Do's, Don'ts, and Maybes: Legal Writing
Punctuation—Part I

Gerald Lebovits
Remembering Mr. Flavin

The Origins (and Unintended Consequences) of Online Legal Research

by Gary D. Spivey

Also in this Issue

Eugene C. Gerhart and Justice Robert Jackson

Immigration Compliance

2007 Criminal Law Legislation

Consumer Protection Law in 2007
In six of the last seven columns, the Legal Writer covered legal writing’s do’s, don’ts, and maybes. The last two columns discussed grammar. We continue with seven punctuation issues and, in the next two columns, eight more. This three-part series addresses periods, question marks, exclamation points, colons, semicolons, parentheses, brackets, commas, hyphens, quotation marks, apostrophes, dashes, slashes, ellipses, and accent marks.

Punctuation refers to symbols that organize and give structure to writing. Punctuation lets you change the inflection of your voice and give meaning to your words.

Punctuation helps speed up or slow down language. Example of speeding up language: “The associate won her first trial today.” In this example, the reader reaches the end of the sentence without stopping for any punctuation. The period tells you when to rest.

Example of slowing down language: “The associate, fresh out of law school, won her first trial today.” The commas in this example cause the reader to slow down twice before reaching the end of the sentence. Commas tell you when to pause. Use periods at the end of commands. Examples: “Submit your briefs by Friday.” “Evacuate the courtroom quietly.”

Use periods at the end of declarative sentences. A declarative sentence states an argument, fact, or idea. It doesn’t require the reader to take action or answer. Examples: “Some writers don’t know how to punctuate.” “If you know how to punctuate, you’ll be seen as a good writer.”

Use periods at the end of indirect questions. Examples: “How was your trip to Washington, D.C.?” “Court begins at 9:30 a.m.”

Use periods, not question marks, after indirect questions. Examples: “The judge asked me why wasn’t I ready for trial.” “My client wanted to know why he paid the filing fees?” “She asked whether I could argue the motion.”

Use one period, not two, when the sentence ends in an abbreviation. Incorrect: “I reached the courthouse at 9:30 a.m._” Correct: “I reached the courthouse at 9:30 a.m.” If the sentence ends in a question mark or an exclamation point, use a period after the abbreviation. Examples: “How was your trip to Washington, D.C.? Court begins at 9:30 a.m.!”

Abbreviated American and British weights and measures end in periods. Examples: “qt.” for “quart” and “pt.” for “pint.” Don’t put periods after degrees and metric abbreviations. Examples: “C” for “Centigrade,” “cm” for “centimeter,” “cms” for “centimeters,” and “F” for “Fahrenheit.”

Put a period at the end of an abbreviated title, even if the title isn’t a true abbreviation. Example: “Ms.” Put a period at the end of an abbreviated title, even if the last letter of the abbreviated title wouldn’t end with a period were it unabbreviated. Incorrect: “Dr Smith.” (“Dr Smith” is correct in British usage.) Correct: “Dr. Smith.” Other examples: “C.P.A.” “D.D.S.” “Hon.” “Jr.” “M.D.” “Ms.” “Ph.D.” “Sen.”


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Punctuation clarifies. Consider this classic example: “Woman without her man is nothing.” Depending on how you punctuate, the sentence will have different meanings. Example 1: “Woman: Without her, man is nothing.” Example 2: “Woman, without her man, is nothing.” The punctuation you use and where you put it will alter how readers will interpret what you write.

Good punctuation makes you feel, hear, and understand language. Bad punctuation is confusing and off-putting.

1. Periods. Three punctuation marks end a sentence: periods, question marks, and exclamation points. Lawyers don’t use enough periods. Thoughts without periods are lengthy and convoluted.

Use periods at the end of a declarative sentence. A declarative sentence states an argument, fact, or idea. It doesn’t require the reader to take action or answer. Examples: “Some writers don’t know how to punctuate.” “If you know how to punctuate, you’ll be seen as a good writer.”

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Don’t use periods for acronyms. To create an acronym, take the first letter from a series of words to form a pronounceable word that stands for something. Examples: “AIDS” and “NATO.” “AIDS” stands for Acquired Immune Deficiency Syndrome. “NATO” stands for North Atlantic Treaty Organization. Because you can pronounce acronyms as words, you don’t need periods.

Use periods for abbreviations. Abbreviations are different from acronyms; you pronounce each individual letter in an abbreviation. Examples: U.S.A., N.A.A.C.P., N.C.A.A., F.B.I.

Newspapers and magazines omit the first letter in an abbreviation.

