

The Complete Compliance and Ethics Manual 2023

Sample Litigation Hold Notice

Litigation Hold Notice

Privileged and Confidential: Do Not Forward

Please read this important Litigation Hold Notice carefully to ensure you understand what you must do to preserve relevant information that may be needed in connection with this matter.

Please keep this notice confidential, and please *do not discuss this matter with anyone outside the presence of attorneys* (both in person and by email, text, or instant message). If you have any questions, please contact [XXXXXX] directly at [XXXX].

[Company] has received a letter from an attorney on behalf of former employee, [Employee], making various legal claims against the Company.

In order to appropriately prepare our response to the claim, it is critical that the Company retain *all* documents and recordings related to [Employee's] hiring, employment, performance, and reasons for the separation of employment. Company must preserve all records, information, documents, and other tangible evidence potentially relevant to this matter (Relevant Information), even if records, policies, or retention schedules would normally require the Relevant Information to be discarded or deleted.

Relevant Information to Be Preserved

Please preserve the following Relevant Information (whether in paper or electronic form):

1. Calendar references to meetings with, about, or including [Employee];
2. Performance documentation or feedback from or relating to [Employee];
3. Any files or documentation regarding [Employee's] hiring, employment, compensation and benefits, performance, and/or separation of employment;
4. Emails (from, to, or about) [Employee];
5. Complaints made by [Employee] or notes that reference such complaints; and
6. Notes of conversations with or about [Employee].

Please notify [XXXX] immediately if you believe there may be additional categories of information relevant to this matter or if you believe that there are people omitted from the recipient list of this email that are likely to have Relevant Information.

What You Must Do To Comply with This Hold Notice

Until further notice, you must retain all Relevant Information as defined above. Therefore, do not discard or destroy any documents, and do not delete or modify any emails or other electronic documents that contain any

Relevant Information as defined above. This applies to all materials regardless of your opinion of their importance or worth. This includes Relevant Information created or maintained in both paper or electronic form (including sent or received emails; voicemails, texts, instant messages, handwritten notes; electronic documents; diaries; calendars; and information stored in shared drives). It includes Relevant Information of any type that is contained in any file, drawer, or any type of information-technology system without regard to whether the Relevant Information exists elsewhere.

This hold will take precedence over all other guidelines, policies, procedures, or instructions that may otherwise authorize or require the destruction of the Relevant Information.

If you are unsure whether or not to preserve a particular item of Relevant Information, please retain it and then check with [XXXX].

If you discover or believe that any person is not complying with this Hold Notice or has failed to preserve Relevant Information covered by this Hold Notice, please immediately notify [XXXX].

Compliance with the procedures of this Hold is mandatory.

[XXXX] will be contacting you shortly to obtain additional information; your full cooperation is expected.

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