

Letters

LAYOUT 1

The letter opposite is from a private individual in Finland to a law firm in the UK. It shows the basic features of a simple legal letter.

Sender's address

In correspondence that does not have a letterhead ►see page 9, the sender's address is placed in the top right-hand corner of the page. Note that commas (,) do not appear after the separate lines of the address: it is not usual to put punctuation in addresses these days.

The *blocked style* is the most widely used, i.e. each line starts directly below the one above.

In contrast with practice in some countries, in the UK it is not usual to write the sender's name before his or her address. The sender's name should, however, appear in type beneath the complimentary close ►see page 9.

Date

The date is written directly below the sender's address, separated by a line space. In correspondence with a letterhead, it is usually written on the right-hand side of the page.

In British English, it is usual to write the day of the month first, then the month, then the year. The day should be written as a numeral, the month as a word, and the year as a numeral. No punctuation should be used between different parts of the date. For example, 3 November 2004.

In American English, it is usual to write the month first, then the day of the month, then the year. The month should be written as a word, the day as a numeral with the abbreviation *-th*, *-st*, *-nd* as appropriate, and the year as a numeral. It is usual to place a comma after the day. For example, November 3rd, 2004.

Because of the differences between British and American conventions, the date should not be written in figures. To do so might be confusing. For example, 11.03.07 would mean

11 March 2007 in British English but November 3rd, 2007 in American English.

Inside address

The inside address, the address of the person to whom correspondence is sent, is written below the sender's address and on the left-hand side of the page, and positioned so that it is visible in the envelope window.

Surname known

If you know the name of the person you are writing to, write it as the first line of the address. Include either the person's initial/s or his / her first given name, e.g. Mr J. E. Smith or Mr John Smith, NOT Mr Smith.

Courtesy titles used in addresses are:

- Mr (pronounced /'mɪstə/) is the usual courtesy title for a man. (The unabbreviated form *Mister* should not be used.)
- Ms (pronounced /mɪz/ or /məs/, no unabbreviated form) is used for both married and unmarried women. It is often used whether or not you know if the woman is married and it is certainly advisable to use this form of address when you are unsure, or do not know which title she prefers.
- Mrs (pronounced /'mɪsɪz/) may be used for a married woman. (The unabbreviated form is the archaic and never used *Mistress*.) The variants *Missus* and *Missis* occur in humorous or informal writing; they should not be used in legal or business contexts.)
- Miss (pronounced /mɪz/, not an abbreviation) may be used for an unmarried woman.
- Messrs (pronounced /'mesəz/, an abbreviation for the French *Messieurs*, which is never used in English legal or business contexts) is used occasionally for two or more men, e.g. Messrs B. Johns and R. M. Hardwick. More commonly it forms part of the name of a firm (often a partnership rather than a company), e.g. Messrs Hardwick, Castle, and Clarke. It is somewhat old-fashioned.

1 Sender's address

1 Jukka Virtanen
Korvatie 11A
00100 Helsinki
Finland

2 Date

2 7 March 20—

3 Inside address

3 Messrs Turner, Jones, Smith & Co.
Worcester House
7 Old Hall Street
Oxford
OX1 7PB
UK

4 Attention line

4 For the attention of the Residential Property Department

5 Salutation

5 Dear Sirs

6 Subject title

6 Purchase of The Croft, Whittlington

7 Body of letter

7 Your firm has been recommended to me by one of your long-standing clients, Mr Simon Jones. Briefly, I have agreed to purchase the above property and wish to instruct a competent firm of solicitors to handle the conveyancing. I should be grateful if you would kindly send me a copy of your standard terms and conditions by return of post.

8 Complimentary close

8 I look forward to hearing from you.

Yours faithfully

9 Signature

9 *Jukka Virtanen*
(Mr) Jukka Virtanen

Other courtesy titles include academic or medical titles, e.g. *Doctor (Dr)*, *Professor (Prof.)*; military titles, e.g. *Captain (Capt.)*, *Major (Maj.)*, *Colonel (Col.)*, *General (Gen.)*; and aristocratic titles, e.g. *Sir*, *Dame*, *Lord*, *Lady*. *Sir* usually means that the addressee is a knight, and is always followed by a first name, e.g. *Sir John Brown*, never *Sir J. Brown* or *Sir Brown*. It should not be confused with the salutation *Dear Sir* ► see page 11.

Esq., the abbreviation for *Esquire*, is seldom used now. It can only be used instead of *Mr*, and is placed after the name. Do not use *Esq.* and *Mr* at the same time, e.g. *Bruce Hill Esq.*, NOT *Mr Bruce Hill Esq.*

All these courtesy titles, except *Esq.* are also used in salutations.

Note that a full stop is often used at the end of the abbreviation if it takes the form of the first few letters of the word, e.g. *Prof.* (*Professor*) but it is not necessary if it takes the form of the first and last letter of the word, e.g. *Dr* (*Doctor*). However, some people prefer to write *Dr.*, *Mr.*, *Mrs.*, etc. with a full stop. The key point is that whatever you choose to do, you should be consistent throughout your correspondence.