Don’t use periods for acronyms. To avoid using periods from common abbreviations to save space. If your readers are familiar with the abbreviation, don’t use periods.

In American usage, always put periods inside quotation marks. Incorrect: Judge Joe said, “I want order in the courtroom.” Correct: Judge Joe said, “I want order in the courtroom.”

2. Question marks. Use a question mark at the end of a direct question, or one to which you expect an answer. Examples: “When does the courthouse close?” “Who’s your next witness?”

Don’t use a question mark for an indirect question or declaration. Example of indirect question: “I wonder whether I’ll finish the trial this week.” Example of declaration: “Albany is New York’s capital.”

Put a question mark at the end of a sentence if a question is embedded in the sentence. Examples: “We can get to the courthouse, can’t we, if we take the Brooklyn Bridge?” “I wonder: will Joe run for office?”

Don’t use a question mark for a polite request. Examples: “Would everyone in the courtroom please check in with the court officer?” “Please send me a copy of the opinion.”

Don’t use a question mark for a command. Examples: “Would you write the brief now, please?”

Don’t put a question mark at the end of a sentence that begins with “whether.” “Whether” is a statement, not a question. Correct: “Whether the defendant’s conviction should be reversed is the only issue before the court.”

Put a question mark inside quotation marks if the question is in the original. Put it outside if it’s not in the original. Example of a question mark in the original: The judge asked, “How long will you cross-examine this witness?” Example of a question mark not in the original: The partner told her to rewrite her brief because it was “ungrammatical and incomprehensible trash!”

Exclamation points may accompany mimetically produced sounds: “All night long, I heard the dogs woof! in my neighbor’s apartment.” “The dog went Grr!, and I left the room.”

Avoid exclamation points in legal writing. They tell readers that you’re exaggerating or screaming at them. Use exclamation points for informal writing, like birthday wishes to a loved one or the occasional informal e-mail. Instead of using exclamation points to intensify your writing, use concrete nouns and, even better, vigorous verbs.


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Exodus 20:13 (King James). Use a colon to introduce a definition. Example: “Lawyer: An individual with a briefcase who can steal more than a hundred men with guns.” Use a colon to replace “is” or “are.” Example: “The diagnosis; terminal double-speak.”

Use a colon after an independent clause — defined as a clause that has a subject, a verb, and can stand on its own as a sentence — to (1) introduce lists, (2) introduce an illustrative quotation, or (3) show that something will follow. Example of an independent clause introducing a list: “The defendant asserted three defenses: insanity, extreme emotional disturbance, and self-defense.”

But consider the following example: “The attorney determined that his client’s best defenses included insanity, extreme emotional disturbance, and self-defense.” You don’t need a colon after “included”; the preceding clause isn’t an independent clause. Example of an independent clause introducing a quotation: The court ruled against the petitioner: “Doe proved she’s the real tenant.” Example of an independent clause showing that something will follow: “The Civil Court instituted a new rule: ‘A case summary form.’”

Use a colon on the line after a dependent clause follows the colon. Example: “The judge gave her a useful suggestion; to evaluate the merits of a case before accepting a client.” “The judge made one finding: defendant’s failure to prove her insanity defense.” If more than one independent clause follows the colon, begin each independent clause with a capital letter: “Andrea was acquitted for two reasons: First, the People failed to prove that she committed the crime beyond a reasonable doubt. Second, the jurors didn’t find the People’s witnesses credible.”

Colons always go outside quotation marks. Example: She described her legal career as a “roller-coaster ride”: some successes, some failures, and everything in between.

Spacing: Use two spaces after a colon in typing and one space in publishing.

5. Semicolons. Don’t confuse colons with semicolons. Semicolons slow readers down.

Use semicolons to connect closely related independent clauses. Example: “In straightforward cases, the judge issues a decision in three days; in complicated cases, it’s 30 days.” Don’t use semicolons — use commas — to connect dependent clauses to independent clauses. Incorrect: “While we were waiting in court; the defendant attacked the prosecutor.”

Use semicolons to avoid run-on sentences. Use semicolons, not commas, to separate two independent clauses if the second independent clause begins with a conjunctive adverb (“accordingly,” “again,” “also,” “besides,” “consequently,” “finally,” “for example,” “furthermore,” “hence,” “however,” “moreover,” “nevertheless,” “on the other hand,” “otherwise,” “rather,” “similarly,” “then,” “therefore,” “thus”). Example: “In straightforward cases, the judge issues a decision in three days; therefore, litigants don’t have to wait for justice.” Use a semicolon to separate two independent clauses if the second independent clause has a conjunctive adverb somewhere in the sentence, usually after the subject. Example: “The judge told his law clerk to evaluate the merits of the case; he therefore told his law clerk to prefer logic to emotion.”

