

Information or instructions: letters to clients regarding discovery requests

PREVIEW

1. This section contains several letters which may be used to inform clients of pleadings which have been filed in pending litigation. The letters request the client take some action to assist their attorney, such as provide information or documents requested pursuant to discovery requests.
2. The letters may also be used to transmit copies of pleadings which have been filed in the case.
3. The letters also inform the client of the importance of motions, pleadings or discovery requests which have been filed in the client's case.
4. The letter further advise the client that he/she must comply with the requested information in a timely manner due to court imposed deadlines. Many of the letters also inform the client of the consequences for their failure to timely comply with their attorney's request.
5. Due to increasing malpractice litigation, attorneys may want to go the ``extra mile" to make sure that their clients are advised of litigation pitfalls.
6. If the attorney does not warn the client of the consequences for failing to produce documents or provide requested information in interrogatory requests, and subsequently the client loses the lawsuit for failure to be able to introduce the evidence, he or she may sue the attorney.

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7. The client may contend that it was the attorney's fault that the client lost the lawsuit. The client may argue that the attorney was negligent by failing to advise the client of the consequences of his or her actions.

8. Attorneys are also being sued, because clients contend they did not understand litigation, effect of releases and other items that the attorney may have assumed the client understood.

9. Separate letters are used to inform the client of the following discovery requests:

- a. Amended pleadings,
- b. Request for Admissions
- c. Interrogatories,,
- d. Notices of Deposition and,
- e. Request for Production of Documents.

THANK YOU

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According to the following letters should give rise to a rebuttable presumption that the attorney properly advised the client.

10. Procedure

PREVIEW

a. Insert the client's name in the appropriate spot, the type of pleading, the due date and action requested of the client.

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Form: Letter to a Client Regarding an Amended Pleading

PREVIEW
[Date]

ATTORNEY-CLIENT COMMUNICATION: THIS DOCUMENT AND ITS CONTENTS CONSTITUTE LEGALLY PRIVILEGED INFORMATION

[Client's name]
[Client's address]

Regarding [Style and number of case] Amended Pleading

Dear [Client's salutation]:

Enclosed is a copy of an amended pleading which we have received in your case.

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The effect of this pleading is to [explain the amended pleading and its effect on the client's case. for example: The amended pleading advances the following new claims: List the amendments]

Please review this important legal document and contact me within five days so that we may discuss this and decide what, if any, action should be taken.

Very truly yours,

THIS DOCUMENT
[Attorney's name]

Certified Return Receipt Request Number:

Form: Letter to a Witness Requesting Information

[Date]

ATTORNEY-CLIENT COMMUNICATION: THIS DOCUMENT AND ITS CONTENTS CONSTITUTE LEGALLY PRIVILEGED INFORMATION

[Witness's Name]
[Witness's Address]

THANK YOU

Regarding [style of case or summary of matter]

Dear [Witness's First Name]:

Please be advised that the undersigned law firm represents [client's name]. Please do not be alarmed by this letter. This is not a demand letter. I am merely requesting your assistance so that we may properly represent our client in the above-referenced matter.

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My client has informed me that you were a witness to the incident or have information concerning the incident]. We are in the process of investigating the facts surrounding the matter and would greatly appreciate the opportunity to discuss the above with you. We would like to take your statement over telephone or meet with you in person to go over this matter.

Please call me at the above number at your earliest convenience so that we can discuss this matter.

Thank you in advance for your cooperation.

Very truly yours,

PLEASE DO NOT COPY
[Attorney's name]

THIS DOCUMENT

THANK YOU

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