Job title known

If you do not know the name of the person you are writing to, but know their job title, you can use that in the inside address. Titles used in law firms and firms with legal departments are:

- Associate / Associate Lawyer
- Attorney
- Chief Legal Counsel
- Director
- Director of Legal Affairs
- Legal Adviser
- Legal Assistant
- Legal Counsel
- Legal Executive
- Legal Officer
- Managing Partner
- Paralegal
- Partner
- Personnel Manager
- Secretary
- Senior Attorney
- Senior Partner
- Solicitor

Department known

Alternatively, you can address your letter to a particular department of the firm. All but the smallest law firms, in addition to having some of the departments common to general commercial firms (e.g. *The Accounts Department*, *The Human Resources Department*), organize their legal practices into departments which cover different areas of law. Some law firms cover most major areas of legal practice, but others specialize only in certain areas of the law and will accordingly have departments that specialize in narrow sub-branches of these areas.

Names of departments found in medium-sized general legal practices include:

- Commercial Litigation Department
- Commercial Property Department
- Company and Commercial Department
- Criminal Law Department
- Employment Law Department
- Family Law Department
- Immigration Department
- Personal Injury Department
- Probate, Tax, and Wills Department
- Residential Property Department

Firm known

Finally, if you know nothing about the firm and do not know which person or department your letter should go to, you can simply address the letter to the firm itself, e.g. *Messrs Turner, Jones, Smith & Co.*

FAO

FAO (for the attention of) is an abbreviation commonly used at the start of the address (outside or inside) to ensure that a letter reaches a named individual in an organization

► see letter on page 102.

Order of inside address

After the name of the person and / or firm receiving the letter, the recommended order and style of addresses in the UK is as follows:

- Name (if any) of house or building
- Number of building and name of street, road, avenue, etc.
- Name of town or city
- Postcode
- County (where appropriate)

- Name of country (if the letter is going abroad)

Worcester House
7 Old Hall Street
Oxford
OX1 7PB
UK

In other European countries, the number of the building may be placed after the name of the street, and the postcode in front of the town. For example:

Korvatie 11A
00100 Helsinki
Finland

It is simplest to follow the above order and style, though variations are possible. For example, the name of the county may be omitted, especially if the city is a large one; the postcode may be written on the same line as the town; the name of the town, as well as the country, may be in capital letters. As a general rule, the name of the county is only needed if the postcode is not included in the address.

Attention line

An alternative to including the recipient's name or job title in the address is to use an *attention line* ► see letter on page 9.

Salutation

Dear Sir opens a letter written to a man whose name you do not know.

Dear Sirs is used to address a firm where at least one of the members of the firm is male. When writing to American firms, *Dear Sir or Madam* is preferred, since it does not assume that the person who opens the letter will be a man.

Dear Mesdames is used to address a firm (rare!) where all the members are female.

Dear Madam is used to address a woman, whether single or married, whose name you do not know.

Dear Sir or Madam (or *Dear Sir / Madam*) is used to address a person when you do not know their name or sex.

When you know the name of the person you are writing to, but do not know them well, the salutation takes the form of *Dear* followed by a courtesy title and the person's surname. Initials or first names are not used with courtesy titles, e.g. *Dear Mr Smith*, NOT *Dear Mr J. Smith* or *Dear Mr John Smith*. Persons whom you know well can be addressed using just their first name, e.g. *Dear John*. However, although these used to be firm rules in the UK and the reader would be well advised to follow them, practice is changing. Do not be surprised if the other party uses your first name; once the other party has so addressed you, it is usually safe to do the same.

A comma after the salutation is optional, i.e. *Dear Mr Smith, or Dear Mr Smith*

Subject title

In most legal communication, it is customary to include a *subject title*, which should comprise a brief description of the matter you are writing about. This saves the trouble of introducing the subject in the first paragraph, it immediately draws attention to the topic of the letter, and allows the writer to refer to it throughout. The nature of the subject title varies according to the type of legal business being handled. The variation often depends on whether the type of legal business is NON-CONTENTIOUS (i.e. not involving court proceedings) or CONTENTIOUS (involving court proceedings).

For example, in a property sale (non-contentious) it is usual to put the address of the property:

Sale of 25 Hamley Drive, Groundwich

When the letter concerns litigation (is contentious), and the case has actually begun in court, the subject title may contain the standard case notation:

Bromley v. Arthurs

In correspondence between law firms, both of which are acting for a different client, whether on contentious or non-contentious business, a customary addition to the subject title is to identify the clients, e.g.:

Your client: John Smith
My client: Mary Pearce
Sale of 25 Hamley Drive, Groundwich

It is possible, but not necessary, to begin the subject title with *Re* (with regard to), e.g. *Re: Sale of 25 Hamley Drive, Groundwich*. When sending email messages this may even be confusing as *RE* is short for *reply*. In addition, it is worth noting that *Re.* is sometimes used as standard case notation in reports of certain types of legal cases.

Body of letter

The blocked style, with each line beginning directly below the one above, without indentation, is the one most often used for the body of the letter. The start of a new paragraph is indicated by a line space.

Complimentary close

If the letter begins *Dear Sir*, *Dear Sirs*, *Dear Madam*, *Dear Mesdames*, or *Dear Sir or Madam*, the complimentary close should be *Yours faithfully*. When writing to American firms, *Respectfully yours* (very formal) or *Yours truly* (less formal) should be used.

