

Popular Problems on Parade

*an overview of some
common writing problems*

a special publication from Firebelle Productions

This newsletter provides a brief overview of some common writing problems and how to correct them, but it only scratches the surface. This newsletter is not a substitute for more thorough grammar reference books.

Misplaced and Dangling Modifiers

Misplaced and dangling modifiers can change the meaning of a sentence or result in confusing, amusing, or embarrassing sentences. What is a modifier? It's a word or group of words used as an adjective or adverb. It qualifies, limits, or "modifies" something else.

People generally associate modifiers with the nearest words they might logically modify. So when these modifiers are misplaced or don't clearly describe anything in the sentence, they can create ambiguity or inaccuracies.

A lazy writer might believe that misplaced and dangling modifiers are no big deal. After all, readers can often figure out the intended meaning. But anything that causes people momentary confusion or forces people to reread the sentence is a distraction and a disservice to the reader. And particularly in the legal arena, where parties can interpret things differently, it's essential to avoid ambiguities and inadvertent mistakes.

Misplaced Modifiers

These two amusing examples are good illustrations of misplaced modifiers. One implies that someone extinguished the fire before the fire department could do any significant damage. The other implies that the police pose a threat to your home.

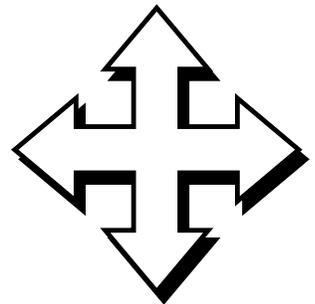
Misplaced: The fire was extinguished before any significant damage was done by the fire department.

Revised: The fire was extinguished by the fire department before any significant damage was done.

Misplaced: The following are tips for protecting your home from the police department.

Revised: The police department offers the following tips for protecting your home.

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Years ago, the following newspaper headline was displayed as a graphic on several television networks after the unfortunate discovery of a murdered child. It reads as if authorities found the 21st body of the same child.

Misplaced: 21st Body of Child Found

Revised: Body of 21st Child Found

A special type of misplaced modifier is the **squinting modifier**. A squinting modifier is one that falls between two words or phrases and can conceivably modify the words or phrases on either side. In the first sentence below, it's not clear whether the reference is to people who routinely drove the ambulance or to people who routinely complained about it.

Squinting: Anyone who drove that ambulance *routinely* complained about steering problems.

Revised: Anyone who *routinely* drove that ambulance complained about steering problems.

The first sentence below contains another squinting modifier. When you say a sentence aloud, you can use pauses and vocal inflection to make your meaning clear: *People who drink and drive—pause—frequently cause accidents*. But someone reading the sentence can't hear your pauses and vocal inflection and may interpret the sentence differently: *People who drink and drive frequently—pause—cause accidents*. You can avoid this confusion by repositioning the modifier or rewording the sentence.

Squinting: People who drink and drive *frequently* cause accidents.

Revised: *Frequently*, people who drink and drive cause accidents.

Revised: Drunk drivers *frequently* cause accidents.

Do not try to fix a squinting modifier by inserting a comma to make your readers pause. While every comma signals a pause, not every pause warrants a comma. It would be grammatically incorrect to insert a comma between the words *drive* and *frequently* in the first example above.

Limiting modifiers modify the word or words that immediately follow them. Examples of limiting modifiers include *almost*, *even*, *exactly*, *hardly*, *just*, *merely*, *nearly*, *only*, *scarcely*, and *simply*. Notice how changing the position of the modifier changes the meaning of the following sentences. The first version below means that all I did was read the deposition; I didn't do anything else with it. The second version means that the only document I read was the deposition; I didn't read anything else.

Version 1: I *only* read the deposition.

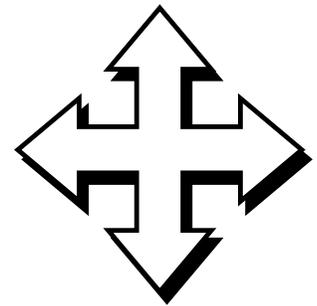
Version 2: I read *only* the deposition.

Here's another example of how moving a limiting modifier changes the meaning of a sentence. The first version means that my client could have lost his whole business, but didn't. The second version means that he lost the bulk of his business; very little is left.

Version 1: My client *almost* lost his entire business.

Version 2: My client lost *almost* his entire business.

A misplaced modifier is an adjective or adverb that is in the wrong location.



A dangling modifier is a word or phrase that does not clearly describe anything in the sentence.

