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Mind Your P's and Q's and the Apostrophes That Go With Them

The little mark is a detail worth attention

By Kenneth F. Oettle

The confusion of the possessive “its” (no apostrophe) with the contractive “it’s” (with apostrophe) is an unequivocal signal of illiteracy and sets off a simple Pavlovian “kill” response in the stickler. Truss, “Eats, Shoots & Leaves” (2003) at 43.

Misplaced apostrophes may not confuse, but they irritate, and they make your writing seem careless. It is not wise to irritate readers who have power over you, like partners, clients and judges, and it is similarly imprudent to appear sloppy. Imprecision in form suggests imprecision in substance. It sews a seed of doubt that may sprout with the first gap in your logic. Even minor irritants may bother a reader who is already on edge.

For example, I was recently grumbling over an associate’s misinterpretation of a case when I noticed that his version of the phrase “attorneys’ fees,” referring to our firm’s aggregate charges, placed the apostrophe after attorney and before the “s,” like this:

attorney’s fees

Fleeting, I had the thought “can’t even get apostrophes right.” I tried unsuccessfully to stifle it, then to ignore

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it, and finally to put it into perspective, but reactions are reactions. I can’t always suppress them, nor can other readers.

The singular possessive “attorney’s fees” works only if one attorney performs all the services. In a large firm, especially in litigation, that is unlikely. Fees generated by a firm are attorneys’ fees because they aggregate the work of several lawyers and other billing professionals, like paralegals.



MAKING
YOUR
POINT

A Guide to Persuasive Writing

In the absence of evidence that only one lawyer is involved, follow the convention of “attorneys’ fees.”

In fairness, many experienced attorneys don’t know where to put the apostrophe in attorneys’ fees, either. Some even hedge their bets, doing it both ways in the same document. First, they place the apostrophe before the s, then after the s, then before the s, and so on, which ensures that they get it right about half the time.

For conventions like the apostrophe in attorneys’ fees, you must learn

the custom. For ministerial facts that you don’t know, such as whether a company’s name ends with “Corp.” or “Corporation,” choose one form and stick with it. Don’t show your uncertainty.

Chances are, if you write it consistently one way, the reader won’t question whether you are right. If you waver, writing “ABC Corp.” one time and “ABC Corporation” another, the reader will sense that you don’t know the company’s name and may consider you either weak-minded for failing to commit to a name or careless for failing to complete your due diligence.

Misplacing the apostrophe in “attorneys’ fees” is usually a matter of ignorance, as is misplacement of the apostrophe in worker’s compensation. The convention for that possessive is singular, not plural.

In contrast, misplacing the apostrophe for the possessives of “plaintiff” or “defendant” — one of the most common typographical errors — is usually caused by inattention. Writers often make the possessive singular when it should be plural and vice versa.

Apostrophes get misplaced in dictation when the lawyer doesn’t verbalize them, and the typist, preferring to keep pace rather than pause to make judgments about punctuation, guesses wrong. Surprisingly, apostrophes are also misplaced by lawyers who type directly onto the computer.

Proof your drafts carefully for this mistake. Misplaced apostrophes annoy readers, especially perfectionists and curmudgeons, and they leave bad impressions even on benign, forgiving readers.

The Great Debate

I will not join, but I will visit the fringes of, the debate whether to add just an apostrophe or both an apostrophe and an s to form the possessive of singular nouns ending with an s or z sound, like witness, class, or Jones. Most writing manuals recommend that you add s for the possessive, as in witness's, class's or Jones's, but newspapers omit the s. If I wrote "witness's character" without quotation marks in this column, the editors would change it to "witness' character."

I have no problem with either convention, s or no s, but for legal writing, I prefer to add the s if I would pronounce it. Prose is less likely to call attention to itself if the appearance tracks the pronunciation. For example, I would say "wit-nis-sizz character," so I write "witness's character." I would say "Jone-zizz contract," so I write "Jones's contract." I would not say "Jones contract," so I don't write "Jones' contract."

Even manuals that recommend adding the s after the apostrophe make exceptions for names that would sound strange with the extra s. The examples commonly given are Moses (for whom the extra s would create "Mo-ziz-izz") and Jesus (for whom the extra s would create "Je-zuz-izz"). Consequently, the possessive of Moses is Moses', and the possessive of Jesus is Jesus'. The rule would apply to "Kansas" as well.

Multisyllable names with an unaccented "eez" ending also drop the extra s for the possessive. For the name Maimonides (accent on "mon"), for example, a reader who sounds out

words would struggle with the pronunciation "My-MAH-ni-dee-zizz" based on the incorrect possessive, "Maimonides's." The same would hold for Greek names like Archimedes and Euripides.

I don't know what the rule is for the plural possessive of "Hobbits." Following my pronunciation approach, I would omit the extra s to avoid the sound "Hobbitzizz" (Hobbits's), which is what Gollum called Frodo and Sam in Tolkien's *Trilogy of the Ring* — "nasty Hobbitises."

Additional Hints

Use an apostrophe or not — it's your choice — to form the plurals of dates, words referred to as words, words comprised of capital letters, and capital letters, as in:

the 1990's or the 1990s
six however's or six howevers
ATM's or ATMs
RFP's or RFPs
P's and Q's or Ps and Qs

Just be consistent. To form the plural of small letters, use an apostrophe:

a's, b's, c's

For the plural of proper names, do not use an apostrophe:

The Smiths made a down payment on the house.

For joint possession, use the possessive form for the last word only:

Smith and Jones's partnership

For individual possession, use the possessive form for each noun:

Smith's and Jones's securities

Puzzler

How would you tighten and sharpen the following sentence?

The statute applies to public officials and acts as a complete bar to gifts of any sort.

If you must record your thoughts in the order you have them, so be it. But be critical thereafter. Look for ways to bring your point forward. The first thought the writer had was that the statute applies to public officials, so he wrote that. His second thought was that the statute bars gifts to public officials. So he wrote that, and for emphasis he said the bar was "complete" as to gifts "of any sort." He was tempted to write "absolutely a complete bar to gifts of any sort," but he resisted the impulse.

The sentence did not begin with the point — that the statute bars gifts to public officials. True, the statute "applies" to public officials, but the point of the sentence is that the statute bars gifts. Move that idea to the beginning of the sentence.

Shorten "complete bar to gifts of any sort" to "bars all gifts."

The revised version:

The statute bars all gifts to public officials. ■