

## Drafting an Effective Demand Letter

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Prior to litigation, it is common for an aggrieved party to send the other side a demand letter setting forth the nature of the grievance and a demand that certain conduct “cease and desist” and/or that payment be made to settle the dispute.

In my experience, while demand letters more often than not fail to resolve the matter, they occasionally can be effective. Every case, of course, is different. Yet it is important to note that a well-crafted demand letter increases the likelihood of effectiveness, while a weak demand letter increases the likelihood of it being disregarded.

A few observations: (1) Good demand letters set forth in coherent detail the factual basis for the demand. (2) If there are documents that govern the resolution of the dispute, such as a signed contract, those documents are included as attachments. (3) The letters are addressed to a particular person, rather than to “Dear Sir/Madam”. (4) The letters are sent by certified mail so that there is proof of receipt. (5) Occasionally, demand letters will be accompanied by a Civil Complaint yet to be filed. (6) The letters will require a response by a date certain.

In contrast, when letters are written in a “stream of consciousness” way; when there are no accompanying documents provided to review; when there is no request for a response by a particular date; *etc.*, they telegraph that the writer is hopeful for a resolution but not prepared to litigate the dispute.

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