**Pre-Suit Resolution: A Strategic Approach for Pro Se Litigants**

As a pro-se litigant, the prospect of stepping into a judicial system governed by unfamiliar rules is always a forbidding one. A powerful tool available to pro se litigants provides the opportunity to resolve disputes before filing a lawsuit. If the goal of your suit is a settlement, a well-crafted demand letter may achieve your goals without ever stepping foot in a courtroom.

**The Power of Pre-Suit Negotiation**

Most businesses and their legal departments prefer to avoid litigation when possible, especially where lawsuits may bring publicity and expense. In the course of legal proceedings, Defendants, will often listen to reasonable settlement offers before a case is filed. As a pro se litigant, you can leverage this dynamic to your advantage.

When you approach a potential defendant with a clear, professional demand letter before filing suit, you signal that you understand the legal process and are prepared to pursue your claims if necessary. This approach often opens doors to productive dialogue that might otherwise remain closed once formal litigation begins.

**Identifying the Right Contact**

For corporate defendants, the general counsel's office serves as the nerve center for legal risk assessment and dispute resolution. General counsel and their teams are uniquely positioned to evaluate claims objectively, authorize settlements, and make practical business decisions about whether fighting or settling makes more sense.

To find the appropriate contact, start by checking the company's website for their legal department or general counsel information. Securities and Exchange Commission filings for public companies often list key officers, including the general counsel. If this information isn't readily available, you can call the company's main number and ask to be directed to the legal department for pre-litigation correspondence.

For smaller businesses without in-house counsel, you may need to send your letter to the company's registered agent for service of process, which can be found through your state's Secretary of State website. The registered agent will forward your correspondence to the appropriate decision-makers or their outside counsel.

**Crafting an Effective Demand Letter**

Your demand letter serves multiple crucial functions: it introduces your claim, demonstrates your seriousness and preparation, and opens the door for settlement discussions. A well-written demand letter should include several key components.

Begin with a clear, professional header that includes your contact information and the date. Address the letter to a specific person whenever possible—"Dear Ms. Johnson, General Counsel" carries more weight than "To Whom It May Concern."

The opening paragraph should concisely state the purpose of your letter: you have a legal claim against the company, you prefer to resolve the matter without litigation, and you are writing to propose a resolution. This immediately frames the conversation as an opportunity rather than just a threat.

Next, provide a factual narrative of what occurred. Present the facts in chronological order, focusing on specific dates, actions, and communications. Avoid emotional language or unnecessary editorializing—let the facts speak for themselves. Include relevant names, dates, locations, and any documentation references that support your position.

Following the factual background, outline your legal theories. You don't need to write a full legal brief, but you should identify the specific laws or legal principles that support your claim. For example, if you're alleging breach of contract, identify the specific contract provisions that were violated. If you're claiming discrimination, cite the relevant statutes and explain how the facts establish a violation.

*Note: Our complaint generators can help you get a good sense of what your legal rights are in a given case.*

**Demonstrating Litigation Readiness**

One of the most effective ways to show you're serious about your claims is to attach a draft complaint to your demand letter. This shows that you understand the legal process and have already done the work necessary to file suit, allows defense counsel to evaluate the strength of your potential lawsuit in concrete terms, and demonstrates that you're genuinely prepared to proceed to court if necessary.

**Making a Reasonable Settlement Demand**

The settlement demand portion of your letter requires careful thought and strategic positioning. Begin by itemizing your damages with specificity. If you have economic losses, provide exact figures with supporting documentation. If you're claiming non-economic damages like emotional distress, explain the basis for these claims and provide a reasonable valuation.

Your initial demand should be higher than what you're willing to accept, but not so high as to appear unreasonable or kill negotiations before they begin. Research similar cases and settlements to gauge appropriate amounts. Remember that defendants will almost always counter with a lower offer, so leave room for negotiation while maintaining credibility.

Consider including alternative resolution options beyond just monetary payment. Perhaps you'd accept a formal apology, policy changes, reinstatement to a position, or other non-monetary remedies. Showing flexibility and creativity in potential solutions can sometimes break through impasses and lead to mutually acceptable resolutions.

**Setting Deadlines and Next Steps**

Your demand letter should include a specific deadline for response—typically 30 days is reasonable, though you might allow more time for complex matters or less for urgent situations. Make clear that if you don't receive a substantive response by the deadline, you intend to file suit.

Include your preferred method of communication and availability for discussion. Many defense counsel prefer phone conversations to written negotiations, as they allow for more dynamic discussion and quicker resolution of misunderstandings.

**Following Through**

If you receive a response, even one that rejects your demands, consider it an opening for dialogue. Defense counsel may dispute your facts or legal theories, but they're still engaging with you. Be prepared to provide additional documentation, clarify your position, or consider counter-offers.

If your deadline passes without any response, or if negotiations fail, be prepared to follow through on your intention to file suit. Failing to do so after making explicit threats of litigation will undermine your credibility in any future dealings.

**The Benefits of Pre-Suit Resolution**

Successfully resolving your dispute before filing suit offers numerous advantages. You avoid court filing fees, service costs, and other litigation expenses. You save potentially months or years of time that litigation would consume. You maintain greater control over the outcome through negotiation rather than leaving decisions to a judge or jury. Additionally, you may be able to negotiate for things a court couldn't or wouldn't order, such as non-disclosure agreements, letters of recommendation, or specific business changes.

For defendants, pre-suit resolution avoids litigation costs, prevents public court filings that might damage reputation, and provides certainty and closure more quickly than litigation. These mutual benefits create a foundation for productive settlement discussions.

**Conclusion**

While not every dispute can be resolved through pre-suit negotiation, pro se litigants who approach potential defendants professionally and strategically often find success through this method. By crafting a compelling demand letter, demonstrating your preparation through a draft complaint, and making reasonable settlement demands, you position yourself as a serious adversary worthy of attention and respect.

Large corporations are staffed by risk-averse people who prefer practical solutions to protracted battles. A demand letter is your opportunity to start a dialogue that leads to a remunerative resolution that benefit everyone involved. The key is preparation, professionalism, and a clear demonstration that while you prefer settlement, you're fully prepared to pursue your rights in court if necessary.