If the letter begins with a personal name, e.g. *Dear Mr Jones*, *Dear Mrs Brown*, or *Dear Ms Porter*, it should end with *Yours sincerely*. The American equivalent is *Sincerely yours*.

A letter to someone you know well may close with a number of different informal phrases.

Examples include:

- *With best wishes* — *Kind regards*
- *With best regards* — *Regards*
- *Best wishes* — *Best*
- *Best regards*

Avoid closing your letter with old-fashioned phrases, e.g. *We remain yours faithfully*.

Commas after the complimentary close are generally not used in legal letters. The complimentary close is usually placed on the left, aligned under the rest of the letter.

Signature

In many law firms, letters addressed to another law firm or an organization start *Dear Sirs* and are signed with the name of the firm; in the letter the writer refers to the firm as *we*

► see letter on page 31.

Otherwise, and in correspondence with a client, always type your name and, if relevant, your job title below your handwritten signature. This is known as the *signature block*.

It is a matter of choice whether you sign with your initial / s, e.g. *D. Jenkins*, or your full given name, e.g. *Duncan Jenkins*, and whether you include your courtesy title in your

TITLE	STATUS	COMPLIMENTARY CLOSE
<i>Mr</i>	married or unmarried male	<i>Yours sincerely</i>
<i>Mrs</i>	married female	<i>Yours sincerely</i>
<i>Miss</i>	unmarried female	<i>Yours sincerely</i>
<i>Ms</i>	married or unmarried female	<i>Yours sincerely</i>
<i>Sir</i>	male – name not known	<i>Yours faithfully</i>
<i>Madam</i>	female – name not known	<i>Yours faithfully</i>
<i>Dr / Professor / General</i>	may be a male or female	<i>Yours sincerely</i>

signature block. But if you include neither your given name nor your title, your correspondent may not be able to identify your sex and may give you the wrong title when he or she replies.

LAYOUT 2

Opposite is the law firm's reply to the letter from the prospective client in Finland. It shows some more features of a typical legal letter.

Letterhead

The printed letterhead of a firm gives a great deal of information about it.

Type of firm

Most traditional law firms are in fact partnerships. This means that the profits of the firm are shared among its partners in accordance with the terms of their partnership agreement. The partners have joint and several liability in law, which means that if the partnership incurs debts both all the partners together and each individual partner can be sued for repayment of the debts.

The names of the partners are often included in the letterhead, either at the bottom or in a column on either side of the text.

Address

In addition to the address of the office from which the letter is being sent, the letterhead may also give the address of the head office and any branches or other offices the law firm maintains.

Telephone and fax numbers will also be included. The majority of law firms nowadays also use email and maintain a website, in which case these will also be included.

References

References are often quoted to indicate what the letter refers to (*Your ref.*) and the correspondence to refer to when replying (*Our ref.*). The majority of law firms use references to identify 1) the writer of the letter,

2) the client about whom they are writing, and 3) the number of the case. Firms usually adopt a relatively simple system for identifying client and case in the reference. For example, in the reference *RJ/SMIT.10-3*:

RJ identifies the lawyer handling the case – perhaps Richard Jones, for example

SMIT means clients whose surnames begin with SMIT (e.g. Smith)

10 identifies a particular client named Smith

3 identifies the third matter that the firm has handled for this client

Per pro

The abbreviation *p.p.* sometimes appears in signature blocks. It means *per pro*, i.e. *for and on behalf of*, and is used when someone – often an assistant or secretary – signs a letter on behalf of a colleague.

Enclosures

If there are any documents enclosed with a letter, although these may be mentioned in the body of the letter, it is also common to write *Enc.* or *Encl.* below the signature block. If there are a number of documents, these may be listed, e.g.:

Enc.

1 *Draft contract*

2 *Licensing agreement*

3 *Power of attorney*

Private and confidential

This phrase may be written at the head of a letter and, more important, on the envelope – often in the top left-hand corner, in cases where the letter is intended to be read only by the addressee. There are many variations of this phrase, e.g. *Confidential*, *Strictly confidential*, *To be opened by the addressee only* – but there is little difference in meaning between these phrases.

In practice, all lawyers and their staff are under a professional duty of strict

1 Letterhead

2 References

3 Per pro

4 Enclosure



7 Old Hall Street
Oxford
OX1 7PB
telephone: +44 (0) 1865 37522
fax: +44 (0) 1865 37523
email: info@tjs&co.com

Your reference
2 Our reference GL/VIR.1-1
Date 12 March 20—

Mr J. Virtanen
Korvatie 11A
00100 Helsinki
Finland

Dear Mr Virtanen

Purchase of The Croft, Whittlington

Thank you for your enquiry. I confirm that this firm would be glad to act on your behalf in relation to this transaction. This matter has been passed to me to deal with, as a Senior Assistant Solicitor in this firm's Residential Property department.

I enclose a copy of our standard client care letter in duplicate. This sets out our terms and conditions. Please read these through, and, if they are acceptable to you, kindly sign and return the duplicate copy.

I look forward to hearing from you.

