

§ 1

Punctuation

- 1.1** Punctuation marks are like traffic signs that guide readers through sentences. Although many marks are mandatory (depending on the construction), many others are optional: they can enhance clarity or shade the meaning. Some marks may substitute for others—this clause, for example, could as easily be separated from the previous one by a colon, a semicolon, or even parentheses. Each choice would result in a slightly different feel for the sentence. The em-dash may suggest drama; the colon may suggest a cause–effect relationship; the semicolon may suggest that the clauses are equally important; parentheses may suggest that what they contain is less important.

With such variety possible, punctuation marks help impart style. With them, the writer can influence where the reader will pause and for how long, or how the reader will put the parts of a sentence together logically. Like well-placed traffic signs, they can also prevent accidents—that is, misreadings that make a reader stop for an instant to figure out the meaning.

Anyone who has trouble with punctuation should concentrate first on learning the mandatory rules, one by one. Then, after that foundation is laid, learn to use marks that add voice and flourish.

Commas

- 1.2** For many writers, the comma is the most troublesome punctuation mark. While some comma rules are mandatory—for example, always use them in pairs to set off midsentence parenthetical matter—others are discretionary. Even the well-known rules have a subjective element about them. When is an introductory phrase long enough to require setting off by a comma? When is a compound sentence short enough to dispense with the comma? In fact, using commas is sometimes a matter of taste. Styles generally fall into two schools: *closed* (heavy on the commas) and *open* (light on the commas). The modern trend is toward open style, but this is no license to ignore commas altogether. Use them for what they are: guideposts to help readers get through sentences smoothly and without miscues.

- 1.3 Use commas to separate words or phrases in a series of three or more, and include a comma before the conjunction.**

(a) *Serial comma.* The serial comma, or terminal separator, which is placed before the conjunction *and* or *or*, can prevent ambiguity. Generally speaking, it is always included in formal writing and often omitted in informal writing. While books and most magazines use the serial com-

ma, most newspapers rarely do. Some writers treat it as optional—and that seems to be the trend in popular writing—but the safer practice is to use it consistently. The serial comma is never incorrect, but omitting it sometimes results in awkwardness, a miscue, or even ambiguity.

Ex.: red, white, and blue

Ex.: Can you help me research this memo, draft a pleading, and schedule depositions?

Ex.: The pizzeria's trade dress includes menu content, prices, pizza ingredients, and "style" or preparation. (Without the comma, the end of the sentence would be confusing.)

Ex.: The enrollment fee is \$100 for each class: domestic violence, bankruptcy, personal injury, and damages. (Without the comma, the total fee might be \$300 or \$400. The comma makes the meaning unambiguous.)

- (b) *Complex phrases.* If phrases in a series are long and complex, or if any of them contain internal punctuation or a conjunction, separate them with semicolons rather than commas (see 1.17).

Ex.: Among the children's chores were mowing the lawn, washing the car, taking out the trash, and feeding the dog.

But: Among the children's chores were mowing, raking, and edging the lawn; washing the car; taking out the trash; and feeding the dog.

- (c) *Conjunction repeated.* No comma is needed if the items are all joined by conjunctions.

Ex.: The plaintiff and the defendant and the intervenors were all ready for trial.

1.4 Use a comma to separate two independent clauses joined by a coordinating conjunction (*and*, *but*, *or*, *nor*, *for*, *yet*, *so*).

- (a) *Defined.* An independent clause is a subject–verb construction that could stand alone as a complete sentence.

Ex.: The study group called out for pizza, and the slackers packed a picnic. (Compound sentence, with a subject and a verb in each independent clause.)

- (b) *Compound predicate distinguished.* Avoid using a comma to set off the second part of a compound predicate (two or more verbs sharing a single subject). In general, use a comma only if it is needed to avoid a misreading.

Not this: The study group called out for pizza, and took a quick break.

But this: The study group called out for pizza and took a quick break. (Compound predicate, with one subject and two verbs.)

Or this: The study group called out for pizza and salad, and took a quick break. (The comma helps distinguish the *and* that joins two predicates from the *and* that joins two objects.)

- (c) *Choice between comma and semicolon.* If either of the clauses is complex or contains an internal comma, you may need to separate them with a semicolon instead of a comma to clarify the sentence (see 1.17).

Ex.: The mediation was successful thanks to the mediator's insight, persistence, and forceful personality; and, at long last, the case settled.

- (d) *Comma splice.* Do not join independent clauses with a comma alone. Grammarians consider that construction, called a *comma splice*, a form of run-on sentence (see 1.15–1.16). There are several ways to edit a comma splice: (1) replace the comma with a semicolon; (2) use a coordinating conjunction after the comma (see 10.46); (3) break the clauses into separate sentences; or (4) make one of the clauses dependent by introducing it with a subordinating conjunction (see 10.48).

