

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

USE THE ACTIVE VOICE



When you write in the active voice, the subject of your sentence does the acting. In contrast, in the passive voice, the subject is acted upon.

- *Active voice:* The batter hit the ball. (the subject, the batter, is doing the action in the verb, the hitting)
- *Passive voice:* The ball was hit by the batter. (the subject, the batter, is acted upon)

Because the active voice is generally clearer and more concise, make a habit of using it unless you have a good reason not to. You can spot passive voice in your writing by looking for some form of the verb “to be.” In some forms of passive voice, you will also see the preposition “by.”

- *Passive voice:* It can be determined that the rule is violated by prosecutors when they fail to research adequately. (17 words)
- *Active voice:* Prosecutors violate the rule when they fail to research adequately. (10 words)

In other forms of passive voice, the writer leaves out the subject, requiring the reader to fill in the missing information.

- *Passive voice:* Every week, all confidential material was shredded and discarded. (Who shredded and discarded the material?)
- *Active voice:* Every week, the company shredded and discarded all confidential material.

Anne Enquist & Laurel Currie Oates, Just Writing 73-76 (4th ed. 2013); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 176-78, 513-18 (5th ed. 2010); C. Edward Good, Legal Writing & Its Cure ch. 7, (reprinted in Lawmanac—Clickable help for Legal Writers 2009).