

The Extra-Stuff Rule

By Mark Cooney

Those devilish little commas. They look so innocent, stuck here or there without attracting the fanfare of their distinctive cousin, the semicolon, or the more dashing dash. Commas are the punctuation marks “used in the greatest variety of circumstances.”¹ So it isn’t surprising that “commas (or the lack of them) cause more mischief in the law than all of the other punctuation marks combined.”²

Commas are daunting mainly because so many different writing patterns trigger their use. A diligent writer turning to the comma chapter of a grammar text will face a seemingly endless litany of rules. Some rules are so familiar that we consider them elementary, like the rules requiring commas between series items or within dates. Some rules are less familiar but still widely followed, like the “coordinate adjective” rule that would have required Snoopy to insert a comma between the words *dark* and *stormy* if he’d omitted the conjunction *and* from the first line of his perpetually unfinished opus: *It was a dark, stormy night*. And the list of comma rules goes on and on.



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Yet if you look closely, many rules on the comma-rule laundry list—including some of the most unapproachable rules—really express the same single rule: the “extra stuff” rule.

Why, you may ask, would I lump these rules together under such a lackluster label? Well, consider the alternative. Even when reader-friendly authors impeccably describe and organize these extra-stuff rules, busy lawyers may still be left scratching their heads trying to keep them all straight:

- “Use a comma after introductory elements.”³
- “Use commas to set off nonrestrictive elements.”⁴
- “Use commas to set off parenthetical elements.”⁵
- “Use commas to set off transitional or interrupting words and phrases.”⁶
- “Use commas to set off nonrestrictive appositives.”⁷
- “Use commas to set off ‘nonrestrictive participial phrases.’”⁸

Now, you choose. Would you prefer to learn and memorize all those rules, or would you prefer to learn this one?

- “Use commas to set off extra stuff.”

Testing the Rule

Let’s give this extra-stuff rule a test. First, we need a sentence:

The judge granted our motion.

This is a simple declaratory sentence with an easily identified subject (*judge*), verb (*granted*), and object (*motion*). A writer could leave it just as it is. Or a writer might opt to add more information to the sen-

tence—some extra stuff. But even if the writer decides to add extra stuff to it, the original sentence will always be there. It won’t change, and it won’t go away. I’ll keep our original sentence underlined in all of the following examples so that we can track it.

And with that, bring on the extra stuff.

The writer might first add some information concerning the judge’s careful consideration of the issue before granting the motion:

After reading the briefs and hearing arguments, the judge granted our motion.

The new phrase beginning the sentence is extra stuff that the writer added to the original (now underlined) sentence. So our extra-stuff rule kicks in: the extra stuff at the beginning must be set off from the original sentence with a comma. The extra stuff here is an introductory phrase, as described in the more formal rules listed above.

Next, the writer might want to tell us something more about the judge:

After reading the briefs and hearing arguments, the judge, a thoughtful man, granted our motion.

This new information about the judge—that he’s a thoughtful man—is more extra stuff added to our original sentence. So our rule kicks in and requires that this extra stuff be set off with commas (unless the writer prefers dashes or parentheses for style). Because this extra stuff is in the middle of the sentence, the writer needs two commas to set it off from the original sentence. Don’t forget that second comma to capture it on both sides. This extra stuff happens to be a nonrestrictive appositive, which is a non-essential phrase that gives additional information about a noun—the noun here being *judge*.⁹

Next, the writer might want to add information about the practical effect of the judge's decision:

After reading the briefs and hearing arguments, the judge, a thoughtful man, granted our motion, effectively ending the case.

The new information at the end of the sentence is more extra stuff, so it must be set off with a comma. Because it appears at the end of the sentence, only one comma is needed to set it off. This extra stuff is a non-restrictive phrase. It is not essential to the core meaning of the sentence.

Notice that our original sentence never changed. The writer simply added extra stuff to it in three different places, including right smack in the middle:

Original: The judge granted our motion.

New: After reading the briefs and hearing arguments, the judge, a thoughtful

man, granted our motion, effectively ending the case.

The new version is not a model of graceful prose. It's a bit choppy, and it may not be the best way to communicate all this information to the reader. But the new version nevertheless illustrates how commas are used to set off any extra stuff added to a sentence, whether at the beginning, in the middle, or at the end.

The lesson is that when you're writing and editing, never lose sight of the core sentence—the independent clause that states the essential idea—so that you can set off any extra stuff that you've added to it with commas or other appropriate punctuation. It's amazing how many different kinds of punctuation decisions come down to simply recognizing what and where the core sentence is. If you can do that (and it takes some practice), then you'll be able to identify the

extra stuff, and you won't let those devilish little commas cause so much mischief. ■

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FOOTNOTES

1. Garner, *Dictionary of Modern Legal Usage* (2d ed), p 714.
2. Wydick, *Plain English for Lawyers* (5th ed), p 85.
3. *Id.*, p 86.
4. Enquist & Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*, pp 228, 235; Wydick, p 87.
5. Wydick, p 87.
6. *Id.*, p 89.
7. Enquist & Oates, pp 228, 238.
8. *Id.*, pp 228, 241.
9. *Id.*, p 238.