



What's a Phrasal Adjective (and Why Do I Care?)

If you've been reading my column for a while, you know that, although I'm a giant legal-writing nerd, I care far more about helping lawyers become more effective, persuasive communicators than I do about rote adherence to arbitrary rules. Although obscure usage and citation rules and their history interest me, my guiding principles are accuracy, brevity, and clarity, rather than the pursuit of persnickety perfection.

Some rules, though, particularly enhance clarity, and it behooves us to learn and remember them. Take, for example, the rule about hyphenating phrasal adjectives. Do you want a criminal-defense attorney or a criminal defense attorney? A modest hyphen makes the difference between a defense lawyer who violates the law and a lawyer who practices criminal defense. (As Jesse Pinkman would tell you, some clients may think that they want both, but we don't want to foster that confusion.)

Each time you force your reader to pause, you erode reader trust and confidence.

So what's a phrasal adjective? Also known as an adjectival compound, compound adjective, or stacked modifier, a phrasal adjective consists of two or more words that, read together as a single idea, modify one noun. When the phrasal adjective appears before the noun, a hyphen should join the words that comprise that phrasal adjective.

Lawyers use phrasal adjectives all the time—think personal-injury law, subject-matter jurisdiction, civil-rights litigation, case-by-case basis, totality-of-the-circumstances analysis, well-pled complaint, bright-line rule—but we often fail to punctuate them correctly. Do you write a summary-judgment motion or a summary judgment motion? In the first example, it's clear you are writing a motion for summary judgment;

in the second, someone less fluent in legal terminology might assume you are writing a judgment motion that is summary. I may be a legal writing professor—I certainly don't think that I'm violating the law in any way, especially not by teaching the conventions of writing for law practice to prospective lawyers—but if I want to convey that I teach legal writing, I write that I am a legal-writing professor (and, by the way, also a moot-court coach! The court is moot; I hope I'm not!)


The rule has exceptions, however:

1. **If the phrasal adjective appears after the noun it modifies**—*motion for summary judgment*, for example—you need no hyphen. Whereas you would write *bad-faith claim*, you would write *a claim for bad faith*. A well-pled complaint is well pled.
2. **If the first word in a two-word phrasal adjective is an adverb ending in -ly**, you can omit the hyphen because confusion is unlikely. For example, in the phrase *the rapidly changing landscape*, no one will inadvertently conclude

that a changing landscape is somehow *rapidly*—that's just nonsense.

3. **If the phrase comes from a foreign language**, you can skip the hyphen, but, if you wish, you may italicize the foreign phrase. He received an award for his *pro bono* work. To satisfy the new pleading standard, you need not plead the elements of a *prima facie* case. The italics help signify that the phrase should be read as a unit.
4. **If the phrase includes a proper noun**, you simply capitalize the proper noun and omit the hyphen. You cited a Supreme Court case. Your client allegedly stole a Diana Madaras painting.

Some style guides take the same approach to the hyphen that the *AP Stylebook* does to the Oxford comma: The hyphen is optional where the perceived risk of ambiguity is slight. As with the Oxford comma, though, trusting your own perception that something that's crystal clear to you will be equally clear to someone else can be perilous, particularly when you're writing quickly. Moreover, logic argues for the hyphen: It visually joins two words that you intend to be read as a unit. Although some compound modifiers are so familiar and frequently used in the legal field that they may not cause confusion—*criminal defense attorney*, *environmental law class*, *moot court competition*, *business judgment rule*—adding the hyphen increases reader fluency by avoiding even the most momentary miscues. And each time you force your reader to pause, even if just for a millisecond, to extract your intended meaning, you erode reader trust and confidence.

Consistency confers clarity. If you make a habit of hyphenating phrasal adjectives, your reader subconsciously comes to trust that you will signal when to read a phrase as a unit, and that the absence of a hyphen (or some other signal, such as italics, capitalization, or the -ly adverb) means that the reader should treat the words separately. And if you *do* want to say that a defense attorney is, in fact, criminal, you can write *criminal defense attorney* and know that your reader will appreciate your meaning. 



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