Not this: The mediation worked, the case settled. (comma splice)

But this: The mediation worked; the case settled. (semicolon)

Or this: The mediation worked, so the case settled. (coordinating conjunction)

Or this: The mediation worked. The case settled. (period)

Or this: Because the mediation worked, the case settled. (subordinating conjunction)

1.5 Use a comma to set off introductory matter unless the phrase is short and the verb follows it closely.

- (a) *Types of introductory matter.* Introductory matter may be a single word of transition <Obviously,>, a phrase <On the other hand,>, or a dependent clause <If we can agree on the price,>.

Ex.: Fortunately, there were no more surprises in the eyewitness's testimony.

Ex.: Two years earlier, a similar incident had occurred in a nearby town.

Ex.: Since we have to be in Chicago next week anyway, we can take the deposition then.

- (b) *Exception.* At the writer's discretion, a very short introductory phrase, usually no more than three words, may appear without a comma. Often it's preferable to omit the comma (as after the first word in this very

"Punctuation is the notation in the sheet music of our words, telling us when to rest, or when to raise our voices; it acknowledges that the meaning of our discourse, as of any symphonic composition, lies not in the units but in the pauses, the pacing and the phrasing."

—Pico Iyer

sentence). Whether to use the comma depends on how the writer would want the sentence to sound if it were read aloud.

Ex.: In October another Court term will begin.

Also acceptable: In October, another Court term will begin.

Ex.: Soon we will all know the verdict.

Also acceptable: Soon, we will all know the verdict.

- (c) *Inverted sentence.* No comma separates an introductory phrase in an inverted sentence if the verb immediately follows the phrase. Without the inverted syntax, the introductory phrase would be the predicate of the sentence.

Ex.: At the opposing counsel's table was my old mentor.

Ex.: Placed on the table was a Scalia bobblehead.

- (d) *Direct address.* Use a comma to set off a word or phrase of direct address.

Ex.: Your Honor, may I approach the bench?

Ex.: John, I appreciate your help.

1.6 Use commas to set off a nonrestrictive phrase or clause from the rest of the sentence.

- (a) *Defined.* A nonrestrictive phrase or clause is one that could be taken out of the sentence without changing the essential meaning. It gives additional description or information that is incidental to the central meaning of the sentence (see 10.20(b)).

Ex.: The morning meeting, which starts at 10 a.m., is about the Matthews case. (The time is incidental to the meaning of the sentence, so the material set off by commas is a nonrestrictive phrase. The writer has already identified the meeting being referred to. Nonrestrictive matter is typically introduced by *which*.)

But: The meeting that starts at 10 a.m. is about the Matthews case. (The time is a necessary part of the sentence because it identifies which of several meetings. So *that starts at 10 a.m.* is a restrictive phrase that is not set off by commas. Restrictive matter is best introduced by *that*.)

- (b) *Nonrestrictive appositive.* When an appositive adds only nonessential information about the noun it attaches to, it is a nonrestrictive construction and set off with commas.

Ex.: O'Neal, a well-respected public defender, surprised everyone by running for district attorney. (Because the phrase *a well-respected public defender* is nonrestrictive, it is set off by commas.)

Ex.: Sometime in the month after the accident, Hilton moved unexpectedly to a neighboring state, Indiana. (Because *Indiana* is nonrestrictive, it is set off by a comma.)

- (c) *Restrictive appositive.* When an appositive adds information that is essential to identify the noun it attaches to, it is a restrictive construction that is not set off with commas.

Ex.: This gift is for my daughter Jane and that one for my daughter Sarah. (*Jane* and *Sarah* are restrictive appositives: each tells which daughter is meant.)

Ex.: The great jurist Learned Hand never served on the Supreme Court. (*Learned Hand* is a restrictive appositive, so no commas should separate it from *jurist*.)

- (d) *Dependent clause*. A dependent clause is a subject–verb construction that could not stand alone as a sentence. It may be restrictive (not set off with commas) or nonrestrictive (set off with commas), depending on whether it could be taken out of the sentence without changing the meaning.

Ex.: An attorney who conscientiously follows ethical rules is unlikely to be sued for malpractice. (*Who conscientiously follows ethical rules* is a clause because it contains a subject and a verb. It is dependent because it could not stand on its own as a sentence. And it is restrictive because it adds essential meaning to the sentence, specifying the type of attorney who is unlikely to be sued for malpractice.)

Ex.: The new mayor, who won in a landslide, takes office on January 1. (The dependent clause *who won in a landslide* is incidental to the central meaning of the sentence. So it is nonrestrictive and must be set off by commas.)

1.7 Use a comma to separate coordinate adjectives and adverbs—that is, the type that modify their target rather than each other.

