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The Pause That Refreshes: Commas—Part I

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Inside

Administrative Hearings
Exculpatory Clauses
Last Resort Estate Plans
SLAPP Suits
Real Property Section

THE LEGAL WRITER

The Pause That Refreshes: Commas

BY GERALD LEBOVITS

For most of us, commas induce comas. We know that we must eliminate unnecessary commas. We agree that commas must enclose parenthetical words. But what's the difference between a comma splice and a serial comma?

Commas, like all punctuation, have many uses, including writing persuasively. Punctuation can speed readers up or slow them down. Em dashes ("—") grab readers, semicolons pause, periods arrest. Recast sentences to add or excise commas if you want your reader to get through your material slowly or quickly. Consider in a custody-dispute case the persuasive effect of asyndetons, or using commas instead of conjunctions, and polysyndetons, or using conjunctions instead of commas. The following examples, with some editing, come from Laurel C. Oates et al.[1] Objective style: "Mr. Lundquist had certain responsibilities regarding his daughter Anna's care: *He drove her to school, checked her homework, and took her to medical appointments.*" Persuasive style favoring the father: "Mr. Lundquist had several significant responsibilities regarding his daughter Anna's care: *He drove her to school, and checked her homework, and took her to medical appointments.*" Persuasive style favoring the mother: "Mr. Lundquist had minimal responsibilities regarding his daughter Anna's care: *He drove her to school, checked her homework, took her to medical appointments.*"

Set off on the right foot. Commas set off dates or addresses—but not zip codes.[2] "The opinion is dated March 6, 1955, and signed by the judge." Many modern authorities argue that the comma after the year looks awkward and interrupts. But the comma is necessary. If the comma feels cumbersome, rearrange the sentence: "The opinion, which the judge signed, is dated March 6, 1955."

Begin and end on high notes. Use commas after closings ("Sincerely yours,") and informal salutations ("Dear Art,"). Formal salutations require a colon ("Dear Mr. Arthur:").

You're entitled. Commas go before titles: "John Doe, J.D." "Jane Roe, Esq."

Some nonessential information. Commas set off phrases that add nonessential information to preceding clauses that begin with words like *despite*, *including*, *irrespective of*, *particularly*, *perhaps*, *preferably*, *probably*, *provided that*, *regardless of*, and *usually*.

Tag: you're it. Commas set off tag questions. "The attorney read the court rules, didn't she?"

A good question. No comma after a question mark or an exclamation point after a quotation. "'Dismiss the petition!,' the tenant insisted." *Becomes:* "'Dismiss the petition!' the tenant insisted."

Double trouble. Use a comma to omit *and* or *but* between double adjectives. "She is a strong, careful writer." "As a youth, Judge Y went to new, hip joints; now he must go for a new hip joint." Noncoordinate adjectives are unpunctuated because they carry equal weight: "Under his robes, the judge wears a gray flannel suit." Thus, do not use a comma to separate two adjectives before a noun when the first adjective modifies the second adjective or when the second adjective and the noun form one unit. But add a comma before a word that belongs to two or more phrases. *Incorrect:* "Justification was his first, and ultimately his only excuse." In that sentence, delete the comma after *first* or, if the comma remains, add a comma after *only*, because the sentence means, "Justification was his first excuse; justification was his only excuse." Use commas to separate two parts of a double comparative: "The more, the merrier."

Be positive about appositives. Commas must frame nonrestrictive appositives.

Introduce yourselves. Use an introductory comma for clarity after an introductory word, clause, or prepositional or participial phrase or subordinate clause. *Introductory word:* "Frankly, Judge Friendly wrote the opinion." Without the comma, a reader might believe that the judge's name, or nickname, is "Frankly Judge Friendly." *Introductory phrase:* "Although Judge Smith gave her court attorney explicit instructions for revising, the draft opinion got worse." Without the comma, a reader might confuse "revising" with "revising the draft opinion." *Introductory clause:* "In German, nouns are always capitalized." Without the comma, a reader who reads quickly might believe that the introductory phrase was, "In German nouns," *not* "In German."

Am I making myself clear? Use or omit mid-sentence commas for clarity: "The problem, in Judge X's opinion, is that *A v B* is not cited." *Vs.* "The problem in Judge X's opinion is that *A v B* is not cited." The former refers to Judge X's belief. The latter refers to Judge X's decision. Use or cut commas to eliminate confusion:

CONTINUED ON PAGE 57

CONTINUED FROM PAGE 64

"You're a better man than I, Gunga Din." Unless you mean "I Gunga Din." "Where's the beef jerky?" Unless you mean "Where's the beef, jerky?"

Be positive about appositives. Appositives are nouns or pronouns that rename other nouns or pronouns. Commas must frame nonrestrictive appositives. *Correct:* "The Supreme Court, Appellate Division, First Department, is in New York County." *Correct:* "Judge A, who presides in Chemung County, and Judge B lectured last week." (And note the absence of a comma after "Judge B.") "Judge John Smith, Jr., is presiding." Strunk and White argue that "Jr." is restrictive and therefore that no comma is needed before or after "Jr."[3] Thus, add a comma fore and aft, depending on the named person's preference. Use commas to set off appositive dates, places, and explanatory phrases. "The lecture will be held in Rochester, New York on November 19, 1999 a Friday" requires commas after *New York* and *1999*.

The name game. Use commas to set off phrases that describe nouns or phrases and to separate names and titles. This example covers both categories: "Judge X (title, noun, and name), the supervising judge of the Housing Part, New York City Civil Court, Richmond County (phrase that describes the title, noun, and name), is a Housing Court judge."

Keep going. Avoid commas if possible by inverting the sentence: "Judge Y, after reviewing the papers, granted the motion." *Becomes:* "After reviewing the papers, Judge Y granted the motion." "Even when doing simple tasks, choices must be made." *Becomes:* "Choices must be made even when doing simple tasks."

Explanatory commas. X: "How is your wife Carol?" Y: "As opposed to my other wife? My wife, Carol, is fine." The lack of commas in this bigamy quiz would be correct if the writer has more than one wife. The issue is whether the person is defining, or nonrestrictive. If yes, commas go front and back.

Next Month: Which hunting, runaway commas, verbal hesitation, serial killers, and related comma concerns.

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1. *The Legal Writing Handbook* § 25.2.2, at 689 (2d ed. 1998).
2. In typing, add two spaces before a zip code: "The court attorney works at 141 Livingston Street, Brooklyn, New York 11201."
3. William Strunk Jr. & E.B. White, *The Elements of Style* 3 (3d ed. 1979).

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