

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