett, *supra* note 4, at 42).

163. *See supra* Part III.

164. *See* Melkonian, *supra* note 159, at 130–38.

165. *Id.* at 133.

166. Kiernan-Johnson, *supra* note 5, at 104 n.88; *see* Nedeljković et al., *supra* note 98, at 14–15.

167. *See, e.g.*, Administrative Order Concerning Fonts Approved for Papers Filed in the Supreme Court of Maryland and the Appellate Court of Maryland (Md. Sept. 27, 2023).

168. *See infra* notes 171–88 and accompanying text. While many rule changes have recently occurred, the discussion around typeface is not in itself a new development. In 1997, responding to new rules issued by the U.S. Court of Appeals for the Fifth Circuit, Judge Bob Downing wrote, “Give me freedom of font or give me death!” Letter from Bob Downing, J., 19th Jud. Dist. Ct. (Nov. 1, 1997), in Vincent P. Fornias, *Drawing A Line in the Sans Serif*, 45 LA. B.J. 592, 593 (1998) (emphasis omitted); *see also id.* (“Just as the Lords imposed their will on the lowly serfs, so the Federal Court imposes its will on the sans serifs.”).

169. *See* Jason Steed, *Font Considerations to Give Your Legal Briefs an Edge*, LAW360 (May 11, 2021, 12:31 PM), <https://www.law360.com/articles/1383316/font-considerations-to-give-your-legal-briefs-an-edge> [<https://perma.cc/WZ6S-WF2H> (staff-uploaded, dark archive)] (noting that the U.S. Court of Appeals for the First Circuit typically publishes its opinions in Courier, the Second Circuit in Palatino, and the Fifth Circuit in Equity); Alex Anteau, *Designed for Lawyers: Why It Matters That Georgia Court of Appeals Changed Its Font*, DAILY REPORT ONLINE (Sept. 25, 2023, 6:01 PM), <https://www.law.com/dailyreportonline/2023/09/25/designed-for-lawyers-why-it-matters-that-georgia-court-of->

font for materials that are submitted to the court;¹⁷⁰ however, it “notoriously” still uses the font Courier to publish its opinions.¹⁷¹ Similarly, the Fifth Circuit proved that it is invested in typography too, changing the font it uses to publish its opinions in 2020.¹⁷² Explaining the court’s shift, Judge Don Willett wrote, “Our job is not just to present clear opinions, but to present our opinions clearly. . . . And that presentation begins before the first word is ever read.”¹⁷³

The Seventh Circuit is particularly vocal about acceptable fonts for submitted materials. In a 2024 decision, the appellant submitted its brief in Bernhard Modern, which is a primarily decorative font with low legibility.¹⁷⁴ The Seventh Circuit dismissed the appeal for multiple substantive reasons, but it drew special attention to the appellant’s font choice.¹⁷⁵ The court warned that decorative typefaces like Bernhard Modern “wear out judicial eyes after just a few pages and make understanding harder.”¹⁷⁶ In contrast, the court reasoned, fonts that are made for long passages improve briefs and help attorneys make their arguments more effectively.¹⁷⁷ The Seventh Circuit explained that the reason it even published its opinion was, in large part, to remind parties about typographical rules.¹⁷⁸

In its appellate handbook, the Seventh Circuit devotes seven pages to a wide-ranging discussion of typography.¹⁷⁹ Invoking unnamed “[s]tudies,” it asserts that serif fonts “are easier to read and comprehend than long passages of sans-serif type.”¹⁸⁰ It reasons that refraining from using sans-serif type in body text is a convention shared

appeals-changed-its-font/ [https://perma.cc/39F7-T8QN (dark archive)] (reporting that the Georgia Court of Appeals had switched its internal font even though its requirements for filings had not changed).

170. See 1ST CIR. R. 32.0(a)(5). It is worth noting that the First Circuit institutes different rules for proportionally and monospaced fonts, and even though there is no hard-and-fast requirement, the Court does suggest example fonts. See *id.* 32.0(a)(5)(A); CHECKLIST FOR BRIEFS 2, https://www.ca1.uscourts.gov/sites/ca1/files/checklist_for_briefs.pdf [https://perma.cc/94TQ-GDUY].

171. Steed, *supra* note 169. While Steed argues against the use of Courier due to its monospaced style, *id.*, empirical studies tend to indicate that monospaced fonts actually improve reading ability for users with learning difficulties. See Rello & Baeza-Yates, *supra* note 89, at 1 (explaining that “*sans serif*, *monospaced* and *roman* font styles significantly improved the reading performance [of the participants]”).

