

Getting to Know Commas



LEGAL WRITING CLINIC

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The Power of the Comma

“Get tips on how to keep yourself safe from Trooper First Class Ronald Yanica of the Maryland State Police.”

--Cumberland (Maryland) Times-News, submitted by Mary L. Young to *Reader's Digest*

“Authorities said the robber is a 6 foot tall, white male with a beard weighing approximately 220 pounds.”

--The Frederick News-Post, submitted by Edward K. Rice to *Reader's Digest*

Commas: What's the Big Deal?

- ❑ Commas are the most frequently used punctuation mark.
- ❑ They are also the most misused.
- ❑ Myth: "I'll just put in a comma every time I would pause when speaking."
- ❑ Reality: That only works about 70% of the time.

The Rules for Good Comma Karma

- ❑ Bad news: There are *numerous* rules about comma usage.
- ❑ Good news: We'll focus on only eight of them.
- ❑ Even better news: Some rules are far more important than others.

We'll cover the following comma rules from
Just Writing:

- Rules 1, 2, 4, 5, 7, 9, 10, and 12
 - Red Rules change the meaning of an entire sentence.
 - Remaining rules demonstrate that you are educated.
- For an overview of all the comma rules, see pages 210-11 in *Just Writing*.
- Each rule is also explained in depth in the pages that follow the overview.
- *The CD-ROM* that comes with *Just Writing* also has exercises on these rules.

Rule 1

Use a comma before a coordinating conjunction joining two main clauses.

Coordinating Conjunctions:

and

but

or

for

nor

yet

so

Memory clue: FANBOYS (for, and, nor, but, or, yet, so)

Main clauses (also known as “independent clauses”)

- * have their own subject and verb
- * can stand alone as a sentence

Chart for Rule 1:

_____ , *coordinating conjunction* _____ .
[main clause] [main clause]

Examples:

1. Seaview, Inc. has five franchise restaurants, and all are in the State of Washington.
2. Seaview restaurant employs 500 persons, but only thirty of these 500 employees are women.

Do not assume that you should put a comma before every coordinating conjunction.

Example of coordinating conjunction joining compound verbs:

3. Ms. Roberts worked as a busperson and received the highest possible rating on her periodic evaluation.

Example of coordinating conjunction joining “that” clauses:

4. Seaview claims that it is an equal opportunity employer and that it does not discriminate in hiring or promotion.

Practice Exercises Rule 1

add commas as needed

- A. The defendant had erected a “No Trespassing” sign on his front door and the City of Olympia had posted a “No Trespassing” sign at the entrance to the dirt road leading to the defendant’s home.
- A. The defendant had erected a “No Trespassing” sign on his front door, and the City of Olympia had posted a “No Trespassing” sign at the entrance to the dirt road leading to the defendant’s home.

B. Six-week-old information regarding a grow operation has been found acceptable and the court has been willing to project that even four-month-old information could be sufficiently reliable before becoming too stale to support probable cause.

B. Six-week-old information regarding a grow operation has been found acceptable, and the court has been willing to project that even four-month-old information could be sufficiently reliable before becoming too stale to support probable cause.

C. Jane Doe claims that her anxiety level has increased and that she has had to meet with a therapist twice a week since the incident.

C. Jane Doe claims that her anxiety level has increased and that she has had to meet with a therapist twice a week since the incident. (*No change.*)

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- D. Washington courts have vigorously applied the rule against intrusion into private affairs and have shifted the burden of proof to the state to justify its intrusion.
- D. Washington courts have vigorously applied the rule against intrusion into private affairs and have shifted the burden of proof to the state to justify its intrusion. (*No change*)

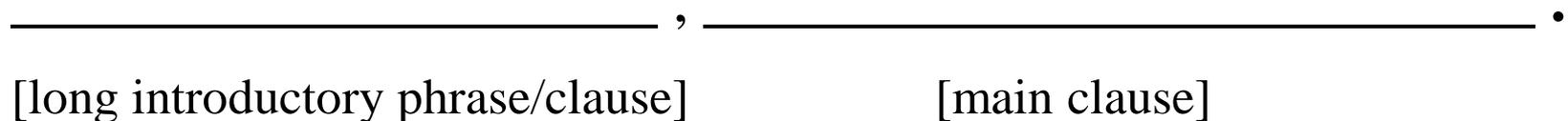
Rule 2

Use a comma to set off long introductory clauses or phrases from the main, or independent, clause.

