

Formatting Argument Headers

About eight years ago, we distributed a practice tip on the text formatting of Argument headers. Should headers be in ALL CAPITAL LETTERS, Initial Capital Letters, or normal capital letters?

Legal writing guru Bryan Garner has something to say about this (surprise!), but so do a lot of website graphic designers whose job is to ensure that people like us (and like judges) have an easy time reading and navigating their websites.

First, here is what Garner says in his LawProse Lesson #69 (May 8, 2012). Note that he calls them “point headings”:

“How should point headings be formatted?”

ANSWER: Please attend to this. Ideally, they're complete sentences that are single-spaced, boldfaced, and capitalized only according to normal rules of capitalization -- that is, neither all-caps nor initial caps. Even if court rules require headings to be double-spaced, all the other rules nevertheless apply. All-caps headings betoken amateurishness.

Don't believe Garner? Fine. How about the website graphic/text designers? These folks don't particularly care about content. They want to make sure that the writing is easy to read and navigate, and they want to reduce the cognitive load on the user (so that the reader doesn't skim or skip or get distracted). So what do they say about all caps, initial caps, and normal caps?

Designers at UXPlanet.org/Quovantis urge the use of all caps or “title case” (initial caps) only for very short headers. For all other writing, they say to use “sentence case” – that is, normal capitalization (first letter of the sentence and proper nouns). <https://uxplanet.org/why-letter-casing-is-important-to-consider-during-design-decisions-50402acd0a4e> (6/25/2018).



For us, that would be **FACTS**, or **SUMMARY OF ARGUMENT**, or **CERTIFICATE OF SERVICE**; or **Facts**, **Summary of Argument**, or **Certificate of Service**. The designer who wrote the article stated that he could think of *no* reason to use initial caps in anything longer than a few words because it's *harder to read*.

But wait – there’s more! From Overthinkingdesign.com:

1. Initial caps are hard to read. Oh, maybe not when it’s just three words. But when you use initial caps on an entire sentence, readability goes down.
2. Initial caps look bad. Again, I’m referring to sentence use. The visual flow is interrupted, leaving you with a choppy, cluttered result.

This is a direct quote. Doesn’t get any clearer than that.

<http://overthinkingdesign.com/2013/11/when-to-use-initial-caps/> (11/21/2013).

Last, designers from Mity Digital write that, while it seems that all caps would scream at you and demand attention, all caps actually reduces the focus on the text because . . . wait for it . . . it’s harder to read:

[N]otice where your eye goes first.

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**Once you pour the water out of the bucket
it's hard to get it back in it.**
- Chinese Proverb

The eye is naturally drawn to the “Sentence case” as it is easier for us to read, with the monotonous rectangular shape of the All Caps text *reducing* the emphasis on the All Caps word.

From a design perspective, All Caps can be useful for labels, logos and menus where your message doesn't involve reading large sections of text.

For your main message, don't force your visitors into reading poorly shaped words - use quality “Sentence case” to help get your message across to your audience with speed, precision, and good manners.

<https://www.mity.com.au/blog/writing-readable-content-and-why-all-caps-is-so-hard-to-read> (9/9/2015). So all-caps formatting is fine for section titles, but “sentence case” (normal caps) is best for readability of anything longer than a few words.

Judge for yourself. Which Argument header below is easier to read? (Note that each is in Times New Roman 14-pt., and each has about the same number of words.)

- I. The trial court erred in allowing experts and the child's treating professionals to vouch for the child's credibility, compare her to "other" sexually abused children, and testify that the child was, in fact, sexually abused.
- II. THE TRIAL COURT IMPROPERLY FOUND FATHER UNFIT BECAUSE, BY THE TIME OF TRIAL, FATHER HAD COMPLETED ANGER MANAGEMENT COUNSELING, ACKNOWLEDGED HIS 20-YEAR SUBSTANCE ABUSE PROBLEM AND STARTED TREATMENT FOR IT, AND FOUND STABLE SECTION 8 HOUSING.
- III. The Trial Court Erred In Finding That The Department Made Reasonable Efforts To Reunify The Family Because It Failed To Provide Father With Substance Abuse Services, Parenting Training, And Family Counseling Despite His Repeated Requests For Such Services.

Seems to me that the first one, with normal capitalization, is easiest to read. The last one, with "initial caps," is very hard to read. Why make the panel struggle to read your Argument headers?

I've had some push-back on this from attorneys. One seasoned appellate attorney told me, "Come on – it's not that hard to read all caps." But that's exactly my point. "Not that hard" isn't good enough. For something as important as an Argument header (or an Issue Presented), it should be *easy* to read. Try using regular capitalization for all headers and sub-headers (and Issues Presented).