

**The (Not Too Serious) Grammar,  
Punctuation, and Style Guide  
to Legal Writing**



# The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing

**Diana J. Simon**

Associate Clinical Professor of Law  
University of Arizona  
James E. Rogers College of Law



CAROLINA ACADEMIC PRESS

---

Durham, North Carolina

Copyright © 2023  
Diana J. Simon  
All Rights Reserved

ISBN 978-1-5310-2477-2  
e-ISBN 978-1-5310-2478-9  
LCCN 2022029409

See [catalog.loc.gov](https://catalog.loc.gov) for complete  
Library of Congress Cataloging-in-Publication Data

Carolina Academic Press  
700 Kent Street  
Durham, North Carolina 27701  
(919) 489-7486  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

# Contents

.....

Preface	ix
<b>1 • Why This Matters</b>	<b>3</b>
<b>2 • Harry Potter and the Sinful Comma Splice</b>	<b>9</b>
A. Short History and Explanation of the Comma Splice	12
B. Courts Care About Them	14
C. Examples of Comma Splices and How to Fix Them	15
D. Exceptions to the No Comma Splice Rule	17
<b>3 • Semicolons Are Like Kale: Some Writers Like Them and Some Don't, But They Are Good for You If You Know How to Use Them</b>	<b>21</b>
A. A Divisive Symbol	23
B. The Power of the Semicolon	28
C. When to Use Semicolons—and When to Avoid Them	33
<b>4 • It Has Ruined Lives, Polarized People, and Cost Companies Millions of Dollars: Say Hello to the Serial Comma</b>	<b>39</b>
A. Serial, Oxford, or Harvard?	40
B. Proponents, Opponents, and Fence Sitters	41
C. For Want of a Comma	43
D. Some Serial Commas Are Less Correct Than Others	50
<b>5 • The Double Life of the Apostrophe</b>	<b>53</b>
A. A Brief History	55

B. Apostrophes and Contractions	55
C. Apostrophes and the Possessive Use	58
1. Use with a Singular Noun That Does Not End in S	58
2. Use with Words That End in S	59
3. Joint and Individual Possession	61
4. Attorneys' Fees	61
D. Apostrophes Become Embroiled in Lawsuits	63
E. The Political Side of Apostrophes	63
F. The U.S. Supreme Court, the Apostrophe, and Words Ending in S	66
<b>6 • Purple People-Eaters, Muttons, and Nuts: Hyphens, Em Dashes, and En Dashes</b>	<b>69</b>
A. Hyphens and Purple People-Eaters	70
B. When to Use a Hyphen and When Not To	72
C. Em Dashes	75
1. Opposing Views of Em Dashes	76
2. Legal Writers Use Em Dashes	77
3. Guidelines for Usage	78
4. How to Insert an Em Dash	80
D. En Dashes	81
1. How to Insert an En Dash	83
<b>7 • Three Nouns Walk into a Bar</b>	<b>85</b>
A. Using “It”	85
B. “It” with Non-Humans	87
C. Using “They” as a Singular Pronoun	87
D. Situations Where “They” Should Be Avoided	91
E. The Non-Binary or Transgender Client	93
<b>8 • Lowercase, Uppercase, and CamelCase</b>	<b>95</b>
A. Shortest Ever History Lesson	95
B. Capitalization Trends	96
C. Legal Writing Views	98
D. Key Capitalization Issues	100
E. Capitalization of “Court”	100
F. Capitalization of Parties	102
G. Capitalization of Names of Documents	103
H. Capitalization of Headings	104

I. Other Situations	106
1. Capitalization of Proper Noun but Not the Adjective	106
2. Capitalization of Titles	106
3. Defined Terms and Acronyms	107
J. CamelCase	109
<b>9 • Smart, Single, Ambidextrous... and Looking to Pair Up: Quotations</b>	<b>111</b>
A. One Rule of Thumb: Do Not Overquote	112
B. Common Situations Where Quotations Are Appropriate	114
1. Statutes, Rules, Contracts, and the Like	114
2. Common Law Legal Tests	116
3. Magical Language	116
4. Other Situations Where Quoting Is Appropriate	118
C. Rules Applying to Quotations	118
1. Accuracy	119
2. Block Quotations and Lead-Ins	119
3. Punctuation with Quotation Marks	120
4. Ellipses, Brackets, and Italics	122
5. Sic	125
6. Quotations Within Quotations	127
7. Types of Quotation Marks	127
D. Cleaned-Up Quotations	129
<b>10 • Zebra Crossings, Railroad Tracks, and Parallel Bars: Why You Should Use Parallel Construction in Your Writing</b>	<b>133</b>
A. What Is Parallelism?	134
B. Examples of Parallelism	135
C. Parallelism in Legal Writing	137
D. How to Write Using Parallel Construction	140
<b>11 • The Benefits of Active Voice: How to Write Like James Bond, the Black Panther, and Wonder Woman</b>	<b>145</b>
A. Everyone Loves Active Voice	146
B. Passive Voice Is Loved Only by Rascals	151
C. A Brief and Clear Case for Active Voice	153
D. How Passive Voice Can Be Fixed by Zombies	155

<b>12 • Your Writing Should Not Feel Like Riding in an ATV: Transitions Can Smooth the Path</b>	<b>161</b>
A. What Is a Transition?	161
B. The Science Behind Transitions	162
C. Transitions in Legal Writing	166
1. Linking Transitions	166
2. Substantive Transitions	167
a. The Repetition Transition	167
b. The Restatement Transition	168
c. The Roadmap Transition	169
3. The Magic of Three—Sequencing Using First, Second, and Third	170
<b>13 • Explanatory Parentheticals: The Short Stories of Legal Writing</b>	<b>177</b>
A. The Power of the Story	180
B. Examples of Effective Parentheticals	184
C. Common Mistakes	187
D. Style Guidelines for Parentheticals	190
<b>Index</b>	<b>195</b>



## Preface

.....

