

## White Paper on Marginal Notes

### **Marginal Notes - the bare facts by Gordon Wright**

Marginal notes have for many years provided users of legislation with a highly visible way of determining section headings and cross-references. However, apart from legislation, there have not been too many other applications where marginal notes have been used extensively and consequently the feature has not been developed to its full potential in modern word-processors.

In the days of offset printing where each line of type was manually set, there was little room for error or inconsistency. With the development of computers and word processing, marginal notes were included via the use of anchored text frames that were based upon a page grid that was not as accurate as the "hot type" days, and could even change under certain circumstances. However the speed, cost savings and flexibility of modern word processors saw their wide-spread use in the drafting of legislation.

When the "desktop publishing" revolution was in full flight in the mid 1980s a new player emerged to fill the gap between word processing and traditional printing, namely the page layout application. Of these, the best for long documents, and in particular marginal notes, was Adobe FrameMaker. However Adobe did not develop the application and it is coming to the end of its life both from a technical perspective and because of the very expensive price tag.

In the word processing arena the only serious commercial alternative to Word is WordPerfect. However having changed ownership of the product three times in recent years the product is also at the end of its useful life. In the Open Source community Open Office is gaining momentum and I have had a close association with it for a number of years. When asked is the product suitable for legislation my answer was always been "not quite yet!" However with version 3.0 scheduled for release very soon the time is now right. There are a number of advantages to using this word processor including; it uses Open Document Format (ODF an open standard file format), it reads and write other major vendor formats (Word, WordPerfect, PDF), and its free. It is gaining momentum in many government circles around the world and will soon be a viable legislative publishing tool.

So that brings us to Microsoft Word. I will be the first to admit that I do not like the company, but unfortunately the world uses it and 90%

of drafting offices do as well. But before getting carried away lets look at the main disadvantages of using Word for marginal notes.

## **Alignment**

Marginal Notes in one country's legislation for instance has become a exercise in "how it should not be done." The problem is that the program (Word) does not align the baseline of the corresponding text correctly giving rise to numerous "overrides" to the basic styles.

Also when a marginal note is made on the first line on a new page the header block forces the note below where it should normally sit, requiring a large negative number to be used in the parameters to correct the alignment. If a subsequent amendment forces a page re-flow then the parameters need to be manually changed to suit the new location. Also during amendments to some files over many years, a lot of the parameters have been adjusted by operators that had a different understanding of how to accomplish the same task.

For instance the horizontal alignment parameter for mirrored pages should always be "outside," whereas many changes have specified an absolute figure. The result is that the alignment is inconsistent, and even worse still, when a re-flow occurs, the marginal note can even be on the wrong side of the body text. The correcting of the alignment of the marginal notes is time-consuming and leads to many inconsistencies, and hence impacts on the quality of the legislation.

## **Tables**

So that marginal notes can function at all there need to be an area set aside on the outside of each mirrored page (gutter) for the notes to be placed. The marginal notes parameters do have a relative setting of "outside." However tables do not have any such relative setting.

In one example tables that are no larger than the body text width (101.6 mm) are fine but many tables in the legislation require the full width of 127 mm. In these tables the indent needs to alternate between 1.9 and -25.4 mm for mirrored pages which requires a table that spans many pages to be "broken" with a manual page break so that the indent can be set absolutely for each page.

This practice leads to two problems; should a reflow occur, rows need to manually moved between pages, and if you wish to have a "running-header" for each page containing a table, then this also needs to be completed manually. Therefore managing tables in a

marginal note environment requires a great deal of manual styling which also leads to inaccuracies and other consistency issues.

## **Cluttered**

In a perfect world each section's body would contain many lines of text, and cross-references and other notes would be all separated by a line or two. However this is not the case. Some section's body text only contain a couple of lines, so if the section heading spans three or more lines in the margin, it is impossible to place the following section heading in the correct place without manually adjusting the starting position of the following section. Also there can be multiple cross-references on the one line. This prevents each cross-reference aligning with the correct line in the body text. Marginal notes therefore do not allow for extenuating circumstances and lead to inconsistencies and may even impact on the rule of law.

## **TOC**

One of the most time-saving function available in modern word-processors is the ability to generate an semi-automatic table of contents showing section number-section heading-page number. Marginal notes, and specifically the placing of a section number on a different line to the heading, devalues this semi-automatic function. A script can be written in VBA to restore this capability, but this requires the script to stay with the template. Something that is not evident in the many current templates.

## **Screen real estate**

Marginal notes take up 25% of the available page space. This impacts on the presentation of the legislation in a number of ways. The width of each line is reduced significantly, which creates poor pagination due to a number of factors:

- Less words per line causes large spaces to be produced between text (in the case of justified text);
- The problem is exacerbated by the reduction of space available by natural presentation indenting (e.g. a sub-clause may only contain a couple of words).

- When issuing amendments, the space issue becomes even worse as they are indented more than normal under the amending section.
- Widows and Orphans are more prolific.

Another disadvantage is that the cost of printing pages is significantly increased through the use of marginal notes. Less room on the page for body text means more pages.

## **Styles**

In efficiently formatted legislation there should be less than 100 fixed styles with no manual overrides. The process of loose-leaf amendments leads to many style variants so inserted text can fit the available hard copy space. Also with the marginal notes the styling variations continue to grow.

In one document there was 27 versions of the "cross-reference" style. In the future there will be more re-use of legislation throughout different jurisdictions and countries, as we move towards the global community legislation will need to be exportable in a raw text format that everyone can use.

## **Summary**

Everyone has heard of the joke of the person that visits the doctor and says "doc it hurts when I press my stomach here." To which the doctor replies, "well don't press there!"

The very simple solution to the marginal notes issue is 'do not do it'. Most legislation templates these days do not include marginal notes and are efficient and flexible "styles based" templates that are considered best practice for legislative drafting.

Most departments that draft subordinate legislation use Word as the standard drafting tool. Legislative drafting history has shown that the biggest bottleneck in this process is the use of incompatible systems where text coming from outside agencies had to go through a conversion process, as styling was either very limited or non-existent, and in extreme cases it had to be re-keyed.