Dangling Modifiers

A dangling modifier is one that does not clearly describe anything in the sentence. Although the connection is clear to the writer, it's not necessarily clear to the reader. Remember, readers generally associate modifiers with the nearest words they might logically modify. So in the first example below, it reads as if the phrase *weaving in and out of traffic* applies to the pronoun *I*—the subject of the sentence. One way to correct this is to give the introductory phrase a subject of its own.

Dangling: Weaving in and out of traffic, I suspected that the man was driving under the influence of alcohol.

Revised: Because the man was weaving in and out of traffic, I suspected that he was driving under the influence of alcohol.

The dangling modifier in the first sentence below suggests that the *attorney* might be deemed inadmissible if he or she fails to establish that the evidence is relevant. The fix is to put the word *evidence* into the introductory phrase.

Dangling: To be deemed admissible in court, you must establish that the evidence is relevant.

Revised: For evidence to be deemed admissible in court, you must establish that it is relevant.

The first sentence below reads as if the structure rescued the last victim. Here it was necessary to supply missing information.

Dangling: Three minutes after rescuing the last victim, the structure collapsed.

Revised: Three minutes after firefighters rescued the last victim, the structure collapsed.

Overuse of Passive Voice

Another common problem is overuse of passive voice. There are two voices in sentence structure: active and passive. The *active voice* emphasizes the one doing the action (the actor). The *passive voice* emphasizes the person or thing being acted upon (the object of the action.)

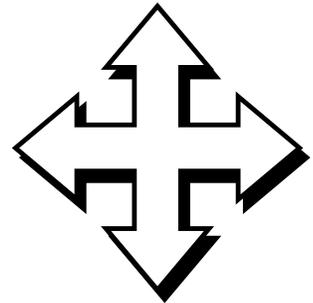
Active: A disgruntled employee sabotaged the water treatment plant last night.

Passive: The water treatment plant was sabotaged last night by a disgruntled employee.

The second example above contains three more clues to recognizing the passive voice. Not every sentence will have all three elements, but most have at least two of them:

- A form of the verb *be* (*be, am, is, are, was, were*)
- A past participle (a past-tense form of a verb)
- The word *by*

Particularly in the legal arena, you can't afford to have the ambiguity often caused by misplaced and dangling modifiers.



Even if the intended meaning is clear, misplaced and dangling modifiers are a distraction and a disservice to readers.

Benefits of Active Voice

The active voice is preferable for most writing, in part, because readers expect a sentence to reveal who does what to whom—in that order. Passive voice reverses the normal word order, effectively causing the sentence to flow backwards and making it harder for readers to follow the action.

Active: Actor → does something to → recipient
(Subject → Verb → Object)

Passive: Recipient ← has something done to him/her/it by ← actor
(Object ← Verb ← Subject)

Passive voice has other potential pitfalls. It's easy to omit the actor—intentionally or unintentionally—when writing in the passive voice, because sentences are structurally complete without naming whodunit.

Passive: The water treatment plant was sabotaged last night.

When the passive voice is used to avoid naming the actor, it can arouse suspicion in the reader. For example, someone reading the sentence below is likely to question why the writer is so reluctant to identify who made the mistakes.

Passive: Mistakes were made in handling the incident.

The following example illustrates how use of the passive voice can create ambiguity by failing to name the actor. Imagine a reader being injured after following erroneous instructions in a book. The reader then sues the author and publisher. The passive clause in the first sentence below doesn't specify who must indemnify the publisher. Is it the author? A judge? We don't know.

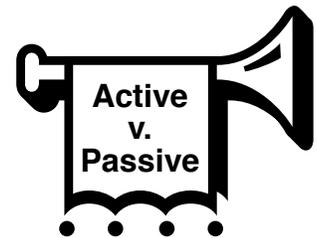
Ambiguous: Publisher will be indemnified, defended, and held harmless from all claims based on allegations that, if true, would constitute a breach of any of the foregoing warranties or any other obligation of Author under this Agreement, and any and all liabilities, losses, expenses (including attorneys' fees and costs) and damages in consequence thereof.

Clear: Author will indemnify, defend, and hold harmless Publisher from all claims . . .

One might argue that the responsibility is implied in a contract between the author and publisher. But this is the type of oversight that leads to court battles, especially when there is a lot of money on the line. If the court decides that the terms of a contract are ambiguous and the court can't resolve the uncertainty in any other way, the court has the right to resolve the ambiguity by interpreting the terms of the contract most strongly against the drafter. In other words, the publisher could be on the hook for injuries resulting from the author's errors.

