

Notice to Counsel Preparing Briefs with Microsoft Word

Counsel should be alert to a problem in the way recent versions of Microsoft Word counts words in footnotes. This affects counsel's ability to comply with Fed. Rule App. P. 32(a)(7) which limits the allowable length of a principal brief to 14,000 words and of a reply brief to 7,000 words. See *DeSilva v. DiLeonardo*, No. 99-1754 (7th Cir. July 21, 1999).

If counsel selects any part of the text in the brief for a word count, the software ignores all words in the footnotes. Counsel's certification of the word limit in the brief will then be false.

To obtain a word count that includes only the portions of the brief that are "countable" under Rule 32, first obtain a count for the entire brief (with no text selected, but the "Include footnotes and endnotes" box checked in the word-count window). Then select the portions of the brief that are **excluded** from the Rule 32 word count. Have Word count the words in these portions of the brief and subtract the excluded portions from the word count of the entire brief.

Users of Corel WordPerfect do not need to go through these steps; WordPerfect automatically counts the words in footnotes attached to selected text. Law firms which use other programs should find out how their software treats footnotes attached to selected text.