- (a) *Definition and tests*. Coordinate modifiers have similar meanings: together they shade the sense of the word being modified. To test whether modifiers are coordinate, either (1) reverse their order, keeping the comma, or (2) insert the word *and* between them. If the meaning remains clear and natural-sounding, the words are probably coordinate modifiers that require a comma.

Ex.: The robber coldly, methodically planned the heist. (The robber planned *methodically and coldly*, so a comma is needed.)

Ex.: The opposing counsel was a tenacious, arrogant, brilliant lawyer. (The lawyer was *brilliant and arrogant and tenacious*, so commas separate the independent but coordinate modifiers.)

Ex.: Don't step on my blue suede shoes. (It would be quite odd to write *blue and suede shoes* or *suede, blue shoes*. Rather, *blue suede* as a phrase modifies *shoes*. So the phrasing must stand without a comma.)

Ex.: I had a little red wagon. (That the wagon is red has nothing to do with its being little—so no comma.)

- (b) *Not coordinate*. Do not use a comma between two adjectives if the first adjective modifies a phrase formed by the second adjective and the noun.

Ex.: The panel will include Linda Greenhouse, the respected legal reporter for the *New York Times*. (Here, *respected* modifies the noun phrase *legal reporter*.)

1.8 Use a comma to set off a direct quotation of fewer than 50 words unless the quoted matter is woven into the sentence itself or is introduced by a colon (see 1.23(a)).

- (a) *Placement.* Use a comma between a direct quotation and its attribution.
- Ex.: Judge Duggan asked, "How do you plead?"
- Ex.: "If you can't afford a lawyer, the court will appoint one for you," Judge Duggan told the defendant.
- Ex.: "Your trial," Judge Duggan said, "is set for July 19."
- (b) *Colon as a substitute.* If the quotation follows the attribution and is set up by a more formal device such as *the following* or the like, use a colon instead of a comma.
- Ex.: Judge Meir asked a single question: "How do you plead?"
- Ex.: The most popular name for independent political movements in this country has always been these three words from the preamble to the Constitution: "We the People."
- (c) *In context.* Do not use a comma to set off a quotation that is made part of the syntax of the main sentence. Do not use a colon to introduce a block quotation that begins with words similarly woven into the sentence.
- Ex.: John swore that he "didn't see the red light."
- Ex.: The judge believed, as the Federal Circuit once wrote, that "[i]t is sometimes more important that a close question be settled one way or the other than which way it is settled."
- Ex.: Judge Combs said she agreed with the jury's decision to deny punitive damages because
the defendant presented no evidence that the plaintiff's conduct was intentional. No amount of punitive damages can deter unintentional behavior.

1.9 Do not place a comma where it interferes with the flow of the sentence.

- (a) *Before the predicate.* Do not use a comma to separate a subject from its verb. A comma may appear in the same position in the sentence, though, if it sets off a nonrestrictive element.
- Not this: The issue whether the incorporation of such rules evinces a "clear and unmistakable" intent to arbitrate arbitrarily, was never decided by the New York Court of Appeals.
- But this: The issue whether the incorporation of such rules evinces a "clear and unmistakable" intent to arbitrate arbitrarily was never decided by the New York Court of Appeals.
- Ex.: This question, which has been the subject of much debate, has sharply divided circuit courts. (The commas are required to set off the nonrestrictive *which*-clause after *question*.)
- (b) *Phrase after conjunction or relative pronoun.* Do not use a comma after a conjunction or relative pronoun that is immediately followed by an

adverbial phrase. Although the closed punctuation style (see 1.2) favors the comma, the open punctuation style does not.

Not this: Michigan's long-arm statute may or may not grant jurisdiction, but, if there is a conflict of laws, Ohio law controls.
(Closed punctuation style)

But this: Michigan's long-arm statute may or may not grant jurisdiction, but if there is a conflict of laws, Ohio law controls.
(Open punctuation style)

Not this: The court ruled that, if there is a conflict of laws, Ohio law controls. (Closed punctuation style)

But this: The court ruled that if there is a conflict of laws, Ohio law controls. (Open punctuation style)

- (c) *Before parentheses.* Do not put a comma before an opening parenthesis. Usually the comma belongs after the closing parenthesis.

Not this: Many of her staunch supporters even consider the campaign "a moral imperative," (in the words of one) a chance to make tough-minded reforms.

But this: Many of her staunch supporters even consider the campaign "a moral imperative" (in the words of one), a chance to make tough-minded reforms.

- (d) *With nominal abbreviations.* Do not use a comma before or after *Jr.*, *III*, or the like with a personal name or *Inc.*, *L.L.P.*, or the like with a business name, unless that is the person's or business's preference. But do use a comma before and after an academic-degree abbreviation such as *M.D.* or *Ph.D.* with a personal name.

Not this: Dr. Martin Luther King, Jr., delivered his "I Have a Dream" speech from the steps of the Lincoln Memorial on August 28, 1963.

