

Hold the parentheses, please

Our writing guru Joseph Kimble offers tips for enlisting the dash and for avoiding legalese and silly, distracting parentheses.

Original

According to the Plaintiff, Defendants Exxon Mobil Corporation (“Exxon”), Badger Oil Corporation (“Badger”), Denbury Onshore, LLC (“Denbury”), and Hilcorp Energy Company and Hilcorp Energy I, L.P. (“Hilcorp”), operated wells in the Lirette Oil & Gas Field (“the field”) pursuant to a 1933 oil, gas and mineral lease.

Revised

According to the plaintiff, the defendants — Exxon Mobil Corporation, Badger Oil Corporation, Denbury Onshore, LLC, Hilcorp Energy Company, and Hilcorp Energy I, L.P. — operated wells in the Lirette Oil & Gas Field under a 1933 oil, gas, and mineral lease.

Redlined

According to the Plaintiff, Defendants Exxon Mobil Corporation (“Exxon”), Badger Oil Corporation (“Badger”), Denbury Onshore, LLC (“Denbury”), and Hilcorp Energy Company, and Hilcorp Energy I, L.P. (“Hilcorp”), operated wells in the Lirette Oil & Gas Field (“the field”) pursuant to a 1933 oil, gas, and mineral lease.

1. Dashes provide a visual cue to the sentence structure — the long compound subject and delayed verb.
2. Can we drop the *duh!* parenthetical short forms that continue to disfigure so many opinions and briefs. In the example here, no reader will be confused by a later reference to *Exxon* or *Badger Oil* or *the Lirette Field*. Even worse, the only defendant who gets repeated mentions in the opinion is Badger Oil, who had removed the action to federal court. So the parentheses for the other defendants were doubly unnecessary. On the good side, at least Badger Oil Company was not shortened to BOC. Try hard not to use an initialism or acronym for your short form.
3. Legal-writing experts agree: Always use the serial comma. It provides a consistent structural cue and sometimes helps to avoid ambiguity or a miscue. (To that point, I’m assuming there are five defendants. Correct?)
4. *Pursuant to* is hardcore legalese.