

# The Scrivener: Modern Legal Writing



## The Dash—"A Hasty Stroke of the Pen"\*



by K.K. DuVivier

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The dash is one of the most versatile punctuation marks. However, its very versatility makes it a mark to use with care.

First, the dash should be distinguished from the hyphen. Although these two punctuation marks look similar, they differ both in form and function. In form, the dash is more elongated and does not appear as a separate symbol on most keyboards. Because many writers lack the mechanical capability for forming a dash on their word processors, it often is created by typing two hyphens, with no spaces on either side.<sup>1</sup>

The dash and the hyphen also serve opposite functions. The hyphen, a short line, draws words or concepts together. The dash, a longer line, separates and contrasts words or concepts.

*Example (hyphen):* Those students should be reading simple, age-appropriate books.

*Example (dash):* Those students should be reading simple books—those that are appropriate for their age.<sup>2</sup>

Furthermore, the dash is more versatile than the hyphen because, at different times, the dash can function like three other punctuation marks to which it has no physical resemblance: the colon, the comma and the parenthesis.

Like a colon or a comma, the dash can be used to indicate something will follow. However, the dash suggests that what comes after it is somewhat unusual. Compare the following three examples.

*Example (comma):* This construction contract included a silent partner, his brother. (*The comma indicates it is not surprising that the brother is the partner.*)

*Example (colon):* This construction contract included a silent partner: his brother.<sup>3</sup> (*The colon conveys emphasis or seriousness.*)

### DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

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*Example (dash):* This construction contract included a silent partner—his brother. (*The dash suggests that it is surprising that the brother is the partner.*)<sup>4</sup>

The dash can be used to replace a pair of commas when they set off a supplementing or appositive phrase. It is especially good to use when commas would confuse because additional commas appear in the set-off phrase.

*Example:* Our branch offices—in Portland, Albuquerque, Boise and Amarillo—have been posting record sales.<sup>5</sup>

Although a dash can be used in the same way as a parenthesis—to interrupt the flow with an aside—its impact is different. The dash emphasizes the content of the interruption; the parenthesis downplays or trivializes it.<sup>6</sup> Parentheses are rarely used in legal writing because "[i]f the matter is important enough to be in the text, it should be stated outside the shadow of parentheses."<sup>7</sup> Furthermore, frequent use of parentheses may give the impression that the writer is disorganized.<sup>8</sup>

Because the dash is visually the widest punctuation mark, its impact is more abrupt than the colon, comma or parenthesis. In contrast to these other punctuation marks, the longer pause of the dash gives additional prominence to the information that follows. Thus, the dash may be useful as an effective way to create emphasis.

However, legal writers must use the dash with restraint. If it is used for drama, "make sure the content within the dashes is indeed dramatic." The dash is not so dramatic as an exclamation point, but its overuse may make your writing look informal or desperate.<sup>9</sup>

\**Oxford English Dictionary*, 2d ed., Vol. IV (Oxford: Clarendon Press, 1989) at 259.

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If you keep these cautions in mind, there is no reason to eliminate the hasty stroke of a dash from your repertoire of writing techniques.<sup>10</sup>

### NOTES

1. Dashes can come in a number of forms, but the one described above is the most common. New York Public Library, *Writer's Guide to Style and Usage* 263-64 (N.Y.: Harper-Collins Pubs., Inc., 1994).

2. LeClerq, *Guide to Legal Writing Style* 123 (Boston, MA: Little, Brown & Co., 1995).

3. Tarshis, *Grammar for Smart People* 113 (N.Y.: Pocket Books/Simon & Schuster, Inc., 1992).

4. Example from Oates, Enquist and Kunsch, *The Legal Writing Handbook* 618 (Boston, MA: Little, Brown & Co., 1993).

5. Ray and Ramsfield, *Legal Writing: Getting it Right and Getting it Written*, 2d ed., 81 (St. Paul, MN: West Publishing, 1993).

6. *Id.*

7. *Id.* at 206.

8. *Id.*

9. *Id.* at 81.

10. Some writers feel the dash is "too breezy and informal for the serious work of law." Oates, *supra*, note 4 at 835.



### CBA/LEXIS Technology Center Open House a Hit

The December Open House for the new CBA/LEXIS Technology Center, sponsored by the CBA, Microsoft and The PLUS Group, drew approximately sixty attendees and featured software demonstrations, miniseminars and prize drawings. Almost \$2,000 in Microsoft software products for both home and office were given away in hourly drawings. This informative and fun event will be held again in the not-too-distant future; watch for details in upcoming issues of *The Colorado Lawyer*.

CBA member Charles Molling (right) learns about software for the office from Microsoft representative John Meyer

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