Bottom line, the active voice is clearer, more powerful, and more interesting than the passive voice is. The active voice is generally more concise too. So use the active voice as much as possible, unless you have good reason to do otherwise.

The active voice emphasizes the one doing the action, whereas the passive voice emphasizes the person or thing being acted upon.



The active voice is preferable for most writing.

Benefits of Passive Voice

Although the active voice is generally the best choice, there are legitimate reasons for using the passive voice.

The passive voice is often preferable when the actor is unknown or less important than the person or thing being acted upon. In the example below, the passive voice puts the emphasis on the girl who was rescued, whereas the active voice puts the emphasis on the firefighters.

Passive: The girl was found under the debris by firefighters.
Active: Firefighters found the girl under the debris.

The passive voice may be preferable when it is desirable to protect the identity of the actor. In the first example below, there's no mention of who saw the suspect with the victim before the shooting. But notice how it's possible to protect the identity of the actor even in active voice by simply changing *the bartender* to *a witness*.

Passive: The suspect was seen with the victim an hour before the shooting.
Active: The bartender saw the suspect with the victim an hour before the shooting.
Active: A witness saw the suspect with the victim an hour before the shooting.

The passive voice can be used to deflect attention. The following sentences illustrate how a defense attorney and prosecutor, respectively, might characterize the same incident. (The *merits* of deflecting attention to escape responsibility might be questionable, but the ability to shift emphasis is clear.)

Passive: Ms. Lockhart was pushed down the stairs.
Active: The defendant pushed Ms. Lockhart down the stairs.

The passive voice is often used to sound more diplomatic, to soften the impact of a strong statement, or to avoid sounding bossy.

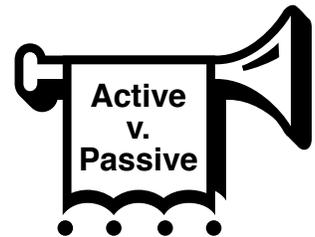
Passive: The problems must be corrected within 60 days.
Active: You must correct the problems within 60 days.

The passive voice is often used in scientific and technical writing to put emphasis on the action being taken versus on the one doing the action.

Passive: Several studies are being conducted across the country to identify a more effective treatment.
Active: Several doctors across the country are conducting studies to identify a more effective treatment.

When in doubt, write your sentences in both the active voice and the passive voice to see which one is clearest and puts the emphasis where it belongs. Don't automatically choose passive voice because you may be used to it or because it's customary in your workplace. Do what is right for your readers.

The active voice is clearer, more powerful, and more interesting than the passive voice is. The active voice is generally more concise too.



When you write in the active voice, you are less likely to introduce ambiguity that results in unintended consequences.

Needless Shifts

At best, needless shifts are distracting. At worst, they create confusion or ambiguity that affects the accuracy of the text. A shift is a change in structure or style midway through a sentence or paragraph. Needless shifts are those that effectively change gears on unsuspecting readers. Among the most common are needless shifts in number and person.

Needless Shifts in Number

The first example below shifts from singular (*an attorney*) to plural (*they*). You can fix this by making everything singular or plural. Making everything plural is often the easiest approach. Alternatively, you can rewrite the sentence to eliminate the pronoun.

- Wrong:* If an attorney perpetrates fraud upon the court, they can be disbarred.
- Right:* If an attorney perpetrates fraud upon the court, he or she can be disbarred.
- Right:* If attorneys perpetrates fraud upon the court, they can be disbarred.
- Right:* Attorneys who perpetrates fraud upon the court can be disbarred.

Needless Shifts in Person

The first example below shifts from third person (*a patient*) to second person (*you*). You can fix this by putting everything in either second person or third person or by rewriting the sentence.

- Wrong:* If a patient stops breathing, you can suffer brain damage in four to six minutes.
- Right:* If you stop breathing, you can suffer brain damage in four to six minutes.
- Right:* If a patient stops breathing, he or she can suffer brain damage in four to six minutes.
- Right:* Patients who stop breathing can suffer brain damage in four to six minutes.

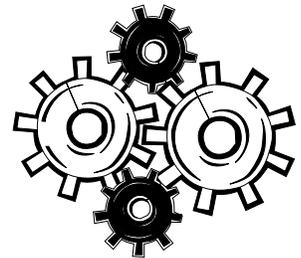
Nonparallel Structure

Nonparallel structure also tends to distract readers and detract from the message. To use parallel structure means to use like form or structure in your writing. In other words, when two or more items or ideas are presented in the same sentence or list, the wording or format should be similar.

