

TECHNOLOGY AND THE COURTS

AJEI
2015 Summit

Appellate Judges
Education Institute

November 12-15, 2015
Washington, DC



Why technology?



A green rectangular road sign with rounded corners and a white border. The sign is mounted on two silver metal poles. The word "Efficiency" is written in a large, white, sans-serif font across the top half of the sign. Below it, the words "Straight Ahead" are written in a smaller, white, sans-serif font. The background of the sign is a solid green color. The sign is set against a blue gradient background.

Efficiency

Straight Ahead



How courts are dealing with it

Minnesota's eCourtMN initiative



**MINNESOTA
JUDICIAL BRANCH**

National Conference of Appellate Court Clerks



[E-Filing in State Appellate Courts: An Appraisal](#)



25 Years Later, PACER, Electronic
Filing Continue to Change Courts

Access to Court Opinions Expands

Case Management

CM/ECF

Next Generation

Electronic Case Files



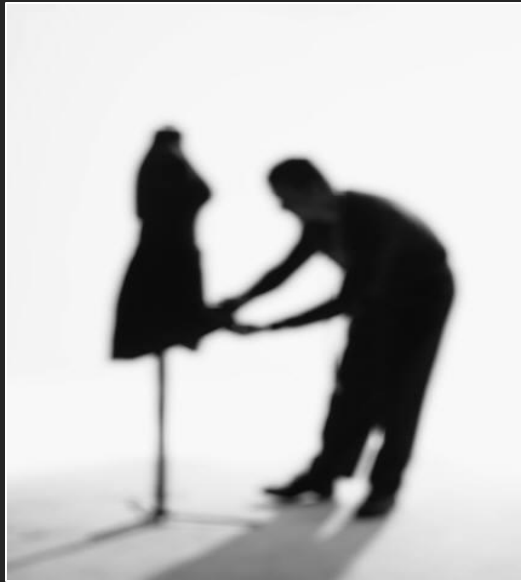
Single login across
all courts where
lawyer is registered

Case Management

CM/ECF

Next Generation

Electronic Case Files



Customize screens
Display specific
information

CM/ECF

Next Generation

Electronic Case Files



Emphasize remote access

- For Lawyers
- For Judges



5th Circuit Technical Advances

Edward C. Prado
Circuit Judge

United States Court of Appeals, 5th Circuit

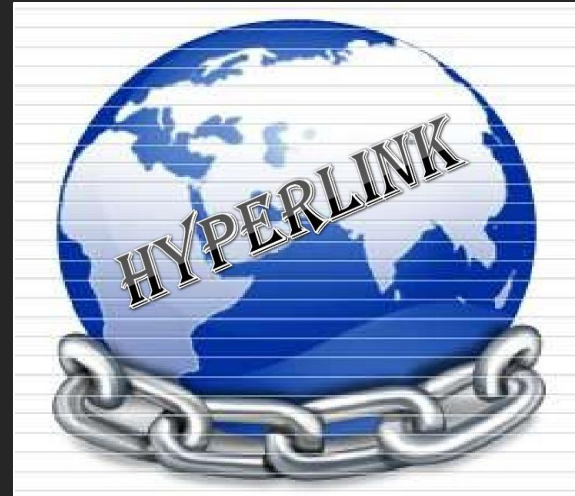
The Issues

5th Circuit district courts wanted to reduce the number of record on appeals for which they must print and ship. Total annual aggregate costs over \$500K.



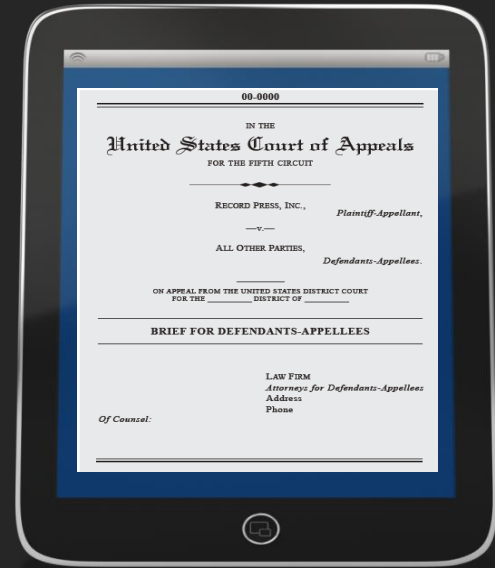
The Issues

5th Circuit bench wanted hyperlinks, but didn't want to require them from the bar.



The Issues

5th Circuit bench wanted to make better use of mobile technology such as the iPad.



The Goal

Create a series of applications which tie together to provide the 5th circuit bench a mobile briefcase.



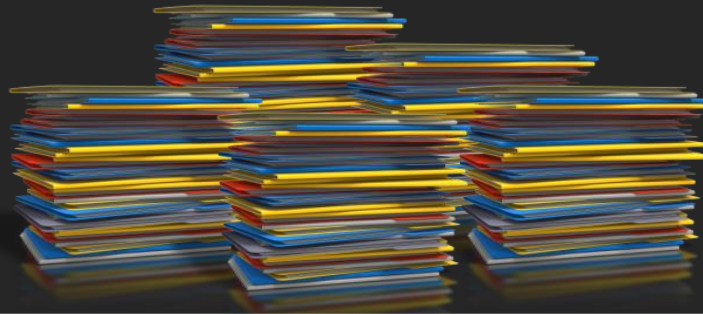
The Goal

All documents for a submission (e.g. motion, oral argument hearing) must be seamlessly transferred to device.



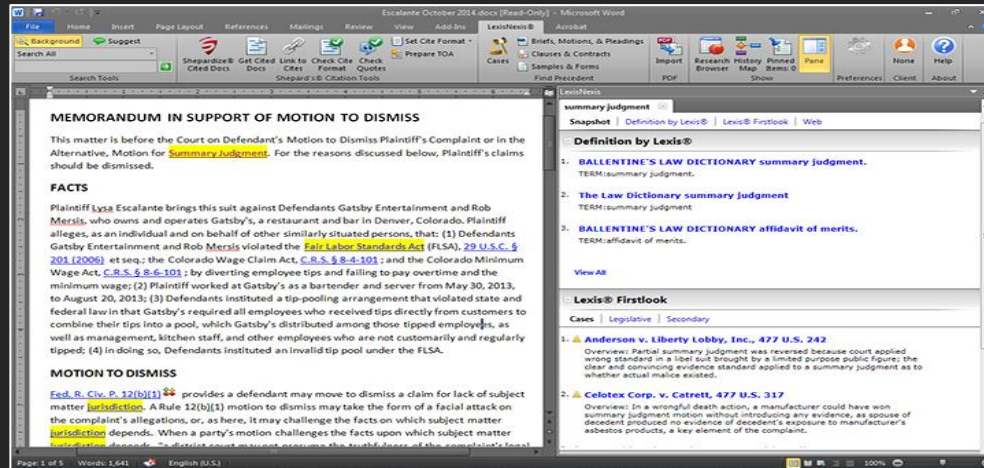
The Goal

The record on appeal must also be transferred to the device, regardless of how large a particular record is (e.g. Deepwater Horizon cases, Katrina cases both break 100k pages).