Yours sincerely

Louise Duncan

3 p.p. Geoffrey Lamb
Senior Assistant Solicitor

4 Enc.
Client care letter

CONFIDENTIALITY in relation to their client's affairs. Most law firms have in-house procedures that govern how incoming post is dealt with. Frequently, all incoming post is sorted by a member of staff (or, in a larger firm, a small team of staff) according to established rules. Typically, these may be as follows:

- All envelopes addressed simply to the firm as a whole are opened, and the contents are transferred to individual recipients, either a) on the basis of the reference quoted in the letter, or b) where there is no reference, as in a new enquiry, according to the type of legal matter indicated by the contents.
- All envelopes addressed to individuals are transferred to individual recipients unopened.

Therefore, in most cases writing *Private and confidential* on the envelope simply acts as an extra safeguard of confidentiality.

Copies

When copies are sent to people other than the named recipient, *c.c. (carbon copy)* is added at the end of the letter, before the name of the recipient / s of the copies, e.g.:

c.c. Messrs Turner, Jones, Smith & Co

Sometimes you will not want the named recipients to know that other people have received copies. In this case, *b.c.c. (blind carbon copy)*, and the name / s of the recipient / s, are added on the copies themselves, although not, of course, on the top copy. These abbreviations are also used in emails and faxes, and mean exactly the same thing.

The reference to 'carbon copies' is strictly anachronistic, and relates to the time when official correspondence was produced on typewriters in three copies, each of a different colour. This method of producing correspondence disappeared when wordprocessing techniques became standard, but the convention of referring to carbon copies remains in use as described above.

ADDRESSING ENVELOPES

Envelope addresses are written in a similar way to inside addresses. But in the case of letters within or for the UK, the name of the town and the country may be written in capital letters, and the postcode may be written on a line by itself.

Ms R. Bannister
33 Church Road
BOURNEMOUTH BH1 7QD
Dorset

Messrs Sandford, Gleadon & Co
3-5 Hinchley Avenue
LONDON
WIN 6UZ

CLIENT CARE LETTER

A client care letter, or terms and conditions letter, is sent to all new clients. It sets out the terms and conditions on which the solicitor will work for the client. In effect, it forms the contract between the solicitor and the client according to which the solicitor provides professional services and the client pays for them.

The terms and conditions letter has three main purposes:

- 1 It deals with issues relating to the management and conduct of the client's case.
- 2 It sets out the solicitor's terms of business.
- 3 It raises certain regulatory matters which the solicitor is obliged to advise the client about.

Generally, these are legal requirements which govern the way in which solicitors may carry out work for clients.

The client care letter is sometimes referred to as a 'retainer letter'. When it is signed by the client it becomes the contract for services supplied by the law firm (i.e. the services for which the firm is *retained* by the client).

Client care (terms and conditions) letter

This is a fairly comprehensive terms and conditions letter sent by a partner in a medium-sized provincial law firm.



Gumber & Partners Solicitors

1 Amberton Road, Leicester LE2 9TV
Telephone +44 (0) 116 892445, Fax +44 (0) 116 892446
Email: enq@g&p.co.uk

YOUR REF
OUR REF JTF/DAN.2-1

3 August 20—

Mrs E. Dancey
1B The Brambles
Leicester
LE1 8RC

Dear Mrs Dancey

Thank you for instructing Gumber & Partners to act on your behalf. I set out below the terms and conditions on which your case will be conducted.

Management of matter

I am a partner in this firm and will have overall responsibility for your case. Work will be delegated to other staff as and when appropriate.

If you have any queries at any stage, they should be raised initially with me. If I am unable to resolve the matter to your satisfaction, please contact our client care partner, Ms Felicity Matterson. The matter will then be investigated under our client complaints handling procedure with a view to resolving any differences. The result of any investigation will be notified to you as soon as possible. If we cannot resolve the matter to your satisfaction, the Law Society provides a complaints and redress system.

Terms of business

Basis of charging

This firm's general practice is to charge on a time basis.

My charging rate is £195 per hour.

Other applicable current hourly rates are:

- Partners / associates: £155–£195
- Solicitors / consultants: £125–£165
- Legal executives: £110–£140
- Administrators / case workers: £75–£140
- Trainee solicitors: £90
- Secretaries: £50

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- | | | | | |
|---|---|---|--|---|
| <p>1 Under what circumstances can the firm bill at a higher rate than their usual charging rates?</p> | <p>2 When can payments on account be requested?</p> | <p>3 Can the firm cease to act for a client if bills remain unpaid after 30 days?</p> | <p>4 Can the firm provide financial services to clients?</p> | <p>5 How long after the matter is completed will Gumber & Partners keep the client's documents and files?</p> |
|---|---|---|--|---|

- All routine letters and telephone calls are deemed to be six-minute time units for the purposes of charging.

Our charges are reviewed annually and we will advise you of any increase or variation made. We are obliged to add to our charges VAT, currently at the rate of 17.5%.

It may be necessary from time to time to pay other expenses. These may include court and search fees, payments to counsel, valuations, travel expenses, and bank transfer fees. Some, but not all, of these costs attract VAT.

In the event that we are obliged to carry out urgent or particularly complex work on your behalf, or if we are required to carry out work after 8 p.m. or overnight or at weekends, a mark-up of 50% will be added to our charges.

Payments on account

This firm reserves the right to request payment on account where a matter is long-running or where significant costs will be incurred. All payments made on account will be placed in a client account in your name. Further payments may be requested as the matter progresses.