Use parallel structure when two or more items are combined with words such as *and*, *but*, *or*, *nor*, or *yet*.

- Nonparallel:* Playing with matches can lead to fires and getting burned.
- Parallel:* Playing with matches can lead to fires and burn injuries.

Most shifts in structure or style result in confusing or awkward sentences that have the effect of changing gears on unsuspecting readers.



Among the most common problems are needless shifts in number and person.

Use parallel structure when presenting lists, whether they be written vertically or horizontally. Notice below how switching from *identifying* in the first sentence below to *identify* in the second sentence makes all the verbs parallel.

Nonparallel: Our objectives are to (1) ensure our personal safety, (2) isolate the area, and (3) identifying the hazardous material.

Parallel: Our objectives are to (1) ensure our personal safety, (2) isolate the area, and (3) identify the hazardous material.

Use parallel structure with elements being compared or contrasted.

Nonparallel: Roger decided to become a police officer rather than a career in the fire service.

Parallel: Roger decided to become a police officer rather than a firefighter.

Parallel: Roger decided on a career in law enforcement rather than in the fire service.

Faulty Sentence Construction

Best-case scenario, faulty sentence construction is a needless distraction that causes people to lose valuable time rereading the material. Worst-case scenario, it creates subtle errors that change the meaning or accuracy of a sentence.

The first sentence below contains a grammatical error this is likely to distract readers.

Faulty: By doubling your distance from a radioactive source reduces your risk of exposure by 75%.

Revised: By doubling your distance from a radioactive source, you reduce your risk of exposure by 75%.

Revised: Doubling your distance from a radioactive source reduces your risk of exposure by 75%.

The first sentence below is faulty, because people design *devices*, not the *use* of those devices.

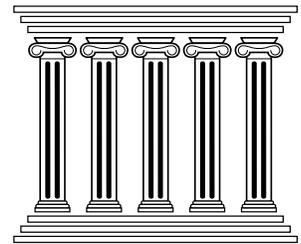
Faulty: The use of smoke detectors is designed to provide early warning of a fire.

Revised: Smoke detectors are designed to provide early warning of a fire.

The first sentence below contains a subtle error. The distinction between *deciding* to do something and actually *doing* it is that one can make a decision without following through. For example, I might *decide* to sue a doctor for medical malpractice only to learn from talking with an attorney that I'm barred by the statute of limitations. If so, my *decision* won't trigger any action; I'm stuck.

Faulty: Deciding to file a medical malpractice lawsuit in California requires sending the healthcare provider a notice of intent to sue 90 days before commencing the action.

To use parallel structure means to use like form or structure in your writing.



When two or more items or ideas are presented in the same sentence or list, the wording or format should be similar.

Revised: Filing a medical malpractice lawsuit in California requires sending the healthcare provider a notice of intent to sue 90 days before commencing the action.

Revised: To file a medical malpractice lawsuit in California, a person must send the healthcare provider a notice of intent to sue 90 days before commencing the action.

The first statement below is faulty because lividity is an observable sign, not a place. Avoid using *is where* or *is when* to complete your definitions. Such constructions are sometimes heard in informal speech, but they are not appropriate in writing.

Faulty: Lividity is where there is a purplish discoloration of the skin caused by blood pooling in the dependent parts of the body after death.

Revised: Lividity is the purplish discoloration of the skin caused by blood pooling in the dependent parts of the body after death.

The first sentence below fails, in part, because it's written in the passive voice and fails to name the actor. But it's awkward also because of the expression *donation of blood* instead of *blood drive*.

Awkward: The donation of blood was organized upon learning that Judge Miller's son was injured in a collision.

Revised: Court personnel organized a blood drive after learning that Judge Miller's son was injured in a collision.

The first sentence below starts out awkwardly with *the finding of drugs*. But once *Glenn* was moved to the front of the sentence, the fix became clear.

Awkward: The finding of drugs in his son's room confirmed Glenn's suspicions.

Revised: Glenn's suspicions were confirmed when he found drugs in his son's room.

Excessive Wordiness

Awkward sentences and excessive wordiness often go hand-in-hand. The unnecessary language in the next example makes the sentence unclear and difficult to read. Readers quickly become frustrated with such garbled writing. The revision conveys everything the original sentence does. But it is clearer and more eloquent in its simplicity.

Unclear: The operations concepts addressed in this plan allow for the emergency response and mitigation efforts relating to a broad spectrum of hazards with which the site could be faced. (29 words)

Clear: This plan contains guidelines for responding to a variety of emergencies. (11 words)

Best-case scenario, faulty sentence construction is a needless distraction to readers.



