

Anne Enquist
Laurel Currie Oates

FOURTH EDITION

just WRITING

Grammar,
Punctuation,
and Style
for the Legal
Writer



Wolters Kluwer
Law & Business

Aspen Coursebook Series

Just Writing

Grammar, Punctuation, and Style for the Legal Writer

Fourth Edition

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Rule 10 Use Commas Between Items in a Series**Reminder**

A series is three or more items that are grouped together and that are in the same grammatical form. Each item may be as short as one word or as long as a clause.

EXAMPLES*Series of Single Words:*

Wong had no money, identification, or jewelry.

Series of Verb Phrases:

Mason moved at least twice during the period of his escape, changed his name and his appearance, and held four or five jobs.

Series of Clauses:

Koenig could not remember who he was, where he lived, what he did for a living, or what he had done during the last two weeks.

Even a series composed of short main clauses can use commas to separate the items.

EXAMPLE

Matthews pulled a knife on O'Hara, she screamed, and he turned and ran away.

Although the comma before the final "and" in a series is sometimes described as "optional,"³ legal writers should make it a habit to include it because some sentences become ambiguous when that comma is omitted.

EXAMPLE**AMBIGUOUS MEANING**

Mrs. Corsini wants her property divided equally among the following relatives: Michael Corsini, Glenda Corsini, Ralph Meyers, Joanna Mitchem, Louis Mitchem, Donna Mitchem and Donald Mitchem.

Should the property be divided six or seven ways? Assume Donna Mitchem and Donald Mitchem are married. Did Grandmother Corsini intend for the couple to get one-sixth of her property, or did she intend for each of them to receive one-seventh?

³ In journalism, and therefore in most newspapers and popular magazines, the comma before the final "and" or "or" is omitted. Likewise, in many English-speaking countries outside of the United States, the comma before the final "and" or "or" is also omitted.

Adding a comma before the final “and” tells the reader that the property should be divided seven ways. Adding another “and” before “Donna Mitchem” says that it should be divided six ways and that Donna and Donald should, as a couple, receive a one-sixth share.

Remember that the rule to add the comma applies to a series, which is three or more items. Ordinarily, commas are not used to separate pairs of words, phrases, or clauses that are joined by coordinating conjunctions.

EXAMPLES

Pair of Words:

Lundquist was arrested and charged with negligent homicide.

Pair of Phrases:

The Supreme Court is remarkably free to emphasize certain issues of the case over others or to stress completely new issues.

Pair of Clauses:

The trial court asked the defendant whether he understood his right to a jury trial and whether he received any promises of better treatment if he waived that right.

Commas are not used between items in a series when all the items are joined by coordinating conjunctions. As a stylistic technique, joining all the items in a series with conjunctions has the effect of slowing down a series, which may be desirable on rare occasions when the writer wants the reader to focus special attention on each of the individual items in the series. (See section 7.2.2 on cadence.)

EXAMPLE

There is no indication that the delay was negligent or deliberate or unusual.

Rule 11 Use a Comma Between Coordinate Adjectives Not Joined by a Conjunction

Coordinate adjectives are two or more adjectives that independently modify the same noun.

concise, precise language
(adjective)(adjective)(noun)

The test for whether adjectives are coordinate is simple: (1) reverse the order of the adjectives; or (2) add an “and” between the adjectives.

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From the authors of the widely praised *Legal Writing Handbook*, the Fourth Edition of this brief guide hones in on the basic principles of legal writing. Clear, readable text and numerous examples promote student understanding. **JUST WRITING** covers style, grammar, and punctuation, and offers tips and techniques for effective drafting, revising, editing, and proofreading.

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