Uppercasing Needn't Be a Capital Crime

Gerald Lebovits
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BY GERALD LEBOVITS

Capitalizing correctly is a Capital Investment. Capitalizing incorrectly is a Capital Offense. Here are some rules for you (hereinafter referred to as the “Reader”) to make your uppercasing upperclass.

Capitalize:
• The first letter in the first word of a sentence. Symbols and figures at the beginning of a sentence must be converted to words. Correct: “Section (not §) 1981 action.”
• Titles of acts, ordinances, rules, regulations, and popular names of acts (“Dead Person’s Statute”) and constitutional clauses and amendments (“Equal Protection Clause”). Capitalize “Constitution” but not “constitutional.” Lowercase words like “act” and “statute” when they stand alone, unless you are using “Act” as a short-hand second reference to previously identified legislation (or any other term or phrase) or turn it into an all-capitalized acronym. Correct: “The Wagner Act (Act). The Act provides . . . .” Correct: “The Environmental Protection Agency (EPA) has issued new regulations.”
• The first letter in the first word of a direct question in a sentence.
• The first letter in the first word of a line of verse, unless the first letter is lowercased in the original.
• The first letter in the first word of a salutation and the complimentary close of a letter: “Respectfully Yours (or Submitted)” becomes “Respectfully yours (or submitted).”
• Proper names: “Canadians,” “Air Force Two,” “Exxon Corporation,” “Humphrey Bogart.”
• Words derived from proper names (proper adjectives): “New Yorker,” “Orwellian.” But capitalize only the adjective in a proper adjective: “Spanish-speaking residents.”
• Titles that precede proper names: “Senior Associate Judge George Bundy Smith.” Titles that go after a name are lowercased. Correct: “Jack Mozzarella is the president of the New York Cheese Company.” “Mother Theresa.” But: “Theresa was a mother superior.” “The Reverend Dr. Martin Luther King Jr.” But: “Dr. Martin Luther King Jr. was a reverend.”

Similarly, lowercase titles that do not precede a name unless the title is “President of the United States” or “Justice of the United States Supreme Court.” According to the New York Law Reports Style Manual (Tanbook), capitalize the “j” in “judge” or “justice” only when referring to a “Judge of the New York State Court of Appeals” or a “Justice of the Appellate Division” or as a short-form reference (“Justice Jones wrote the opinion. The Justice reasoned that . . . .”). General references to judges or judicial officers are lowercased. Correct: “Irving Younger was a New York City Civil Court judge.”
• Courts and their parts: “County Court,” “Housing Part.” General references to “the court,” “this court,” or “courts” are lowercased unless referring to the U.S. Supreme Court or, under the Tanbook, to the New York Court of Appeals or the Appellate Division of the New York Supreme Court. Thus, lowercase “trial court” and “lower court.” But lawyers love being deferential. You can’t stop ’em from using capital “c” in “court.”
• Languages, religions, nationalities, countries, and races (African-American, Caucasian) but not colors (black, white).
• School courses but not academic disciplines unless the discipline is itself a proper noun. Correct: “I took Psychology 101 because I majored in psychology.” But: “I took English 201 because English is my favorite subject.”

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• Titles of relatives not preceded by a possessive: “It is as American as Mother’s eating apple pie.” But: “It is as American as my mother’s eating apple pie.” “My, Grandma, what big eyes you have!” But: “My grandma has big eyes.”
• Historical events, eras, and documents: “World War II,” “the Dark Ages,” “Magna Carta.”
• Compass points, but only when identifying a specific area, not when referring to a direction. “Grits is popular in the South.” But: “The cold front in New York came from the north, from Canada, in a southerly direction.”
• Words in titles of works. Don’t capitalize articles and conjunctions or prepositions that have four or fewer letters. But capitalize the title’s first and last word and the first word after a colon or an em dash, or the first word in a multideck title, even if the word is a preposition, an article, or a conjunction. Correct: Demetra M. Pappas, Stopping New Yorkers’ Stalkers: An Anti-Stalking Law for the Millennium, 27 Fordham Urb. L.J. 945 (2000). (Although the four-or-fewer rule is fol-

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favored in many legal publications, many magazines and the popular press use a three-or-fewer rule.)

- Personifications: “Beauty is Truth.”

- Nouns, adjectives, particles, and prefixes in hyphenated compounds. Correct: “The Pre-Columbian Art Show.” But don’t capitalize after a hyphen in hyphenated single words: “His address is 155 West Eighty-sixth Street.”

- The first letter in a quotation, if the first letter is capitalized in the original and if the quotation is an independent clause. Correct: The judge wrote, “The appearance of propriety is as important as propriety itself.” Correct: “The appearance of propriety,” the judge wrote, “is as important as propriety itself.” Correct: The judge wrote that an “appearance of propriety is as important as propriety itself.”

- The names of organizations, institutions, ships, and buildings.

- States and political subdivisions: “State of New York.” Capitalize “state” or “city” only when the entity it modifies is capitalized, when the state or city is a litigant, or when the state or city acts in its governmental capacity.

- “Government,” but only when using as a short-hand reference for United States Government. In criminal cases in New York, the prosecution is called “the People.”


- Brand names, trademarks, and artistic works.

- Botanical and zoological names if not in English. Capitalize the genus but not the species: “Hyacinthus orientalis” (but “hyacinth”), “Giraffa camelopardalis” (but “giraffe”).

- The first letter of a word following a colon if what follows the colon is an independent clause, but not if what follows the colon is a dependant clause.

- Days (“Monday”) and months (“March”) but not seasons (“fall back, spring forward”).

- Forms: “On April 15, the millionaire Park Avenue partner filed a Form 1040-EZ.”

- Litigants’ designations. Under the Tanbook, “plaintiff,” “defendant,” “petitioner,” “appellant,” “respondent,” and like titles are lowercased and are not preceded by the article “the.” Under the far-more-pervasive Bluebook, however, these titles are capitalized when referring to a specific litigant, and when so referring, they aren’t preceded by an article. Bluebook correct: “The court sentenced Defendant to jail.” Bluebook correct: “The Jones court found that a defendant who testifies should do so from the witness stand.”

Do not capitalize:

- The names of statutes and rules that exist today only as legal doctrines: “statute of frauds,” “statute of limitations,” “rule against perpetuities.”

- Titular appositives: “Convicted Terrorist Timothy McVeigh was executed.” Becomes: “Convicted terrorist Timothy McVeigh was executed.” Garner calls this journalistic practice “titular tomfoolery.”


- Proceedings (unless they are named after a case), legal words, foreign words, or applications, orders, papers, or motions.


Legal words. “Plaintiff has the Burden of Proof.” Becomes: “Plaintiff has the burden of proof.”


Some writers capitalize words to show irony or sarcasm. Justice Antonin Scalia: “[I]n the Land of the Free, democratically adopted laws are not so easily impeached by unelected judges.” That device stresses the words, but overuse dulls their effect. Other writers capitalize entire passages. That device, common in point headings in briefs, makes briefs hard to read.

The trend for legal writers (Writers) is to capitalize sparingly – to capitalize only when a rule requires a capital. In short, downsizing isn’t just for the vertically challenged. It’s for Readers and Writers who know the difference between “capital” and “Capitol.”

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