Billing periods

We send out bills at six-monthly intervals or when unbilled fees, disbursements, and expenses excluding VAT exceed £2,500, whichever is the sooner. However, we reserve the right to bill at two-monthly intervals if costs rise very quickly.

Terms of settlement

All our bills must be settled within 30 days, unless agreed otherwise.

We add interest to unpaid bills at the rate of 8% per annum, commencing from the expiration of the 30-day payment period.

The firm reserves the right to cease to act, and, where appropriate, to withdraw from the court record if:

- 1 invoices are not settled within 30 days and the firm believes that the level of invoices delivered and unpaid is unacceptable, or
- 2 payment on account has been requested and you do not within 14 days send the funds requested.

Regulatory matters

Money laundering

The firm is obliged to obtain satisfactory evidence of the identity of its clients. If we are not familiar with you, we may ask you to produce evidence of your identity (e.g. passport or driving licence). We must cease to act where such evidence has been requested and is not produced within 14 days.

Data protection

The Data Controller for the purposes of the Data Protection Act 1998 is David Berkeley and any information provided by you to us will be used solely for the purposes of carrying out instructions received from you.

However, from time to time it may be necessary to release information on a strictly confidential basis to other advisers, for example, counsel or accountants.

Financial services

We are not authorized to provide financial services under the Financial Services and Markets Act 2000 but are able in certain circumstances to offer to clients a limited range of investment services by virtue of our membership of the Law Society. We are able to provide these services where they form an incidental part of professional services we have been engaged to provide.

Standard of work

We shall provide a friendly and efficient service. We are audited by external auditors from time to time, including the Legal Services Commission and the International Organization for Standardization. During the course of audits, your files may be checked but the information in them will remain confidential.

Emails

If you contact us by email or print an email address on any letters we receive from you, we shall assume that you have no objection to its use. We assume that we have the right to communicate in the course of business using un-encrypted email.

We cannot accept responsibility for intercepted emails or viruses.

We will assume safe arrival of emails 24 hours after they are sent.

Storage of papers

Unless we receive written instructions to the contrary, we shall keep your papers for at least seven years, after which they will be destroyed.

Any deeds, documents, or wills deposited in safe custody will not be destroyed.

No charge will be made for retrieval of files, although we may charge for producing particular documents to you.

On conclusion of a matter, we reserve the right to publicize the fact that we have acted for you.

Other matters

For insurance and safety reasons, we will only accept cash payments below the sum of £250. We reserve the absolute right to refuse to issue cheques or other forms of payment to third parties.

If the need arises for us to refer matters pursuant to the Proceeds of Crime Act 2002, you will by agreeing to these terms waive your right to legal professional privilege.

Governing law

The terms of this letter are governed by the laws of England and you irrevocably agree that the English courts shall have exclusive jurisdiction to settle any dispute which may arise out of or in connection with this letter.

Agreement

If you agree with the terms set out above, please sign and return one copy of this letter.

If you continue to instruct me before signing this letter, I shall deem you to have agreed the terms and conditions set out in this letter.

Yours sincerely

Jane Fletcher

Jane Fletcher (Mrs)
Partner

Your signature

I confirm my agreement to the terms of business set out in this letter.

Authorized signatory _____

Date _____

Faxes

The word *fax* comes from *facsimile*, meaning *exact copy or reproduction*. Like *email*, the word *fax* can be used as a noun, e.g. *I sent a fax*, or as a verb, e.g. *We will fax the document to you when we receive it*.

Despite the increasing use of email, the fax machine remains in frequent and constant use in the legal profession. This is because it has significant advantages over both conventional correspondence and email. The traditional advantage of using fax is that it is much quicker than conventional correspondence. This advantage has been partly eroded by the arrival of email, but the fax machine remains useful in circumstances where it is not possible to use email instead. In legal work, these circumstances may be summarized as follows:

- 1 For sending copies of original documents which only exist in a paper version. It is of course possible to scan these and send them as email attachments, but this can be time-consuming. Note, however, that faxes are only copies of documents and will not be acceptable where it is necessary to produce the original document itself. For example, an original *BILL OF LADING* gives *TITLE* to goods (i.e. you would own the goods if you had the bill in your possession) and would not be valid if it were a faxed copy.
- 2 For sending documents which have either been signed or need to be signed and returned urgently by the recipient. This situation often arises in legal work, particularly in court proceedings in which it is essential to produce original signed paper documents to the court. In most cases, signed faxes are acceptable as evidence in court proceedings, whereas emails containing the same information generally are not.
- 3 For sending documents containing diagrams or drawings.
- 4 For sending handwritten documents. This circumstance does not often arise in legal work. An exception might be where handwritten annotations are made to a word-processed document. If it becomes necessary to send a handwritten fax message, use a dark colour ink and make your writing large and clear.
- 5 For sending a document when speed is important and the recipient does not have email.
- 6 For sending a document more securely than can be done by email.
- 7 For sending a document when it is useful to be able in future to prove that it has been sent and that it has been received by the addressee's machine.

Different fax machines offer a wide range of facilities, including repeat dialling if the receiver's fax machine is engaged; a transmission report which gives details of the time, date, sender, receiver, number of pages, duration, and result; a verification mark at the foot of the page to confirm the fax was sent; and a number memory for frequently used numbers. Check the manual of your fax machine to find out what functions it can perform.

