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To: Comments Mailbox
Subject: [External]Rule Comment - Proposed R. 2:6-10

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Dear Judge Grant,

I respectfully submit this comment to the proposed change to Rule 2:6-10(a). I commend the Committee's proposal to move away from what became the *de facto* Courier New font for all appellate briefs. The proposal is to require Times New Roman 14-point font (while also reducing the page limit to 50 pages for principal briefs). While Times New Roman is certainly preferred over Courier New, I respectfully propose that the Rules instead adopt a word count limitation rather than a page limitation and permit advocates to use other proportionally spaced fonts. Times New Roman is not optimal for brief writing; it was designed to be read in a columned newspaper. There are countless books and articles explaining that Times New Roman is not an optimal reading font. Other proportional serif fonts, like Century Schoolbook, for example, are far more optimal for writing and reading long documents like legal briefs. I'd respectfully direct the Committee to pages 170-77 of the Seventh Circuit's Practioner's Handbook for Appeals (<https://www.ca7.uscourts.gov/rules-procedures/Handbook.pdf>) for an authoritative explanation of proper typography. The reason for using a word count rather than a page count is that different fonts take up a differing amount of space on a page. For example, an advocate can fit far more argument in Times New Roman 14 point in 50 pages than an advocate can fit in Century Schoolbook 14 point in 50 pages. A word count is not novel. Many federal circuit courts use word counts rather than page limits and require the advocate to append a word count certification to the end of the legal brief. For example, the Third Circuit limits principal briefs to 13,000 words in proportional 14 point font (<http://www2.ca3.uscourts.gov/legacyfiles/chart%20of%20requirements%20for%20briefs.pdf>). This method provides flexibility to use other proportional fonts that read far better than Times New Roman. In sum, I commend the Committee from discarding the *de facto* Courier New font and moving to Times New Roman. But I respectfully request that the Committee consider, instead, a rule requiring use of a proportional font of the advocate's choosing, coupled with a word limit (and certification) instead of page limits.

Thank you for considering this comment to the Rules.

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We are celebrating our 92nd year with an exciting name change! Mandelbaum Salsburg is now Mandelbaum Barrett.

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