

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

THAT, WHICH, AND WHO



The relative pronouns **that**, **which**, and **who** are used to join a dependent clause to the rest of the sentence. They “relate” the clause back to a noun.

- The house that the defendant lived in was on Mulberry Street. (clause relates or refers back to the noun “house”)

If the clause relates to a person, use **who**. If the clause relates to a thing, use **that** if the clause is restrictive and **which** if the clause is nonrestrictive. “Restrictive” means that the clause restricts the meaning of the noun—it helps identify the noun. “Nonrestrictive” means that the clause does not restrict the meaning of the noun, but merely provides additional information about a noun that has already been fully identified.

Clauses beginning with **which** are nonrestrictive and should be set off with commas; **that** clauses are restrictive and should not be set off with commas. **Who** clauses can be restrictive or nonrestrictive.

- The driver who hit the green car was seriously injured. (clause refers to a person and is restrictive because it identifies the specific driver being referred to, so use **who** with no commas)
- The car that the police were chasing reached the intersection first. (clause refers to a thing and is restrictive because it identifies the specific car being referred to, so use **that** with no commas)
- The blue car, which entered the intersection after the accident, was not speeding. (clause refers to a thing and is nonrestrictive because it is not needed to understand which car is being referred to, so use **which** with commas)

Relative clauses that follow proper nouns are nonrestrictive; the reader understands what the noun is without the information in the clause.

- Justice O’Connor, who wrote the dissenting opinion, applied a novel analysis. (clause refers to a person who is completely identified by name, so it is nonrestrictive--use **who** with commas)

Anne Enquist & Laurel Currie Oates, Just Writing 223, 257-58 (4th ed. 2013); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 656-58 (5th ed. 2010).