

THE APPELLATE RULES COMMITTEE RECOMMENDS THE FOLLOWING PROPOSAL:

4. Appellate Rule 513.5—Approved typeface.

The recommended proposal addresses typeface in appellate documents. The proposal would eliminate certain fonts, add a new font, add a tiered system of approved fonts, and require a certification of font used and availability.

Typeface can affect a brief's readability so the committee undertook a review of approved typeface. The current rule seems to default to Courier, a font disfavored by the majority of committee members. The committee consensus was that Courier and Garamond should not be approved typefaces with an exception for self-represented parties. Courier is the standard typeface on a typewriter, and a self-represented party might prepare a brief on a typewriter. But Courier should be the font of last resort. The committee considered the various typefaces used by the state agencies represented on the committee, and the subcommittee recommendations.

With the above issues in mind, the committee agreed on the following changes:

1. Eliminate Garamond as an approved typeface;
2. Add Palatino Linotype as an approved typeface;
3. Require the party to certify the typeface and point size used; and
4. Set up a three-tiered system of approved typeface
 - a. Tier 1 approved typeface: retained most fonts except Courier, Garamond, and the "substantially similar" language, and added Palatino Linotype;
 - b. Tier 2 approved typeface: if Tier 1 typefaces (i.e. (c)(1) list) are not reasonably available, the party may use either 13 point proportionally-spaced serified roman text style or 12.5 point proportionally-spaced non-serified text style. The party must include in the certificate that Tier 1 typefaces are not reasonably available and list the typeface and point size used; and
 - c. Tier 3 approved typeface: if Tier 1 and 2 typefaces are not reasonably available, then the party may use Courier or a substantially similar monospaced text style with 12 point font size (10 monospaced characters per line). The party must include in the certificate a statement that Courier or a similar monospaced font is the only available font and identify the typeface and point size used.

The Appellate Rules Committee's recommendation is as follows:

Rule 513.5. Form of Papers

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(c) **Typeface.** (1) The text of documents, including headings and footnotes, must be at least

~~(A) 12 point (10 monospaced characters per inch) Courier, or substantially similar monospaced text style;~~

~~(A)(B) 13 point (proportionally spaced) Times New Roman, Garamond, CG Times, New Century Schoolbook, or Palatino Linotype~~ substantially similar serified, roman text style; or

~~(C)(B) 12.5 point (proportionally spaced) Arial, Helvetica, or Univers, or substantially similar non-serified text style.~~

(2) ~~When a typeface other than 12 point Courier is used, the~~ The party filing the document must ~~also~~ file a certificate that identifies the typeface and point size used in the document.

(3) If a party does not have any typeface listed in subsection (c)(1) reasonably available, the party may use a substantially similar typeface, either at least 13

point proportionally-spaced serified, roman text style or at least 12.5 point proportionally-spaced non-serifed text style. The party must file a certificate stating that none of the typefaces specified in (c)(1) are reasonably available, and identifying the typeface and point size used in the document.

(4) If the only reasonably available typeface is Courier or a substantially similar monospaced text style, the party may use this typeface with at least 12 point size (10 monospaced characters per inch). The party must file a certificate identifying the typeface and point size used in the document, and stating that Courier, or a similar monospaced font, is the only available font.