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CAPITALIZATION CONUNDRUMS CLARIFIED

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Sometimes, the stars just align. I follow Grammar Girl's blog, and she recently posted an enlightening explanation of the difference in capitalization for nicknames and terms of endearment (hint: capitalize nicknames, but not terms of endearment).¹ Not particularly useful in the legal writing context, but then a colleague asked me whether to capitalize the names of seasons (hint: don't capitalize). Thus, the idea for this essay was born.

The trend in writing in general is to capitalize less, even though as legal writers we tend to capitalize more. This can lead to tension when writing: When should I capitalize certain words? And, many of us learned capitalization rules as children, only to see them thrown out the window when reading opinions. What, then, are we to do when faced with a capitalization conundrum?

Follow these simple tips to eliminate many of those pesky capitalization questions.

Capitalization and quotations

The first conundrum pops up all the time: When to capitalize the first word in a quotation. The first word is capitalized only if the quotation is a full sentence and is formally introduced.



Tenielle Fordyce-Ruff

When discussing law practice, Elihu Root explained, "About half the practice of a decent lawyer consists in telling would-be clients that they are damned fools and should stop."

Grant Gilmore explained, "In Hell there will be nothing but law, and the Bluebook will be meticulously observed."

If you split the quotation with an attribution, don't capitalize the second part of the quoted sentence.

"About half the practice of a decent lawyer," Elihu Root explained, "consists in telling would-be clients that they are damned fools and should stop."



"In Hell there will be nothing but law," Grant Gilmore observed, "and the Bluebook will be meticulously observed."

In all other instances, the first word of a quotation is lower-case. For instance, if you quote only a partial sentence, don't capitalize the first word.

Elihu Root spent "about half" of his practice telling clients they "should stop."

In Gilmore's particular Hell, "the Bluebook will be meticulously observed."

Likewise, if you are using only parts of the quotation within your sentence, use a lower-case letter to begin the quotation.

A good portion of practice consists of telling clients they are "damned fools."

For some, Hell would be "nothing but law."

And, if you introduce your quotation with *that*, use a lower case letter.

When asked what practice was like, Elihu Root explained *that* "[a]bout half the practice of a decent lawyer consists in telling would-be clients that they are damned fools and should stop."²

When describing his Hell, Gilmore explained *that* "there will be nothing but law, and the Bluebook will be meticulously observed."

Capitalization and questions

The next conundrum is also tricky because the correct capitalization looks wrong at times. But, the first word of a direct question is always capitalized because the question is a sentence apart from the main sentence that contains it. You should also set off the question by using a comma, en-dash, or colon.

The first word of an indirect question, however, is lower case because an indirect question is a declaratory statement. You can tell the difference between a direct and indirect question because an indirect question doesn't call for a question mark.

My partner asked, Have you read both depositions?

She asked the defendant—Have you been anywhere near the scene of the crime?

I asked his assistant: Why is he always in a meeting or at a conference when I call?

The first word of an indirect question, however, is lower case because an indirect question is a declaratory statement. You can tell the difference between a direct and indirect question because an indirect question doesn't call for a question mark.

My partner asked if I had read both depositions.

The prosecutor asked the defendant whether he had been near the scene of the crime.

Capitalization and adjectives

We all learned as children to capitalize proper nouns, but do you remember learning the rule about capitalizing certain adjectives based on those proper nouns? Some adjectives are derived from words that exist only as proper nouns. These types of adjectives are always capitalized.

That jurisdiction follows the American rule.

Other adjectives are derived from words that don't exist exclusively as proper nouns: presidential, constitutional. These types of adjectives are not capitalized.

Obama exercised his presidential veto.

The Court avoided a constitutional crisis.

Capitalization and short-form proper nouns

Likewise, we all know that full names of corporate entities and government entities, officers, and acts are capitalized.

Micron Technology Inc. recently purchased Elpida Memory Inc.

Middleton High School hosted oral arguments on law day.

Chief Justice Roger Burdick's term as chief began on August 1, 2011.

The Fourteenth Amendment was one of the Reconstruction Amendments.

And, when you subsequently refer to nouns with a short form, you should also capitalize that short form.

Micron's purchase of Elpida cost a reported \$750 million.

The School's auditorium was at capacity for the event.

The Chief's duties include delivering an annual address to the legislature.

This Amendment's due process clause applies most of the Bill of Rights to the states.

This capitalization rule does not apply, however, to the word *rule*. You capitalize rule when referring to a particular number.

Rule 1.2 of the Bluebook defines introductory signals.

But, when you don't use a number, don't capitalize rule.

This is one of the rules followed meticulously in Gilmore's Hell!

Conclusion

Hopefully these tips helped clear up a few capitalization questions you had.

Use them to buck the trend of capitalizing more!

About the Author

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Sources

- Deborah E. Bouchoux, *Aspen Handbook for Legal Writers: A Practical Reference* 58-62 (Aspen 2005).
- Bryan A Garner, *The Redbook: A Manual on Legal Style* 53-57 (2d ed., West 2006).
- <http://www.ggreen.com/just-for-fun/famous-quotes-in-law.html>
- Gil Grantmore, Commentary, *The Death of Contra*, 52 STAN. L. REV. 889, 893 (2000) (borrowing from GRANT GILMORE, *THE AGES OF AMERICAN LAW* 111 (1977)).

Endnotes

- ¹ I highly recommend Grammar Girl. This hand article can be found at: <http://grammar.quickanddirtytips.com/are-nicknames-capitalized.aspx>
- ² For more on how to correctly alter quotations, see *Using Quotation Marks Correctly*, The Advocate 44-45 (October 2011) available at <http://www.isb.idaho.gov/pdf/advocate/issues/adv11oct.pdf>.

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