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Legal-Writing Exercises: Part V—Punctuation

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Alexa, Siri, Bixby, Google's Assistant, and Cortana Testifying in Court

Novel Use of Emerging Technology in Litigation

by Robert D. Lang and Lenore E. Benessere

Also in this Issue

Aging & Longevity Law

Trump v. The NFL

Criminal Justice Legislation

How to Manage Tasks and Distractions

BY GERALD LEBOVITS

Legal-Writing Exercises: Part V — Punctuation

In the last issue of the *Journal*, you improved your legal-writing skills by completing exercises on specificity, parallelism, subject/verb proximity, and transitions. This issue in the Legal-Writing Exercises series reviews concepts in punctuation: the rules for quotations, hyphens, commas, question marks, exclamation points, and periods. At the end of each section, you'll be tested on the concepts discussed and asked to edit the sentences. You can change words, rearrange words, or add or delete words. After you've edited the sentences, look at the answers at the end of the article to determine whether you've edited them correctly.

Quotations

It's bad form to begin sentences or paragraphs with quotations. When you quote, give context; a good lead-in to your quotation guides readers into the quotation and tells them what they should look for. Quote only what's essential and what you can't say better than authoritative sources. And make sure you use quotation marks when quoting someone or something directly. It's plagiarism if you don't, but scholarship if you do.

All edits, alterations, additions, and deletions need to be evident. Use brackets or ellipses to show changes. A bracket is used when you change the capitalization of the first letter of a quoted word, to add a word to the quotation, or to alter a work. A three-dot ellipsis is used to show omissions in the middle of a sentence of punctuation or of one or more words. A four-dot ellipsis is used to omit the last part of a quoted sentence, provided that the omitted section isn't a citation, footnote, or endnote and that the remaining portion is an independent clause.

Use double quotation marks to open and close a quotation: "xx." Add and close a quotation within a quotation with a single quotation mark: "xx 'yy' xx." *Or*: "xx 'yy.'"

Don't use quotation marks around block quotations — quotations of 50 words or more. A quotation that long should be blocked: single-spaced, indented left and right, with a citation on the line after the quotation ends, and without quotation marks (unless there's a quotation within a quotation). Note that New York courts add the citation on the same line as the quotation and require that quotation marks surround the quotation.

Question marks, exclamation points, and dashes should be placed within the quotation only if they're part of the original quotation. If they're not, they go after the quotation mark. All periods and commas are correctly placed in U.S. style inside the quotation marks. Colons, semicolons, and footnote or endnote numbers are correctly placed outside the quotation mark.

Exercises: Quotations

Rewrite the following sentences.

1. While testifying, Samantha said, "Only one person could've committed this crime".
2. The intern asked, Is the *New York Times* a newspaper I should read daily?
3. Ms. Jones pointed to the defendant when the prosecution asked, who robbed you.
4. Did you or did you not testify to the following: "Samuel wasn't at work between 12 p.m. and 2 p.m.?"

It's bad form to begin sentences or paragraphs with quotations.

5. A brief contains the following: "Defendants' motion to dismiss under CPLR 3211 (a) (5) on the basis of collateral estoppel should be denied. For collateral estoppel — issue preclusion — to apply, the following requirements are necessary: 'There must be an identity of issue which has necessarily been decided in the prior action and is decisive of the present action, and, second, there must have been a full and fair opportunity to contest the decision now said to be controlling.' (*Schwartz v Public Adm'r of Bronx County*. 24 NY2d 65, 71 [1969].)"
6. "The defendant is sick;" the attorney said, "therefore, he will not be present today."
7. The jury considered the plaintiff's insulting remarks to the defendant as, "unlawful."
8. Ms. Smith states that her husband played mind games with

Continued on Page 57

her to get her to sign the divorce and custody papers.

9. "On more than one occasion the defendant entered the plaintiff's house without permission.[9]"
10. "The court clerk said, "Place your right hand in the air and repeat after me.""

