

**Assignment: Demand Letter****Task:** To draft a demand letter to an opposing party in a dispute.

**Group work** (in class): Your group is a small law firm. One of your clients has a dispute with another person or a business. As a group, brainstorm what the dispute is. For example, someone (or some company) may owe your client money, or may have been negligent in performing a service for your client (like drycleaning), or may negligently failed to "scoop their dog's poop" which ruined your client's new shoes. Be creative!

By the end of this class session, your group should agree on the following (fill it in below):

Your law firm's name and address: \_\_\_\_\_Your client's name: \_\_\_\_\_The name and address of the other party to the dispute: \_\_\_\_\_The nature of the dispute: \_\_\_\_\_The relief your client desires (e.g., money, or a service to be performed, etc.): \_\_\_\_\_

**Individual work:** You are a paralegal at your group's law firm. Your supervising attorney has asked you to draft a demand letter to the other party to the dispute, requesting that she/he/it provide your client with the relief desired. Draft the letter. Type and double-space it, and follow business letter format (as on the reverse and in M&M pp. 253-262). In our next class, we will share letters and make suggestions to help you with your final drafts, which are due in class Monday, May 9. They will be graded according to the rubric below.

	Good	Passable	Poor	None
<u>Content:</u> Responds to assignment thoroughly and accurately.	3	2	1	0
<u>Format:</u> Follows appropriate format.	3	2	1	0
<u>Tone:</u> Adopts appropriate tone.	3	2	1	0
<u>Mechanics:</u> Proper grammar, spelling, and language; sufficient proofreading.	3	2	1	0

From M+M pp. 259-262

## Demand Letters

Another basic type of letter is the demand letter. In a demand letter, one party explains its legal position in a dispute and demands that the recipient take some action. Typically, an attorney will send a demand letter before filing a lawsuit against a person or company. In fact, sending a demand letter may even be required, such as in many cases involving consumer-protection violations. Suppose your supervising attorney asks you to draft a letter demanding that a company pay a debt it owes to a client. Your demand letter would summarize the relevant facts, demand payment by a certain date, and say that the client will sue if the company does not pay the debt.

The demand letter should adopt a serious and forceful tone, and the client's demand must not be frivolous. Although the letter should be insistent and adversarial, it should not come across as unreasonable or harassing. After all, a demand letter seeks to accomplish something. For a sample demand letter, see Exhibit 8.7

on page 262. It covers the common situation of demanding that an adversarial party respond to a settlement offer in a lawsuit.

demand letter

A letter in which one party explains its legal position in a dispute and requests that the recipient take some action, such as paying money owed.

### EXHIBIT 8.7

#### A Sample Demand Letter

**Jeffers, Gilmore & Dunn**  
553 Fifth Avenue  
Suite 101  
Nita City, NI 48801

Telephone (616) 555-9690  
Fax (616) 555-9679  
e-mail: JGD@nitanel.com

June 13, 2014

Christopher P. Nelson, Esq.  
Nelson, Johnson, Callan & Sietz  
200 Way Bridge  
Philadelphia, PA 40022

RE: *Fuentes v. Thompson*

Dear Mr. Nelson:

This morning, I met with my clients, Eduardo and Myrna Fuentes, the plaintiffs in the lawsuit against your client, Laura Thompson. Mr. and Mrs. Fuentes expressed a desire to withdraw their complaint and settle with Ms. Thompson. The Fuentes' settlement demand is \$50,000, payable by certified check no later than July 15, 2014. We think that you and Ms. Thompson will find this offer quite reasonable. After all, given the strength of the Fuentes' claims, a jury award exceeding \$200,000 is quite possible.

If you plan to take advantage of the Fuentes' settlement offer, please contact me by the close of business on Friday, June 20, 2014. If we do not hear from you by that date, we will assume that you have rejected our demand and we will proceed with litigation.

Very truly yours,



Allen P. Gilmore  
Attorney at Law

APC/ec

Mun, Sun & Rod LLP  
 300 Jay Street  
 Brooklyn NY, 11201  
 Telephone: (718).555.1235  
 Fax: (718).123.9876  
 Email: [munsunrod@hotmail.com](mailto:munsunrod@hotmail.com)

May 4, 2016

*Account!!*

Tim Cook,  
 Bruce Sewell  
 1 Infinite Loop  
 Cupertino, CA 95014

*meetings/discussions are privileged so best not to reference them.*

RE: Apple Co. v. Chopin

Dear Mr. Sewell:

This morning my employer met with our client, Ingrid Chopin, a previously longtime customer of Apple products and Apple iPhone who recently underwent multiple surgeries after suffering an unfortunate accident caused by your company's product. On March 26<sup>th</sup>, Miss Chopin was using her Apple iPhone when it exploded in her hands while holding it to the side of her face. Due to this she now has permanent Tinnitus and third degree burns to the right side of her face. Because of this life altering accident caused to our client, Miss Chopin asks that she receive the sum of \$10,000 a month for the rest of her life.

Being that our client does have a case here and a jury would reward her an exceeding amount, we feel that our offer is reasonable. If we do not hear from your offices by May 25<sup>th</sup>, we will assume you wish to proceed with the litigation process.

