
Typographer at Law: An Interview with Matthew Butterick

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Published on March 7, 2010

Filed in *Voice: Journal of Design*

Remember the lines in Roman Polanski's *Chinatown*: "She's my sister — she's my daughter — She's my sister and my daughter!" Well the same could apply to Matthew Butterick. He's a type designer. He's a lawyer. He's a type designer and a lawyer who has a website devoted to teaching typography to legal professionals, *Typography for Lawyers*. Currently an attorney in Los Angeles, Butterick came to my attention when he was a digital font designer working with the Font Bureau. He then founded his own studio called Atomic Vision. Before all that he graduated from Harvard in visual and environmental studies, while "also studying mathematics and letterpress printing," he notes. Butterick could easily be the kind of over-achiever one loves to hate, but he's put all of these talents to excellent use. I contacted Butterick to discuss law, typography and whether justice is blind to good type.

Heller: When I heard you had become a lawyer after being a typeface designer and website development studio proprietor, well, I was very surprised. How did your passion for type lead you to law?

Butterick: In 1999, my website studio in San Francisco was absorbed by a technology company. I worked there for two years. I took some time off. When my energies came back I wanted to try something completely different. So I moved to Los Angeles. After a few months of going to yoga and playing in bands, I thought, OK, I need to find some kind of professional activity that gets my brain back in gear.

Many of my friends from the San Francisco scene had gone back to the next wave of tech startups and design companies—Web 2.0 and all that. It was tempting, in some ways. During my time as a web developer I had always advocated for simple, functional, textual websites. In 1995, nobody wanted that. But by 2003 or so, everybody did. Not that I was responsible, but it was gratifying to see the switch.

But I was burned out on websites. Or at least, the website business. Probably like a lot of designers, the relentless march of commerce took a toll on my enthusiasm for the creative parts. So I decided to remove that pressure, and let design be something I did for fun, for myself and friends, rather than something I was selling, and let my enthusiasm regenerate.

Heller: OK, that I understand. But why law?

Butterick: That left me still looking for a professional activity. I said to myself, “Well, what’s something that’s intellectually rigorous, that I can do by myself, that people are willing to pay for, that would be entrepreneurial, and that engages a different skill set than design?” And I thought, “Hey, why not become a lawyer?”

To some, that adds yet another inexplicable turn to my career. But I don’t see it that way. A lot of the practice of law is about taking complex things, simplifying them and making them understandable—for your client, for judges, for juries, for your opponents. The inputs and outputs are different than when I was making typefaces or websites, but the essential alchemy is similar.

Heller: So now, among other things, you work on intellectual property issues. What is your focus?

Butterick: I practice civil litigation, and I focus on representing people who have been steamrolled by bigger adversaries. Within that scope, I also handle artist’s rights cases. Sometimes it involves intellectual property issues. Other times it just involves people not getting paid. As I say on my website, the history of artists getting cheated on their work is as long and colorful as the history of art itself.

Heller: You have launched an incredibly novel website, *Typography for Lawyers*. The big question is not why, but do you think it will do any good?

Butterick: Judging by the fan mail I get from lawyers, the website is reaching its intended target and having its intended effect. They’re putting the tips to work, they can see the improvement, and then they want to learn more. That’s the virtuous circle that any teacher hopes for.

Honestly, I thought I would get at least one piece of hate mail along the lines of, “I’ve been a lawyer for 40 years, and *Courier* is all any lawyer needs, and you’re wasting everyone’s time with this nonsense.” But it hasn’t happened.

The site also attracts a lot of non-lawyers, which surprised me at first. But really, there’s a lot of people who have the same problem as lawyers do, which is, “I wish my documents looked better, but I’m concerned that I don’t have the time or the skills to learn anything about typography.” I try to keep things as simple and actionable as possible.

Heller: Do you really believe that lawyers are interested in good typography? I guess I’m guilty of bias. What about the “fine print” idea that in legal documents the critical issues are hidden?

Butterick: “Good typography” is typography that serves the needs of the document. Lawyers are advocates, so I’m careful not to take a stand on the propriety of certain habits. As a consumer, no, I don’t like getting a credit-

card contract that's acres of six-point text. But if I'm a lawyer for the credit-card company, my job is to advance the interests of my client, including the typography. You do what works.