The Goal

Automatic recognition of legal citations would be a nice bonus.



The image shows a screenshot of a Microsoft Word document titled "Escalante October 2014.docx" in Read-Only mode. The document is a memorandum in support of a motion to dismiss. The sidebar on the right is open to LexisNexis, showing a search for "summary judgment" with results from the Ballentine's Law Dictionary and the Law Dictionary.

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

This matter is before the Court on Defendant's Motion to Dismiss Plaintiff's Complaint or in the Alternative, Motion for [Summary Judgment](#). For the reasons discussed below, Plaintiff's claims should be dismissed.

FACTS

Plaintiff [Lysa Escalante](#) brings this suit against Defendants [Gatsby Entertainment](#) and [Rob Mersls](#), who owns and operates [Gatsby's](#), a restaurant and bar in Denver, Colorado. Plaintiff alleges, as an individual and on behalf of other similarly situated persons, that: (1) Defendants [Gatsby Entertainment](#) and [Rob Mersls](#) violated the [Fair Labor Standards Act \(FLSA\)](#), [29 U.S.C. § 201 \(2006\)](#) et seq.; the [Colorado Wage Claim Act, C.R.S. § 8-4-101](#); and the [Colorado Minimum Wage Act, C.R.S. § 8-6-101](#); by diverting employee tips and failing to pay overtime and the minimum wage; (2) Plaintiff worked at [Gatsby's](#) as a bartender and server from May 30, 2013, to August 20, 2013; (3) Defendants instituted a tip-pooling arrangement that violated state and federal law in that [Gatsby's](#) required all employees who received tips directly from customers to combine their tips into a pool, which [Gatsby's](#) distributed among those tipped employees, as well as management, kitchen staff, and other employees who are not customarily and regularly tipped; (4) In doing so, Defendants instituted an invalid tip pool under the FLSA.

MOTION TO DISMISS

[Fed. R. Civ. P. 12\(b\)\(1\)](#) provides a defendant may move to dismiss a claim for lack of subject matter [jurisdiction](#). A Rule 12(b)(1) motion to dismiss may take the form of a facial attack on the complaint's allegations, or, as here, it may challenge the facts on which subject matter [jurisdiction](#) depends. "A defendant must move to dismiss the complaint on the basis of the complaint's face."

summary judgment

Snapshot | Definition by Lexis® | Lexis® Firstlook | Web

Definition by Lexis®

- BALLETINE'S LAW DICTIONARY summary judgment.**
TERM: summary judgment.
- The Law Dictionary summary judgment**
TERM: summary judgment
- BALLETINE'S LAW DICTIONARY affidavit of merits.**
TERM: affidavit of merits.

View All

Lexis® Firstlook

Cases | Legislative | Secondary

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242**
Overview: Partial summary judgment was reversed because court applied wrong standard in a libel suit brought by a limited purpose public figure; the clear and convincing evidence standard applied to a summary judgment as to whether actual malice existed.
- Celotex Corp. v. Catrett, 477 U.S. 317**
Overview: In a wrongful death action, a manufacturer could have won summary judgment motion without introducing any evidence, as spouse of decedent produced no evidence of decedent's exposure to manufacturer's asbestos products, a key element of the complaint.

Electronic Record (EROA)

Went live August 2013.

Thousands of records
created, but only a relative
handful printed ($< 0.5\%$).



Electronic Record (EROA)

All pages for a case uniquely bates numbered.

HOW TO CITE THE EROA

Single Record Cases – ROA.123

Multiple Record – ROA.13-12345.123

Agency Cases – ROA.123

5th Cir. R. 28.2.2

Electronic Record (EROA)

Local rule modified
requiring attorneys to
cite to record page
number as ROA.###.

28.2.2 Record References. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found using the record citation form as directed by the Clerk of Court.

RULES
and
INTERNAL OPERATING PROCEDURES
OF THE
UNITED STATES COURT OF APPEALS
FOR THE
FIFTH CIRCUIT

May 2015

Citation Recognitions

Created Spring 2013, recognizes legal citations filed in the courts.

<u>TABLE OF AUTHORITIES</u>	
	<u>Page(s)</u>
CASES	
<i>Associated Metals & Minerals Corp. v. S.S. Geert Howaldt</i> , 348 F.2d 457 (5th Cir. 1965).....	4
<i>Doyle v. Mbsbro, Inc.</i> , 103 F.2d 186 (1st Cir. 1996).....	11
<i>Guidry v. Bank of LaPlace</i> , 740 F. Supp. 1208 (E.D. La. 1990).....	11
<i>Mack v. Great Atl. & Pac. Tea Co.</i> , 871 F.2d 179 (1st Cir. 1989).....	6
<i>Rockwell Int'l Corp. v. United States</i> , 549 U.S. 457 (2007).....	10
<i>Shushany v. Allwaste, Inc.</i> , 992 F.2d 517 (5th Cir. 1993).....	11

Citation Recognitions

Citations recognized include:

- Supreme Court, federal, and state cases.
- Federal statutes, codes, and regulations.
- Currently state statutes and regulations for approximately half the states (other states will be completed soon).
- 5th Circuit: ROA and ECF document citations.

Citation Recognitions

This software is baked in to the latest update to our national case management system.

Citation Hyperlinking Preferences

Set your preferences for how hyperlinks are inserted into the PDFs downloaded from CM/ECF.

Select search engine

Westlaw Classic

Westlaw Next

Lexis

Google

Bing

Yahoo

None - Do not insert hyperlinks into documents downloaded from CM/ECF

Select highlight options

Underlined (Adobe only)

Underlined, new window (Adobe only)

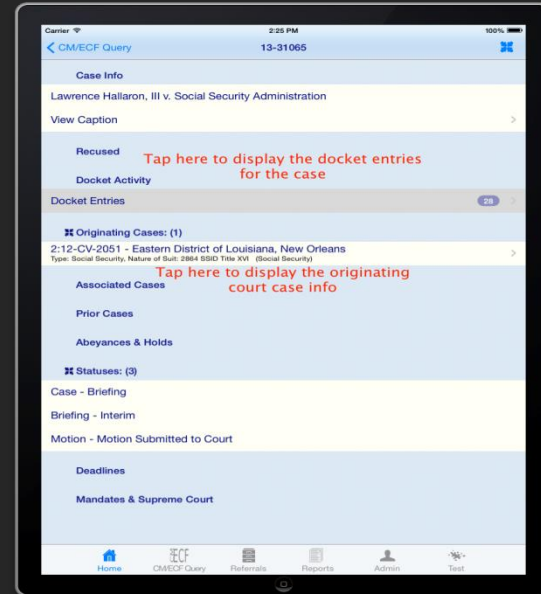
Highlighted (Best for iPads)

None (When all else fails)

Mobile Application

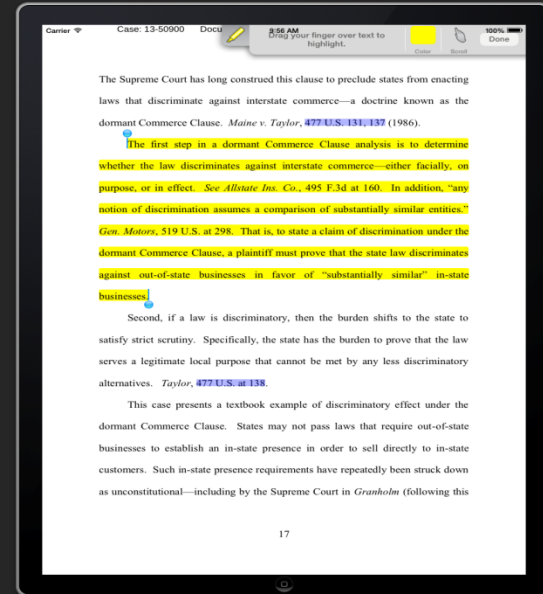
CIMS4iPad offers seamless integration with our chambers application.

