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November 13, 2014

VIA FIRST CLASS MAIL

Hon. Alan M. Wilner
CHAIRPERSON, STANDING COMMITTEE ON RULES OF
PRACTICE AND PROCEDURE
2011-D Commerce Park Drive
Annapolis, Maryland 21401

Re: Proposed Changes to Rules 8-503 and 8-112

Dear Judge Wilner:

I write in opposition to the Rules Committee's proposal to mandate the use of Times New Roman font in appellate briefs. Times New Roman was designed for use in newspapers, not briefs. It is narrow, and allows newspapers (and lawyers) to cram more words into tight spaces. Furthermore, its widespread use is the result of being the default choice, not the best choice. As one lawyer has aptly put it, "Times New Roman is not a font choice so much as the absence of a font choice, like the blackness of deep space is not a color." MATTHEW BUTTERICK, *TYPOGRAPHY FOR LAWYERS* at 110 (2010).

Indeed, for many notable legal writers, Times New Roman is *not* the choice. The Supreme Court uses Century, as does the U.S. Solicitor General. Seventh Circuit Requirements and Suggestions for Typography in Briefs and Other Papers at 5, available at <http://www.ca7.uscourts.gov/rules/type.pdf>. That is because Century, like Century Schoolbook (my personal choice and the font in which this letter is written), New Baskerville, Book Antiqua, Calisto, and Bookman Old Style are proportionally spaced serif fonts that are used by professional typesetters. *Id.* To the contrary, as the Seventh Circuit has recognized "[p]rofessional typographers *avoid* using Times New Roman for book-length (or brief-length) documents." *Id.* (emphasis added). *See also* Sup. Ct. R. 33.1(b) (mandating the use of the Century family of fonts).

It would be ironic for the Court of Appeals to move from a page limitation to a word count limitation—which would allow the use of superior fonts to flourish—only to then mandate the use of the inferior Times New Roman font. Fonts used by



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professional typesetters are far easier on the eyes and simply look better.

For these reasons, I urge the Committee to reconsider its recommendation.

Sincerely,

Conor B. O'Croinin

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