172. Willett, *supra* note 4, at 40–42.

173. *Id.* at 43.

174. AsymaDesign, LLC v. CBL & Assocs. Mgmt., Inc., 103 F.4th 1257, 1260 (7th Cir. 2024).

175. See *id.* at 1258–61.

176. *Id.* at 1261.

177. *Id.*

178. *Id.* at 1259 (“We are publishing this opinion not just to make these obvious points but also to urge all lawyers to read and follow this circuit’s *Practitioner’s Handbook for Appeals* . . . [M]ore important for the sore eyes of judges who must read copious legal materials, the *Handbook* (at 170–77) contains some important advice about typography.”).

179. U.S. CT. OF APPEALS FOR THE SEVENTH CIR., *supra* note 11, at 170–77; see also Joe Patrice, *Seventh Circuit Thinks Its Lawyers Are Really Stupid*, ABOVE L. (Feb. 10, 2014, 3:01 PM), <https://abovethelaw.com/2014/02/seventh-circuit-thinks-its-lawyers-are-really-stupid/> [https://perma.cc/CC22-A2CC] (“The Seventh Circuit takes seven pages to say ‘don’t use Times New Roman.’”).

180. U.S. CT. OF APPEALS FOR THE SEVENTH CIR., *supra* note 11, at 171.

by newspapers.¹⁸¹ It even instructs lawyers to “[l]ook at a professionally printed brief” where they “will find sans-serif type confined to captions if it is used at all.”¹⁸²

The Seventh Circuit’s contentions merit close examination. While it claims that “[s]tudies” support its broad conclusions about the readability of serif compared to sans-serif fonts, the research is mixed at best for people with normal vision, as discussed above.¹⁸³ Moreover, studies discussed above find sans-serif fonts are actually *more* beneficial than serif fonts for readers with dyslexia and other learning difficulties.¹⁸⁴ Additionally, the Seventh Circuit makes its favorable comparison to newspapers despite the fact that it points out—in the same section—that newspapers actually use specific fonts for different, even incompatible, purposes than courts.¹⁸⁵ Finally, the Seventh Circuit’s assertion about professional briefs rarely using sans-serif fonts may be simply attributed to the aforementioned boilerplate syndrome, instead of a unified effort to promote the most readable and accessible typefaces.

When it comes to the fonts that are explicitly accepted by state courts, the Supreme Court and Appellate Court of Maryland amended their lists of permissible fonts in 2023 for the first time in over twenty-five years.¹⁸⁶ Prompted by a letter from a local attorney, the updated fonts included on the list seemed to indicate that jurists anticipate “reading a lot of appellate briefs on screens.”¹⁸⁷ The list even included a “very accessible” sans-serif font that is well-designed for readers “who might have any trouble reading a brief.”¹⁸⁸

Another state’s high court that recently changed its typeface rules to prioritize readability on screens was Florida.¹⁸⁹ Responding to complaints that the two approved serif fonts created “[e]ye strain” and were “harder to read on a monitor,” the Florida Supreme Court swapped in different fonts, one serif and one sans-serif, that were

181. *Id.* (“The rule accordingly limits the principal sections of submissions to serif type, although sans-serif type may be used in headings and captions. This is the same approach magazines, newspapers, and commercial printers take.”).

182. *Id.*

183. *See supra* Section III.A.

184. *See supra* Section III.A.

185. U.S. CT. OF APPEALS FOR THE SEVENTH CIR., *supra* note 11, at 173. The Seventh Circuit clearly explains that *The London Times* used Times New Roman to cater to “an audience looking for a quick read. Lawyers don’t want their audience to read fast and throw the document away; they want to maximize retention. Achieving that goal requires a different approach—*different typefaces*, different column widths, different writing conventions. Briefs are like books rather than newspapers.” *Id.* (emphasis added). It is worth repeating that not even *The London Times* still uses Times New Roman. *See supra* notes 157–61 and accompanying text.

186. Madeleine O’Neill, *Maryland Supreme Court Approves New Font List for Appellate Briefs*, DAILY REC. (Oct. 9, 2023), <https://thedailyrecord.com/2023/10/09/maryland-supreme-court-approves-new-font-list-for-appellate-briefs> [<https://perma.cc/8ZBB-UHMJ>].