- Once the user is authenticated it retrieves the appropriate documents based on the judge's outstanding matters.



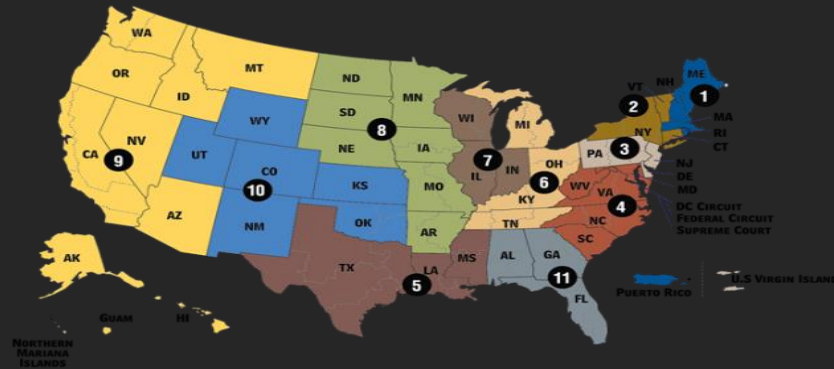
Mobile Application

Connects the electronic record and the briefs via automatic hyperlinking of the ROA record citations. Also has hyperlinks for other legal citations.



Mobile Application

This applications is being modified for use by all federal appellate courts.





NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

North Carolina Court Information Technology

Barbara A. Jackson
Associate Justice
Supreme Court of North Carolina

Where We Are Headed and How

Vision: eCourts – automation of all court processes to provide

- Virtual courthouses
- Documents filed, retrieved, and work-flowed electronically
- Convenient access to information and services for the public
- Advance analytical capabilities



“The right information, at the right time, right where you are.”

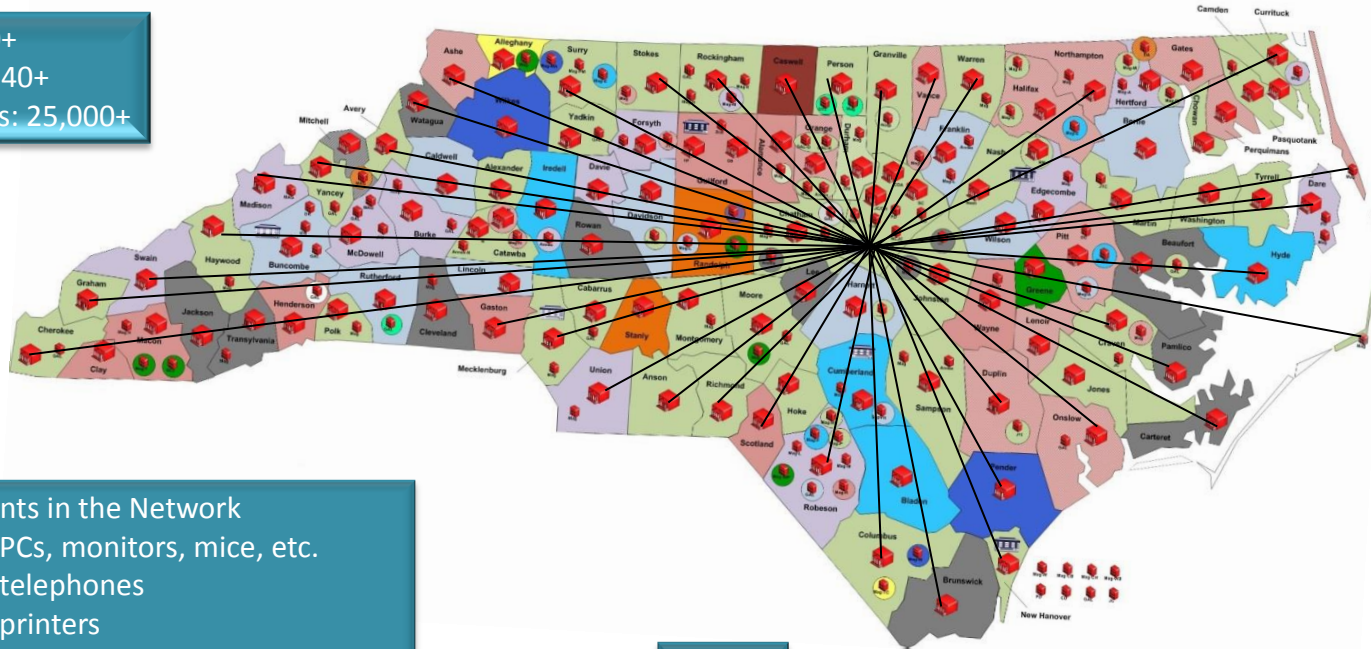
NCAOC Serves a Diverse User Base

- 533 elected officials
 - 7 Supreme Court Justices
 - 15 Court of Appeals Judges
 - 97 Superior Court Judges
 - 270 District Court Judges
 - 44 District Attorneys
 - 100 Clerks of Court
- 696 appointed officials
 - 15 Special Superior Court Judges
 - 681 Magistrates
- 10 million citizens
- 6,000 judicial branch employee
- 33,000+ law enforcement officers



A Judicial Network Connects Our Unified Court System

Locations: 250+
Courtrooms: 540+
IT Components: 25,000+



Components in the Network

- 9,500+ PCs, monitors, mice, etc.
- 9,300+ telephones
- 4,900+ printers
- 100+ local servers
- 250+ network circuits
- 420+ public access terminals
- Faxes, routers, switches, copiers, etc.

