



The Mechanics of

Writing

A Series: Part One

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Punctuation guides readers through sentences. Let's look at the use of the comma, semicolon versus colon, the ellipsis, the dash, parenthesis versus bracket, the hyphen, the slash, bullets, and writing numbers.

COMMA

The comma provides a pause and clarity for the reader. The "serial comma" separates words or phrases in a series of three or more. An example: trial notebooks, client files, and pencils. Some writers put a comma after the word "files." Here are additional rules related to use of the comma, as outlined in *The Elements of Style* by Strunk and White:

- Use a comma to separate two independent clauses joined by a conjunction (*and, but, or, nor, for, yet, so*).
- Use a comma to set off introductory phrases.
- Use a comma to set off a nonrestrictive clause (one that can be taken out of the sentence without changing the basic meaning) from the rest of the sentence. Nonrestrictive clauses are often introduced by *which, when, or where*.
- Use a comma to set off a direct quotation of fewer than 50 words.
- Use a comma in the month-day-year style (December 23, 2020) but not in the month-year format (December 2020).
- Use a comma after the salutation in a personal letter. Note: When writing formal business correspondence, use a colon after the salutation. Example: Dear Justice Ginsburg:
- Use a comma to set off transitions (*therefore, thus, furthermore, moreover*) at the beginning or in the middle of a sentence.

When is the use of the comma discretionary? According to Bryan Garner (Garner), Editor-in-Chief of *Black's Law Dictionary*, there is a writing trend to go "light on the comma." The serial comma is always included in formal writing. Books and magazines use the serial comma, but most newspapers do not. While some writers will treat the serial comma as optional, the safest and best practice is to be consistent.

SEMICOLON VERSUS COLON

The semicolon provides a more emphatic, pronounced break in a sentence than does the comma.

- Use a semicolon to separate two independent clauses not joined by a conjunction.
- Use a semicolon to separate two independent clauses if the second clause begins with an adverb (*accordingly, furthermore, however, instead, meanwhile, therefore, thus*).
- Use a semicolon to separate a clarification at the end of a sentence if the clarification begins with "for example" or "namely." Ex: Intellectual property generally falls into three categories; namely, copyrights, patents, and trademarks.

While the colon also provides a break between two independent clauses (similar to the semicolon), the colon suggests a cause-and-effect relationship. Ex: The phone evidence is vital: it is our proof that the defendant was in the area. Garner offers "Think of it (the colon) as an arrow or a pointing finger."

- Use a colon to introduce a block quotation or statute.
- Use a colon to set off a numbered or bulleted list. »

- Use a colon following each tagline in a memorandum.
To: All Employees
From: Management
Re: Holiday Schedule
- Use a colon between the title and subtitle of a book.

ELLIPSIS

Ellipses are often found in legal writing, especially within long quotes.

- Use three ellipsis dots to indicate the omission of one or more words.
- If an entire paragraph is omitted, center three widely spaced ellipsis dots on a separate line, followed by an indented paragraph that continues the quote.
- Use an ellipsis in legal transcripts to indicate that a speaker has been interrupted.
- Use three ellipsis dots and a period to indicate the omission of the end of a sentence. According to *The Redbook-A Manual on Legal Style*, follow the last written word with a hard space and then four dots, with hard spaces before and between the dots.

Note, however, to not use an ellipsis at the beginning of a quotation. “Although the practice is common outside law, in legal writing it is never permissible to begin a quotation with an ellipsis,” admonishes Garner.

DASH

The em-dash (long dash) serves as a strong separator, often functioning as a colon. On a Mac, you can type an em-dash by holding the Shift and Option keys while pressing the Minus key. On a PC, type an em-dash by pressing Ctrl plus Alt plus Minus (on the numeric keypad).

- Use the em-dash to set off important text and provide emphasis.
- Use the em-dash to keep a person’s name anonymous, providing only the first letter.
- Use two consecutive em-dashes without spacing between them to represent the reporter volume number and page numbers for very recent court decisions that have no official citation available.