187. *Id.*

188. *Id.*

189. *In re* Amendments to Florida Rules, 308 So. 3d 53, 53 (Fla. 2020).

preferred by members of the state bar.¹⁹⁰ Notably, state appellate courts in Connecticut are the only ones to require a sans-serif typeface.¹⁹¹ Given the relatively small amount of guidance provided by American courts and legal practitioners, it is helpful to look to other professional standards—in parallel fields and around the world—for guidance on font use.

C. *Analogies Outside of the American Legal Field*

While no discipline is identical to law, other professional fields provide helpful cues. For starters, diplomacy offers a close parallel. Like lawyers, diplomats are highly reliant on precedent,¹⁹² and the field has proven “resistant to change.”¹⁹³ Similar to the law, international diplomacy is a bulwark against the violent resolution of disputes.¹⁹⁴ Pivotal when it comes to critical decision-making, “the diplomatic profession, like the legal profession, lives by the written word.”¹⁹⁵ Given the importance of the “written word” to diplomacy, the choice of font is highly consequential.

In January 2023, the State Department changed its long-standing font requirements for cables and messages sent within the U.S. Foreign Service.¹⁹⁶ In a department-wide memorandum, Secretary of State Antony Blinken instructed staff to use 14-point Calibri for official messages, ending nearly two decades of reliance on Times New Roman.¹⁹⁷ The purpose of the shift was to alleviate “accessibility issues for

190. Press Release, Fla. Sup. Ct., *New Font Requirements for Appeals Briefs Take Effect Jan. 1* (Dec. 21, 2020, 8:15 AM), <https://supremecourt.flcourts.gov/News-Media/Court-News/New-font-requirements-for-appeals-briefs-take-effect-Jan.-1> [<https://perma.cc/HNY3-GDGW>].

191. See CONN. R. APP. P. § 66-3; Steed, *supra* note 169. Though Connecticut’s one-of-a-kind sans-serif requirement appears to have existed since at least 2003, an explanation is unavailable about what reasons precipitated the prescient standard. See STATE OF CONN. JUD. BRANCH, *HANDBOOK OF CONNECTICUT APPELLATE PROCEDURE* 19 (2003).

192. Edwin D. Dickinson, *Book Review*, 33 *YALE L.J.* 111, 112 (1923) (reviewing ERNEST SATOW, *A GUIDE TO DIPLOMATIC PRACTICE* (1922)) (acknowledging the importance of “precedence and immunities” for professional diplomats); see also *About Us*, OFF. HISTORIAN, U.S. DEPT. STATE, <https://history.state.gov/about> [<https://perma.cc/DE79-PGWW>] (“Department officers rely on institutional memory, collective wisdom, and personal experience to make decisions.”).

193. Fatih Mehmet Sayin & Betül Ayşe Sayin, *Old and New Diplomacy and the Role of Communication*, 9 *INT’L J. ECON. & SOC. RSCH.* 15, 24 (2013) (quotation marks omitted); see also Hamad Al-Muftah, Vishanth Weerakkody, Nripendra P. Rana, Uthayasankar Sivarajah & Zahir Irani, *Factors Influencing E-Diplomacy Implementation: Exploring Causal Relationships Using Interpretive Structural Modelling*, 35 *GOV’T INFO. Q.* 502, 513 (2018) (interviewing diplomats from three countries, including the United States, and concluding that advocates of new technology should make it a “priority” to address institutional “resistance to change”).

194. See *Security*, NAT’L MUSEUM OF AM. DIPL., <https://diplomacy.state.gov/online-exhibits/diplomacy-is-our-mission/security> [<https://perma.cc/XB2C-NDB4>].

195. William Bodde, Jr., *Lawyers and Diplomats: Some Personal Observations*, 5 *NW. J. INT’L L. & BUS.* 40, 44 (1983).

196. John Hudson & Annabelle Timsit, *A Font Feud Brews After State Dept. Picks Calibri over Times New Roman*, *WASH. POST* (Jan. 18, 2023, 1:23 PM), <https://www.washingtonpost.com/world/2023/01/18/state-department-times-new-roman-calibri> [<https://perma.cc/7CVT-4DGP> (staff-uploaded, dark archive)].

