

## The Demand Letter (an attorney letter, requiring action from the recipient)

### Drafting Checklist:

**Don't bury the lead.** Identify your most important point and get to it early—in the first sentence or two. This tactic alone will set you apart.

**Spell the recipient's name accurately.** As a guy with a tricky last name, believe me I notice when one spells it properly.

**Act as if your letter will be read by a judge.** If the letter should be excluded as an offer of compromise, then ensure that “Not admissible—for settlement purposes only” is stated.

**Consider using litigation hold language.** Often my letter reminds the reader that he/she has a duty to preserve evidence.

**Cite the facts.** Point to the paragraph in the contract, date of accident, etc. Consider using the phrase “uncontroverted facts” if appropriate.

**Cite the law: statute, case, or both.**

**Add the certified mail number.** Add the certified mail number to your letter, e.g. Transmitted by USPS certified mail no. 7018 0040 0000 2638 7792.

**Deadlines.** If you identify a deadline, give a specific day and time. If your recipient resides in another time zone, then be identify the controlling time zone, e.g. offer ends July 19, 2019, at 5:00 P.M. Oklahoma time.

**Add your bar number.** In Oklahoma, its required but frequently ignored.

**Ensure that your website is in tip-top shape.** Expect the recipient to google you after reading the letter.

**Proof.** On the bet-the-farm demand letter, ask another attorney to read it.

**Restrict contact.** If the letter is to a non-attorney, consider asking the recipient to not contact your client.

**Be civil.** Say it without being snarky.