

Develop a repeatable, documented, and defensible process for implementing and managing legal holds.

Documented

Document your policy and processes so they can be followed and referenced in the face of a challenge.

Repeatable

Develop a process that can be repeated across all matters.

Defensible

Ensure your policy and processes are current to reflect changes to case law and emerging standards involving preservation.

Proportional

Take into account factors that could inform how scope is defined, as well as the manner and means by which data is preserved.

Challenges We Address

Having repeatable, documented, and defensible legal hold strategies and processes enable companies to ensure that relevant data is preserved, and that data will not be disposed of in the ordinary course of business. It also allows stakeholders to avoid the following common challenges.

- **Uncertainty of process** – Stakeholders are unclear on when the duty to preserve arises and what steps to take to implement a legal hold.
- **Undefined ownership** – Many policies lack sufficient guidance for various stakeholders in legal, IT, records, and the business to know who does what and when, resulting in duplication of effort, lack of effort, or inadvertent loss of data subject to hold.
- **Over-scoped and blanket holds** – Companies often take a “hold everything” approach by issuing blanket notices to entire departments, distribution lists, and business units. Once these holds are in place, it becomes difficult to modify or remove them, causing costs and other adverse business impacts to multiply.
- **Limited utility of existing lists** – Without a centralized list of holds with sufficient information about the hold to enable technical preservation, staff have little use for their existing lists, resulting in the failure to comply with legal requirements to ensure data is preserved, and the inability to dispose of data eligible for destruction.
- **No technical preservation** – The process only includes the issuing of a notice, and not additional steps such as how the hold is scoped and documented, and/or when to rely on retention or in-place preservation.
- **Disproportionate effort** – Companies that use email notices and spreadsheet-type tracking/reporting to manage a substantial volume of holds typically incur an outsized amount of effort to maintain those processes. In addition, the more holds and the greater the complexity of the preservation workflow, the higher the likelihood for error, and the more difficult it is to obtain a unified view of status and what actions have or have not occurred.

Services We Provide

Our Legal Hold Services include three components – planning, legal hold remediation, and ongoing support. Below is a list of what is included within each component.

PLANNING

- Legal hold assessments
- Policy and procedure development and training
- Technology assessments and implementation, including selection of dedicated legal hold technology solutions, whether on-premise or SaaS
- Technology optimization, including system integration (e.g., matter management tools, Microsoft 365), automation (e.g., PowerShell), custom reporting, and data visualization
- Subject-matter expertise in processing activities and cross-border transfer mechanisms
- Preservation strategies, including repositories and process mapping/tracking for matters
- End-to-end operating model development, including governance, controls, and audits

LEGAL HOLD REMEDIATION

- Compilation of a centralized, global list
- Migration of legal hold lists
- Re-scoping of holds
- Custodian identification mapping
- Legacy preservation
- Data recovery and restoration

SUPPORT

- Hosted legal hold technology solutions
- Logging/tracking of legal holds
- Implementation and management of legal holds
- Controls/audits
- Training
- Expert witness services

Summary

Legal holds present significant risk largely due to the potential for data to be overwritten, deleted, or destroyed. Lighthouse can help you develop a repeatable, documented, and defensible process.

Connect with us to see how Lighthouse can best support you.

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