197. *Id.*; Tom Vanderbilt, *Courier, Dispatched*, *SLATE* (Feb. 20, 2004, 3:50 PM), <https://slate.com/human-interest/2004/02/goodbye-to-the-courier-font.html> [<https://perma.cc/SF5B-HMUD>].

individuals with disabilities” by using a font that has “no wings and feet.”¹⁹⁸ The State Department emphasized that the new font choice promoted “the values and message of disability inclusion.”¹⁹⁹ Blinken’s message ordered implementation of the new font within a mere three weeks.²⁰⁰

The decision was not without controversy, both in and outside the State Department. One Foreign Service officer predicted “an internal revolt” over replacing Times New Roman with Calibri, while another felt lukewarm at best, remarking that they “hate serifs” but still “don’t love Calibri.”²⁰¹ Meanwhile, the headline published by Fox News decried that the “State Department focuse[d] on ‘accessible’ font choices amid world instability.”²⁰² Another article quipped that employees’ preoccupation with font choice, in the face of pressing global issues, did “not inspire confidence.”²⁰³

Internal critics can take solace in the knowledge that a font change is not unprecedented for the State Department; in 2004, Courier was largely rolled back as the font of choice in favor of the “crisper, cleaner, more modern look” offered by Times New Roman.²⁰⁴ (Ironically, Times New Roman was actually created two decades *earlier* than Courier.)²⁰⁵ And external commentators may lament a perceived distraction from governing, but the reality is that switching from one pre-downloaded font to another is a minor change, even in an organization as sprawling as the U.S. Foreign Service.

Across the Atlantic, the trend toward sans-serif typefaces appears similar.²⁰⁶ The State Department’s British counterpart, the Home Office, began instructing employees to avoid serif fonts in 2022, and its announcement went public shortly after Blinken’s memorandum was released.²⁰⁷ The Home Office cautioned that “there’s no such thing

198. Memorandum from Antony Blinken, Sec’y of State, U.S. Dept. of State, to internal personnel (Jan. 17, 2023), <https://www.washingtonpost.com/world/2023/01/18/state-department-times-new-roman-calibri> [https://perma.cc/7CVT-4DGP (staff-uploaded, dark archive)] (scroll down to the screenshot of the memorandum; then right-click on the image; then select “Open Image in New Tab”).

199. Brandon Gillespie, *Calibri Crisis: Biden State Department Focuses on ‘Accessible’ Font Choices amid World Instability*, FOX NEWS (Jan. 18, 2023, 12:45 PM), <https://www.foxnews.com/politics/biden-state-department-accessible-font-choices-world-instability> [https://perma.cc/S2G6-QRF9]. Another reason for the change was that Calibri was “the default font for all things Microsoft.” Hudson & Timsit, *supra* note 196. In another foreseeable stroke of irony, Microsoft changed its default font to Aptos only seven months later. Si Daniels, *A Change of Typeface: Microsoft’s New Default Font Has Arrived*, MEDIUM (July 13, 2023), <https://medium.com/microsoft-design/a-change-of-typeface-microsofts-new-default-font-has-arrived-f200eb16718d> [https://perma.cc/RW9A-B8RN].

200. Hudson & Timsit, *supra* note 196.

201. *Id.*

202. Gillespie, *supra* note 199.

203. Chance Townsend, *The State Department Is in Turmoil over a Font Change*, MASHABLE (Jan. 21, 2023), <https://mashable.com/article/us-government-font-change> [https://perma.cc/NG9X-WUEE].

204. GARFIELD, *supra* note 98, at 315.

205. *Id.*

206. See Katie Deighton, *Font Wars Spread After State Department Replaces Times New Roman with Calibri*, WALL ST. J. (Mar. 14, 2023, 9:33 AM), <https://www.wsj.com/articles/hes-a-times-new-roman-traditionalist-shes-a-calibri-modernist-can-this-marriage-last-645fa5d7> [https://perma.cc/4B2U-G7LF (staff-uploaded, dark archive)].

207. Will Hazell, *Times New Roman Typeface Is Ableist, Civil Servants Told*, TELEGRAPH (Jan. 21, 2023, 4:13 PM), <https://www.telegraph.co.uk/politics/2023/01/21/uk-government-stops-use-ableist-times-new-roman-font> [https://perma.cc/922Z-2QH7 (staff-uploaded, dark archive)].

as a fully ‘accessible’ font,” but it still recommended the use of Arial as a better practice over Times New Roman.²⁰⁸ Even earlier, the Supreme Court of the United Kingdom discarded Times New Roman in favor of publishing its opinions in Calibri in late 2021.²⁰⁹ Citing 2018 British regulations mandating that public entities prioritize online accessibility,²¹⁰ the high court “decided that a more accessible, sans serif font should be used for judgments instead of a less accessible serif font.”²¹¹ This decision, too, engendered criticism from devout Times New Roman adherents.²¹²