**W**hen the publisher asked me the impetus for writing this book, I realized there were three. And even if there were more than three, because of the magic associated with the number three (see Chapter 12 on transitions and the magic of three), I would not include them.

First, because all writing is autobiographical, this book is my life story. You might wonder how rules about grammar, punctuation, and writing style can be autobiographical. I will tell you. My mother taught English and journalism, and she believed she was put on this planet to correct my grammatical and punctuation errors. From an early age, she would ask me something like, “You call this a sentence?” I think I was five, and I did not even know what a sentence was, so my response was something like this: “I don’t know.” The point is that at an early age I turned my back on grammar and punctuation. I simply did not see the point especially because, by the time I was in elementary school, I was too busy being a secret agent. Grammar and punctuation were not going to help me uncover some international plot to overthrow the government.<sup>1</sup>

Second, I have come to realize that good legal writing is not divorced from good grammar, punctuation, and writing style. They go hand in hand. Indeed, as soon as I started teaching legal writing, some 12 years ago, it became clear to me that, as much as I wanted to, I could no longer be indifferent to these topics. As I reviewed countless memos and briefs my students wrote, there it was, like a bright, flashing neon sign—“you call this a sentence?” But I also noticed that, like my five-year-old self

---

1. In law school, I thought I wanted to join the FBI until I went to the first informational meeting and found out I had to do approximately 14 pushups in a minute. After that, I had to pursue other career alternatives.

(and well beyond), my students did not see the point of mastering proper grammar and punctuation; their minds were on finishing law school and then creating a more just world (and maybe a few were intent on becoming secret agents). That got me thinking—there must be a better way to learn this information.

Third, the telling of stories is the best way to convey information. Cognitive scientists and legal writing professors agree: storytelling engages readers and makes information more memorable.<sup>2</sup> This is even true with abstract legal rules. You can create rule stories, and “telling the rule’s life story can be the most memorable, engaging, and persuasive tool in your belt. Rule stories just beg to be read.”<sup>3</sup>

And believe it or not, there are stories to be told about grammar and punctuation. As (I hope) you will agree after reading this book, by telling a story about the serial comma, for example, it becomes more memorable. While some researchers disagree that rules about grammar or punctuation can be learned with stories,<sup>4</sup> these researchers, who are not lawyers, may not realize that lawyers and law students learn about a lot of dry topics with the help of stories (Let’s face it—topics like contract damages or a statute of limitations has never been a real conversation starter.) I am one of those people that respectfully disagrees with the impossibility of story in grammar and style.

This textbook is my attempt to tell some of those stories that I had wished my mother had told me—to use imagination, creativity, and at times humor<sup>5</sup> to tell stories about abstract rules of punctuation, grammar, and writing style. The point is to have a little fun or there is no point.

---

2. See, e.g., Ruth Anne Robbins, *Create a Portal for Story Immersion*, 18 *LEGAL COMM. & RHETORIC*: JALWD 27 (2021).

3. Joseph Regalia, *A Plaintiff and a Defendant Walk into a Bar: Simple Tools for Telling Stories in Your Legal Writing*, L. PROFESSOR BLOGS NETWORK: APP. ADVOC. BLOG (Apr. 13, 2019), [https://lawprofessors.typepad.com/appellate\\_advocacy/2019/04/story-telling-short-and-dirty.html](https://lawprofessors.typepad.com/appellate_advocacy/2019/04/story-telling-short-and-dirty.html).

4. Roger C. Schank & Robert P. Adelson, *Knowledge and Memory: The Real Story*, in *KNOWLEDGE AND MEMORY: THE REAL STORY* 1, 16 (Robert S. Wyer, Jr., ed., 1995).

5. I also wanted to be a standup comic until I realized that that would mean I would have to starve for many years and maybe forever.

Now that you know the why, you need to know the who—the people who helped me with this book. I want to thank my husband, Don Tringali, who is my biggest fan (and critic) because he reviewed every word of this book and encouraged me every step of the way. I want to thank my student, Liam Martin, who also reviewed every word of this book, made sure the citations were correct, and gave me valuable feedback as a member of the audience for which I am writing. Moreover, thanks goes to Tim Eigo, the editor of the *Arizona Attorney*, for being the first person to read and publish my first article on a punctuation issue—the semicolon—and praise my voice and creativity. Further, I want to give credit to my colleagues—Sylvia Lett, Susie Salmon, and Tessa Dysart—for not only their encouragement but acting as a sounding board for me throughout the writing process. Additionally, I want to thank my brother, Scott Simon, for reading my article and suggesting I author a book full of related articles, and John Konrad, who created all of the cartoons for the book, providing much-needed laughter throughout the process. Last, but certainly not least, I want to thank my editors at Carolina Academic Press, David Herzig and Ryland Bowman, for saying yes to publishing the book and for their support and encouragement along the way.

