

# Are You a Hyphen-Happy Lawyer?

By Mark Cooney

**I** imagine that you're a busy human brain reading about the law, and you come to this:

- The court imposed sanctions

As an astute brain working at your customary breakneck speed, you'd be well within your rights to assume that what you've just read represents a subject (*court*) performing a verb (*imposed*), followed by the verb's object (*sanctions*). And who could blame you? In fact, what you've just read could be a complete declaratory sentence: *The court imposed sanctions*.

Now, what if I were to tell you that you've been hoodwinked, Mr. or Ms. Brain? What if I suggested that there was no verb or object in that group of words you just read? What if I claimed that you never even got past the subject? Unbelievable? An affront to good brains everywhere, you say? Let's see:

- The court imposed sanctions deterred the defendant from refusing future discovery requests.

You see, it's true. Despite your strict regimen of neuron push-ups and synapse stretching, you were duped. You had a momentary brain miscue. And you hate when that happens, especially when you're reading

about the law. The writer would have done your visual cortex a big favor by using one little piece of punctuation: a hyphen. When punctuated correctly, the sentence would read like this, with the hyphen preventing all that brainache:

- The court-imposed sanctions deterred the defendant from refusing future discovery requests.

In this version, it's immediately clear to an upstanding brain like you that the words *court* and *imposed* combine to form a single adjective describing the plural noun *sanctions*. And all this happens within the phrase that forms the subject, long before the actual verb, *deterred*, first appears. What kind of sanctions deterred the defendant? Why, court-imposed sanctions, of course.

We'll call that adjective a compound adjective because it's made up of multiple words instead of just one. (Others might call it a "compound modifier" or a "phrasal adjective," but I think "compound adjective" is easiest.) When a compound adjective precedes the noun it describes, the general rule requires hyphenating the multiple words (including numerals) that combine to form the compound adjective:

- The 30-year-old attorney made a run-of-the-mill argument.

The hyphens reflect that these words must be connected to each other—must work together—to make sense. They don't work independently. After all, she wasn't a 30 attorney, a year attorney, or an old attorney, was she? No. She was a 30-year-old attorney (and she didn't make a mill argument).

Admittedly, the momentary reader miscues caused by omitting the hyphens are often just that—momentary. But you still want to avoid them. Anytime your reader gets lost or has to read something twice, you've missed your mark as a writer.

## Examples

Consider a few examples that would, without hyphens, make any brain do a double take. Note how the hyphens signal to the brain that a word is about to join with another word (or words) to describe a noun that appears later in the sentence. In other words, the hyphen prevents a fast-working brain from relaxing prematurely and believing—erroneously—that the first word in a compound adjective has finished all its chores:

**Without hyphen:** She had no one...

[Was she left alone? Isolated?]

**With hyphen:** She had no one-...

**Actual sentence:** She had no one-on-one contact with clients.

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Try to find a page in any literate newspaper or magazine that does not contain a compound-adjective hyphen. It won't be easy.

**Without hyphen:** There was a separate injury producing...

[Did this separate injury produce terrible pain? Large medical bills?]

**With hyphen:** There was a separate injury-producing...

**Actual sentence:** There was a separate injury-producing event.

**Without hyphen:** He saw a spectacular motor vehicle...

[Did the vehicle have polished chrome, tail fins, and wicked-cool flames painted on the sides?]

**With hyphen:** He saw a spectacular motor-vehicle...

**Actual sentence:** He saw a spectacular motor-vehicle crash.

Here's one that would make any brain order an immediate scratch to the head:

**Without hyphen:** He was in an on campus...

[What's this writer on?]

**With hyphen:** He was in an on-campus...

**Actual sentence:** He was in an on-campus interview.

## Why Aren't You Seeing this More?

If this compound-adjective hyphen rule really exists, you may wonder, why haven't you seen all these hyphens in your readings? I have two answers.

The first is that you *have* seen them—all over the place, all the time. You just haven't consciously noticed them because, like most readers, you've been paying attention to the ideas being communicated rather than the punctuation. But your brain has processed them, even if it didn't share the news with you. Consider this passage from a *Newsweek* article, which contains two correctly hyphenated compound adjectives:

- “[A]s a stock-market crash...metastasized into a Depression, Herbert Hoover adopted a hands-off approach....”<sup>1</sup>

The following *ABA Journal* excerpt also has two correctly hyphenated compound adjectives:

- “Fresh-faced partners say they were thrilled and flattered when asked to join

the partnership....[S]ome firms have created a new-partner orientation.”<sup>2</sup>

Here are two more from an *L.A. Times* article:

- “Barring last-minute complications, rescuers plan to reach 33 trapped Chilean miners..., who remain huddled in a 600-square-foot refuge about 2,300 feet below the entrance of the mine.”<sup>3</sup>

So you see, these hyphens are everywhere. They've been there all along.