Hyphens

Hyphenate between compound adjectives immediately before a noun. Don't hyphenate if the compound adjective appears after the noun. Commonly used compound adjectives don't need to be hyphenated. Hyphenate after "well" if it's used in an adjectival phrase. You can still hyphenate after "well" even if it isn't used in an adjectival phrase but the phrase wouldn't mean the same thing if it's flipped around.

Hyphenate when using the prefixes or suffixes *all, ex, quasi,* and *self.* Don't hyphenate "self" when it's added to a suffix, and don't hyphenate an adverb or adjective ending in *-ly*. In addition, if you add a prefix or letters to the beginning of a word without a hyphen, you'll confuse your reader. There's a major difference in meaning between "pre-judicial" and "prejudicial." *Example:* "Plaintiff moved for summary judgment." *Becomes* "Before the court is plaintiff's summary-judgment motion." Rephrasing the sentence makes the sentence clearer.

Hyphenate when you spell any two-word number greater than 20 but lower than 100. *Example:* "The attorney has twenty three witnesses who place the defendant at the scene of the crime." *Becomes:* "The attorney has twenty-three witnesses who place the defendant at the scene of the crime." (This issue won't come up if you prefer to write "23," not "twenty-three.")

Exercises: Hyphens

Rewrite the following sentences.

1. She's a small claims attorney.
2. Jake Jerome has 33 counts of felony assault on his Criminal-Court record.
3. John Miller is a well known civil rights activist.
4. A chocolate covered brownie is in the refrigerator.
5. The victim acted in self defense.
6. John needs Sam to resign the document.
7. The patient was hurting her-self in front of the judge.
8. The prosecution asked the judge, "May I cross examine the witness?"
9. The defendant had a concealed weapons permit.
10. There were thirty two people in the court room during the day long trial.

Commas

A comma separates introductory elements from the main part of the sentence. The introductory element can be a word, phrase, or clause about when, where, how, or why the action in the sentence occurs. Without a comma after an introductory clause, the sentence might confuse the reader. If there's no possibility that the reader will misread the sentence, an introductory comma can be omitted after a short adverb clause or phrase.

A comma must precede a coordinating conjunction connecting two or more independent clauses. The seven coordinating junctions are *and*, *but*, *for, nor, or, so*, and *yet.* If independent clauses are present, use commas. If the clauses are short, don't use a comma. Using a comma between two independent clauses, rather than a coordinating conjunction (known as a comma splice), results in a run-on sentence.

Use a comma when there's a nonrestrictive element. A nonrestrictive element is a word group that doesn't limit or restrict the meaning of the noun or pronoun it modifies. Because nonrestrictive elements are nonessential to the meaning of the sentence, the commas will denote that to the readers. If the element is restrictive, then it's essential to the meaning of the sentence, and there shouldn't be a comma.

Legal writers best place transitional or interrupting words in the middle of a main clause using commas. Examples of transition words are the conjunctive adverbs *however* and *therefore*.

Exercises: Commas

Rewrite the following sentences.

1. Law school, however is exceptionally expensive.
2. The prosecutor repeated her question but the witness still didn't understand.
3. Unaware that opposing counsel could hear her the attorney made an offensive comment.
4. I finished the brief early yet I decided to stay at work late until I finished other assignments.
5. He seemed reluctant to accept the plea, but, decided to do so.
6. A large portion of the internship like the field of law is writing.
7. Using the negotiation skills she learned in law school Ms. Miller negotiated a good settlement for her client.
8. The court officer addressed the witness on the stand: "If you need water sir just ask."
9. The jurors don't realize exactly, how important their work is to the administration of justice.
10. You can finish your coffee outside the courtroom or you can throw it out but you can't bring coffee inside the courtroom.

Periods, Exclamation Points, and Question Marks

Periods are placed at the ends of declarative sentences, mild commands, and indirect questions. If a sentence ends with an abbreviation, use only one period. Abbreviated titles should always have a period.

Use exclamation points only when trying to convey strong emotions or surprise. When used properly, exclamation points represent meanings and tones that can't be expressed with a period.