Introductory clauses or phrases are sentence openers that precede the main subject and verb.

Generally, if a clause or phrase has four words or more, it is considered “long” and should be set off with a comma.

Chart for Rule 2



Examples:

5. After beginning her employment at Seaview, Ms. Roberts attended school part-time at night.

6. Although the Seattle Seaview restaurant has twenty-eight employees, only two of them are women.
7. While living in Korea, Ms. Roberts worked in family restaurants, performing various duties.
8. Using a mocking tone and imitating a Korean accent, her supervisor told her that “people like her are not qualified for management positions.”
9. Using a mocking tone and imitating a Korean accent are examples of behavior that indicate discriminatory practices.

Note: Even though dates, case names, and transitions tend to be short introductory phrases, they are usually set off by commas.

10. In 1999, Ms. Roberts received an “above average” rating from her supervisor.
11. In *North Haven v. Bell*, the Supreme Court held that Title IX’s broad protection of “persons” does extend to employees of educational institutions.
12. Therefore, Seaview’s failure to promote Ms. Roberts will probably be considered employment discrimination.

Practice Exercises Rule 2

- E. Without the illegally obtained evidence of the alleged “smell search” the affidavit in support of the search warrant contains insufficient evidence to support probable cause.
- E. Without the illegally obtained evidence of the alleged “smell search,” the affidavit in support of the search warrant contains insufficient evidence to support probable cause.
- F. In *Johnson* a “No Trespassing” sign, fenced property, and a chain link gate manifested a reasonable expectation of privacy.
- F. In *Johnson*, a “No Trespassing” sign, fenced property, and a chain link gate manifested a reasonable expectation of privacy.

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- G. Consequently the plaintiff student could bring a private cause of action.
- G. Consequently, the plaintiff student could bring a private cause of action.
- H. When the information in an affidavit used to gain a search warrant is the fruit of an illegal search the warrant is invalid unless the remaining information can stand alone to establish probable cause.
- H. When the information in an affidavit used to gain a search warrant is the fruit of an illegal search, the warrant is invalid unless the remaining information can stand alone to establish probable cause.

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- I. To determine if Panama is a more convenient forum the court will consider the private factors in our case.

 - I. To determine if Panama is a more convenient forum, the court will consider the private factors in our case.

Rule 4

Use a comma to set off nonrestrictive phrases or clauses.

Restrictive phrases or clauses restrict or limit the words they modify.

Non-restrictive phrases or clauses do not restrict or limit the words they modify.

Example of a restrictive clause:

[assume there was more than one eyewitness]

13. The eyewitness who refuses to testify will be held in contempt.

Example of a nonrestrictive clause:

14. Melissa Maye, who refuses to testify, will be held in contempt.

Example of a restrictive phrase:

[assume there was more than one “no trespassing” sign]

15. The “No Trespassing” sign on Mr. Gove’s front door indicated Gove’s desire for privacy.
16. The first “No Trespassing” sign, which the City of Olympia had posted at the entrance to the dirt road, could not be interpreted to mean that Mr. Gove’s front porch was not impliedly open.

Note: Restrictive clauses often use “that.” The comparable nonrestrictive clause uses “which.”

Example of incorrect “which”:

17. The “No Trespassing” sign which Mr. Gove put on his front door declared his desire for privacy.

Corrected:

The “No Trespassing” sign that Mr. Gove put on his front door declared his desire for privacy.

Chart for Rule 4

restrictive----->restricts the word it modifies----->no commas->who/whom/that

nonrestrictive->does not restrict word it modifies->commas----->who/whom/which

Restrictive or Nonrestrictive?

The Test

1. Identify the element.
2. Remove the element. Does the sentence's meaning change?
3. If **no**, it's nonrestrictive – needs commas.
If **yes**, it's restrictive – no commas.

--From *The Little, Brown Handbook*

Restrictive or Nonrestrictive?

The Test

Example:

Hai Nguyen who emigrated from Vietnam lives in Denver. Those who emigrated with him live elsewhere.

