



Old Yeller

The illustrious history of the yellow legal pad.

ON A MONDAY AFTERNOON LAST SUMMER in the town of Hastings, Minn., David Norman Wigen parked his white pickup truck near the intersection of Fourth and Vermillion Streets, walked into the Wells Fargo branch there, and attempted to stage a heist. The 49-year-old construction worker handed a bank teller a curt, crumpled note: “Money now, do not make me hurt someone!” The teller handed him \$260. Wigen fled with the money and within the next five hours bought some methamphetamine, confessed his crime to his sister, and was arrested by an off-duty police officer. Other than its clumsiness, Wigen’s failed robbery is remarkable for one detail: the medium he selected to convey his instructions to the teller. His note had been scrawled in pencil on a sheet from a yellow legal pad.

Once used only by law students and lawyers, the yellow legal pad is now employed to a degree unrivaled in stationery. “End career as a fighter,” President Richard Nixon wrote on a legal pad in August 1974. Five days later, on the top of

another one, he scratched, “Resignation Speech.” Jeff Tweedy, front man for the rock band Wilco, writes his songs on a legal pad. Jim Harrison, the laureate of the untamed heart, wrote *Legends of the Fall* on legal pads; Elmore Leonard writes his crime novels on them. Nonfiction criminals, it appears, are fond of them, too. How did they get so popular? And how so yellow?

RECENTLY, MIKE WYSZYNSKI, THE PLANT manager of American Pad & Paper Company’s factory in Holyoke, Mass., walked between piles of paper stacked over four feet high. He stopped by several large rolls of yellow paper standing on their ends. A workhorse of a machine was busy feeding a swath of yellow paper from one of these rolls, mechanically ruling the paper with calibrated pins dipped in blue ink. The oversize page would ultimately be made into 25 5-inch-by-8-inch tablets, known in the industry as “Junior” legal pads.

AMPAD (as the company is known) manufactures legal pads under its own name, but it also makes pads that are later

stamped with other brand names, like Staples and Wal-Mart. AMPAD maintains four factories in different locations, but the Holyoke facility was its first, and it is the site where the first legal pad was ruled, cut, and stitched. (This historical distinction was apparently not enough to save the plant, however: AMPAD will close the Holyoke facility within the year and open one in Matamoros, Mexico.)

In 1888, Thomas W. Holley, a 24-year-old paper mill worker in Holyoke, had an idea for how to use the paper scraps, known as sortings, discarded by the mill. Sortings were anything trimmed away as scrap or considered of lesser quality than the writing paper eventually packaged and sold. Holley’s notion was to bind the scraps into pads that could be sold at a cut rate. Convinced he had a winning idea, he founded his own company to collect the sortings from local mills (Holyoke was then the papermaking capital of the world) and began churning out bargain-price pads.

The legal pad’s margins, also called down lines, are drawn 1.25 inches from the left edge of the page. (This is the only requirement for a pad to qualify as a legal pad, though the iconic version has yellow paper, blue lines, and a red gummed top.) Holley added the ruling that defined the legal pad in the early 1900s at the request of a local judge who was looking for space to comment on his own notes.

That, at least, is the story AMPAD tells. Holley never filed a patent for his invention; no other company in the legal pad market has ever come forward with a competing claim. Like many origin myths, AMPAD’s answers some essential questions but leaves others unresolved. It doesn’t, for instance, explain the emergence of yellow as the standard legal pad color. Holley is thought to have created white pads, not yellow ones. Yellow paper is about 10 to 20 percent more expensive than white paper, due to the cost of dye and the additional cleanup the dyeing process necessitates, an extravagance the thrifty Holley would likely have dismissed.

EXPLAINING THE ORIGINS OF THE YELLOW legal pad is as difficult as explaining

consumers' attraction to it. But the attraction does seem to be there: The yellow-to-white sales ratio can be as high as 2 to 1, as it is at University Stationery in New York City, near New York University and The New School University.

