

# Written Advocacy II: Demand Letters

Advanced Legal Writing

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# Outline

Narratives Revisited

Demand Letters

Assignment

# Organizing Narratives

# Introduce the matter

- ▶ Nature of the dispute
- ▶ Source of the facts, if appropriate

# Introduce the parties and any necessary background information

- ▶ Relationships between the parties, if appropriate
- ▶ Setting information, if appropriate

# Present the facts in chronological order, including any disputed facts

- ▶ Highlight disputed allegations with word choice: (e.g., “Doe claims...,” “Moe alleges”)
- ▶ Consider using a series of short, simple sentences to highlight important facts (e.g., “Wilkins sustained severe injuries from the accident. His right leg was broken in three places. He had three broken ribs. He had a compound fracture in his left arm. He had contusions along his back.”)

# Factual Persuasion

- ▶ Use information to persuade
- ▶ Avoid adverbs

# Anatomy of a Demand Letter

- ▶ Introduction
- ▶ Recitation of Facts
- ▶ Demand
- ▶ Consequences of Noncompliance
- ▶ Date of Compliance



# Introduction

- ▶ Self (Firm)
- ▶ Client
- ▶ Role

“We represent Mr. John Jackson regarding his April 7, 2021 car accident.”

# Recitation of Facts

- ▶ Including all facts that are necessary to understand the claim
- ▶ The recitation should be persuasive
- ▶ Be accurate! It may be worthwhile to obtain client approval of the letter first.

# Demand

- ▶ State the demand as clearly as possible
  - ▶ Exact dollar amount
  - ▶ Specific actions
- ▶ It may be appropriate to use a bulleted list

# Consequences of Noncompliance

- ▶ State the exact consequence of noncompliance, e.g.:
  - ▶ Filing suit
  - ▶ Work stoppage
  - ▶ Eviction
- ▶ Do not draft this like a threat—just as a natural consequence

# Date of Compliance

- ▶ State clearly the deadline for compliance
- ▶ Use a specific date and time (e.g., “by close of business on January 12, 2021”), not a relative date (e.g., “within ten business days”).

# Tone

- ▶ Formal
- ▶ Reasonable
- ▶ No threats, no name-calling
- ▶ Avoid excessive aggression
- ▶ Avoid arguing

# Citations

- ▶ Largely unnecessary
- ▶ One or two case citations may be appropriate

# Potential Ethical Snafus

- ▶ Corresponding with represented party
- ▶ Threatening criminal prosecution
- ▶ Consumer protection laws related to debt collection



# Additional Resources

See Deborah E. Bouchoux, *Aspen Handbook for Legal Writers* 176–81 (5th ed. 2021).

Assignment:	Demand Letter Assignment
Grade:	5% of final grade
Deadline:	March 2, 2022, at 6PM
Word Limit:	600
Special Requirements:	Track hours spent on assignment

# Assignment Details

Your assignment this week is to prepare a demand letter.

All of the sources you need for the assignment are in the document library. The fact sources are the same as for the narrative assignment.

You should track how much time you spend on this assignment.

# Grading Criteria

## ► Overall Appearance

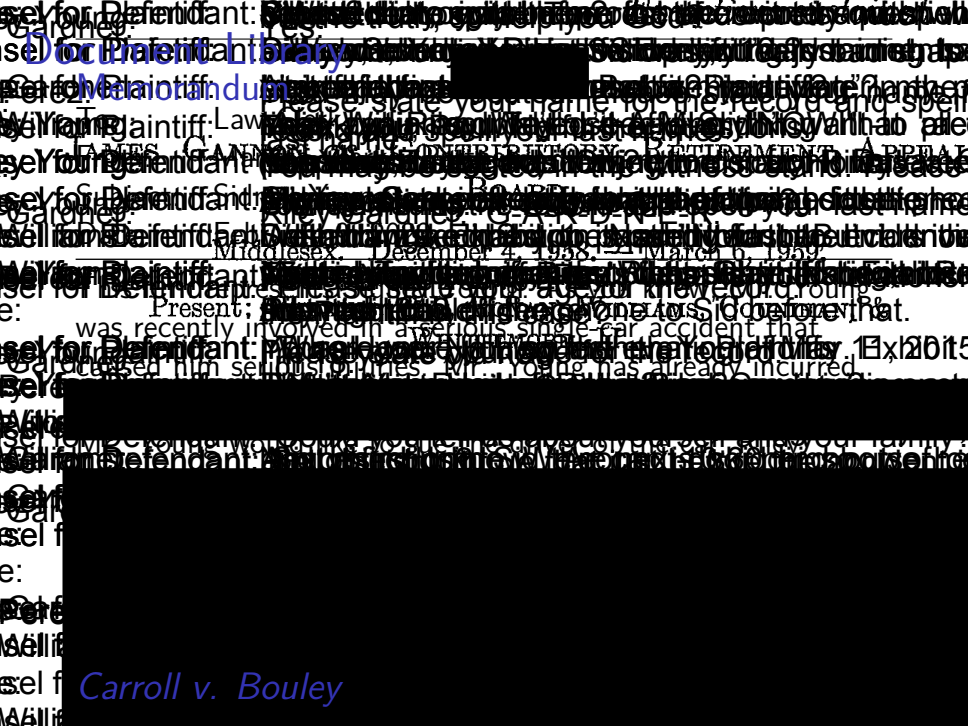
- ☐ Does the letter include all necessary sections?
- ☐ Is the typing and physical presentation neat and in the necessary format?
- ☐ Does the letter comply with the mandated word-count limit?

## ► Introduction

- ☐ Does the introduction identify the author, client, and role?
- ☐ Does the introduction establish the letter's theme?

## ► Factual Recitation

- ☐ Does the writer organize the factual narrative appropriately?



# Document Library

Carroll v. Bouley