Use semicolons in lists that contain internal commas or an “and” or “or.” Example of a list with an internal comma: “On trial for embezzlement were Lawyer A of Queens, New York; Lawyer B of White Plains, New York; and Lawyer C of The Bronx, New York.” Example of a list containing “and”: “For the firm’s holiday party, please buy roast beef and turkey sandwiches; red and white wine; and diet and regular soda.”

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Put semicolons after and outside parentheses. Example: “Lawyer F lost the case (his tenth loss in 12 months); this year he might not get a bonus.”

When a semicolon follows an abbreviation with periods, it’s acceptable to put a semicolon after a period. Example: “The witness testified that in 1993 he received his B.A.; he graduated from SUNY Plattsburgh.”

Semicolons always go outside the quotation mark. Example: The judge told the defendant, “I want to make sure you never get out of jail”; thus, he sentenced the defendant to life without parole.”

Spacing: Put one space after a semicolon.

6. Parentheses. Parentheses direct readers to additional and slightly different information. They also set off explanations, interruptions, or phrases that obscure the main text. Examples: “Parentheses are (usually) too informal for legal writing.” “Settle this case (trust me!).”

Parentheses introduce abbreviations and acronyms. Example: The New York City Police Department (NYPD).

Use parentheses for citations in official New York State (Tanbook) style. Example: “Because the landlord knew about the subtenant’s presence, the court found no illusory tenancy. (Plaintiff v. Defendant, 50 AD2d 50, 50 [5th Dep’t 2009])” Use parentheses to explain ambiguous citations following citations, according to the Bluebook.

Use brackets, according to the Tanbook. Example: Plaintiff v. Defendant, 99 N.Y.S.2d 500, 511 (3d Dep’t 2009) (finding that plaintiff was not “closely related” to victim). Use brackets with citations that do not contain a clause.

Parentheses de-emphasize. To emphasize, use “em” dashes (“—”).

7. Brackets. In a quotation that contains a factual, spelling, or usage error, use “[sic],” meaning “thus,” after the error. If the context makes it clear that the mistake was in the original, don’t add “[sic].” Correct: “The attorney subjected [sic] to the exhibit’s admission in evidence.” The author meant to write “objected,” not “subjected.”

Use “[sic]” sparingly. Overusing “[sic]” suggests you’re insulting or embarrassing the original quotation’s author. Consider using brackets to correct the quotation.

Use brackets in a quotation to show alterations or additions to a letter or letters in a word. Examples: “Clearly” becomes “Clear[ ].” “Proof” becomes “Pro[ve].” “Clearly” becomes “[c]learly.” “Clery” becomes “Cl[er]eyly.”

Consider the following original text in a judicial opinion: “For the above-mentioned reasons, the court finds that Defendant has no proof to substantiate her affirmative defense.” Alteration example (end of a word): The court determined that Defendant did not “pro[ve] . . . her affirmative defense.”

Alteration example (capitalizing): The court made the following finding: “[T]he court finds that Defendant has no proof to substantiate her affirmative defense.”

Addition and alteration example: “[T]he court found that Defendant had no [documentary or testimonial] proof to substantiate her affirmative defense.”

Never add within quotation marks long bracketed text after a quotation. Incorrect: The court found that Defendant failed “to substantiate her affirmative defense [by a preponderance of the credible evidence].”

Overusing “[sic]” suggests you’re insulting or embarrassing the original quotation’s author.

According to the Tanbook, use brackets to add information like years and names of courts. Example: (Plaintiff v Defendant, 50 AD3d 50, 50 [4th Dep’t 2009].)

Brackets go inside parentheses. Example: (Plaintiff v Defendant, 50 AD3d 50, 50 [4th Dep’t 2009].)


In the next issue, the Legal Writer will continue with more punctuation.


3. The Bluebook: A Uniform System of Citation R. 10.4, 10.5, 10.6, at 89–92 (Columbia Law Review Ass’n et al. eds., 18th ed. 2005).


5. Id.

6. Id.; R. 1.2(c)(2), at 3.

Gerald Lebovits is a judge of the New York City Civil Court, Housing Part, in Manhattan and an adjunct professor at St. John’s University School of Law. He thanks court attorney Alexandra Standish for researching this column. Judge Lebovits’s e-mail address is GLebovits@aol.com.