If that seems cruelly pragmatic, think about direct-mail solicitations. I find them ugly and unappealing. But I also know that their design is the product of years of testing and refinement about how to get people to part with their money. So is it "good typography"? In context, yes.

Heller: When you were doing your law studies, did you ever bring your typographic concerns to the bench? And if so, how were they received?

Butterick: I did use Stempel Garamond or something for my first paper in my legal-writing class. The professor said, "Next time, use Courier." "Why?" "Because that's how we do it." "But lawyers don't have to use Courier." "Well, that's how we do it." And so on. Giving professors a hard time is a favorite pastime of law students. You learn quickly that the professors are immune to it.

I've gotten mail from young lawyers asking, "I just started working at a law firm. How do I make the managing partner adopt everything on your site?" I say, you don't—you do your job. You apply the techniques to your own work where you can. Sooner or later people will say, "Hey, why do your documents look better?" That's how you win.

Heller: On your website you list a number of books about law writing. Do any of these address typography?

Butterick: Bryan Garner's books about legal writing touch briefly on typography. The U.S. Court of Appeals for the Seventh Circuit has a great little guide to legal typography on the front page of their website. But I've recently signed a contract to turn *Typography for Lawyers* into a book, so the void will soon be filled.

Heller: Tell me honestly, counselor, can a typeface make or break a legal case?

Butterick: No. And we should be glad for that. We have a constitutional right of access to the courts. So the courts can't reject documents because of how they look. If you're a federal prison inmate and you have no lawyer and you submit a complaint in pencil, the court still has to take it seriously. But that means judges spend a lot of time with some awful-looking documents. Their job is to look past the typography and make decisions based on the merits. Typography is an optimization of a lawyer's work, not the core.

Heller: Are there court rules regarding fonts?

Butterick: Most courts have adopted rules about document formatting, including font size, lines per page, margins, etc. Some, like in California, get quite detailed. These rules exist for the convenience of judges (so documents have a reasonably consistent appearance) and fairness to the parties (so lawyers don't abuse page limits by using teeny type). The federal district court in Los Angeles has a rule that all court filings be in 14-point type. I think that's the biggest anywhere. No idea why.

Heller: How many of your clients are now typeface designers or designers in general?

Butterick: Right now, none. It seems to me that designers are relatively good at staying out of legal trouble. Musicians, painters, illustrators seem to get into these disputes more frequently. I did have a type designer call me last week looking for legal advice about how to copyright his typefaces. I didn't charge him for dispensing the bad news.

Heller: Again, honestly, while working on a brief, do you go off into your type mode and start drawing typefaces?

Butterick: Never. When I'm working on a deliverable—I have a stack of 33 briefs right here that I have to take to court in a few minutes—I think like a lawyer. The primary question is, have I hit all the issues? Is this judge going to understand what I'm saying? Once I'm satisfied that I've done that, then I'll take a look at the typography.

Strangely enough, I did return to drawing typefaces recently. Hermes, my font family for the Font Bureau, had an uptick in popularity over the last few years. So I added some new weights, italic styles and alternate characters. I hadn't done typeface design in 15 years. There was a bit of a re-learning curve. But I got back into the swing of it.

Weirdly, I feel like a better, more confident type designer now, even though I haven't done it in so long. Working with type as a web designer and as a writer has helped me better appreciate how type works. When I draw a comma on the screen, I can now visualize the path that comma will travel on its way out into the world. Type is the beginning, not the end.

About the Author. Steven Heller, co-chair of the Designer as Author MFA and co-founder of the MFA in Design Criticism at School of Visual Arts, is the author of *Merz to Emigre and Beyond: Avant Garde Magazine Design of the Twentieth Century* (Phaidon Press), *Iron Fists: Branding the Totalitarian State* (Phaidon Press) and most recently *Design Disasters: Great Designers, Fabulous Failure, and Lessons Learned* (Allworth Press). He is also the co-author of *New Vintage Type* (Thames & Hudson), *Becoming a Digital Designer* (John Wiley & Co.), *Teaching Motion Design* (Allworth Press) and more. www.hellerbooks.com