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Dashes Are Powerful Punctuation Marks

They add a third option to commas and parentheses

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Dashes aren't taught, and most writers don't use them. Like commas, dashes separate and pause, but more starkly. They are a strong spice, to be used sparingly, but they add excellent flavor in the right spots.

Suppose you represent a person sued for negligent failure to preserve evidence in an action to which your client was not a party. The law requires a nonparty to preserve evidence only under extraordinary circumstances. You want to emphasize to the court that your client does not fall within any of the extraordinary circumstances identified in the case law, so you write:

Only in extraordinary circumstances — not present here — will a court impose a duty on a nonlitigant to preserve evidence for a litigant.

The dashes set off and thus highlight the phrase “not present here,” stressing that the required extraordinary circumstances are absent. Commas would not have the same oomph:

Only in extraordinary circumstances, not present here, will a

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court impose a duty on a nonlitigant to preserve evidence for a litigant.

Set off only by commas, the phrase “not present here” is less likely to catch the reader's attention. It lacks confidence, as if the writer were not entirely sure it was true.

What about parentheses?

Only in extraordinary circum-



stances (not present here) will a court impose a duty on a nonlitigant to preserve evidence for a litigant.

Parentheses may be even less effective here than dashes or commas. The parenthetical is an aside, as if the writer were sharing a collateral thought. The point is too important for an aside.

A Second Example

Suppose you represent a developer competing for limited sewage capacity.

Your client is ready to build, but a developer who is years away from breaking ground contends that the available sewage capacity should not be awarded to your client because the sewer authority agreed in writing years ago to grant the developer first claim on available capacity.

You contend the authority's promise was contingent on the developer being ready to build, and you contend the developer admitted as much (albeit inadvertently) in two sworn statements — the verified complaint and the affidavit that the developer filed in support of an application to enjoin the award of sewage capacity to your client. After quoting from the documents, you sum up:

Thus, in two sworn statements — the verified complaint and a supporting affidavit — plaintiff admitted that its claim to sewage capacity would not ripen until plaintiff was ready to build.

You could write this sentence without reference to the two documents:

Thus, in two sworn statements, plaintiff admitted that its claim to sewage capacity would not ripen until plaintiff was ready to build.

But you wish to re-invoke the dignity and gravity of the legal process and the inherent demand for the truth reflected in the words “verified” and “affidavit.” So you name the documents and set them off with dashes (two hyphens or an “em dash”).

Parentheses would not work as well:

Thus, in two sworn statements (the verified complaint and a supporting affidavit), plaintiff admitted that its claim to sewage capacity did not ripen until plaintiff was ready to build.

The parenthetical is more a reminder than a highlight. You don't want merely to remind the reader of the documents; you want to feature them. For this purpose, dashes are more assertive and more effective.

Commas would be worse than parentheses:

Thus, in two sworn statements, the verified complaint and the supporting affidavit, plaintiff admitted. . .

If you use commas, a reader could

momentarily think the verified complaint is part of a compound subject (complaint and affidavit — until the word "plaintiff" appears) or the second item in a series of three (sworn statements, verified complaint and affidavit). A dash, in contrast, clearly announces that the two sworn statements are about to be identified.

Dashes provide emphasis and help govern pace. Because they are assertive, they project confidence as well. Add them to your writer's toolbox.

Puzzler

How would you tighten and sharpen the following sentence?

The Oppressed Shareholders Act contains no directive regarding the methodology that

the parties or the court must employ to calculate fair value.

"Methodology" sounds more important than "method" but is probably too broad for this application. It connotes a body of procedures employed by a discipline.

"Provides no method" is shorter than "contains no directive regarding the method," and it adds the assertive connotation of the Act failing to do something it should have done (provides no) rather than merely omitting something (contains no).

The phrase "for calculating" is shorter than the clause: "...that the parties or the court must employ to calculate."

The new version:

The Oppressed Shareholders Act provides no method for calculating fair value. ■