Preparing fax for transmission

Check that you have the correct fax number. Check that the paper on which your message is printed or written is suitable. If it is too big, too small, or in poor condition, photocopy the message on paper that can be accepted by the fax machine. Before using the machine, check that you know how to dial, send, cancel, and clear a paper jam.

When you send a fax it is a good idea to use a fax transmission cover form. This will help to ensure that the fax reaches its intended recipient safely. Most firms use their own headed fax transmission form, but you can easily create one for yourself, e.g.:

THE RADCLIFFE PARTNERSHIP
Radcliffe House
3 Orchard Close
Doncaster DN1 7GK

FAX MESSAGE

To:

From:

Fax no.:

Subject:

Date:

Page / s (including this):

Confidentiality notices

Because legal communications are usually highly confidential, extreme care must always be taken to ensure that 1) faxes are sent to the correct number, and 2) they are marked for the correct recipient. However, occasionally mistakes are made. Consequently, most faxes – and emails – sent by law firms include a **CONFIDENTIALITY NOTICE**. The purpose of the confidentiality notice is:

- To alert the recipient to the fact that the contents of the communication are confidential.
- To make it clear that unauthorized recipients may not disclose the information contained in the communication.
- To request that if the fax is received in error the sender should be notified.

Here is an example of a confidentiality notice:

CONFIDENTIALITY

The information contained in this facsimile is confidential. It may also be legally privileged. It is intended only for the named recipient(s) and access to it by any other person is unauthorized. If you are not a named recipient, you must not disclose, copy, circulate, or in any other way use or rely on the information contained in this facsimile. Such unauthorized use may be unlawful. If you have received this message in error, please notify the sender immediately.

Style

Generally faxes are similar to letters in style, level of formality, and the use of conventions; but a fax may be shorter and the language more direct, like an email, as there is a time element in the cost of sending them. However, basic standards of professional courtesy and factual and legal accuracy should be adhered to at all times – bear in mind the possibility that your fax may one day form part of evidence in a court of law ► see Unit 2.

In practice, many faxes sent by law firms simply consist of ordinary letters which are faxed with a transmission cover form on the top. In this way the transmission cover form acts as a covering letter. In such cases, the text on the cover form will simply refer the recipient to the enclosed letter ('see enclosed' or 'Please refer to the enclosed letter'). For very short correspondence, the whole of the communication may be contained in the transmission cover form.

Fax as covering letter

In this fax the short message on the transmission cover form refers to the pages of the completed fixtures and fittings form that follow.

1

Example fax

THE RADCLIFFE PARTNERSHIP

Radcliffe House
3 Orchard Close
Doncaster DN1 7CK
Telephone: 01302 77552
Fax: 01302 77553
Email: enq@radcliffeptnr.co.uk

Fax message

To: Jane Sanders
From: Michael Burton
Fax no.: 01865 789231
Subject: 17 Lander's Green, Doncaster
Date: 14 January 20—
Page / s: 16

Please find herewith the fixtures and fittings form completed by our clients in respect of this property.

Yours faithfully

M. Burton

Michael Burton
The Radcliffe Partnership

The information contained in this facsimile is confidential. It may also be legally privileged. It is intended only for the named recipient(s) and access to it by any other person is unauthorized. If you are not a named recipient, you must not disclose, copy, circulate, or in any other way use or rely on the information contained in this facsimile. Such unauthorized use may be unlawful. If you have received this message in error, please notify the sender immediately.

Emails

Email (short for *electronic mail*) is a means of sending messages (emails) between computers. To send and receive email you need access to the Internet. An Internet Service Provider (ISP) will provide you with connection software, which is often free. This will give you Internet access, storage for incoming mail, and the capability to read your messages. Finally, you need email software, generally already installed in modern computers, so that you can write, send, receive, and read messages.

Advantages

There are numerous advantages to email. It is personal and easy to use. It can be used both within and between companies, and is an effective way to communicate quickly and easily with people all over the world. It can be used from a hotel or Internet café when you are travelling abroad. It is especially useful for short messages and for everyday correspondence, e.g. setting up a meeting, passing on information, and making or replying to a request.

You can pick up your email messages, even when you are travelling, via a laptop or palmtop. With compatible systems, you can access text and graphic documents, and spreadsheets. And whatever you send or receive can be quickly and easily filed.

Disadvantages

The disadvantages of email include technical problems which may result in the unexpected non-delivery of messages, or attachments arriving in unreadable form. Also, the ease with which messages can be sent results in large amounts of 'junk' emails and unnecessary communication which wastes time.

Virus emails are an even bigger problem: these can disable your computer or cause it to send out emails randomly to persons whose email addresses are stored in your computer. This problem can be tackled by installing and maintaining effective virus protection

software on your computer. Another practical measure that should be taken is to avoid opening any emails that look suspicious in any way – e.g. those which are from an unknown sender, have an unconventional subject line, or a short generic message.

As with faxes, a major drawback is the lack of privacy and security. Digital signing and encryption (coding data, so that it can only be read by authorized users), which both work along similar lines, can make email more secure. However, do not use email to communicate confidential information; do not send anything by email that you would not wish a judge to read.