Worst-case scenario, it creates subtle errors that change the meaning or accuracy of a sentence.

The following example was improved by cutting straight to the core of the sentence and letting the details be implied. It assumes that readers are familiar with the site's evacuation plan and the role of evacuation buddies. The revised sentence essentially tells readers to pitch in if more help is needed. The amount you can trim from your sentences obviously depends, in part, on how much background your readers have.

Unclear: If special assistance is required for the evacuation of disabled persons, assist as necessary with "buddies" or Emergency Response Teams if the evacuation buddies are unable to accomplish the action. (30 words)

Clear: Assign employees to help evacuate disabled people as needed. (9 words)

This final example isn't as bad as the previous ones, because the first sentence is clearly written. But it's wordy. Think about word count when you're writing. Ask yourself, "How can I say the same thing in as few words as possible?" If you challenge yourself that way, you'll find it much easier to write concisely.

Wordy: The earthquake, which was terrifying and occurred without warning, displaced hundreds of people from their homes. (16 words)

Concise: The sudden, terrifying earthquake left hundreds homeless. (7 words)

Being concise is fundamental to effective writing. Writing concisely does not mean omitting details for the sake of brevity. Nor does it require writers to sacrifice creativity. But it does mean using words economically and omitting words that don't add value.

Unnecessary Repetition

Repetition is sometimes an effective tool to make writing more coherent or emphatic. Careless repetition, however, will weaken your writing. Here's a simple example of unnecessary repetition. *Consensus* and *consensus of opinion* mean the same thing . . . both of which will result in mistrials. So delete the extra words.

Wordy: In most criminal cases, if jurors cannot reach a consensus of opinion, the court will declare a mistrial.

Concise: In most criminal cases, if jurors cannot reach a consensus, the court will declare a mistrial.

Concise: In most criminal cases, if jurors cannot agree on a verdict, the court will declare a mistrial.

Here's another example of unnecessary repetition, along with two fixes.

Wordy: The defendant killed her by smothering her to death.

Concise: The defendant killed her by smothering her.

Concise: The defendant smothered her to death.

Being concise is fundamental to effective writing.



The key to writing concisely is using words economically and omitting words that don't add value.

Little redundancies can creep into your writing because of the way people sometimes express thoughts verbally. Consider the following examples.

<u>Redundant</u>	<u>Concise</u>
advance warning	warning
unexpected surprise	surprise
intentional sabotage	sabotage
totally demolished	demolished

When an adjective or adverb adds nothing to the word it modifies, delete the redundant modifier.

Wordy Phrases

Replace wordy phrases, like those below, with more concise expressions.

<u>Wordy</u>	<u>Concise</u>
at the present time	now, currently
until such time as	until
at a later date	later
ahead of schedule	early
for the purpose of	for
in order to	to
for the reason that	because
because of the fact that	because
in the event that	if
during the course of	during
pertaining to	about
in spite of the fact that	although, even though
a sufficient number of	enough

Weak and Wordy Expressions

The English language is filled with wonderful adjectives and adverbs that enhance our ability to express ideas. But the best writers seldom rely on adjectives and adverbs. Instead, they select strong nouns, verbs, and other expressions that convey the intended meaning without help.

This doesn't mean you should eliminate adjectives and adverbs from your writing. They're often necessary, as in the example of *parched* grass below. But ideas should be conveyed as concisely as possible.

Wordy: The fire spread quickly through the bone dry grass.
Concise: The fire raced through the parched grass.

Avoid de-energizing your sentences by burying verbs in wordier expressions, such as those in the left-hand column below.

<u>Weak</u>	<u>Strong</u>
conducted an investigation	investigated
managed to escape	escaped
reached an agreement	agreed
came to the realization	realized
made a decision	decided

Avoid unnecessary repetition, redundant modifiers, and excessive detail.



Use strong words and expressions that convey the intended meaning without additional help.

Overloaded Sentences

Sometimes the problem is not that a sentence is too wordy, but rather that the writer tried to pack too much information into a single sentence. The following example is from the book *Laci: Inside the Laci Peterson Murder*. Here author Michael Fleeman tried to make one sentence do the work of two or three. As a result, the sentence is confusing. My makeover is clearer because the information is broken into two sentences and presented in a more logical order.

Confusing: Heading the wiretap operation was an experienced law-enforcement officer, Stephen P. Jacobson, a federal agent assigned to Stanislaus County Drug Enforcement Agency—drug cops are among those who make the most use of wiretapping in investigations—who was also a former cop from Modesto.

