

WRITING TIP # 12

That and Which

Rule 1 **USE “THAT” WITH A PHRASE OR CLAUSE ESSENTIAL TO THE MEANING OF THE DISCUSSION. DO NOT PUT COMMAS BEFORE OR AFTER THIS ESSENTIAL EXPRESSION.**

All cars that remain in the lot after 10 p.m. will be towed. (“Remain in the lot” is essential to understanding exactly which cars will be towed.)

The police are authorized to seize the crates that contain cocaine. (Tells and limits which crates the police can seize.)

Rule 2 **USE “WHICH” WITH A PHRASE OR CLAUSE NOT ESSENTIAL TO THE MEANING OF THE DISCUSSION. PUT COMMAS AROUND THIS NON-ESSENTIAL EXPRESSION.**

Your car, which was still in the lot at midnight, was towed.
(The commas work like parentheses.)

The police are authorized to seize the crates, which contain cocaine. (Adds an interesting fact: the crates happen to contain cocaine.)

¹ These Writing Tips are adapted in part from Laurel Currie Oates and Ann Enquist, The Legal Writing Handbook (5th ed. 2010); Diana Hacker, The Bedford Handbook (8th ed. 2009); and Gertrude Block, Effective Legal Writing (5th ed. 1999).