Legend

Courthouse	Courthouse Annex	Indigent Defense Services	Training Center	Justice Center
Guardian ad Litem	Business Court	Public Defender	Detention Ctr Visit	Disaster Rec Center
Magistrate Office	District Attorney	Dorothea Dix Hospital	Capitol Def Office	Regional Network POP

NCAOC Judicial Branch Applications

- NCAOC supports over 150 applications
 - Age of existing enterprise-level applications:
 - Less that 5 years
 - 5 – 10 years old
 - 11 – 15 years old
 - 16 – 20 years old
 - More than 20 years old

11

21

10

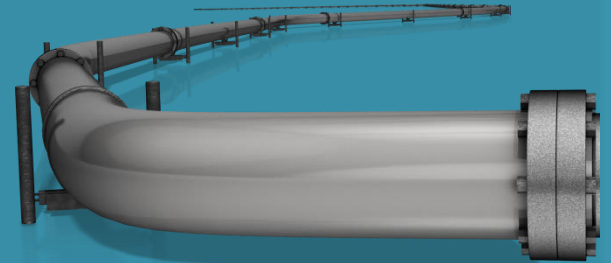
2

9



Current/Pipeline Initiatives

- Implementation of foundational technology components
 - Infrastructure capacity upgrades (storage, network, servers, high availability)
 - Enterprise Information Management System (EIMS) platform
 - Enterprise Data Warehouse/Analytics
- Upgrade of Court Digital Recording Technology
- eCitation/Law Enforcement Module Replacement
- eFiling/eCourts Planning
 - Civil Superior Court Filings (18.6K filings/year)
 - eCitations (1.5M citations/year)
- eCompliance/eDismissal (potentially 200-300K cases/year)
 - Reduce lines at the courthouse
 - Improve process efficiency
 - Simplify resolution of compliance issues



ETHICS and COURT PRIVACY RULES

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How do lawyers and
Judges deal with it?

Ethical obligation: Keep up with technology



Rule 1.1 Duty of Competence

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*



Sealed Documents

- **Motions** to file documents (or parts of documents) under seal:
 - Must **make motion**
 - File in **paper only**
 - **State party's belief** that **motion** to seal:
 - should be **publicly available** on PACER or
 - should **remain sealed**.
- May require **two versions** of brief:
 - Public, **redacted** version
 - Sealed, **unredacted** version





Sealed Documents

If motion is granted:

File sealed documents in **paper only**.



Privacy

All filed documents:

Refrain from including (or, where inclusion is necessary, partially redact) these personal data identifiers:

1. **Minors' names**
(use initials only)
2. **Social Security numbers**
(use last 4 digits only);
3. **Dates of birth**
(use year of birth only);



Privacy (continued)

All filed documents:

Refrain from including (or, where inclusion is necessary, partially redact) these personal data identifiers:

4. **Financial account numbers**
(identify type of account, institution, and account number's last four digits)
5. **Home address information**
(use phrases such as the "4000 block of Elm")
6. **Addenda to criminal briefs**
must not include the Statement of Reasons or other confidential sentencing materials.



Privacy (continued)

Filers bear sole responsibility for redactions



Sex abuse victims: identify by initial only

J.A.D.



IMPACT OF TECHNOLOGY ON THE APPELLATE PROCESS

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Rules on Judicial Notice

Fed. R. Evid. 201(c)(1):

The court ... may take **judicial notice** on its own.”

Fed. R. Evid. 201(d):

“The court may take judicial notice **at any stage** of the proceeding.”

“Judicial experience” and “common sense”

- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)

“Determining whether a complaint states a plausible claim for relief will, as the Court of Appeals observed, be a context-specific task that requires the reviewing court to draw on its **judicial experience** and **common sense**.”

United States v. Bari, 599 F.3d 176, 180
(2d Cir. 2010)

- “The District Court’s **independent internet research** served only to **confirm** [its] **common sense supposition**.... 20 years ago, to confirm an intuition about the variety of rain hats, a trial judge may have needed to travel to a local department store. Today, ... a judge need only take a few moments to **confirm his intuition** by conducting a **basic Internet search**.”

M.P. v. M.P., 54 a.3D 950, 955
(PA. Super. 2012)

“The trial court here **abused its discretion** by relying on information it obtained through its **own internet search** that took place **after the hearing** had been concluded and while under advisement by the court.”

Opportunity to be heard



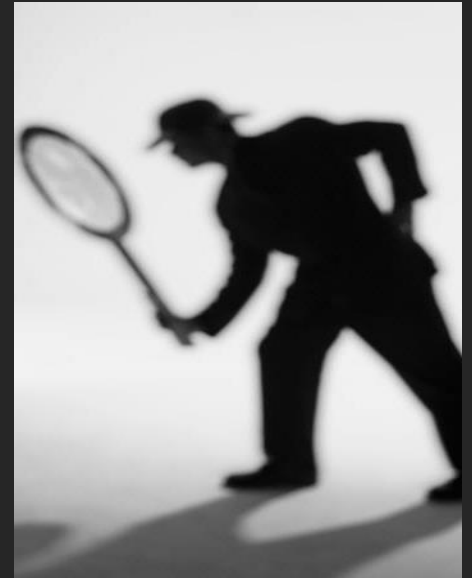
Fed. R. Evid. 201(e):

“**Opportunity to Be Heard.** On timely request, a party is **entitled** to be heard on the **propriety** of taking **judicial notice** and the nature of the fact to be noticed. If the court takes judicial notice **before** notifying a party, the party, on request, is **still entitled** to be **heard.**”

Appellate Courts' Use of Internet Materials

The Curious Appellate Judge

“A judge who takes it upon herself to do fact research **departs** from her **normal role** and from the parties' expectations about the sources of information on which the court will depend.”



Appellate Courts' Use of Internet Materials

The Curious Appellate Judge

“The **rules** governing independent judicial research **should** therefore make it **clear** to both judges and litigants when research is and is not permitted, and should **subject judge-supplied information** to the same adversarial testing as any other kind of evidence.”



- Independent Judicial Research in the *Daubert* Age
- When Judges Google
- Confronting Supreme Court Fact Finding
- The Lure of the Internet and the Limits on Judicial Fact Research
- Judicial Ethics and The Internet: May Judges Search The Internet in Evaluating and Deciding a Case? (16 No. 2 prof. Law.2)
- Attorneys Must Relitigate Cases for Free

Link Rot – Perma

Link Rot

Lawrence Lessig's study of link rot

50% of SCOTUS links are dead

Perma

- Seeks to address link rot
- Archives all judicially linked resources
- 30 law libraries will store archive copies
 - Diversity reduces the likelihood of the archive going fallow
- [ABA Journal article on Perma \(Dec. 2013\)](#)



DEFERENCE IN A DIGITAL AGE

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Impact on standard of review

- [The Unblinking Eye Turns Appellate Law: Cameras in Trial Courtrooms and Their Effect on Appellate Law](#)
- [Thawing Out the Cold Record](#)
- [Deference in a Digital Age](#)

SCREEN WRITING FOR SCREEN READING

AJEI
2015 Summit

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Court issuing iPads



Many appellate judges read on iPads.

Richard C. Wesley

Second Circuit Court of Appeals



“The iPad was a **game changer** for me.”

“With it, I can **work from anywhere** as long as I have wifi access.”



~2011: Clerks taught
how to use iPad

“Now I use it all the
time!”

“And now, so do many of
my fellow judges”





Judicial Retreat:

“Judge Lynch and I did a demonstration”

- mark up PDFs
- memos with hyperlinked cases



Every Second Circuit order:

- Before retreat = all paper
- After retreat = all PDFs



“[J]udges were . . .
comfortable with PDFs.”

“[W]e immediately
reduced the flow of
paper for a lot of the
court’s motion practice.”