Revised: Heading the wiretap operation was former Modesto police officer Stephen P. Jacobson, now a federal agent with the Stanislaus County Drug Enforcement Agency. Drug cops are among those who make the most use of wiretapping in investigations.

This example is also from the book *Laci: Inside the Laci Peterson Murder* by Michael Fleeman. The paragraph describes the place where Laci's and Conner's bodies were found. Again, Fleeman tried to stuff too much information into a sentence that couldn't hold it all. My three-sentence makeover is more digestible. Note that I didn't try to change the content in either example from Michael Fleeman's text. Rather, this exercise was limited to breaking overloaded sentences into more digestible ones.

Cluttered: At the end of the park, at a wooden bridge over the canal, the dogs will find a little less love—leashes are now required—but the environment is still friendly, with a mile-long path perfect for walking pooches through an unspoiled shoreline of marsh grass, tall reeds and tiny streams with a view of the Golden Gate Bridge due west, the sounds of lapping bay water and wind through the reeds almost drowning out the roar of traffic from Interstate 580 a few hundred yards to the east and the occasional toot from a freight train.

Revised: At the end of the park, at a wooden bridge over the canal, the dogs will find a little less love; leashes are now required. But the environment is still friendly, with a mile-long path perfect for walking pooches through an unspoiled shoreline of marsh grass, tall reeds, tiny streams, and a view of the Golden Gate Bridge in the background due west. The sounds of lapping bay water and wind through the reeds almost drown out the roar of traffic from Interstate 580 a few hundred yards to the east and the occasional toot from a freight train.

Fleeman's book is a gripping, informative account of the Laci Peterson murder and is, on balance, a well-written piece. But every once in a while, there's a gotcha that stops readers in their tracks because something doesn't flow well.

Don't try to pack too much information into a single sentence.



Don't try to make one sentence do the work of two or three.

Creativity Run Amok

One might say that the previous excerpt from Michael Fleeman's book was an example of creativity run amok. But the following example from the young adult novel *Virus* by Diane Hoh is worse. (This book is part of Hoh's *Med Center* series for teens.) It's a stunning departure from Hoh's normally clear writing.

On the east side of the city of Grant, in a neighborhood known as Eastridge, where the homes were small enough to fit into the Grant's mansion sunroom, Kate Thompson raced around the sunny, clean but disordered kitchen on Persimmon Drive, getting ready for her shift at Med Center, where she, like Susannah, worked as a volunteer in Emergency Services.

Strong, athletic legs ran from counter to table to kitchen drawer and back again, carrying an empty coffee cup and toast-crummed plate to the sink, tossing her paper napkin into the yellow wastebasket, straightening the blue flowered plastic table cloth and wiping it free of crumbs. In front of the small mirror just inside the kitchen door, a purple pick raked its way through a fringe of bangs over dark-lashed eyes. There was a minor adjustment to the thick, black, cornrowed hair. A dab of plumb lip gloss followed, a flick of blusher to high, angled cheekbones, then a pair of heavy wooden earrings of Kate's own design were hurriedly thrust into her earlobes, and she was done. Jeans and a white T-shirt were acceptable work gear at Emergency. Sneakers instead of sandals on her feet. Safer footing on the slippery white tiles.

Hoh tried to create beautiful imagery. Instead, in the second paragraph, she created a cartoon-like vision of disembodied legs running around the kitchen, getting ready for work. Readers don't see Kate doing all these activities. They see legs, combs, tubes of lipstick, and so forth functioning on their own.

Don't let creativity obscure or detract from your message. Style should never trump content.

Improper Use of Commas

The rules about commas are too extensive to cover in this newsletter. But because the inclusion or omission of a comma can sometimes change the meaning of a sentence, the comma deserves a little attention.

When in doubt about when and where to use commas, ask yourself the following questions:

- How do commas affect the meaning of the sentence?
- Is a comma needed to ensure clarity or to provide a pause?
- Can a substitution test reveal the correct punctuation?

Finally, difficulty getting the commas right is often a sign that you're trying to patch up a poorly worded sentence. So if you're struggling to determine the correct punctuation and the questions above don't help you, look to see if there's a better way to write the sentence.

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creativity
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How do commas affect the meaning of the sentence?

From 1850 to 1963, the State of Michigan had language in the state constitution that inadvertently legalized slavery . . . all because of a misplaced comma. Section 9, Article 2, read as follows:

- Wrong:* Neither slavery nor involuntary servitude, unless for the punishment of a crime, shall ever be tolerated in this state.
- Right:* Neither slavery, nor involuntary servitude unless for the punishment of a crime, shall ever be tolerated in this state.

