



SO YOU'VE RECEIVED A PRE-ACTION PROTOCOL LETTER HOW TO MANAGE THE LITIGATION PROCESS?

Jeanelle Pran

When a dispute arises between parties, nothing signals the breakdown of the relationship more than the threat of litigation (except perhaps litigation itself). The litigation process is no doubt daunting and is often times an uphill battle. It is time consuming, costly and can sever longstanding relationships. Despite the inherent challenges that come with the territory, there are a number of steps which you can take to ease the burdens posed by litigation or the threat thereof.

This article explores the initial stages of the litigation process, what to expect and some steps you may consider to manage the process.

The Threat of Litigation

If you are threatened with litigation, more often than not, you would first be served with a '*Pre-Action Protocol Letter*' from the party intending to bring a claim (or from that party's attorney). A Pre-Action Protocol Letter is a letter made pursuant to the Pre-Action Protocols of Trinidad and Tobago's Civil Proceedings Rules. Simply put, it is a letter which sets out:

- A party's claims against you;
- The remedies which that party seeks;

- An express demand for the remedies claimed;
- A timeline by which a response is expected or by which the remedies should be provided; and
- A threat that if the remedies are not provided, litigation proceedings will be commenced against you.

Apart from a Pre-Action Protocol Letter, litigation can be threatened in the form of a '*Demand Letter*'. This differs from a Pre-Action Protocol Letter in that it is not made pursuant to the Pre-Action Protocols. On the flip side, it is similar to a Pre-Action Protocol Letter as it demands some form of remedy and it usually indicates the date by which that remedy should be provided (or a response expected).

While the temptation may be to ignore the Pre-Action Protocol Letter or Demand Letter, there are important practical and strategic reasons why you should not.

As such, when served with a Pre-Action Protocol Letter or a Demand Letter, you should take the following steps:

- 1) Note the date it is received and the actual date of the letter. This will be important in determining the timeframe for your response.
- 2) Read the letter carefully to ascertain the nature of the claim being asserted, the remedies being sought and the basis upon which these remedies are claimed.
- 3) Highlight and note the prescribed deadline for issuing a formal response or for providing the remedies sought.
- 4) In most cases, if you decide to retain the assistance of an attorney, you should send the letter for the attorney's review and highlight the date of the letter, the date you received it and the deadline for responding. In most cases, it would be best to seek the advice of an attorney.
- 5) Consider whether you need more time to respond.

CONTENTS

- [So You've Received A Pre-Action Protocol Letter - How To Manage The Litigation Process](#)
- [NFTs: Beyond Cryptocurrency and Regulation](#)