Around the rest of the continent, a narrow majority of Europe’s courts favor issuing their opinions in serif typefaces. Fifty-two percent of European high courts use serif typefaces.²¹³ While Times New Roman is the most popular choice with eleven courts, Arial is the runner-up with eight.²¹⁴ These two fonts are the clear frontrunners; none of the other seven fonts in use had more than two countries relying on it.²¹⁵ There did not appear to be a correlation between which countries used which typeface and its corresponding legal system (e.g., common law or civil law).²¹⁶ Outside of Europe, the Supreme Court of Korea relies on serif fonts²¹⁷ for both briefs and opinions.²¹⁸ The Supreme Court of India, the highest court for the largest democracy in the world,²¹⁹ mandated in 2020 that all filings must be submitted in Times New Roman.²²⁰

Within scientific academia, another profession where peers and professors persuade each other about their findings through the written word, there is somewhat greater acceptance for sans-serif fonts than the legal realm, though it still has not

208. *Id.*

209. See Jonathan Ames, *Lawyers Say Ditching Old Typeface Is a Breach of Human Writes*, *TIMES* (Dec. 27, 2021, 12:01 AM), <https://www.thetimes.co.uk/article/lawyers-say-ditching-old-typeface-is-a-breach-of-human-writes-wzflrpfpx> [https://perma.cc/4LGK-FXTX].

210. See The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018, SI 2018/852 (Eng.).

211. *Request for Information About Fonts*, Sup. Ct., <https://web.archive.org/web/20221006170732/https://www.supremecourt.uk/freedom-of-information-disclosures/request-for-information-about-fonts.html> [https://perma.cc/WV88-F6UL].

212. See Elijah Granet, *Despair at the Supreme Court*, *NOTES ON STYLE L.* (Dec. 27, 2021), <https://www.legalstyle.co.uk/2021/12/despair-at-supreme-court.html> [https://perma.cc/EWQ5-MCVP] (criticizing the United Kingdom Supreme Court’s “poor impulse decisions” on typeface choice).

213. Elijah Granet, *A Typographic Brexit*, *NOTES ON STYLE L.* (Dec. 30, 2021), <https://www.legalstyle.co.uk/2021/12/a-typographic-brex.html> [https://perma.cc/67X8-3W85].

214. *Id.*

215. *Id.*

216. See *id.* (providing country-level data via the link in the second paragraph).

217. Outside of the English language, serifs still make a difference for legibility. Jinny Suh, *Legal Font Matters: A Story from Korea*, *MCKINSEY & CO.* (May 29, 2023), <https://www.mckinsey.com/featured-insights/in-the-balance/legal-font-matters-a-story-from-korea> [https://perma.cc/6KT7-C8H8] (“[W]here the focus is more on readability, 맑은 고딕 (*Malgun Gothic*), the Calibri of Korean fonts, seems to be the winner.”).

218. *Id.* The Supreme Court of Korea, one of two co-equal courts of final review, publishes its decisions using a font that is actually only available to jurists. *Id.*

219. Indrajit Roy, *India: The Hollowing Out of the World’s Largest Democracy*, 13 *POL. INSIGHT* 26, 26 (2022).

220. Seema Chishti (@seemay), *X* (Apr. 28, 2020, 2:24 AM), <https://x.com/seemay/status/1255024614515736576> [https://perma.cc/7VJL-56BP]. As required by its constitution, English is the official language of the Indian Supreme Court. INDIA CONST. art. 348(1)(a).

reached a consensus. While authors seeking to publish their work in the 150-year-old science journal *Nature*²²¹ are instructed to use Times New Roman,²²² *The American Journal of the Medical Sciences*, the country's second oldest medical periodical,²²³ prefers to receive its manuscripts in Calibri.²²⁴ It is even more common for journals to detail their font preferences depending on the specific use. *Science* requests that submissions use Times New Roman for the body of the manuscript and “a sans-serif font whenever possible” for charts.²²⁵ The *Journal of the American Medical Association* dictates that Times New Roman should be used for the body of “online-only text,” but tables and figures should be written in Arial.²²⁶ *Cell* specifies that authors should use Arial for certain graphics,²²⁷ while *The Lancet* requires Times New Roman for supplements and tables.²²⁸

While font standards may not be completely uniform across publications seeking manuscripts, what is clear is that sibling professions to the practice of law—such as diplomacy, medicine, and science—as well as legal systems in other countries, mostly seem to have a greater tolerance for sans-serif typefaces than the American legal establishment.