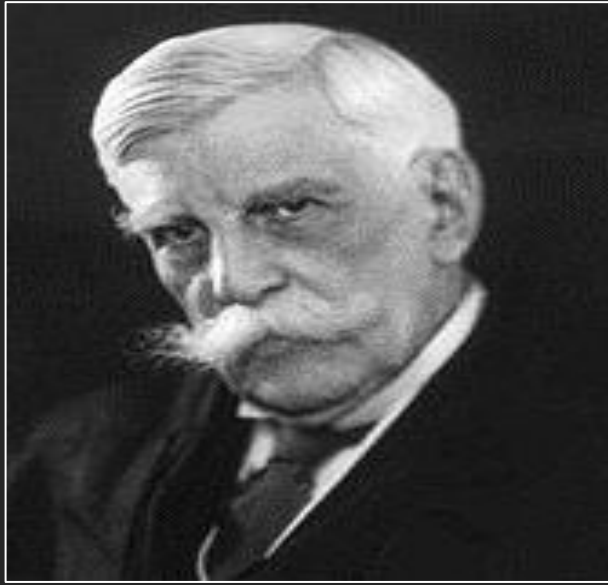
Effective Advocacy in a technological world



Not superficial;
this is advocacy



Of course.
Substance is essential.



. . . but presentation matters.



Dressing for Court



waxch

Speaking to Courts



Writing for Courts

Sheet B. Cole, et al.,
DEFENDANTS. | NO. C04-5348RBL
Notice of Appeal

I hereby am informing you that I
appealing the asshole Ronald B. Leighton's
decision in this matter.
you have been hereby served Notice,
you're not getting away with this shit that
is.

signed this 10th day of July 2006

George C. Swinger JR

No. 10-402

In The
Supreme Court of the United States

TUCK-IT-AWAY, INC., et al.,
Petitioners,

v.

NEW YORK STATE URBAN DEVELOPMENT
CORPORATION, d/b/a EMPIRE STATE
DEVELOPMENT CORPORATION,
Respondent.

On Petition For A Writ Of Certiorari
To The Court Of Appeals Of New York

BRIEF OF AMICUS CURIAE NEW YORK
STATE SENATOR BILL PERKINS IN
SUPPORT OF PETITIONERS

DENISE OUTRAM*
Harlem State Office Building,
Suite 912
163 West 125th St.
New York, NY 10027
212-222-7315
doutram@nysenate.gov

AMY LAVINE
ALBANY LAW SCHOOL
80 New Scotland Ave.
Albany, NY 12208
518-472-5849
alavine@albanylaw.edu

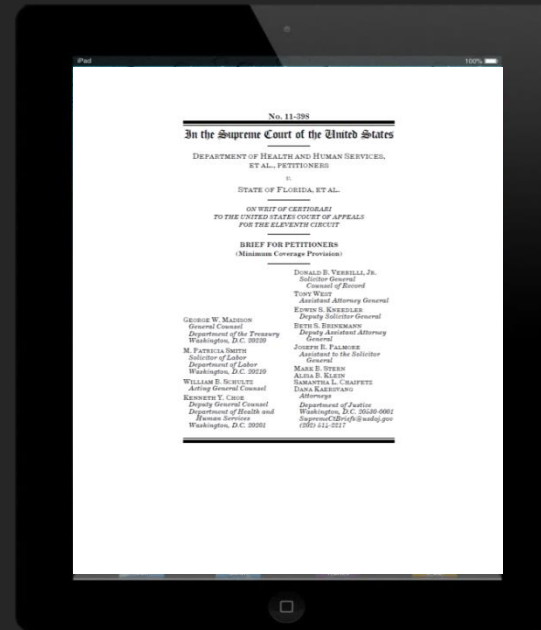
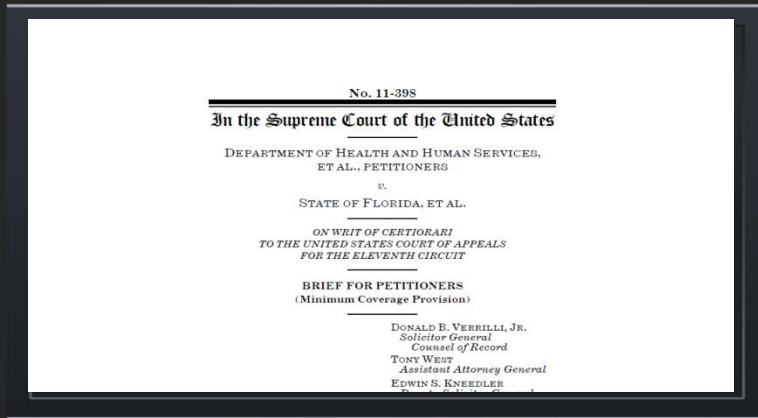
*Counsel of Record
Counsel for Amicus Curiae

COCKLE LAW BRIEF PRINTING CO. (800) 225-6264
OR CALL COLLECT (406) 341-3311

Writing for paper



Writing for screens



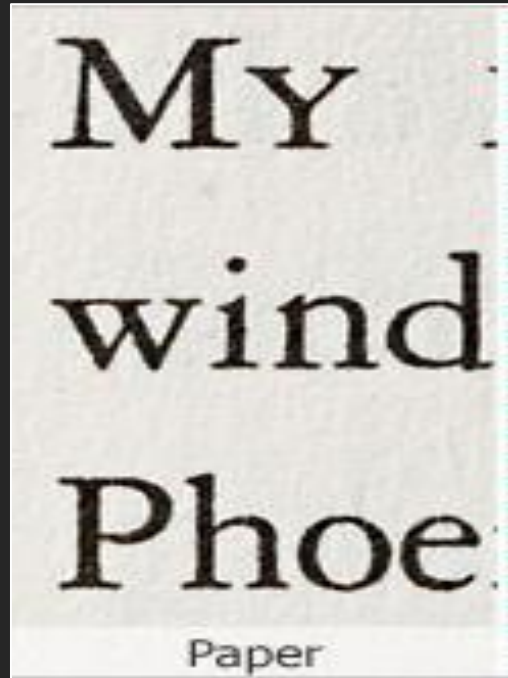


“I can’t read on screens!”

There's a reason

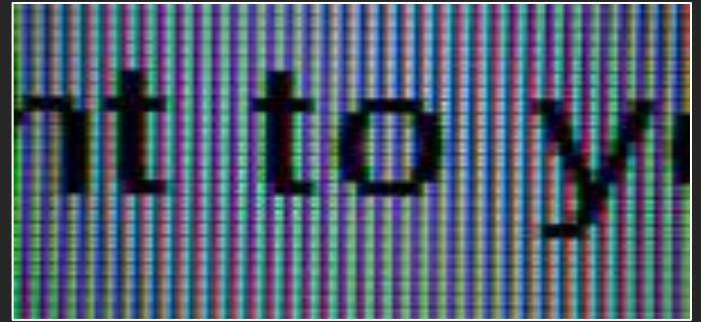
. . . that's **less true** today.