The way the first sentence is written, it can be interpreted to mean that slavery will be tolerated for the punishment of a crime. When the State of Michigan finally corrected the error by putting the first comma after *slavery* versus *servitude*, it became clear that slavery wouldn't be tolerated at all and that involuntary servitude would be tolerated only as punishment for a crime.

The following example comes from a recent court case, *W. Jefferson v. Cammelleri*, 2015-Ohio-2463. At approximately 5:30 p.m. on February 13, 2014, Andrea Cammelleri had just woken up after working third shift when she looked out her window and noticed her pickup truck was no longer parked on the street in front of her house. Thinking her pickup truck had been stolen, Cammelleri called 911. The Village of West Jefferson dispatcher inquired as to the make and model of Cammelleri's vehicle and told Cammelleri that her pickup truck had not been stolen, but had been impounded. A police officer later went to Cammelleri's house and gave her the parking citation.

Cammelleri was cited for violating West Jefferson Codified Ordinances 351.16(a), which states, "It shall be unlawful for any person * * * to park * * * upon any street * * * in the Village, any motor vehicle camper, trailer, farm implement and/or non-motorized vehicle for a continued period of twenty-four hours * * *."

Cammelleri contested the citation, and on March 18, 2014, the matter proceeded to a bench trial. At trial, Cammelleri stipulated that her 1993 Ford pickup truck was parked on the street outside of her house located in West Jefferson in excess of 24 hours. The only issue was whether the ordinance actually applied to Cammelleri's pickup truck. Cammelleri argued the ordinance did not apply because the language prohibits a motor vehicle camper from being parked on the street for an extended period of time. The Village of West Jefferson contended the ordinance did apply because a comma was inadvertently omitted between the phrase "motor vehicle" and the word "camper."

The trial court held that when reading the ordinance in context, it unambiguously applied to motor vehicles and "anybody reading [the ordinance] would understand that it is just missing a comma." The trial court then found Cammelleri guilty of violating West Jefferson Codified Ordinances 351.16(a) and ordered her to pay court costs.

Cammelleri appealed the trial court's decision. She argued that her pickup truck did not constitute a motor vehicle camper as identified by the ordinance. Cammelleri asserted that the ordinance specifically identified and prohibited a *camper that is propelled by an engine* from parking on the street in excess of 24 hours.

Consider whether the use or omission of a comma changes the meaning of the sentence.



The placement of a comma or the omission of a comma can change affect how laws are interpreted.

In contrast, the Village argued that it was clear a comma was missing between the phrase “motor vehicle” and the word “camper,” and thus, the ordinance applied to Cammelleri’s pickup truck as a motor vehicle.

The appellate court agreed with Cammelleri. In its analysis, which is only summarized here, the court determined that by utilizing rules of grammar and employing the common meaning of terms, “motor vehicle camper” has a clear definition that does not produce an absurd result. A “motor vehicle camper” was a recreational vehicle. Ms. Cammelleri’s pickup truck was not a recreational vehicle. The court noted that if the Village desired a different reading, it should amend the ordinance and insert a comma between the phrase “motor vehicle” and the word “camper.”

Next we have a different example—one containing two commas that don’t belong in the sentence. The commas signal that *caught carrying weapons* is a nonessential element, meaning that it can be removed without making the sentence structurally incomplete. But it changes the meaning to say that *any* students will be expelled. When the commas are removed, it clearly communicates that expulsion is only for those students caught carrying weapons.

Wrong: The principal made it clear that any students, caught carrying weapons, will be expelled.

Right: The principal made it clear that any students caught carrying weapons will be expelled.

Finally, this example has two versions that are grammatically correct. However, the meaning of each is different. The first sentence refers to the third of three or more patients sent to County General. The second refers to the third patient overall. That patient happened to be transported to County General. We have no information on where the first two patients were sent.

Version 1: The third patient who was transported to County General had extensive second-degree burns.

Version 2: The third patient, who was transported to County General, had extensive second-degree burns.

Some experts say you can omit the final comma in a series (also known as the serial comma or the Oxford comma) if it doesn’t hurt the clarity of the sentence. The use or omission of the serial comma makes no difference in the sentences below, so either would be fine.

Version 1: Our flag is red, white, and blue.

Version 2: Our flag is red, white and blue.

Most experts say the serial comma should not be omitted, because it is too easy to make a mistake that changes the meaning of the sentence. The first sentence below indicates that the speaker told a story about three people. The second could mean that the speaker’s father is a drug addict and an ex-con. Which is true? (If it’s the latter, use a colon or parentheses instead of the comma.)