But this: Dr. Martin Luther King Jr. delivered his "I Have a Dream" speech from the steps of the Lincoln Memorial on August 28, 1963.

Not this: In a single year, Enron, Inc., went from being the seventh-largest company in sales on the Fortune 500 list to being the biggest bankruptcy filing in U.S. history.

But this: In a single year, Enron Inc. went from being the seventh-largest company in sales on the Fortune 500 list to being the biggest bankruptcy filing in U.S. history.

- (e) *Law-firm short form.* Abbreviate the name of a law firm with three or more name partners by using the first two names with no comma or ampersand. For a firm with only two name partners, use whatever style the firm prefers, but do not use bullets or other symbols that appear on a firm's logo.

Ex.: The Boston firm of Mintz Levin negotiated the merger. (On second reference to Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo. The firm uses the word *and*, not an ampersand.)

Ex.: Isaac clerked for Carrington Coleman last summer. (Referring to Carrington, Coleman, Sloman & Blumenthal of Dallas.)

Ex.: Thelen Reid of San Francisco conducted the environmental audit.
(The firm's name is Thelen, Reid & Priest.)

But: The reporter was represented by two firms, O'Melveny & Myers and Kilpatrick Stockton. (The first firm mentioned uses an ampersand in its name; the second, even though there are only two name partners, does not. A firm's preference controls.)

1.10 In a full date that is written month–day–year, put a comma between the day and the year. Unless the date is being used as an adjective (see 10.36), place a comma after the year if the sentence continues. Do not use a comma with the style day–month–year or month–year.

- (a) *American style.* In the standard American format month–day–year, separate the day from the year with a comma. Unless the date is used adjectivally (see 10.36), use another comma after the year (which is treated syntactically as parenthetical).

Ex.: We held our breath on December 31, 1999, waiting to see whether the utilities would still work.

Ex.: Your memo of April 14, 2006, has been very helpful.

- (b) *Military and British style.* Do not use a comma within the day–month–year format (although a comma may appear before or after it if otherwise called for by the syntax).

Ex.: Your memo of 14 April 2006 has been very helpful.

Ex.: We held our breath on 31 December 1999, waiting to see whether the utilities would still work.

Ex.: The accident occurred on the same day Mr. Jarvis saw his therapist, 15 November 2006.

- (c) *No day.* Do not use a comma in the month–year format. Although it is possible to write *December of 2005*, the preferable form is *December 2005*.

Ex.: The Florida recount controversy raged throughout the remainder of November 2000 and long into December.

1.11 Use a comma to break down numbers of 1,000 and more into sets of three digits.

- (a) *Separating by threes.* Use commas to break whole numerals (not decimals) of four or more digits into groups of three. Although some writers omit the comma in four-digit numbers, the better practice is to include it. For one thing, this practice maintains a consistent style. After all, the comma is always used with four-digit numerals in columns of figures.

Ex.: 1,000

Ex.: 99,999

Ex.: 24,945,372

- (b) *Exceptions.* Do not use commas in statute numbers, telephone numbers, house numbers, page numbers of fewer than five digits, years, and other serial numbers (see 5.11(b)).

Ex.: Rule 9002(a)

Ex.: 555-1212

Ex.: 6822 Magnolia Blvd.

Ex.: *Id.* at 1537

Ex.: *Id.* at 15,442

1.12 Use a comma (never a semicolon) after the salutation in a personal letter.

- (a) *Informal salutation.* The comma is an informal mark appropriate in correspondence between friends and relatives. It is appropriate also for all handwritten notes. A semicolon here, by contrast, is quite wrong.

Ex.: Dear Mom,

Ex.: Dear Sally,

- (b) *Business correspondence.* For more formal uses, and especially business correspondence, use a colon (see 1.24).

Ex.: Dear Mr. Gillespie:

Ex.: Dear Chief Justice Roberts:

1.13 Consider using a comma where one or more words are omitted but understood in context.

- (a) *Understood words.* A comma pause signals the reader that an obvious word or phrase, commonly the verb from the previous clause, is to be understood at this point.

Ex.: Democrats won governorships in Maine and Delaware; Republicans, in South Carolina and Nevada.

Ex.: Palestinians want statehood; Israelis, security.

- (b) *Often optional.* When the meaning is clear, the comma may be omitted.

Ex.: California has 55 electoral votes, Florida 27, Vermont 3.

Ex.: Candidates are few but propositions many in Tuesday' election.

- (c) *Dramatic pause.* The comma can supply a dramatic pause for effect.

Ex.: Pat had thousands of "friends" while she held office; afterward, none.

"Most errors of punctuation arise from ill-designed, badly shaped sentences, and from the attempt to make them work by means of violent tricks with commas and colons . . ."

—Hugh Sykes Davies