

## Passive Voice\*

Lawyers avoid the passive voice because it will often make your sentences longer and more confusing. Passive voice exists when the subject of the sentence is acted upon, rather than committing the action. Typically, a sentence using passive voice will hide the subject of the sentence instead of place it at the beginning of the sentence.

### **Active:**

John kicked the ball.

The union filed a complaint.

The trial judge will deny your motion.

### **Passive:**

The ball was kicked by John.

A complaint was filed by the union.

Your motion will be denied by the trial judge.

Sometimes, students use the passive voice by placing the subject in another clause (“by John”). Often, the student simply leaves out the subject, leaving the reader to wonder who did the action.

Ex:    The ball was kicked.  
          A complaint was filed.  
          Your motion will be denied.

If you are having trouble with identifying passive voice, the best place to start is to highlight the actor (or agent of the verb’s action) in each of your sentences. If the subject follows the verb, you are likely using passive voice.

Rewrite the following sentences to use the active voice, and supply any missing information that you need.

1. Trading in the defendant corporation’s stock was suspended by the stock exchange at 10:17 the following morning.
2. The bank was not notified by either the depositor or anyone else that the ATM card had been stolen.
3. Dept. of Agriculture Form 9-2018 must be filled in and brought to any USDA branch office before any genetically modified sugar beet seed can be planted in an open field.
4. After 180 days, this agreement can be terminated by either party.
5. Two kilograms of an unidentified white powder were discovered in the spare tire well of defendant’s Volvo sedan.
6. Charitable gifts of appreciated assets can be deducted at their fair market value at the time of the gift, and in that way capital gains tax can be avoided.

A word of caution: the passive voice is a stylistic device that can and should be used *when appropriate* to minimize focus on the subject of the sentence.

\*adapted from Richard C. Wydick’s *Plain English for Lawyers* (5<sup>th</sup> ed. 2005).