The en-dash is half the length of the em-dash and is often replaced by the hyphen. On a Mac, to type an en-dash, hold down the Option key and press the Minus key. On a PC, hold down the Alt key and type 0150 on the numeric keypad.

- Use the en-dash to connect date ranges, page number ranges, or dollar amount ranges.

Interestingly, authors Strunk and White suggest using a dash “only when a more common mark of punctuation seems inadequate.”

PARENTHESES VERSUS BRACKET

Parentheses enclose text that is helpful but not essential. In other words, the information inside parentheses could be removed without changing the sentence meaning.

- Use parentheses to set off material that interrupts a sentence and is clearly subordinate information.
- Use parentheses to label a series. Ex: (a) computers, (b) printers, and (c) notebooks.
- Use parentheses to introduce a reference for a long name. Ex: National Association of Legal Assistants (NALA).

Parentheses are frequently used in citations and should be included as prescribed in *The Bluebook* or other manual that one follows. Multiple parentheticals are known as nesting parentheses. Always use a space between nesting parentheses.

Brackets are square-like parentheses. Brackets are not italicized. Brackets are also frequently seen in citations and are used as editing tools in legal writing. Brackets may signal that a quoted word has been omitted or altered. There is no space between brackets and the word they go with. Ex: The report stated that “[w]hen the attorney challenged the judge, the case became famous.”

Too many brackets make it difficult for the reader to follow meaning and “clutter” the content. Consider paraphrasing to eliminate the use of multiple brackets.

HYPHEN

Use a hyphen to join two words acting as a single modifier of a noun. Ex: hard-headed boss. Do not use hyphenation if the first word ends in -ly. Ex: mostly sad demeanor. **Note** that foreign phrases are not hyphenated. Ex: ex post facto law.

Plain English for Lawyers offers the following: A hyphen is usually used with the prefix *ex-*, *self-*, *quasi-*, or *all-*. A hyphen is usually not used after the prefix *anti-*, *inter-*, *multi-*, *non-*, *para-*, *pro-*, or *semi-*.

SLASH

The slash is rarely used in formal writing. Garner describes the slash as “the star character in two grammatical abominations: and/or and he/she.”

- Use a slash when writing fractions. Ex: 3/5th of the estate.
- Use a slash to indicate an alternative. Ex: guilty/not-guilty. »

- Use a slash for double roles. Ex: secretary/treasurer. **Note** that an en-dash is preferred in formal writing. Ex: secretary-treasurer.
- Use a slash to denote conventional abbreviations. Ex: w/o (without).

Whenever alternative spelling or punctuation is appropriate, avoiding use of the slash is best practice.

BULLETS

Bullets are a great way to present a list of equal elements. Remember to keep the elements grammatically parallel (all nouns, all complete sentences, etc.).

- End bullet items with a period or semicolon. Capitalize the first word in the bullet item if ending with a period. Use lowercase for the first word if using a semicolon at the end of each bullet item.
- Indent the bullets.
- Single-space between bulleted items.

NUMBERS

As with the varying trend in using the serial comma, there is no absolutely right or wrong way to write numbers. Many lawyers still follow the academic-writing convention of spelling out all numbers below 100. The modern trend is toward simplicity wherein lawyers now spell out one to ten and use numerals for 11 and above. Consistency is best practice.

- Avoid using superscripts with ordinal numbers. A cardinal number expresses amount (one, two). An ordinal number indicates position (first, second).

- Numbers in citations are always written as numerals unless they are part of a title.
- Always spell out a number that begins a sentence.
- Spell out large numbers that are used as an exaggeration. Ex: hundreds of millions.
- When writing large page numbers (more than two digits), omit all but the last two digits if the other digits are the same. Ex: 1106-07 (not 1106-1107).
- Never use word-numeral doubling, as by writing “thirty (30) days,” according to *The Redbook*.

In summary, legal style rules provide clarity for the reader. Some writing rules are absolute. Some rules, such as those for the serial comma and the use of numbers, are changing. The best practice is to keep style consistent throughout one’s document.



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