

CHAPTER-6



PROFESSIONAL SKILLS DEVELOPMENT

LETTER WRITING

- Letters to Clients

- It serves a similar purpose as the objective memorandum
- The client letter is used to inform your client of your legal opinion on a particular question, and offer any advice you have to offer, for the purpose of allowing your client to make an informed legal decision
- The content and structure is similar to objective memorandum
 - However, unlike the objective memorandum, which is usually written for other attorneys, the client letter is written to non-legal experts

Cont'd

- The format should include the following content:
 - Heading
 - Introductory paragraph and the statement of the issue
 - The introductory paragraph states the issue or objective of the letter
 - The statement of the issue serves two purposes
 - It lets the client know that you have heard and understand the issue correctly
 - To protect the attorney
 - Your ultimate conclusion and advice is based on a particular set of facts, and if those facts do not materialize or are somehow different than they were communicated to you, your conclusions and advice may be different

Cont'd

- Opinion

- When your opinion is positive, you may wish to include it early in the letter
- If it is negative, better to state it later in the letter in order to present your reasons to the client so that they may better understand your opinion
- In either case, the opinion should not give any absolute guarantees

- Summary of the facts

- It will establish that you have heard and understood your client's issue, and
- It offers some protection to you in case the facts are not as they were relayed to you, or for some reason of change

Cont'd

- Explanation

- It allow your client to make an informed decision
- You should give not only your opinion, but also the legal basis for your opinion
- It should be concise as compared to the objective memorandum
 - If the client wants more explanation, you may offer him to read the objective memorandum

- Advice

- Include a separate advice section which outlines the pros and cons of each possible course of action, and which one you think is the most advantageous

Cont'd

- Concluding paragraph
 - It is not simply a reiterate of your conclusions, advice, or explanation
 - It informs your client of what is to happen next
- Warnings
 - You may include an explicit warning to your client that what you have written represents your legal opinion, based upon the current law, and the facts as you understand them
 - However, you should avoid sending the wrong message, i.e., that you are not confident in your advice

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- Letters to Adversaries: Demand Letters and Settlement Letters
 - They differ in from client letters in tone and purpose, but are similar in format
 - The purpose of the demand letter is to assert your client's legal position and demand that his or her opponent take a particular course of action
 - Ex: paying rent past due or cease from a particular action
 - Refrain from copying protected material

Cont'd

- Its tone
 - An attorney should avoid stating that he or she 'understands' or 'sympathizes' with the opponent, or that they can 'see their point of view'
 - There is no need to pacify the other side in order to establish the proper professional relationship
 - Just assert the rights of the your client
 - It should not insult or dismiss or belittle
 - You should observe the legal ethics
 - Other wise it will weaken the persuasive strength of your letter
- The purpose of the settlement letter is to assert your client's legal position, and offer a settlement or request settlement negotiations

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- Client interviews
 - It requires strong listening and questioning skills, and
 - A full understanding of the dimensions of the client's problem