
The Redbook

*A Manual On
Legal Style*

SECOND EDITION

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§ 1

Punctuation

- 1.1** Punctuation marks are like traffic signs that guide readers through sentences. Although many marks are mandatory (depending on the construction), many others are optional: they can enhance clarity or shade the meaning. Some marks may substitute for others—this clause, for example, could as easily be separated from the previous one by a colon, a semicolon, or even parentheses. Each choice would result in a slightly different feel for the sentence. The em-dash may suggest drama; the colon may suggest a cause–effect relationship; the semicolon may suggest that the clauses are equally important; parentheses may suggest that what they contain is less important.

With such variety possible, punctuation marks help impart style. With them, the writer can influence where the reader will pause and for how long, or how the reader will put the parts of a sentence together logically. Like well-placed traffic signs, they can also prevent accidents—that is, misreadings that make a reader stop for an instant to figure out the meaning.

Anyone who has trouble with punctuation should concentrate first on learning the mandatory rules, one by one. Then, after that foundation is laid, learn to use marks that add voice and flourish.

Commas

- 1.2** For many writers, the comma is the most troublesome punctuation mark. While some comma rules are mandatory—for example, always use them in pairs to set off midsentence parenthetical matter—others are discretionary. Even the well-known rules have a subjective element about them. When is an introductory phrase long enough to require setting off by a comma? When is a compound sentence short enough to dispense with the comma? In fact, using commas is sometimes a matter of taste. Styles generally fall into two schools: *closed* (heavy on the commas) and *open* (light on the commas). The modern trend is toward open style, but this is no license to ignore commas altogether. Use them for what they are: guideposts to help readers get through sentences smoothly and without miscues.

1.3 Use commas to separate words or phrases in a series of three or more, and include a comma before the conjunction.

- (a) *Serial comma.* The serial comma, or terminal separator, which is placed before the conjunction *and* or *or*, can prevent ambiguity. Generally speaking, it is always included in formal writing and often omitted in informal writing. While books and most magazines use the serial com-

ma, most newspapers rarely do. Some writers treat it as optional—and that seems to be the trend in popular writing—but the safer practice is to use it consistently. The serial comma is never incorrect, but omitting it sometimes results in awkwardness, a miscue, or even ambiguity.

Ex.: red, white, and blue

Ex.: Can you help me research this memo, draft a pleading, and schedule depositions?

Ex.: The pizzeria's trade dress includes menu content, prices, pizza ingredients, and "style" or preparation. (Without the comma, the end of the sentence would be confusing.)

Ex.: The enrollment fee is \$100 for each class: domestic violence, bankruptcy, personal injury, and damages. (Without the comma, the total fee might be \$300 or \$400. The comma makes the meaning unambiguous.)

- (b) *Complex phrases*. If phrases in a series are long and complex, or if any of them contain internal punctuation or a conjunction, separate them with semicolons rather than commas (see 1.17).

Ex.: Among the children's chores were mowing the lawn, washing the car, taking out the trash, and feeding the dog.

But: Among the children's chores were mowing, raking, and edging the lawn; washing the car; taking out the trash; and feeding the dog.

- (c) *Conjunction repeated*. No comma is needed if the items are all joined by conjunctions.

Ex.: The plaintiff and the defendant and the intervenors were all ready for trial.

1.4 Use a comma to separate two independent clauses joined by a coordinating conjunction (*and, but, or, nor, for, yet, so*).

- (a) *Defined*. An independent clause is a subject–verb construction that could stand alone as a complete sentence.

Ex.: The study group called out for pizza, and the slackers packed a picnic. (Compound sentence, with a subject and a verb in each independent clause.)

- (b) *Compound predicate distinguished*. Avoid using a comma to set off the second part of a compound predicate (two or more verbs sharing a single subject). In general, use a comma only if it is needed to avoid a misreading.

Not this: The study group called out for pizza, and took a quick break.

But this: The study group called out for pizza and took a quick break. (Compound predicate, with one subject and two verbs.)

Or this: The study group called out for pizza and salad, and took a quick break. (The comma helps distinguish the *and* that joins two predicates from the *and* that joins two objects.)

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The Redbook is a comprehensive guide to the essential rules of legal writing. Unlike other style manuals, *The Redbook* focuses on the special needs of legal writers. It answers the nuts-and-bolts questions about grammar, word choice, formatting, punctuation, spelling, editing, and much more. Many rules are illustrated with examples in legal contexts, including judicial opinions and other legal literature.

You'll find a usage section with more than 1,000 words that give legal writers trouble, a list of more than 200 terms of art that take on new meanings in the field of law, and a guide to using more than 800 words that take certain prepositions. There are also extensive lists of words and phrases to look out for, such as pompous legalese that clients and judges abhor, doublets and triplets that can add more ambiguity than clarity, "deadwood" words and phrases that add nothing at all, plus stuffy phrases, wordy phrases, and fancy words with suggestions for simple substitutes.

Designed especially for practicing attorneys, judges, law students, law professors, paralegals, and legal secretaries, *The Redbook* emphasizes the various ways legal writing differs from other types of technical writing. Its how-to sections give practical tips on preparing the legal documents they are called on to produce every day, including:

- business correspondence;
- case briefs;
- research memos;
- opinion letters;
- demand letters;
- affidavits and declarations;
- pleadings;
- motions;
- appellate briefs;
- judicial opinions; and
- contracts.

Each section is illustrated with sample documents.

With two expanded indexes and a new detailed table of contents, this second edition of *The Redbook* makes it easy for users to find just what they're looking for. It's an indispensable aid for anyone who prepares legal documents.

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