WHO OR WHOM?

The general rule is to use the pronoun who when it is the subject of the verb and whom when it is the object of the verb (or when it immediately follows a preposition).

However, choosing who or whom can become more complicated in a sentence with multiple verbs where the same pronoun may look as if it is the subject of part of the sentence and the object of another part. For example, the following sentence is correct: “The lawyer represented a woman who he thought was guilty.” (Who is actually the subject of “was guilty,” not the object of “he thought.”)

To determine which pronoun to use, try re-writing the clause that follows who or whom, substituting a personal pronoun for the missing pronoun. If the missing pronoun is “he,” “she,” or “they,” then who is the correct choice; if the missing pronoun is “him,” “her,” or “them,” then whom is correct. (Here’s a memory hint: like whom, “him” and “them” end with the letter “m.”) See the following examples:

- The lawyer represented a woman who he thought was guilty. (“He thought she was guilty,” so who is correct.).

- The woman whom the lawyer represented was guilty. (“The lawyer represented her,” so whom is correct).

- Mr. Smith, who the prosecutor claimed robbed the bank, is in jail. (“The prosecutor claimed he robbed the bank,” so who is correct.)

- Mr. Smith, whom the bank teller identified as the robber, is in jail. (“The bank teller identified him as the robber,” so whom is correct.)

For more information, see Anne Enquist & Laurel Currie Oates, Just Writing 322-23 (4th ed. 2013); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 778-79 (5th ed. 2010); and C. Edward Good, Legal Writing & Its Cure ch. 6 (reprinted in Lawmanac—Clickable Help for Legal Writers 2009).