



University of Houston Law Center
LEGAL WRITING CENTER
Writing is Thinking

October 25, 2016

Writing Tip of the Week
Correct Use of the Comma—Part 2

➤ **Use a Comma to Prevent a Possible Misreading**

A reader should be able to read your sentences correctly the first time. If a comma can prevent a possible misreading, it should be included.

Confusing: *People who can usually hire their own lawyer.*

Revised: *People who can[,] usually hire their own lawyer.*

Although you have the discretion to omit a comma after a short introductory clause, you must use the comma if a reader might at first mistakenly assume that part of the main clause is part of the introductory material.

Confusing: *At the time the prosecution informed Jones that it would recommend a sentence of eighteen months.*

Revised: *At the time[,] the prosecution informed Jones that it would recommend a sentence of eighteen months.*

➤ **Use a Comma to Set Off Nonrestrictive Phrases or Clauses**

As opposed to restrictive phrases or clauses (which limit the words they modify by adding essential information), nonrestrictive phrases or clauses do not restrict or limit the words they modify. They give additional information.

Nonrestrictive: *Officer Fife[, acting as a decoy,] remained outside on the sidewalk.*

In the example above, “Officer Fife” is completely identified by his name. “Acting as a decoy” does not give restricting information, so it is set off by commas.

Restrictive: *An officer acting as a decoy remained outside on the sidewalk.*

If the name of the officer were unknown, the writer may need to use a phrase or a clause as a way to identify the officer, thereby making it restrictive.

Often, whether a phrase or clause is nonrestrictive or restrictive can drastically change the meaning of a sentence.

Restrictive: *Attorneys who intentionally prolong litigation misuse the legal system.*

This sentence states that there is a limited group of attorneys—those who intentionally prolong litigation—who misuse the legal system.

Nonrestrictive: *Attorneys, who intentionally prolong litigation, misuse the legal system.*

This sentence does not refer to a limited group; it states instead that all attorneys intentionally prolong litigation and misuse the legal system.

Adapted from:

The Legal Writing Handbook—Oates, Enquist, & Kunsch
Prepared by Chris Dunn