

APPELLATE WRITING TIP

Using, Commas, Correctly (or not)

We see lots of improper comma use in briefs. Below are some rules to remember when deciding where to put commas in your sentences.

1. Put commas before *and* after appositives (words or phrases that rename, explain, or describe a prior noun):

- MaryAnn LeStrange, Ricardo's DCF adoption worker, never visited him at the foster home.
- Mother's first husband, Robert S., was convicted of sexually abusing his daughter in 2008.
- Lisa Smith, Mother's neighbor who filed a § 51A report on Mother on April 4, 2013, petitioned for guardianship on April 6, 2018.

If your appositive has a defined term or date of birth in parentheses, put the comma *after* the closing parenthesis:

- The father, Robert S. ("Father"), has lived in Lowell his entire life.
- Mother took the younger children, Carol R. (born on 11/4/2015) and Michael D. (born on 9/1/2017), with her to Pittsfield in May 2018.

2. Put commas between two independent clauses (that is, when the second clause has a new subject or the old subject is re-stated). The only exception is when the two

independent clauses are very short and related. Do not put commas between an independent clause and a dependent clause that share the same subject:

- Mother relapsed in April 2017, and Father was deported the next month.
- Mother screamed obscenities at the social worker, and she then threatened her with a knife.
- The DCF ongoing social worker repeatedly brought the children to visits late, but she never informed Mother.

But:

- Mother relapsed in April 2017 but was sober for a year after that.
- The DCF ongoing social worker repeatedly brought the children to visits late and never informed Mother.

Here is an example of the exception for very short, related independent clauses:

- Father regularly abused heroin but Mother did not.

If a dependent clause comes before an independent clause, use a comma between them.

- Although Mother regularly used cocaine from 2015-2018, she always got the children to school on time.

APPELLATE WRITING TIP

Using Commas, Correctly (or not) (continued)

3. Introductory clauses usually take a comma:

- In January 2017, Mother wrote to her social worker and asked for more visits. (NB: No comma after “January” because there’s no day specified.)
- By that summer, Sally no longer wanted to see Father.

It’s fine to start a sentence with “And,” “But,” or “Yet.” But don’t use a comma after any of them.

- Mother relapsed in January 2018. But she did not use drugs after that.
- Father wrote to his social worker on March 9, 2017, asking for visits. And he followed that letter up with another one on March 20, 2017.

4. Use commas to separate three or more words in a series. (The second one is known as the serial or Oxford comma.)

- Mother brought chips, carrots, and a juice box to the visit.
- The social worker asked Mother to complete a parenting course, an anger management class, a psychological evaluation, and an IQ test.

Is it *wrong* to omit the Oxford comma? No. But most American usage/punctuation gurus prefer it, including Bryan Garner. In order to avoid confusion, it’s often essential. For example:

- The visit where Father brandished a gun was observed by his social workers, Sarah Johnson and Maria Diaz.

Are Sarah Johnson and Maria Diaz the social workers? If so, this is correct. But if Father’s social workers *and* Sarah Johnson *and* Maria Diaz observed the visit, you need an Oxford comma after “Johnson.”

One last point on commas separating a series—use semicolons instead of commas if the series is comprised of independent clauses or if items in the series, themselves, contain commas:

- Father was always on time for visits; he always brought snacks, books, and toys to the visits; and he always hugged and kissed the children when the visits ended.

Could you separate the independent clauses with commas here? Yes, but it would be confusing for the reader, and your goal is to avoid confusion.