

## Effective Punctuation

Use this handout to check several common punctuation issues as you revise your legal writing.

1. Oxford comma
2. Parenthetical phrases
3. Independent clauses
4. Punctuation before or after quotation marks
5. Ellipses in quotations
6. Em dashes
7. One or two spaces after periods
8. Capitalization after colons

### 1. Oxford Comma

Use it. There are different preferences and opinions about the oxford comma and whether or not it's necessary. Use it anyway. It will make your writing clearer and help minimize confusion.

#### Examples:

- *The judge will interview the witnesses, the car owner and the driver.*  
No oxford comma: Are the owner and the driver the witnesses or separate interviewees?
- *The judge will interview the witnesses, the car owner, and the driver.*  
Oxford comma: It's clear the owner and the driver are separate interviewees.

### 2. Parenthetical phrases

Despite the name, you should use commas rather than parentheses to set off parenthetical phrases in legal and other formal writing.

Remember: a parenthetical phrase is one that provides additional information without changing the overall meaning of the sentence. If a phrase is essential to the meaning of a sentence, it shouldn't be set off with commas.

#### Examples:

- Correct: *The Constitution, signed in 1787, is the supreme law of the land.*
- Incorrect: *The Constitution (signed in 1787) is the supreme law of the land.*
- Correct: *The Constitution was signed in 1787.*
- Incorrect: *The Constitution was, signed in 1787.*

### 3. Independent clauses

There are three ways to separate independent clauses, depending on whether you choose to use a conjunction, no conjunction, or separate sentences.

Option	Type of Punctuation	Example
<u>Conjunction</u> Use a comma to separate independent clauses joined by any of the following conjunctions: <u>and</u> , <u>but</u> , <u>for</u> , <u>or</u> , <u>nor</u> , <u>so</u> , <u>yet</u> .	Comma	<i>Congress will reconvene tomorrow, and lawmakers will continue to meet for the rest of the week.</i>
<u>No conjunction</u> If you don't want to use a conjunction, but do want to keep both independent clauses in the same sentence, use a semicolon.	Semicolon	<i>Congress will reconvene tomorrow; lawmakers will continue to meet for the rest of the week.</i>
<u>Separate sentences</u> You can always turn independent clauses into separate sentences.	Period	<i>Congress will reconvene tomorrow. Lawmakers will continue to meet for the rest of the week.</i>

### 4. Punctuation before and after quotation marks

When you are quoting a sentence or phrase that comes at the end of your sentence, the period should always go before the last quotation mark, even if it's not the end of the sentence in the original source.

Commas should also always go inside the quotation mark. Other punctuation marks go outside of the quotation unless they appear in the original source.

#### Examples:

- According to Professor X, "Legal writing is the best kind of writing."
- "Legal writing is the best kind of writing," Professor X said.
- The judge asked, "How many jurors are left to choose?"
- Did the judge say, "There are three jurors left"?

## 5. Ellipses in quotation

If you are quoting a source and choose to remove one or more words from the middle of the quotation, you should indicate that with an ellipsis (three dots separated by spaces).

If your quotation ends your sentence, but is not the end of the sentence in the original source, the quotation should end with four dots separated by spaces (the fourth dot acts as the period after a three dot ellipsis).

Original Quotation	Example 1	Example 2
<i>“It is emphatically the province and the duty of the judicial department to say what the law is.”</i>	<i>“It is . . . the duty of the judicial department to say what the law is.”</i>	<i>Marshall declared that making pronouncements of law is the “duty of the judicial department . . . .”</i>

## 6. Em dashes

The em dash—created differently depending on whether you’re using a Mac or a PC—is a versatile punctuation mark that can replace parentheses, commas, or colons. Em dashes are often used to indicate additional information or a sudden break in thought.

Punctuation replaced	Original Sentence	Em dash Sentence
Parentheses	<i>Justice Sotomayor (2009 to present) is from New York.</i>	<i>Justice Sotomayor—2009 to present—is from New York.</i>
Commas	<i>Justice Sotomayor, who replaced Justice Souter, has been on the Court since 2009.</i>	<i>Justice Sotomayor—who replaced Justice Souter—has been on the Court since 2009.</i>
Colons	<i>I will never forget the classes I took my first semester of law school: Contracts, Torts, and Civil Procedure.</i>	<i>I will never forget the classes I took my first semester of law school—Contracts, Torts, and Civil Procedure.</i>

**Note:** Avoid using dashes to replace more than one kind of punctuation in a single sentence.

## 7. One or two spaces after periods

One. Even though you might have learned two, the general practice now is to use only one space after a period.

When proofreading your writing, do a Ctrl+F search for “[period][space][space]” to highlight any stray double spacing between sentences.

## 8. Capitalization after colons

Generally, you should capitalize the first letter of the word following the colon only if what follows is a statement or quotation that could function as an independent sentence.

Leave the first letter of the first word after the colon lowercase if the colon introduces a clause or quotation that *cannot* function as its own sentence.

<b>Capitalize</b>	<b>Lowercase</b>
<i>The thief weighed his options: He could keep driving and live his life on the run, or he could turn himself in and see his daughter again.</i>	<i>The thief realized he had two options: run or turn himself in.</i>
<i>Marshall wrote decisively: "It is emphatically the province and the duty of the judicial department to say what the law is."</i>	<i>When I spoke to Marshall he recalled his favorite colors: "red, white, and blue."</i>