

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

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 312-13 (3d ed. 2009); 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).