



Personal Injury Book of Letters
Desk Reference Manual

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Personal Injury Book of Letters Fifth Edition

General Information

Law is a profession of language. It requires precise thought and the ability to convey subtle meaning and complex concepts verbally and through the written word. The correspondence we send becomes a representation of our firms. It conveys our professionalism and what we stand for. And in personal injury practice, for a file to move forward, communication, whether it is between the counsel, between counsel and client, or between counsel and witnesses – is essential.

Our correspondence can be simple and factual or detailed and complex. By our choice of vocabulary we can persuade the recipient and by our tone we can change their attitude - for good or bad.

The choice of paper, spacing on the page and font style are all chosen to make a subtle impression on the recipient. The clarity of thought and meaningful presentation of the information contained in our correspondence builds on that impression. And through these impressions, the recipients will form opinions about us and about our abilities as legal opponents, so it is important to elevate the quality of our correspondence by eliminating simple errors and inadvertent omissions.

And this is where the use of precedent letters can assist us in that goal.

The *Personal Injury Book of Letters* was created as a resource for law firms and their staff to draw from as a guide to the many letters that may be written through the life of a file. It contains very standard “please find enclosed” letters to more complex ones and those which address unusual situations. These letters provide examples of accepted, everyday language currently in use in law practices oriented to litigation. The *Personal Injury Book of Letters* is intended for firms, counsel and support staff who are new to personal injury in both plaintiff and defence practices.

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The value of precedent letters

The benefits of utilizing precedent letters are to save you time and to avoid having to draft a letter anew each time a similar situation arises. This reduces the opportunity for typographical and grammatical errors and omissions of necessary content.

The downside to precedent letters is that if not properly organized in a directory system, situation specific information can be inadvertently transferred into a new letter. Referring to your client as Mr. Jones in a letter which is being written on Mrs. Singh's file defeats the purpose of using a precedent letter and contributes to a “wrong impression”.

Heavy reliance on precedent letters may also indicate that insufficient individual attention is being paid to the needs of each file. Precedent letters make a great jumping off point to get you going but are not a substitute for independent thought being applied to the case at hand.

We have taken care not to imply or provide legal advice in the *Personal Injury Book of Letters*. Precedents are valuable tools but do not replace experience and legal knowledge as it relates to the drafting of a specific letter. The lawyer's strategy, judgment and the application of substantive law must still be brought to bear.

How this manual is organized

This edition is divided into ten distinct sections:

- Section A – Initial Letters to Clients
- Section B – Service and Exchange of Pleadings
- Section C – Discovery Phase
- Section D – Chambers Applications
- Section E – Pre-Trial Examination of (Non-Party) Witness
- Section F – Document Collection
- Section G – Expert Witnesses
- Section H – Trial Mediation
- Section I – Bills of Costs
- Section J – Miscellaneous

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In many of the letters you will find optional paragraphs. These illustrate common variations associated with the purpose of the letter, or different tones that you may want to employ to address the situation. For example, if you are writing a letter to opposing counsel yet again to request production of a List of Documents, you may want to make that request in a more emphatic tone. The letters contained in the *Personal Injury Book of Letters* are generically presented letters to which you will add your own style, experience and context that naturally flow from the file.

Opposite each letter is an information box that sets out the intended recipient of the letter, the purpose or goal of the letter, reference to the applicable Rules of Court or legislation, and practice tips and suggestions.

Maximizing the use of this book

Make this book a live book. You will from time to time develop a letter that consummately addresses a situation particular to your area of law or the style of your firm. Add this letter in the appropriate tab so you can easily refer to it the next time. When you come across that perfect “turn of a phrase”, be it in your own letters or one you receive from someone else, make a precedent letter of it. Take a few minutes to note down what it is about this letter that makes it special.

If you draft letters for several lawyers, you will know that each of them has a preferred approach to their correspondence. Saving their letters as precedents will make it easier to manage their different requirements.

While it has not been possible to anticipate every letter that might ever be exchanged between law firms, we have covered the basics of the average litigation file and included some less common letters. We expect to make annual additions to ensure the *Personal Injury Book of Letters* continues to be a resource that reflects current practice.

Finally, the enclosed CD provides the precedent letters in MS Word format.

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