Some believe that writing on a yellow pad is easier to read than writing on a white pad. But Israel Abramov, a professor of psychology at Brooklyn College and a specialist in color vision, dismisses the theory. Readability, he says, is more a matter of contrast—how the color of the ink interacts with the color of the paper—than of the paper color alone. The highest contrast scenario is black ink on white paper, though Abramov concedes that in specific conditions, yellow paper might be preferable in terms of readability. "If the light is too intense, the paper can be glaring, and yellow cuts down the glare," he said.

Abramov prefers a psychological to a physiological explanation for yellow's predominance. "White paper that sits around starts to look yellow and old," he said. "I heard of one professor who used yellow paper for his lecture notes because he didn't want his students to know how old the notes were."

Legal pad enthusiasts do seem to have a psychological connection to their writing tablets. Philip Moustakis, a mid-level associate at the New York firm of Curtis, Mallet-Prevost, Colt & Mosle, uses one legal pad per case, and prefers yellow over white pads and a faint, as opposed to a dark, rule. "The darker lines intrude upon my thinking—they're yelling back at you," he explained. "You want a more subtle line."

Moustakis is a connoisseur. Firms that are big enough to order their pads in significant bulk qualify to have their firm name stamped on the pads' binding. (At AMPAD, a law firm must order a minimum of 790 pads to qualify for the stamped insignia.) Moustakis collects the blank pads of competing firms. (His collection, once larger, is now down to two pristine pads; he doesn't just collect them, he uses them.) He said he picks them up at conferences with other law

firms, and at other events where large stacks are left lying around.

Iris Harris, the assistant director of purchasing at Mayer, Brown, Rowe & Maw, says that her firm no longer leaves stacks of pads lying around on conference tables. On average, her firm consumes 1,200 legal-size legal pads, 12,000 letter-size legal pads, and 4,200 Junior-size legal pads a year. Her firm switched from yellow to white pads four years ago. "Yellow wasn't recyclable," she said. Today, the standard pad at Mayer, Brown is a white legal pad, with a blue chipboard binding and silver stamp bearing the firm's name. And the pads are letter-size, not legal-size.

The legal-size legal pad has been under attack since as early as 1982, when then Chief Justice Warren Burger banished legal-size documents from federal courts. One informal survey estimated Burger's move saved almost \$16 million through

more efficient use of storage space. Several states followed the federal government's lead; in Florida, a group appeared called "Eliminate Legal Files," or ELF.

The movement reveals perhaps the strangest element of the legal pad's popularity: Despite their loyalty to the pad, its enthusiasts seem never to be quite satisfied with its constitution and are forever seeking the modification that will perfect it. One law professor likes his margin on the right; another prefers a margin 4 to 6 inches from the left side of the page. Jonathan Dee is a novelist who has written the first drafts of four novels on legal pads. He said that he dreams of a 14-inch pad that has the spiral binding of an 11-inch variation. "There's something about the inventiveness of the first draft that requires I go fast," Dee said. "The quiet of this arrangement is very important."

—Suzanne Snider

IN MY CHAMBERS

JUDGE SHIRLEY WOHL KRAM PREFERS TO SETTLE SOME CRIMINAL MATTERS IN A personal setting. Or so it seemed when her representatives argued before the Second Circuit that it was her "customary practice" to attend to guilty pleas and routine sentencing hearings in her robing room, the private chamber adjacent to her federal courtroom in New York City.

In the comfort of those chambers in 2001, for example, she sentenced Carlos Goiry to 11 years in prison after he was convicted of drug possession, and on the same day accepted a guilty plea of Luz Marina Munoz in another drug case. Lawyers for the defendants argued that Kram's failure to hold court in court violated the First Amendment's guarantee of public access and the rules of procedure, which require that guilty pleas be proffered in "open court."

The Second Circuit consolidated the two cases and roundly scolded Kram for her conduct. Finding that the robing room is not a courtroom for the purposes of public access, it remanded the cases back to Kram in a rare exercise of its power to supervise trial judges. The defendants will get new public hearings. But it's not clear that the sunshine of an open court will lead to brighter futures for Goiry and Munoz. Goiry had pled guilty to his crime before his private sentencing session. Munoz had said she understood the proceedings and the penalties, and was satisfied with her attorney before she proceeded to detail her part in a drug conspiracy.