Paper = 300-600 ppi
(points per inch)





CRT = 60 ppi

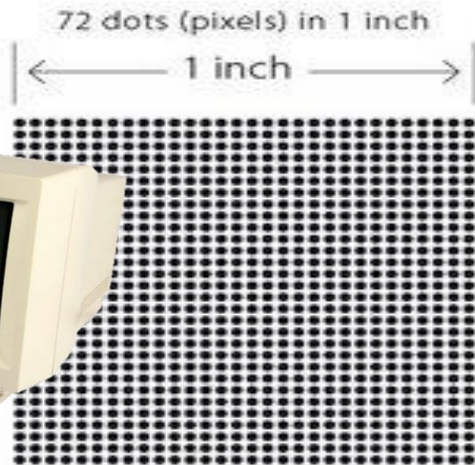




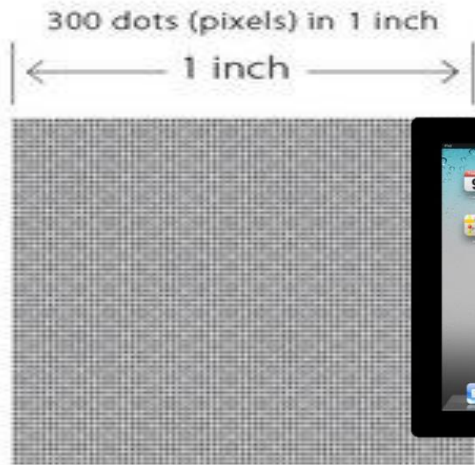
LCD = 110 ppi



Over Time: Better PPI

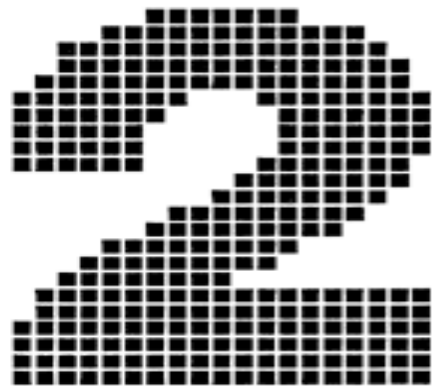
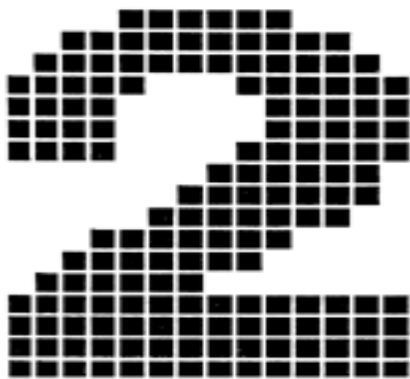


72 dpi
72 dots per-inch



300 dpi
300 dots per-inch







Machine Type- Setters.

**Said to be Hard
on Operators.**

The work of a typesetter in a modern printing office is very exacting, particularly if he runs a linotype or typesetting machine. It requires the closest attention and rapid and sympathetic action of both brain and hand. This machine works much

Better fonts

Remember Courier?

Times New Roman (1932)

The  Times

LONDON, WEDNESDAY, SEPTEMBER 29, 1932

THE



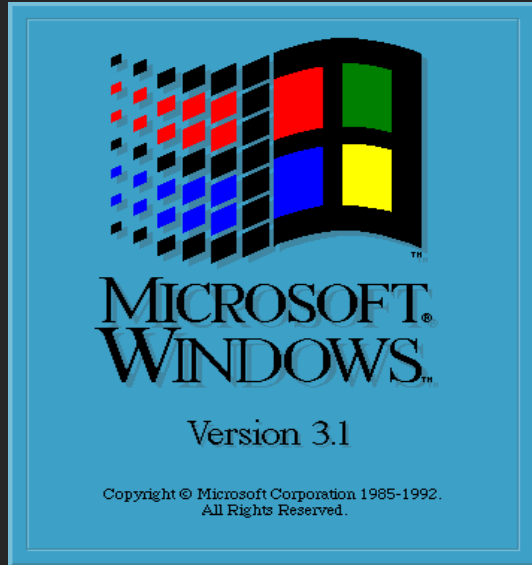
TIMES

LONDON, MONDAY, OCTOBER 3, 1932

EFGHIJKLMNOPQRSTUVWXYZ
ghijklmnopqrstuvwxyz

Condensed = more text per page

Default in 1992



=



Default in 2007



Calibri

ABCDabcd - Regular

ABCDabcd - Bold

ABCDabcd - Italic

ABCDabcd - Bold Italic

wind

worke

But don't most courts *require*
Times New Roman?



Rules require serifs



Fed. R. App. P. 32(a)

(5) Typeface. . . .

- a. A proportionally spaced face **must include serifs**, but sans-serif type **may** be used in **headings** and **captions**.



7th Cir. Typography

Studies have shown that long passages of **serif** type are **easier to read** and **comprehend** than long passages of sans-serif type. The rule accordingly limits the **principal sections** of submissions to **serif** type, although sans-serif type may be used in headings and captions.

Sans Serif

Serif





Fed. R. App. P. 32(a)

(5) Typeface. . .

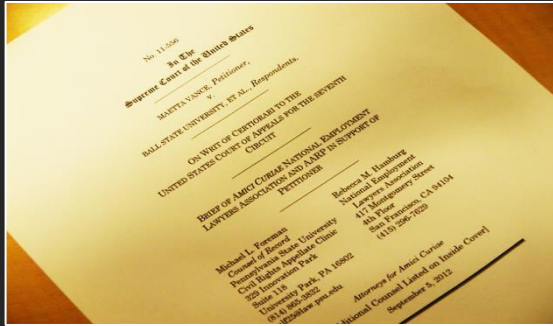
- a. A proportionally spaced face must include **serifs**, but sans-serif type may be used in headings and captions.

Font choice

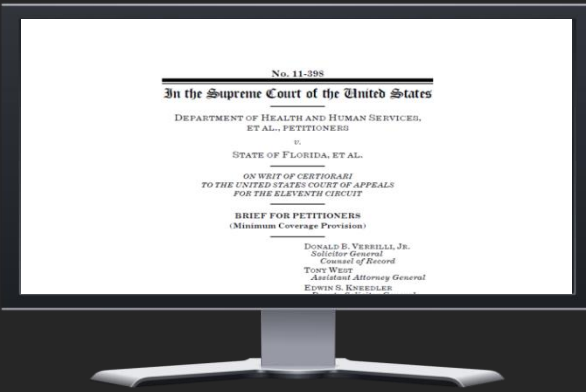


Not choosing (keeping the default) is a choice.

Conventional Wisdom



Paper = **Serif**
(e.g., Book Antiqua)



Screens = **Sans Serif**
(e.g., Arial)

But we don't know
how judges will read
briefs — paper or
screens.

What can we do?

There's a font [set] and
technology for that.



