

LITIGATION HOLD

We help you prepare when threatened with litigation.



Unfortunately, schools are no different than commercial entities when it comes to lawsuits. They are by no means immune.

It is key to be prepared in the event or threat of litigation. This means being ready when a Litigation Hold is implemented.

The origins of a Litigation Hold lie in a 2003 New York employment discrimination lawsuit, *Zubulake v. UBS Warburg*, where the plaintiff successfully argued that key evidence contained in various company emails were either not produced or destroyed by the defendant. As a result, the court issued precedent-setting opinions involving electronic discovery and the duty of an institution to preserve and produce digital evidence.

Regrettably, many school entities have no procedure in place when such a request is issued or a lawsuit is imminent. Scrambling to respond to one can be administratively chaotic and exceedingly expensive. Creating a formal process for electronic preservation is not only a good business practice, it is a legally necessary one. Failure to do so can result in costly settlements, judgments, sanctions, or, worst of all – a likelihood that the case becomes more about documents or document management than the actual facts behind the matter.

This is where we can help.

Do not be caught off guard. Ensure that your district utilizes sound data preservation measures so that your focus is where it needs to be: on prevailing in a lawsuit and returning to business – or education – as usual.

OUR SERVICES

- In-service presentations for staff, technology representatives and administrators on the topic of
- Litigation Holds: the facts, the background and specific steps to be implemented.
- Guides and checklists for ongoing data preservation.
- One-on-one counseling to determine the best course of action as it relates to specific situations.
- Continuing monitoring to ensure compliance with the law.

To learn more about Litigation Hold, contact us at 215-345-9111.

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