

Wednesday, November 18, 2020 (Intro class 23 of 30!)

Today: Legal writing continued!

- Demand letter assignment!
- Legal correspondence!
- Other forms of legal writing!

Fri. Nov. 20 (Civ Pro):

- Full draft summons & verified cmplt. due by email 10am.
- Read C&W ch. 10 (Service of Papers), email thoughtful Q/response by 1pm.

Mon. Nov. 23 (Intro):

- Draft demand letter due by email 10am.
- FYLC Collaborative Assignment #3 due on OL end of day.

Wed. Nov. 25:

- Final demand letter due by email end of day.
- College on Friday schedule! *But we will not meet.* ☺

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To avoid liability for unauthorized practice of law, a paralegal who drafts an opinion letter at the request of an attorney:

- (A) **should not sign his own name to the letter!**
(B) may sign her own name, if she indicates that she is a paralegal
(C) may sign his own name, if the attorney permits him to do so
(D) none of these choices are correct

At the request of Attorney Anna, Paralegal Pete prepares a letter to Addressee Andre. The letter forcefully requests that Andre pay Anna's client, Carla, an amount of money that Andre owes Carla under a contract between Andre and Carla. What type of letter has Paralegal Pete drafted?

A demand letter!!

Legal correspondence = letters! *addressing issues that arise in law practice.*

- to clients, witnesses, opposing counsel, courts, others.
- NOT internal legal memoranda!! *In contrast to those, correspondence goes outside the firm.*
- (Mostly) NOT confidential! *Except most (but not all) letters to client.*

Some common types of legal letters! See M&M samples posted in "class notes & materials" for today.

- **Informative** letters → convey information to the recipient
- **Confirmation** letters → confirm and summarize conversations that occurred
- **Opinion** letters → provide attorney's legal opinion and advice to a client
- **Demand** letters → explain a party's legal position to an opponent, and demand certain relief (or they may sue)

Demand letters = "demand" an action by recipient to resolve a dispute

- explain the sender's legal position to an opposing party
- if the demand is not met, the sender might sue!

Confirmation letters = confirm conversations that took place

- summarize what was discussed
- to prevent any misinterpretation or misunderstanding

Informative letters = convey information to recipient

- such as a client, or opposing counsel, or a witness, or court
- includes "update letters" to clients
 - *such as new info* about their case, or a recent court decision
 - *should include general background* and *recent developments* – *NOT* everything since the beginning of the case!

Opinion letters = attorney gives client a legal opinion or legal advice

- a/k/a "advisory letter"
- always must be signed by an attorney!

Other forms of legal writing!

Pleadings = documents filed with (in) a court by parties to a case

- state the parties' claims and defenses
- include P's summons and complaint, D's answer

Motions = request to court to provide some interim relief in a case

- like an extension of time, or an order that a party must provide information

Discovery documents = sent to opposing counsel, seeking or providing information related to a case

- subpoena requesting documents or testimony (deposition)
- interrogatories requesting information (responses)