Sincerely,

*u 15!*

**Demand Letter Rubric**

Prof. K. Coughlin

Name: \_\_\_\_\_

Score: 12 / 12

	Good	Passable	Poor	None
<u>Content</u> : Responds to assignment thoroughly and accurately.	3	2	1	0
<u>Format</u> : Follows appropriate format.	3	2	1	0
<u>Tone</u> : Adopts appropriate tone.	3	2	1	0
<u>Mechanics</u> : Proper grammar, spelling, and language; sufficient proofreading.	3	2	1	0

**Les Trois Mousquetaires LLP**  
**300 Jay Street, floor 11<sup>th</sup>**  
**Brooklyn, NY 11201**  
**Telephone: (718) 765 4321**  
**E-mail: [lawsuit@tmousquetaires.com](mailto:lawsuit@tmousquetaires.com)**

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May 9, 2016

Stevenson Joseph  
Legal Representative  
Apple  
1 Infinite Loop  
Cupertino, CA 95014

Re: Chopin v. Apple

Dear Mr. Joseph:

I represent Ms. Ingrid Chopin in the lawsuit she has recently filed against your company, Apple. On April 15, 2016, Ms. Chopin purchased an iPhone 6S directly from the Apple website. She was very pleased with her new gadget until 10 days later when the device exploded right in her ear while she was talking on the phone. The incident causes severe injuries to the entire right side of her head, including her face. Copies of the sale receipt and the medical evaluation are enclosed.

My client is understandably anxious to seek full recovery under the Law. However, to avoid protracted litigation, she is willing to allow me to explore settlement possibilities. Ms. Chopin has authorized me to make the following offer: she will ~~admit to~~ dismiss the suit if your company remits payment in the sum of \$250 000. I believe this is quite a reasonable offer; given the seriousness of her injuries, a jury award would be a lot more. *(You don't know for sure)*

This settlement offer will remain open until June 9, 2016. Please contact me by that date if your company would like to take advantage of it. If I do not hear from you, we will assume you have rejected our demand and we will proceed with litigation.

Very truly yours,

**Demand Letter Rubric**

*Prof. K. Coughlin*

Name: \_\_\_\_\_

Score: 12 / 12

	Good	Passable	Poor	None
<u>Content</u> : Responds to assignment thoroughly and accurately.	3	2	1	0
<u>Format</u> : Follows appropriate format.	3	2	1	0
<u>Tone</u> : Adopts appropriate tone.	3	2	1	0
<u>Mechanics</u> : Proper grammar, spelling, and language; sufficient proofreading.	3	2	1	0

Name: \_\_\_\_\_

Score: 9 / 12

	Good	Passable	Poor	None
Content: Responds to assignment thoroughly and accurately.	3	2	1	0
Format: Follows appropriate format.	2	2	1	0
Tone: Adopts appropriate tone.	3	2	1	0
Mechanics: Proper grammar, spelling, and language; sufficient proofreading.	3	2	1	0

Khan, Abel & Carpio  
 283 Wooster Street  
 Brooklyn, NY 11211  
 Telephone 718 222 5555

May 2, 2016

David Smith

Smith, Johnson, & Moore

367 Park Avenue

Manhattan, NY 11267

Dear Mr. Smith:

Yesterday I met with my client, Chris Brown in regarding the lawsuit against your client Rihanna when she struck Mr. Brown with a flower pot as he was innocently walking down the street. He is suffering from severe head trauma and maybe a small portion of brain damage which may cause for his singing career to be over. with this attempted murder allegation we are willing to drop the lawsuit and settle with a demand of \$1,000,000 by check no later than June 13, 2016. This is a quite reasonable offer based off your income and my client's mental and physical trauma and a jury award of \$2,000,000 is possible.

It would be wise to take up this offer. Contact me before the demand date of June 13, 2016 if you accept.

Sincerely,

Paralegal

*- you use good, serious tone.  
 This could be much more professional without the many grammar - other errors noted.  
 Please proofread more carefully, and possibly seek grammar/writing help from the college. I'd be happy to work with you on that if you'd like.*

*This seems to separate refer to a separate criminal case? unnecessary here.*

*for payment*

*the check that*

**Assignment: Client Interview**

**Task:** In your same group from the Demand Letter assignment, and using the same dispute, prepare for and participate in a paralegal's interview of a client.

**Preparation** (today): FLIP the demand letter dispute! Now you work for the firm representing the other side. For example, if your group used the dispute between Derek Jeter and David Wright about the baseball bat, and previously represented Derek Jeter, now you represent David Wright. 😊 Together with your group, determine the following information, using the back of this sheet if necessary, to be submitted at the end of today's class:

The nature of the dispute: \_\_\_\_\_

\_\_\_\_\_

Your client's name: \_\_\_\_\_

The opponent's name (the other party to the dispute): \_\_\_\_\_

Your client's position (her/his side of the story, her/his defense to the opponent's claim, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Information that should be obtained from your client during the interview (questions you should ask, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Mock interview** (next class): Each group will present to the class a mock interview of their firm's client, conducted by one or more paralegals. Roles of paralegal and client will be determined at the beginning of class. Each presentation should take seven to ten minutes and should include (a) a brief explanation/summary of the dispute, (b) introduction of each participant and her/his role (client or paralegal), and (c) the interview itself. Each student must participate meaningfully and will be graded according to the rubric below. After each interview, the class will provide constructive verbal comments.

**Client Interview Rubric**

*Prof. K. Coughlin*

Name: \_\_\_\_\_ Role: Paralegal / Client Score: \_\_\_\_\_ / 12

	Good	Passable	Poor	None
<u>Preparation:</u> Sufficient thought and effort were dedicated to preparing for interview.	3	2	1	0
<u>Organization:</u> Interview followed a logical sequence.	3	2	1	0
<u>Questions/Responses:</u> Paralegal asked questions that were useful and of varying types; Client provided responses that were useful and appropriate.	3	2	1	0
<u>Presentation:</u> Paralegal/Client spoke clearly and used appropriate language.	3	2	1	0