IV. RECOMMENDATIONS AND CONCLUSION

Appellate courts acknowledge that font and formatting can impact a reader's understanding of a legal argument, but courts have appeared to unknowingly establish a false dichotomy: in their eyes, parties can either conform to strict style rules, or they can produce filings that are easier to read on screens and more accessible for individuals with disabilities. Where trial courts tend to favor openness for the public at the expense of consistency, appellate courts adhere to strict conformity and sacrifice accessibility. A change is necessary for the state's appellate courts.

North Carolina appellate courts should permit litigants to submit filings in a sans-serif font for two reasons: First, there is some research to support the idea that sans-

221. *About Nature Portfolio*, NATURE, <https://www.nature.com/nature-portfolio/about> [https://perma.cc/LY4J-QQ2V].

222. *Formatting Guide*, NATURE, <https://www.nature.com/nature/for-authors/formatting-guide> [https://perma.cc/PRC7-SCKQ].

223. *Aims & Scope*, AM. J. MED. SCIS., <https://www.amjmedsci.com/content/aims> [https://perma.cc/VC92-VDHN (staff-uploaded archive)].

224. *Guide for Authors*, AM. J. MED. SCIS., <https://www.amjmedsci.com/content/authorinfo> [https://perma.cc/3C7M-RVTG (staff-uploaded archive)].

225. *Instructions for Preparing an Initial Manuscript*, SCIENCE, <https://www.science.org/content/page/instructions-preparing-initial-manuscript> [https://perma.cc/T8K6-QD6V (staff-uploaded archive)].

226. *Instructions for Authors*, JAMA NETWORK, <https://jamanetwork.com/journals/jama/pages/instructions-for-authors> [https://perma.cc/NSJ4-6T2V] (last updated Aug. 14, 2024).

227. *Information for Authors*, CELL, <https://www.cell.com/cell/authors> [https://perma.cc/K2YP-SDTU (staff-uploaded archive)].

228. LANCET, INFORMATION FOR AUTHORS 8 (2024), <https://www.thelancet.com/pb/assets/raw/Lancet/authors/tl-info-for-authors-1690986041530.pdf> [https://perma.cc/M87L-37PH (staff-uploaded archive)].

serif fonts are generally easier to read on screens than serif fonts.²²⁹ Second, sans-serif fonts are the more accessible option for people with reading difficulties.²³⁰ Not only is a sans-serif typeface better for readers with dyslexia, for example, but because filings are most frequently read on computers,²³¹ they may facilitate quicker and less strained reading for all judges, practitioners, and legal observers. Justice Dietz and others in the appellate field have already expressed an interest in optimizing font requirements for legal writing, and this change would help North Carolina courts keep pace with other state judiciaries, courts in other nations, and related professional fields that have already allowed a change from serif to sans-serif fonts. It is not like there is one particular font to which appellate courts are limited; they can retain authority over formatting while addressing readability and accessibility concerns by choosing from any of the countless sans-serif fonts that are publicly available.

These two driving forces—improved screen reading and better accessibility for readers with learning disabilities—dovetail well. Research has found that “[t]he fonts that are more readable for people with dyslexia are also beneficial for people without dyslexia.”²³² In other words, these reasons can work toward a common goal because they are mutually inclusive.

FUTURE RESEARCH

This Comment focused on one narrow aspect of typographic image. Ample data that is available throughout the social sciences on other aspects of font design, such as x-height and size, could be analyzed to distill and recommend legal best practices. Expanding even further, greater research on margins, line spacing, textual hierarchy, and emphasis could help practitioners and judges refine their writing for readers of all abilities.²³³ Like the law constantly evolves to keep pace with emerging technologies and groundbreaking research, the form of legal writing must continue to evolve with it.

ANDREW PARCO**

229. See Sableman, *supra* note 32, at 15 (“A common rule of thumb is ‘serif for print, sans-serif for screen.’”); see *supra* Section II.A.2.

230. See *supra* Section II.B.

231. See *supra* note 147.

232. Rello & Baeza-Yates, *supra* note 89, at 24.

233. While font plays an important role, it is important to reiterate that it is far from the only element that impacts readability. See GARFIELD, *supra* note 98, at 55 (noting that, among other factors, “readability will be aided by regular paragraphs and sufficient margins, and by an acceptable line length”).

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