Joe Friend
Microsoft

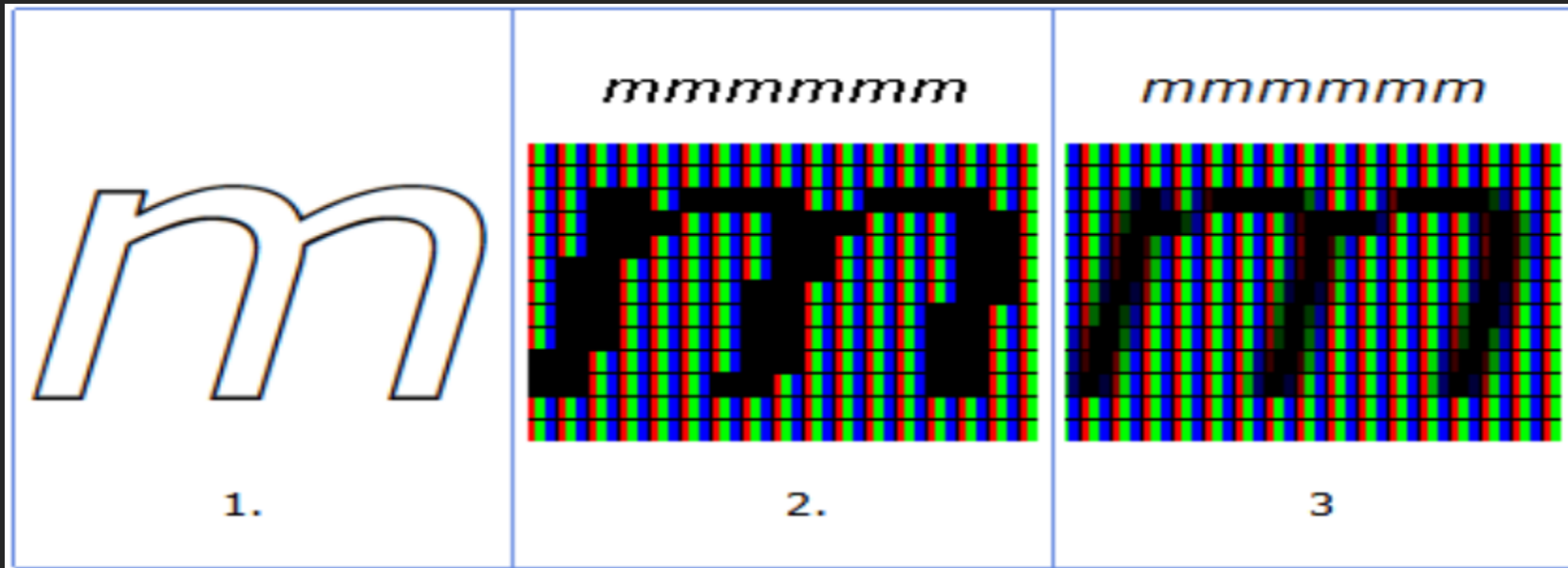
“We believed that more and more documents would never be printed but would solely be consumed on a digital device.”



Joe Friend
Microsoft

“To support digital consumption, the new fonts were created to **improve screen readability**. They [Microsoft employees] do this via a technology called **ClearType**.”

LCDs - ClearType



No ClearType

ClearType

Fonts Designed for ClearType

Cambria

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

Calibri

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

Constantia

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

Candara

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

The five boxing wizards jump quickly

Serif

Sans Serif

ClearType Fonts?

Cambria

The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly

Constantia

The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly

Serif

Calibri

The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly



Fed. R. App. P. 32(a)(5)

Candara

The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly
The five boxing wizards jump quickly

must include serifs

Sans Serif



Typography:
Don't take our word for it.

Ask Professionals.

The Elements of Typographic Style

second edition, revised & enlarged

Robert Brinckhurst

Typography for Lawyers

ESSENTIAL TOOLS FOR POLISHED & PERSUASIVE DOCUMENTS

BY MATTHEW BUTTERICK

FOREWORD BY BRYAN A. GARNER

JAMES FELICI Foreword by Frank Romano

The Complete Manual of Typography

A GUIDE TO SETTING
PERFECT TYPE

The **Chicago** Manual of Style 16

SIXTEENTH EDITION

The Essential Guide for
Writers, Editors, and Publishers

The Winning Brief

SECOND EDITION

100 Tips for
Persuasive Briefing in
Trial and Appellate Courts

Bryan A. Garner

Editor in Chief, *Black's Law Dictionary* and
Author of *Garner's Modern American Usage*

Seventh Circuit



“This section of the handbook also includes some suggestions to help you make your submissions **more legible**—and thus more likely to be **grasped** and **retained**.”

Times New Roman vs. better fonts



The quick brown fox jumps over a lazy dog — Times New Roman

Best Bets

The quick brown fox jumps over a lazy dog — Garamond

The quick brown fox jumps over a lazy dog — Baskerville Old Face

The quick brown fox jumps over a lazy dog — Goudy Old Style

The quick brown fox jumps over a lazy dog — Bell MT

The quick brown fox jumps over a lazy dog — Book Antiqua

The quick brown fox jumps over a lazy dog — Century Schoolbook

Spacing

Arial 13/13

Mauris iaculis porttitor
posuere. Praesent id metus
massa, ut blandit odio. Proin
quis tortor orci. Etiam at
risus et justo dignissim
congue. Donec congue
lacinia dui, a porttitor lectus
condimentum laoreet. Nunc
eu ullamcorper orci. Quisque
 eget odio ac lectus
vestibulum faucibus eget in
metus. In pellentesque
faucibus vestibulum. Nulla at
nulla justo, eget luctus tortor.
Nulla facilisi. Duis aliquet
egestas purus in blandit.
Curabitur vulputate, ligula
lacinia scelerisque tempor,
lacus lacus ornare ante, ac
egestas est urna sit amet
arcu. Class aptent taciti
sociosqu ad litora torquent.

Arial 13/18

Mauris iaculis porttitor
posuere. Praesent id metus
massa, ut blandit odio. Proin
quis tortor orci. Etiam at
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congue. Donec congue
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arcu. Class aptent taciti
sociosqu ad litora torquent.

Arial 13/22

Mauris iaculis porttitor
posuere. Praesent id metus
massa, ut blandit odio. Proin
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vestibulum faucibus eget in
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Curabitur vulputate, ligula
lacinia scelerisque tempor,
lacus lacus ornare ante, ac
egestas est urna sit amet
arcu. Class aptent taciti
sociosqu ad litora torquent.

