

# Get Excited!

## Data Preservation and Legal Hold Notice Programs



# Welcome and Introductions

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# Polling

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This session is:  
LDPG3

# Agenda

- ◆ Common Preservation Challenges
- ◆ Reasonable and Good Faith Efforts
- ◆ Points of Failure
- ◆ Tools

# Poll Question 1

Who Are You?

<http://ilta.cnf.io/sessions/229>

# Common Preservation Challenges

- ◆ Failure to implement hold soon enough
- ◆ Failure to follow a defined process
- ◆ Inconsistent or ad hoc practices
- ◆ Failure to identify all relevant custodians and data sources
- ◆ Incomplete or inaccurate certifications
- ◆ Case becomes about discovery, not merits



# Poll Question 2

How formal is your Legal Hold notification process?

<http://ilta.cnf.io/sessions/229>

# Reasonable and Good Faith Efforts

- ◆ Establish and follow a process
- ◆ Issue timely, written legal holds
- ◆ Communicate your expectations clearly
- ◆ Follow-up and monitor compliance
- ◆ Ask questions
- ◆ Provide for routine updates and reminders





# Potential Failure Points

- ◆ Automated deletion programs
- ◆ Personnel changes and departures
- ◆ Volatile or transient data
- ◆ Non-traditional data sources
- ◆ Third-party sources



# Poll Question 3

How do you preserve data?

<http://ilta.cnf.io/sessions/229>

# Tools

- ◆ Spreadsheets and home-grown databases
- ◆ Web-based hold notification and tracking systems
- ◆ Component of in-house eDiscovery platforms or matter management systems



# QUESTIONS?