



Law Courts Center  
Legal Education Center

# PERSONAL INJURY BOOK OF LETTERS

**For sole practitioners, paralegals & legal secretaries!**

This desk reference manual is a compilation of precedent letters commonly exchanged in the process of litigating a personal injury action.

Precedent letters can save you time and are an efficient way of addressing correspondence standard to most litigation files.

Each letter contains an introduction box that notes the intended recipient of the letter; the intention / goal of the letter and identifies the stage of litigation and in certain letters the applicable rule or legislation that provides the authority for the content of the letter.

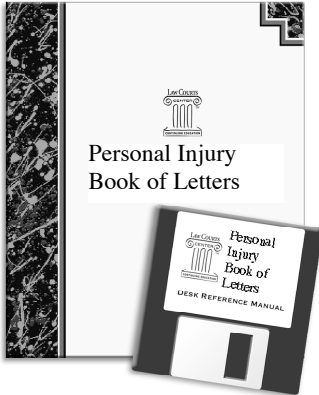
Letters are integral part of moving the litigation file forward. You will use them to send out retainer letters, exchange pleadings, request discovery and production of documents, serve chambers applications, notify witnesses, instruct experts, and communicate about trial, mediation, settlement and costs.

These letters are a starting point in the thought process and provide you with beneficial tips to consider for each letter.

You will find optional sentences or paragraphs noted in *italics*. These will provide you with alternative approaches to take with the correspondence, and provide suggestions for different wording.

An index of the manual is set out on the opposite side of this page.

Free updates are included for the first year of subscription.



“Simplify the process of writing personal injury legal correspondence. We have provided you with precedent letters to assist with many scenarios associated with the litigation process.

DEE ROGERS,  
Leslie McDougall  
Co-authors

”

**BUY YOUR COPY NOW!**

## ORDER INFORMATION

Please send my a copy of the Personal Injury Book of Letters @ \$225 + 5% GST = \$236.25

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150-840 Howe Street Vancouver, BC Canada V6Z 2L2

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## A. Initial letters to clients

- retainer letter to plaintiff
- initial letter to insurance company requesting file material
- initial letter to plaintiff's counsel from defence counsel advising of being retained
- initial letter to defendant insured re: representation
- initial letter to insured re: follow up
- initial letter to insured re: limits problem
- initial letter to breached defendant, no representation
- letter to uninsured defendant re: intervention

## B. Service and Exchange of Pleadings

- service of writ (and statement of claim) to ICBC (section 22)
- substitutional service pursuant to Rule 12
- service on municipality pursuant to section 286 of the *Local Government Act*
- letter to Public Guardian and Trustee of British Columbia re: notice to proceed
- service of statement of claim on opposing counsel/ICBC litigation department
- follow up letter requesting Appearance (and statement of defence) to defence counsel (default)
- service of statement of defence on plaintiff's counsel
- service of the plaintiff's reply to opposing counsel
- letter to opposing counsel re: amendment of pleading

## C. Discovery Phase

- delivery of demand for discovery of documents and notice to produce
- delivery of list of documents
- request for copies of documents from list of documents
- provision of documents from your list of documents (noting redactions for privilege and relevance)
- request for better particulars re: privileged documents noted in Part III
- request for updated list of documents from opposing counsel
- letter to opposing counsel enclosing appointment to examine for discovery
- letter to client enclosing appointment to examine for discovery
- letter to defendant explaining discovery obligations
- request to opposing counsel for information requested at examine for discovery
- request to client for information requested at examine for discovery
- report letter to adjuster after examine for discovery
- delivery of notice to admit
- letter responding to notice to admit
- letter re: lack of response to notice to

- delivery of interrogatories on opposing counsel
- provide interrogatories to client
- reminder to opposing counsel re: response to interrogatories
- delivery of affidavit in reply to interrogatories
- delivery of reply to interrogatories in letter format
- letter to opposing counsel re: interrogatories - too broad
- letter to opposing counsel re: objection to interrogatories
- letter from opposing counsel re: comments about objections

## D. Chambers Applications

- letter to party enclosing affidavit to be sworn
- letter to opposing counsel serving chambers application
- letter to opposing counsel enclosing response to chambers application
- letter to third party serving chambers application
- letter to third party enclosing entered order
- letter to third party re: failure to comply with entered order

## E. Rule 28 - Pre-trial examination of (non-party) witness

- letter to witness with material evidence (enclosing questions)
- reminder letter to witness to respond
- notice to witness re: chambers application
- letter to witness after successful chambers application (enclosing subpoena)
- letter to opposing counsel advising of date and time of examination of non-party witness

## F. Document Collection

- letter to counsel for the Plaintiff (enclosing authorizations for plaintiff's signature)
- reminder letter to counsel for the plaintiff re: authorizations
- letter to opposing counsel (enclosing Halliday style authorizations)
- letter to defence counsel objecting to Halliday style authorizations
- letter to defence counsel (enclosing Jones style authorizations)
- letter to third party requesting copies of documents
- letter to employer requesting employment details/file
- letter to third party enclosing pre-payment for records
- letter to opposing counsel enclosing consent order for signature re: production of documents
- letter to third party enclosing consent order for signature re: production of documents
- letter to third party enclosing entered consent order (including instructions re: obligations under the terms of the order)
- letter to ICBC Information and Privacy Department requesting a copy of the

- letter to treatment provider / physician requesting copies of documents
- letter to BC Coroner requesting file
- letter to GP requesting narrative report

## G. Expert Witnesses

- retainer letter - 40A requirements
- retainer letter - economist
- retainer letter - traffic light sequence
- retainer letter - engineer
- retainer letter - neuropsychologist (raw test data)
- retainer letter - life expectancy expert
- retainer letter - xrays
- retainer letter - toxicologist
- retainer letter - accident scene analysis
- retainer letter - bicycle helmet analysis
- letter to plaintiff re: independent medical examination
- letter to doctor with instructions re: independent medical examination
- letter to opposing counsel re: exchange of report from independent medical examination

## H. Trial/Mediation

- letter to opposing counsel requesting estimate of the number of trial days needed
- letter delivering notice of trial (or trial certificate/ trial record)
- letter delivering notice requiring trial by Jury
- letter to opposing counsel re: trials heard together
- letter to opposing counsel re: pre-trial conference / agenda
- letter to opposing counsel serving expert report pursuant to Rule 40A
- letter to opposing counsel objecting to expert 40A report
- letter to opposing counsel requesting expert for cross-examination at trial
- letter to opposing counsel giving notice pursuant to Rule 40(13)
- letter to opposing counsel proposing mediation
- letter to lay witness enclosing subpoena / conduct money
- letter to opposing counsel re: Calderbank offer to settle
- letter to opposing counsel/adjuster enclosing the full and final release of all claims
- letter to plaintiff's counsel enclosing notice of discontinuance

## I. Bills of Costs

- letter to counsel for unsuccessful party enclosing bill of costs
- letter to opposing counsel delivering Appointment (to assess)

## J. Miscellaneous

- initial letter to adjuster/claims examiner
- letter submitting receipts for reimbursement
- letter to adjuster/claims examiner requesting tort advance