In the legal sphere, one of the main disadvantages of email is that it cannot be used to send documents which have to be signed in order to be effective, e.g. in a court of law. As noted above, a faxed document with a signature on it is usually valid in a court of law, while an email generally is not. It is also difficult to prove that an email was sent when you say it was.

When other forms of correspondence are preferable

There are several areas of legal communication where more traditional forms of correspondence are still the most suitable. These include:

- 1 To communicate information or send documentation which is confidential.
- 2 To send documents or communications which require a signature.
- 3 For personal or sensitive communications. Email has a slightly perfunctory, impersonal feel to it. Therefore, it is not suitable for any communication where a personal touch is required, e.g. messages of congratulation, condolence, and complaint (or a response to a complaint).

Typical email message

1

Example email

The screenshot shows an email client window with a menu bar (File, Edit, View, Insert, Format, Tools, Actions, Help) and a toolbar with icons for Send, Print, Cut, Copy, Paste, Undo, Redo, Bold, Italic, Underline, Bulleted List, Numbered List, Indent, and Outdent. The email fields are as follows:

To: john.arnold@lambpartners.co.uk

CC: donald.rogers@interways.co.uk

Subject: Debt collection: Brandfields

The email body contains the following text:

Hi John

Further to my last email, we have not received payment of the amount outstanding from Brandfields. Please go ahead and draw up the necessary claim for enforcement through the county court as previously discussed.

Best regards

Lucy

Lucy Silk (Ms)

Credit Controller
Interways Ltd
Unit 15 Longways Industrial Park
Nottingham NG2 7BR
Tel: 0115 756 398
Fax: 0115 756 399
Email: lucy.silk@interways.co.uk
www.interways.co.uk

- 4 For job applications. In general, most firms still expect your application to consist of a completed paper form or curriculum vitae together with a covering letter. However, this should be checked on a case-by-case basis, as some firms nowadays are becoming more open to emailed applications.

Email addresses

Typical email addresses look like this:

jdodgson@interways.co.uk

lars.johansson@moberg.dk

enquiries@lambpartners.co.uk

As a rough rule, there are two kinds of email address:

- One which identifies a particular person.
In this case, the first part of the email address is usually either the first name or the initials of the person you are contacting, followed by their surname. The second part, which appears immediately after the @ (at) is the name of the ISP or organization, or the abbreviation of it.
- One which identifies a function in an organization. This is typical of larger organizations which are arranged into departments. In this case, the first part of the address identifies a function rather than a person, e.g. enquiries, sales, office. An email sent to such an address will usually then be allocated to a particular person to deal with according to the nature of the email sent.

The last part of the email address includes the domain name suffixes referring to the type of organization, e.g. '.co' for company, '.ac' (academic) for a university, and to the country from which the message was sent, e.g. '.es' for Spain, '.uk' for the United Kingdom.

Other examples of domain name suffixes referring to types of organization include:

.biz business

.gov government office

.org non-profit-making organization
(e.g. a charity)

.pro profession (e.g. medicine, law)

Note that the names of countries in their main languages often differ significantly from their names in English, and this is sometimes reflected in their domain name suffixes, e.g.:

.de Deutschland (Germany)

.za Zuid Afrika (South Africa)

LAYOUT

Header information

The header gives essential information about the message. It typically includes the following:

c.c.

This stands for carbon copies, which means much the same as it does on a letter. Here you insert the email addresses of anyone you want to send copies of the message to.

b.c.c.

This stands for blind carbon copies which, as in a letter, you should use if you do not want the main recipient to know who has received copies.

Subject line

The subject line in an email operates as in a letter or fax. It should consist of a brief description of the matter you are writing about. In emails, the subject line is in fact more important than in a letter or fax.

There are two reasons for this:

- When checking emails received on a computer, one may only see the subject line instead of the whole email. Therefore, the subject line must contain such words as will alert the reader to the matter on which you have written to him or her.
- Because most people receive many emails a day in the course of their professional life, there is a tendency to delete any emails which look as if they are suspicious, junk, viruses, or unsolicited and unwanted communications. Therefore, a properly worded subject line may save an important email from being deleted in error.

Attachments

Icons of any attachments will appear here.

NOTE The amount of header information, and the order in which it appears, will vary according to the software being used, so do not worry if the messages you send and receive do not look exactly like the one in the example.

Message text

The presentation of the text in an email is often less formal than in a letter. In this first example, the communication is clearly intended for another member of staff within the same firm. Therefore, the informal tone is appropriate. Informal, however, does not mean unprofessional. Do not allow the apparent informality of email to lure you into breaches of confidentiality or into writing communications which would be professionally embarrassing if disclosed to persons other than the intended recipient.

In legal work, as a general rule, all communications with persons outside the firm should be no less formal than in a letter or fax. Always remember that any such communications may potentially form part of evidence presented to a court of law one day.

Signature

This is like the signature block in a letter, although it usually includes more details, e.g. the sender's company or private address, and telephone and fax numbers. You can program your email software to add your signature automatically to the end of outgoing messages.

Confidentiality notices

As with faxes, emails sent by law firms invariably contain confidentiality notices, which are designed to provide for the possibility that an email may accidentally be sent to someone other than the intended recipient. As with faxes, the purpose of the confidentiality notice is:

- To alert the recipient to the fact that the contents of the communication are confidential.
- To make it clear that unauthorized recipients may not disclose the information contained in the communication.
- To request that if the fax is received in error the sender should be notified.