“Double spaced”

Supreme Court R. 33:

“every document . . . double spaced”

Fed. R. App. P. 32(a)(4):

“text must be double-spaced”

Minn. L. R. 7.1(f):

“typewritten and double-spaced”



True “double space” = **2.0x**

12 pt font = 24 pt spacing



Word “double space” = **2.3x**

12 pt font = 30 pt spacing



“Double Space”

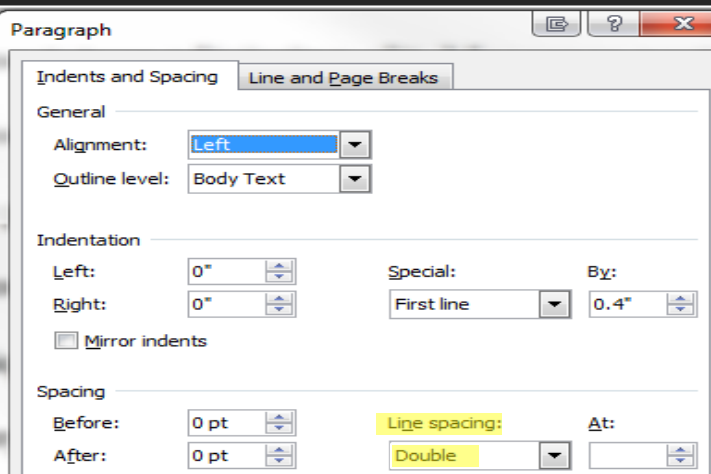
congue massa. Fusce posuere, magna

libero, sit amet commodo magna eros

Nunc viverra imperdiet enim. Fusce

Pellentesque habitant morbi tristique

turpis egestas. Proin pharetra nonummy



True double space

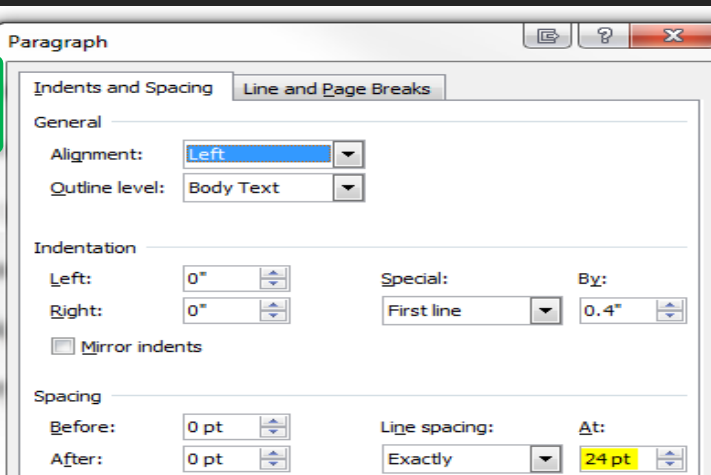
congue massa. Fusce posuere, magna

libero, sit amet commodo magna eros

Nunc viverra imperdiet enim. Fusce

Pellentesque habitant morbi tristique

turpis egestas. Proin pharetra nonummy



What do courts mean?



“Double space” = 2.33x

12 pt font = 30 pt spacing

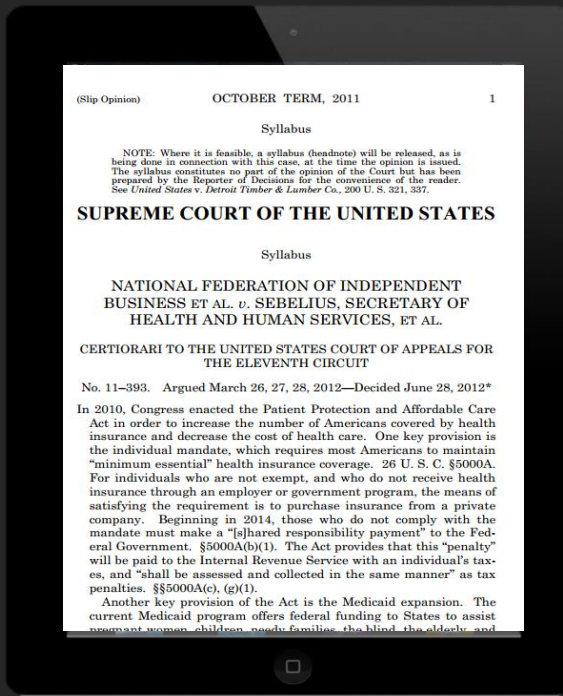


“Double space” = 2.0x

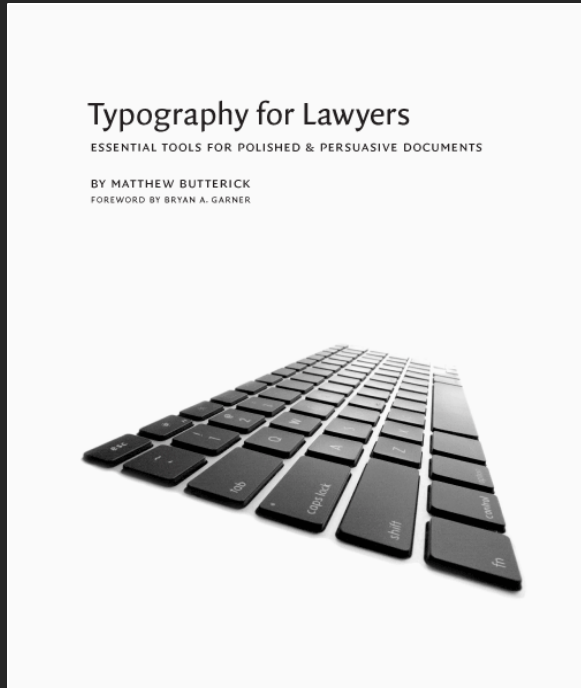
12 pt font = 24 pt spacing

Tablets are smaller.

More (readable) lines per page are better.



Line Spacing: 1.2x to 1.45x



“For most text, the optimal line spacing is between **120% and 145%** of the point size.”

14pt font = 17-20pt spacing

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff,

v.

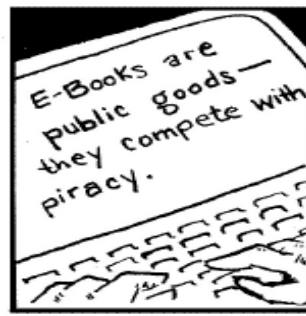
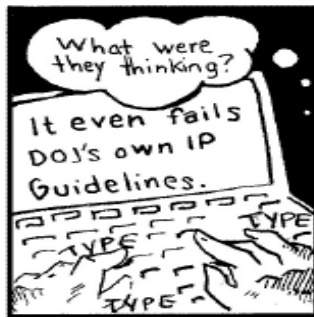
Civil Action No.12-CV-2826 (DLC)

APPLE, INC.,
HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS, L.L.C.
VERLAGSGRUPPE GEORG VON
HOLTZBRINK PUBLISHERS, LLC
d/b/a MACMILLAN,
THE PENGUIN GROUP,
A DIVISION OF PEARSON PLC,
PENGUIN GROUP (USA), INC. and
SIMON & SCHUSTER, INC.,

Defendants.

BRIEF OF BOB KOHN AS *AMICUS CURIAE* *

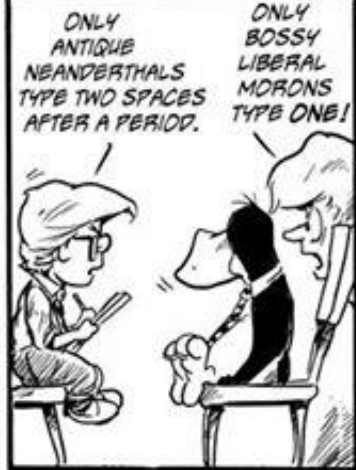
* Five-page version of Proposed Brief *Amicus Curiae* at Docket No. 97.





BLOOM COUNTY 2015

by Berkeley Breathed



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