Except when they haven't been.

This brings me to my second answer. We lawyers spend our professional lives reading case opinions, briefs, contracts, and statutes written by judges, practicing lawyers, and legislators. Those legal writers are a bright bunch, and many have a keen eye for grammar and punctuation. But most of us legal professionals would readily admit that we aren't grammarians. And we don't have the luxury of professional copyeditors to help us navigate the more nuanced punctuation rules. This helps explain why much of the legal writing you read day after day, year after year, is hit-and-miss on the compound-adjective hyphen rule—and why you've read countless sentences like this:

- “The procuring cause doctrine, however, does not apply....”<sup>4</sup>

## Sequence Is Everything

Note that this hyphen rule only kicks in when the compound adjective *precedes* the noun it describes. If the noun comes first (or

doesn't exist), then the rule isn't triggered, and you can leave your hyphens in storage:

**Correct:** The 30-year-old lawyer was savvy beyond his years.

**Correct:** That lawyer is just 30 years old.

**Incorrect:** That lawyer is just 30-years-old.

**Correct:** His civil-rights claim has merit.

**Correct:** They violated his civil rights.

**Incorrect:** They violated his civil-rights.

## Exceptions

What fun would the law be without nagging exceptions to general rules? The laws of punctuation are no different. Like any general rule, the compound-adjective hyphen rule has notable exceptions:

- Don't hyphenate the words within a proper noun when the proper noun is used as a compound adjective: *I'll be there in a New York minute.*
- Don't hyphenate Latin terms of art that form a compound adjective: *He filed a habeas corpus petition.*
- Don't hyphenate an *-ly* adverb that combines with another word to describe a noun: *The poorly written brief failed to convince the court.*
- Don't hyphenate a compound adjective if quotation marks are already doing the work that the hyphen would do: *The “procuring cause” doctrine ensures fairness.*

## Results of the Vote on Our Lawyer's Oath

In January, I asked readers to vote on two versions of our lawyer's oath. The first was our current oath. The second was a plain-language version of it, written in the late 1990s by Judge Chad Schmucker, Judge William Caprathe, and the members of what was then the State Bar's Plain-English Committee.

Voters had three choices: forget #2 (the plain-language version); require #2; or allow #2 as an option. The results: 30 said forget #2; 62 said require it; and 16 said allow it as an option. A decisive win for the plain-language version. If you include the 16 “allow it” votes, then 78 of 108 voters—or 72 percent—want an alternative to language like *I will never... delay any cause for lucre...* More on this in a forthcoming column. In the meantime, I'll try to see whether there's any interest at the State Bar.

—JK

- Don't hyphenate when the first word in the modifying phrase simply intensifies the adjective that follows it: *It was a very long brief.*
- Finally, some experts excuse the hyphen if the compound adjective is a familiar phrase: *He went to the high school dance.* (Others would hyphenate *high school* under the general rule, and I'm with them. Better to hyphenate routinely than to wrestle each time with whether the phrase is familiar enough.)

If all this sounds a bit daunting, that's because it is. In fact, I haven't even mentioned coordinate adjectives separated by a comma (*the big, mean judge held me in contempt*) or scenarios where the initial adjective independently describes a phrase that hap-

pens to begin with another adjective (*she is a respected legal scholar*). Those are rules for another day.

### Final Thoughts

Learning the compound-adjective hyphen rule takes a little time and, for some lawyers, a little getting used to. The irony is that you're already used to it as a reader, and you have been for years. Let me issue a friendly challenge to any doubters out there: try to find a page in any literate newspaper or magazine that does *not* contain a compound-adjective hyphen. It won't be easy. You may be surprised how often those hyphens appear when you consciously look for them. And if you don't use them yet, start now. Be a hyphen-happy lawyer. Your reader's brain will thank you. ■



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### FOOTNOTES

1. Gross, *True or False? The Power to Fix the Economy Rests with the Next President*, Newsweek, July 14, 2008, at 56.
2. Filisko, *I wish I had known...*, 94 ABA J 36 (2008).
3. Kraul, *Rescuers expect to reach Chilean miners Saturday*, Los Angeles Times (October 7, 2010).
4. *Hill v Boozer*, 289 Ga App 750, 751; 658 SE2d 268, 269 (2008).