Hai Nguyen lives in Denver. **No meaning change.**

Those live elsewhere. **Yes, meaning changed.** (*Who are 'those'?*)

Hai Nguyen, who emigrated from Vietnam, lives in Denver. Those who emigrated with him live elsewhere.

What is the difference between these two sentences?

Fences that are clear indications of a homeowner's desire for privacy must be respected by police officers.

Fences, which are clear indications of a homeowner's desire for privacy, must be respected by police officers.

Practice Exercises Rule 4

Add commas as needed, and determine if “that” and “which” are used correctly.

- J. A California case which is the key to the issue here is *Marks v. Whitney*.
- J. A California case that is the key to the issue here is *Marks v. Whitney*.
- K. Unlike the doctor in *Grimsby* who had an established relationship with the patient, the state trooper did not have an established relationship with the Smiths.
- K. Unlike the doctor in *Grimsby*, who had an established relationship with the patient, the state trooper did not have an established relationship with the Smiths.

Notice how a single comma changes the meaning in the following two sentences.

1. The prosecutor excluded all jurors who live in neighborhoods with numerous drug-related incidents.
2. The prosecutor excluded all jurors, who live in neighborhoods with numerous drug-related incidents.
1. The prosecutor excluded all jurors who live in neighborhoods with numerous drug-related incidents.
(Prosecutor excluded only jurors who live in neighborhoods with numerous drug-related incidents.)
2. The prosecutor excluded all jurors, who live in neighborhoods with numerous drug-related incidents.
(Prosecutor excluded all jurors.)

Rule 5

Set off nonrestrictive appositives with commas.

Appositives rename a noun to further identify or describe it. Most appositives are nonrestrictive.

Examples:

18. Chris Jones, Seattle University alumnus, was elected mayor.
[appositive]

19. The third factor, whether the possession was hostile, is disputed.
[appositive]

Although most appositives are nonrestrictive, occasionally one will be restrictive.

20. Seattle resident David Hughes was elected governor.

Practice Exercises Rule 5

- L. Ms. Maye a U.S. citizen grew up in Korea but later moved to the United States at the age of twenty.
- L. Ms. Maye, a U.S. citizen, grew up in Korea but later moved to the United States at the age of twenty.
- M. The final element whether the couple suffered actual severe emotional distress will be difficult to prove.
- M. The final element, whether the couple suffered actual severe emotional distress, will be difficult to prove.

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- N. Ms. Parsons asked her sister Pamela Barney if Amy could live with Ms. Barney until the mother and daughter could resolve their differences.
- N. Ms. Parsons asked her sister, Pamela Barney, if Amy could live with Ms. Barney until the mother and daughter could resolve their differences. (*correct if there is only one sister*)
- N. Ms. Parsons asked her sister Pamela Barney if Amy could live with Ms. Barney until the mother and daughter could resolve their differences. (*correct if there is more than one sister*)

Rule 7

Use a comma to set off transitional or interrupting words and phrases.

Chart for Rule 7:

_____ , interrupter , _____
[main] [clause]

Examples:

19. The trial court, however, imposed an exceptional sentence.
20. The Court of Appeals held that Wells, through her own fault and connivance, caused the delay.

Practices Exercises Rule 7

- O. One could infer therefore that the billing procedures were there for her to see.
- O. One could infer, therefore, that the billing procedures were there for her to see.
- P. Other cases on the other hand suggest that the evidence necessary to satisfy the second element may come from any source.
- P. Other cases, on the other hand, suggest that the evidence necessary to satisfy the second element may come from any source.

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- Q. The prosecutor despite several warnings from the judge, continued to badger the witness.
- Q. The prosecutor, despite several warnings from the judge, continued to badger the witness.
- R. The jury however believed the police officer.
- R. The jury, however, believed the police officer.
- S. The defendant testified that she did not reach under the seat of her car however the jury believed the police officer.
- S. The defendant testified that she did not reach under the seat of her car; however, the jury believed the police officer.

Rule 9

Use a comma or commas to set off phrases of contrast.

Phrases of contrast usually begin with “not,” “but,” or “yet.”

Examples:

27. Officer Daley, not Officer Martin, made the arrest.
28. The witness testified about the defendant’s energetic, but incompetent, job performance.
29. The pace was grueling, yet somewhat satisfying.