Legal writing doesn't contain many question marks. Unless you want to use them as a rhetorical device, use question marks only at the end of a

direct question. When making a polite request or a command, don't use a question mark. If a sentence begins with "whether," don't use a question mark. When you have a series of questions, even if they aren't separate sentences, they should contain question marks. Whether the first letter of a sentence is capitalized depends on the preceding punctuation. Rhetorical questions should end with a question mark.

> Use exclamation points only when trying to convey strong emotions or surprise.

Exercises: Periods, Question Marks and Exclamation Points

Rewrite the following sentences.

1. I'm wondering who'll win the trial?
2. Please submit that brief by Friday?
3. Ladies and gentlemen of the jury, if all the evidence points toward his guilt, will you convict him.
4. The client asked the attorney whether they can settle the case by Friday?
5. The jurors confront a difficult choice: should they convict on all counts, should they convict on some counts, or should they acquit?
6. The jury reached a verdict at 4:15 p.m..
7. The judge, frustrated by the noise, shouted "quiet in the courtroom."
8. The prosecution called Dr Warren to the stand.
9. The judge asked the attorneys, "What is the problem here. Who exactly is representing the defendant."
10. "I always paid my rent." the defendant yelled at the landlord.

Now that you've completed the exercises (we hope you didn't peek at the answers!), study these answers. In the next issue of the *Journal*, the *Legal Writer* will offer more punctuation exercises.

Answers: Quotations

1. A period always goes inside the quotation mark. *Corrected Version*: While testifying, Samantha said, "Only one person could've committed this crime."
2. In this example, the intern is asking a question. Quotation marks should be placed around the question. *Corrected Version:* The intern asked, "Is the *New York Times* a newspaper I should read daily?"
3. The question mark goes inside the quotation mark. *Corrected Version*: Ms. Jones pointed to the defendant when the prosecution asked, "Who robbed you?"
4. The quoted section isn't a question. The question mark should be placed outside the quotation mark. *Corrected Version*: Did you or did you not testify to the following: "Samuel was not at work between 12:00 p.m. and 2:00 p.m."?
5. Remove quotation marks around quotations of 50 words or more. But in a block quotation, the internal quotation mark becomes a double quotation mark.
6. All colons, semicolons, and footnote or endnote numbers should be placed outside the quotation mark. Also, remove the unnecessary transition in this sentence. The transition creates a run-on sentence. *Corrected Version:* "The defendant is sick," the attorney said; "he will not be present today."
7. Remove the comma following "as." Don't place a comma before a quoted word if you wouldn't place the comma there without the quotation mark. *Corrected Version:* The jury considered the plaintiff's insulting remarks to the defendant as "unlawful."
8. Quotation marks should be placed around words used in a special way. *Corrected Version*: Ms. Smith states that her husband played "mind games" with her to get her to sign the divorce and custody papers.
9. Endnotes always go outside the quotation mark. *Corrected Version:* "More than once did the defendant enter the plaintiff's house without permission." [9]
10. The quotation marks at the beginning and end of the sentence should be omitted; you're quoting only what the court clerk said, not the whole sentence. *Corrected Version:* The court clerk said, "Place your right hand in the air and repeat after me."

Answers: Hyphens

1. Without a hyphen, this sentence could mean that she's a small attorney who handles claims. *Corrected Version*: She's a small-claims attorney.
2. Hyphenate numbers from 21 to 99. Hyphenate "Criminal Court" only when it's written in lower case. *Corrected Version*: Jake Jerome has thirty-three counts of felony assault on his Criminal Court record.
3. "Well" is used in an adjectival phrase. Hyphenate. *Corrected Version*: John Miller is a well-known civil-rights activist.
4. Hyphenate when a compound adjective appears before the noun. *Corrected Version*: A chocolate-covered brownie is in the refrigerator.
5. "Self" is used as a prefix. It specifies the defense the victim is making and becomes one word that needs a hyphen. *Corrected Version*: The victim acted in self-defense.
6. It doesn't make sense for Sam to resign the document. Add a hyphen where necessary. *Corrected Version*: John needs Sam to re-sign the document.
7. "Her-self" isn't in the dictionary. *Corrected Version*: The patient

was hurting herself in front of the judge.