Here is an example of a confidentiality notice:

The information contained in this email and in any attachments hereto is confidential. It may also be legally privileged. It is intended only for the named recipient(s) and access to it by any other person is unauthorized. If you are not a named recipient, you must not disclose, copy, circulate, or in any other way use or rely on the information contained in this email or in any attachments hereto. Such unauthorized use may be unlawful. If you have received this email in error, please notify the sender immediately.

Style

Email is a relatively recent development, and because it is perceived as a quick and informal means of communication, people are often unclear about the style and conventions they should use in business situations.

In legal work, while email correspondence may tend towards informality, it should follow the same general principles as any other form of business correspondence ►see Unit 2.

Here are some basic tips about style in emails:

- In general, email messages follow the style and conventions used in letters or faxes. For example, you can use salutations such as *Dear Mr Archer* or *Dear Gerald*, and complimentary closes such as *Yours sincerely*. However, if you know the recipient well, or if you are exchanging a series of messages with one person, you may dispense with the salutation and complimentary close altogether.
- Make a clear mental division between personal messages and messages written in the course of legal work. In a message written in the course of legal work, the same rules of writing apply as for a letter: write clearly, concisely, pay attention to the accuracy of factual information and legal advice given, and observe high standards of professional courtesy; consider audience, purpose, clarity, consistency, and tone.
- Use correct grammar, spelling, capitalization, and punctuation, as you would in any other form of correspondence.
- Do not write words in capital letters in an email message. This can be seen as the equivalent of shouting and therefore have a negative effect. If you want to stress a word, put asterisks on each side of it, e.g. **urgent**.
- Keep your email messages short and to the point. People often receive a lot of emails at work, so conciseness is especially important.
- In general, limit yourself to one topic per message. This helps to keep the message brief and makes it easier for the recipient to answer, file, and retrieve it later.

- Check your email message for mistakes before you send it, just as you would check a letter or a fax message.

Email abbreviations

TLAs (three-letter acronyms)

In order to keep email messages short, people sometimes use abbreviations for common expressions, just as they do in text messaging. These are known as TLAs (three-letter acronyms), although some of them are more than three letters long. Here is a list of some of the most commonly used TLAs:

AFAIK	<i>as far as I know</i>
BFN	<i>bye for now</i>
BTW	<i>by the way</i>
COB	<i>close of business</i>
FYI	<i>for your information</i>
IOW	<i>in other words</i>
NRN	<i>no reply necessary</i>
OTOH	<i>on the other hand</i>
POV	<i>point of view</i>
TBA	<i>to be announced / to be agreed</i>

TLAs are highly informal, and are therefore not suitable for the vast majority of email correspondence. They should never be used in letters or faxes.

Emoticons

Emoticons (a combination of the words emotion and icon), also known as smileys, are often used in informal email correspondence. They express emotions which may not be evident from the words alone, e.g.:

:-) a smile
 :-(a frown
 ;-) a wink

Emoticons should never be used in emails sent in the course of legal work – using them will destroy your professional credibility.

Points to remember

Letters

Many of these points apply to faxes and emails as well.

- 1 The layout and presentation of your letter are important as they give the recipient the first impression of your company's efficiency.
- 2 Write both the sender's and the recipient's address in as much detail as possible and in the correct order.
- 3 Make sure you use the recipient's correct title in the address and salutation. If in doubt as to whether a woman is single or married, use *Ms*.
- 4 Write the date like this: *2 November 20—*.
- 5 Do not write the month of the date in figures.
- 6 Choose the correct salutation and complimentary close:
Dear Sir / Madam with Yours faithfully
Dear Mr / Ms Smith with Yours sincerely
- 7 Make sure your references are correct.
- 8 Make sure that you include an accurate subject line – one which will enable the recipient to identify at a glance the matter you are writing about.
- 9 Make sure your signature block tells your reader what he or she needs to know about you.

Faxes

- 1 Fax is an open system, so it should not be used for confidential correspondence.
- 2 Ensure that every fax you send includes an appropriately worded confidentiality notice.
- 3 Write clearly, using a dark colour when sending handwritten messages.
- 4 Remember that faxes are copies, and cannot be used when original documents are required.

- 5 Prepare your transmission carefully before you send it.
- 6 In general, the language of faxes is the same as that of letters, although faxes can be briefer and more direct, like email messages.

Emails

- 1 Email is very fast and effective, but should never be used for confidential correspondence.
- 2 Email addresses usually give the name of the person or department, then the @ (at) symbol, followed by the name of the company or institution, and finally the domain names, which indicate the type of organization and the country from which the message was sent.
- 3 Do not allow the apparent informality of email to lure you into breaches of confidentiality or into writing communications which would be professionally embarrassing if disclosed to persons other than the intended recipient.
- 4 Email is not suitable for sending and receiving documents which need to be sent or received in a signed form.
- 5 Ensure that every email you send includes an appropriately worded confidentiality notice.
- 6 It is better not to use special abbreviations, e.g. TLAs, in legal correspondence, as they are too informal. If you use them, do not confuse your recipient by using abbreviations he or she may not know or understand. Neither use abbreviations which have more than one meaning (e.g. TBA) in circumstances where there may be confusion about which is intended.