

Litigation Hold Document Preservation Team Meeting Agenda

- 1) Determine scope of record retention.
 - a. What types of documents may be relevant to the issues in the pending or reasonably foreseeable litigation?
 - Consider paper documents (correspondence, memoranda, notes, minutes, telephone messages, agreements, contracts, reports, calendars, planners, logs, financial and accounting information, graphs, charts, plans, drawings, diagrams, drafts of documents, manuals, policies and procedures, publications).
 - Consider recorded information (tape recordings, videos, voicemail).
 - Consider electronic data and documents (emails, email attachments, word processing documents, PowerPoint presentations, handheld devices).
 - What sort of queries (key terms, key words) might be used to identify potentially responsive documents?
 - Does agency own software to search for key terms across file and email servers?

- 2) Where are the identified documents located/stored?
 - a. Paper documents.
 - Who may have possession of relevant documents?
 - Are documents kept at staff members' homes?
 - Are any documents stored offsite?
 - b. Recorded information.
 - Who may have possession of the recorded information?
 - Is recorded information kept at staff members' homes?
 - Is recorded information stored offsite?
 - c. Electronic data and documents.
 - Desktop and laptop computers
 - Network servers.
 - Email servers.
 - Handheld devices.
 - Storage devices including CD's and ZIP drives.
 - Offsite storage.
 - Remote computers with network connections.

- 3) How far back do the documents go?
 - a. Paper documents.
 - What is the retention period for each record?
 - Has it been followed?
 - b. Recorded information.
 - What is the retention period?
 - Has it been followed?

- c. Electronic data and documents.
 - What is the retention period?
 - How long is the electronic data and documents stored at both the agency and ITD level?
- 4) What is the best way to preserve the documents?
 - Where will the paper documents be stored?
 - What steps will the agency take to preserve electronic data?
 - What steps will ITD take to preserve electronic data?
 - If active records, determine level of availability for ongoing work.
- 5) Prepare the litigation hold notice.
 - Who should send the litigation hold notice?
 - Who should draft/review the litigation hold notice?
 - Who should receive the litigation hold notice?
 - Who will be the contact person for questions regarding the litigation hold notice?
 - Who will notify the appropriate agency personnel and ITD of steps they need to take to preserve electronic data?
- 6) Monitor compliance with the litigation hold notice.
 - Who will monitor compliance with the litigation hold notice?
 - How will compliance with the litigation hold notice be monitored?
 - What type of written record will be kept of the steps taken to preserve documents, electronic information, and other materials.
- 7) Review documents for production and assertion of privileges.
 - Who will assist in reviewing documents for production and assertion of privileges?
- 8) Notify affected staff when the litigation hold has been canceled or removed.
 - Who will notify affected staff when the litigation hold has been canceled or removed?