8. Hyphen "cross examine." *Corrected Version*: The prosecution asked the judge, "May I cross-examine the witness?"
9. Without a hyphen, this sentence can state that the weapons permit, not the weapon, is concealed. *Corrected Version:* The defendant had a concealed-weapons permit.
10. Always hyphenate numbers between twenty-one and ninety-nine. Additionally, "daylong" should be hyphenated. *Corrected Version:* Thirty-two people were in the courtroom during the daylong trial.

Answers: Commas

1. Set off interrupting words with commas. *Corrected Version*: Law school, however, is exceptionally expensive.
2. Place a comma before a coordinating conjunction in a compound sentence. *Corrected Version*: The prosecutor repeated her question, but the witness still didn't understand.
3. When reading this sentence, you need to pause before "the attorney made an offensive comment." Insert a comma. *Corrected Version*: Unaware that opposing counsel could hear her, the attorney made an offensive comment.
4. Put a comma in a compound sentence. One word that denotes a compound sentence is "yet." *Corrected Version*: I finished the brief early, yet I decided to stay at work late until I finished other assignments.
5. The "but" in this sentence is essential to its meaning. It's a restrictive term that doesn't require commas. *Corrected Version*: He seemed reluctant to accept the plea but decided to do so.
6. The comparison to the field of law isn't a restrictive element. It's not essential to the meaning of the sentence. Commas are necessary. *Corrected Version*: A large portion of the internship, like everything in the field of law, requires good writing.
7. An introductory phrase is needed to understand the sentence. A comma is necessary to introduce it. *Corrected Version*: Using the negotiation skills she learned in law school, Ms. Miller negotiated a good settlement for her client.
8. An interrupting word in this sentence must be set off with commas. *Corrected Version*: The court officer addressed the witness on the stand: "If you need water, sir, just ask."
9. There's no need for a comma after "exactly." Omit it. *Corrected Version:* Jurors don't realize exactly how important their work is to the administration of justice.
10. A comma should precede any coordinating conjunction that connects two or more independent clauses. Place a comma before "or" and "but." *Corrected Version:* You can finish your coffee outside the courtroom, or you can throw it out, but you can't bring coffee inside the courtroom.

Answers: Periods, Question Marks, and Exclamation Points

1. This sentence isn't a direct question. It shouldn't end with a question mark. *Corrected Version*: I'm wondering who'll win the trial.
2. This command should end with a period. *Corrected Version*: Please submit that brief by Friday.
3. The sentence is a question and requires a question mark. *Corrected Version*: Ladies and gentlemen of the jury, if all the evidence points toward his guilt, will you convict him?
4. This sentence isn't a direct question. It's a polite request. It shouldn't have a question mark. *Corrected Version*: The client asked the attorneys whether they can settle the case by Friday.
5. A colon precedes this set of questions; each question should have a question mark. Don't capitalize the first letter of each question. *Corrected Version*: The jurors confront a difficult choice: should they convict on all counts? should they convict on some counts? should they acquit?
6. Use only one period when ending the sentence with an abbreviation. *Corrected Version*: The jury reached a verdict at 4:15 p.m.
7. The judge commanded quiet in the courtroom. The punctuation must denote that sentiment. Capitalize the first letter in the quotation because it's the beginning of a sentence. *Corrected Version*: Frustrated by the noise, the judge shouted, "Quiet in the courtroom!"
8. Abbreviated titles should always have a period. *Corrected Version*: The prosecution called Dr. Warren to the stand.
9. These are questions. They should end with question marks. Because a question mark pauses a question, capitalize the first letter in the question. *Corrected Version:* The judge asked the attorneys, "What's the problem here? Who exactly is representing the defendant?"
10. Place an exclamation point when it's obvious that strong emotions are present. *Corrected Version:* "I always paid my rent!" the defendant yelled at the landlord.

In the next issue of the *Journal*, the *Legal Writer* will continue with more punctuation-related issues in legal writing. ■

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