



Embracing the Digital Shift: Crafting Appellate Briefs for the Modern Reader

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Most appellate briefs today are filed—and read—electronically. This evolution requires a nuanced understanding of how digital reading is different from traditional “paper” reading so that legal writers can craft their briefs for a more modern audience.

Digital readers—intentionally or unintentionally—tend to scan rather than process content in depth. With eye strain and shorter attention spans common in our interactions with screens, comprehension and retention can suffer. And electronic briefs offer judges the convenience of reading wherever and whenever they choose, which may also increase distractions. So, legal writers must adapt. Effective digital briefs must offer crystalline clarity and quick access to information at the start. Reframing arguments to fit this mold means avoiding lengthy expositions in favor of concise points, easily navigable with the flick of a finger or the click of a mouse.

Below are four factors to consider when composing your next brief.

1. Font Selection

While wordsmithing is always important in appellate work, a digitally optimized brief isn’t just about the words chosen. The way those words are presented is now equally important. Using ample white space and margins—and breaking the default choice of full justification—are not mere aesthetics. Font choice likewise has a real impact. Experts recommend serif fonts as being more legible, and many courts now even expressly recommend certain fonts for that purpose. For example, Kentucky appellate courts prefer Century Schoolbook, Century, and Times New Roman—all serif fonts. The United States Supreme Court uses Century font. Fonts recommended by the Seventh Circuit include fonts in the Century and Bookman font families but the court uses Palatino Linotype itself. Indeed, in a recent opinion, Judge Easterbrook even criticized a party’s font choice and hoped it would never be used again.

AsymaDesign, LLC v. CBL & Assocs. Mgmnt, Inc., 103 F.4th 1257, 1260 (7th Cir. 2024).

2. Positioning

And beyond choosing your words and the font to put them in, studies have shown that where the words appear on a digital page may impact whether or how closely they are read. While traditional paper readers' eyes flow left to right as they work their way down the page, digital readers' eyes are moving much faster. Studies have shown the predictable pattern for digital readers' eyes looks like a capital F—skimming across the page a couple of times in the top half, but mainly focusing on the left margin. That suggests that headings and subheadings should be placed accordingly to make digital documents easier to read and navigate.

3. Visualization

Presenting information [through visuals, tables, and graphs](#) also helps judges comprehend complex points more powerfully than words alone. Transition signals and headings must similarly evolve, acting as signposts guiding a digital reader that may be skimming through a long brief.

4. Ease of Navigation

Experienced digital readers also expect navigational ease, so bookmarks, a clickable table of contents, and internal links to legal authorities and evidentiary record items are more than modern conveniences—they are the new standards of professional legal documentation. If allowed by a court's e-filing system, hyperlinks improve a brief's readability by transforming it from static to dynamic.

Embracing the digital transformation of appellate briefing is no longer optional. For judges, screens have become the primary medium for legal discourse. Effective advocacy requires legal writers to have skill and experience in adapting traditional practices to meet the needs of modern readers.

Frost Brown Todd's appellate advocates have a proven track record of success in appeals involving questions of first impression, bet-the-company judgments, and decisions that shape the rules under which our clients will operate well into the future. For more information, please contact the author, [Griffin Terry Sumner](#), or any attorney with the firm's [Appellate Practice Group](#).

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