Version 1: The speaker told a riveting story about his father, a drug addict, and an ex-convict.

Version 2: The speaker told a riveting story about his father, a drug addict and an ex-convict.

Some experts say you can omit the final comma in a series if it doesn’t hurt the clarity of the sentence.



However, most experts say the serial comma should not be omitted, because it is too easy to make a mistake that changes the meaning of the sentence.

Here is another example. Are the gases flammable? We don't know in the first version.

Version 1: The truck was transporting corrosive liquids, flammable liquids and gases.

Version 2: The truck was transporting corrosive liquids, flammable liquids, and gases.

Version 3: The truck was transporting corrosive liquids, flammable liquids, and flammable gases.

Consider this bit of wisdom from Grammarian Wilson Follet: A conjunction (e.g., *and*), which connects, cannot do the job of a comma, which separates.

Is a comma needed to ensure clarity or to provide a pause?

Every comma signals a pause, but not every pause signals the need for a comma. People who don't know the rules often use commas where they would pause when saying the sentence aloud. But that often leads to errors that are beyond the scope of this newsletter.

The first example below illustrates how a comma is needed to prevent misreading. Without the comma, this reads as if someone were eating the patient. It's a recoverable error—readers will quickly realize the intended meaning. But it's a distraction that diverts the readers' attention unnecessarily.

Wrong: While he was eating the patient began feeling chest pains.

Right: While he was eating, the patient began feeling chest pains.

The first sentence below is missing a comma. Readers need that little pause to prevent misreading.

Wrong: If a defendant unlawfully aims at one person and hits another he is guilty of assault and battery on the person he hit.

Right: If a defendant unlawfully aims at one person and hits another, he is guilty of assault and battery on the person he hit.

The omission of a comma in first example below creates a sentence fragment. The way it's punctuated, readers will expect you to reveal what happened after the fire was brought under control. The comma in the second example provides the necessary pause to ensure clarity.

Wrong: The helicopter arrived at daybreak. Soon after the fire was brought under control.

Right: The helicopter arrived at daybreak. Soon after, the fire was brought under control.

Can a substitution test reveal the correct punctuation?

A simple substitution test can often help you determine the correct punctuation. The subject of the following sentence is so lengthy that people reading this aloud will typically pause to take a breath where the commas are. But it's wrong to put commas between parts of a compound subject. By substituting the pronouns *he* and *she* for the lengthier phrases, this becomes clear immediately.

Consider whether a comma is needed to ensure clarity or to provide a pause.



Caution: Every comma signals a pause, but not every pause signals the need for a comma.

Wrong: The young boy who saved his mother by dialing 911, and the dispatcher who answered his call, will meet this afternoon at police headquarters.

Right: The young boy who saved his mother by dialing 911 and the dispatcher who answered his call will meet this afternoon at police headquarters.

Test 1: He, and she, will meet this afternoon at police headquarters. [wrong]

Test 2: He and she will meet this afternoon at police headquarters. [right]

It's also wrong to put a comma between the subject and the verb. Replacing the lengthier subject below with the pronoun *it* makes it clear that there should be no comma in the following sentence either.

Wrong: Having been arrested before, is nothing to be proud of.

Right: Having been arrested before is nothing to be proud of.

Test 1: It, is nothing to be proud of. [wrong]

Test 2: It is nothing to be proud of. [right]

The rules call for using a comma after an introductory element containing a verb (or verb phrase). In the example above, *having been arrested* is a verb phrase. However, the entire expression is the subject of the sentence, not an introductory element. Consequently, we don't use a comma. Again, the substitution test makes it clear.

The following is another example. The verb *knowing* might lead you to believe that a comma is needed. However, the entire expression *knowing that the shooter was still on the loose* is the subject of the sentence. Compare that with the final set of examples, where the expression in front of the comma is truly an introductory element.

Wrong: Knowing that the shooter was still on the loose, made firefighters wary.

Right: Knowing that the shooter was still on the loose made firefighters wary.

Test 1: It, made firefighters wary. [wrong]

Test 2: It made firefighters wary. [right]

Compare: Knowing that my mother was afraid of hospitals, I was reluctant to suggest calling for an ambulance.

Test: It, I was reluctant to suggest calling for an ambulance. [wrong]



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**Sometimes
a simple
substitution
test can reveal
whether or not
a comma is
appropriate.**



**Substituting *he*,
she, or *it* for
lengthy subjects
can often help
you determine
the correct
punctuation.**