Rule 10

Use commas between items in a series.

A series is three or more items that are grouped together. Each item may be as short as one word or as long as a clause.

Examples:

30. Wong had no money, identification, or jewelry.
31. “I pulled away from the side of the road, glanced at my mother-in-law, and headed over the embankment.”
32. Jones 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.

Many general writing books say that the serial comma (the one before “and” or “or”) is optional. You should use it in legal writing to avoid potentially ambiguous sentences.

Example:

33. Mr. Wyatt wanted his property divided equally among John Kinney, Connie Fester, June Jensen and Gene Jensen.

Does Mr. Wyatt want his property divided into three or four equal parts?

Practice Exercises for Rules 9 and 10

- T. Yesler later identified James in a photo montage in a lineup and at trial.
- T. Yesler later identified James in a photo montage, in a lineup, and at trial.
- U. The prosecutor's comment of disbelief was directed only at the defense theory of mistaken identity not at the credibility of a witness.
- U. The prosecutor's comment of disbelief was directed only at the defense theory of mistaken identity, not at the credibility of a witness.

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- V. The sanity commission concluded that Thomas was incapable of perceiving the nature of his conduct at the time of the offense was unable to distinguish right from wrong but was competent to stand trial.
 - V. The sanity commission concluded that Thomas was incapable of perceiving the nature of his conduct at the time of the offense, was unable to distinguish right from wrong, but was competent to stand trial.

W. The 90-day “time for trial” rule under CrR 3.3 (c)(1) began to run when Lewis was arraigned not when the State filed the information.

W. The 90-day “time for trial” rule under CrR 3.3 (c)(1) began to run when Lewis was arraigned, not when the State filed the information.

Rule 12

Use commas according to convention with dates, addresses, and names of geographical locations.

Note that commas are used after the year when a sentence continues after a full date (month, day, and year).

Example:

34. The land was survey on October 4, 1998, and purchased less than one month later.

Note that commas separate individual elements in addresses. When a sentence continues after an address or geographical location, comma is used to separate it from the remainder of the sentence.

Example:

35. Send the bill to Mr. Art Meiering, 3000 La Jolla Lane, Roswell, New Mexico 88201, before Tuesday.

Practice Exercise for Rule 12

- X. The string of robberies began in San Diego California and ended in Tacoma Washington after the defendant was picked up on a traffic violation.

- X. The string of robberies began in San Diego, California, and ended in Tacoma, Washington, after the defendant was picked up on a traffic violation.

Review of all the comma rules

1. The cocaine's wholesale value was \$17,000 and its street value was \$80,000.
1. The cocaine's wholesale value was \$17,000, and its street value was \$80,000.
2. Viewing the evidence in the light most favorable to the prosecution the trial court found the essential elements of the crime.
2. Viewing the evidence in the light most favorable to the prosecution, the trial court found the essential elements of the crime.

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3. Trooper Yesler who investigated the accident testified that the “primary causal factor” of the accident had been Morgan’s intoxicated state.
 3. Trooper Yesler, who investigated the accident, testified that the “primary causal factor” of the accident had been Morgan’s intoxicated state.
 4. The state trooper who investigated the accident testified that the “primary causal factor” of the accident had been Morgan’s intoxicated state.
 4. The state trooper who investigated the accident testified that the “primary causal factor” of the accident had been Morgan’s intoxicated state. (*No change.*)

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5. The only witness Ann Peters had discussed her potential criminal liability with the prosecutor.
 5. The only witness, Ann Peters, had discussed her potential criminal liability with the prosecutor.
 6. An appellate court may however request additional evidence before rendering a decision on a case.
 6. An appellate court may, however, request additional evidence before rendering a decision on a case.

7. Chavez says he saw a man lying on the ground not on the street.

7. Chavez says he saw a man lying on the ground, not on the street.

8. Thomas pulled out his gun aimed it and fired.

8. Thomas pulled out his gun, aimed it, and fired.

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9. Johnson moved to Las Vegas Nevada on July 21 1999 so he could attend college there.

 9. Johnson moved to Las Vegas, Nevada, on July 21, 1999, so he could attend college there.

Thanks for coming!

Any questions, please email:

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