

IT and Records Roles in Legal Holds, Subpoenas, and Destruction Orders

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Agenda

- Background Information
- Process
- Protective Orders
- Best Practices
- Questions

What are we talking about?

Legal Holds/Subpoenas

- Previous matters (often come to our attention through Risk Management)
- The focus is on firm's materials
- May be handled by outside counsel representing firm

Litigation Support

- Active billable matter
- Lots of client document production
- Mofo handling the litigation process for the client

Legal Holds at Mofo

- Brief history of legal holds at Mofo
 - First cross departmental hold
 - How did Records get involved
 - Why did we continue to have Records coordinate

How does the process begin?

- Official notification from the court
 - Subpoena
- From the client
 - Legal Hold
- From the attorney
 - Legal Hold
- Disposition of an active matter
 - Protective/Destruction Order

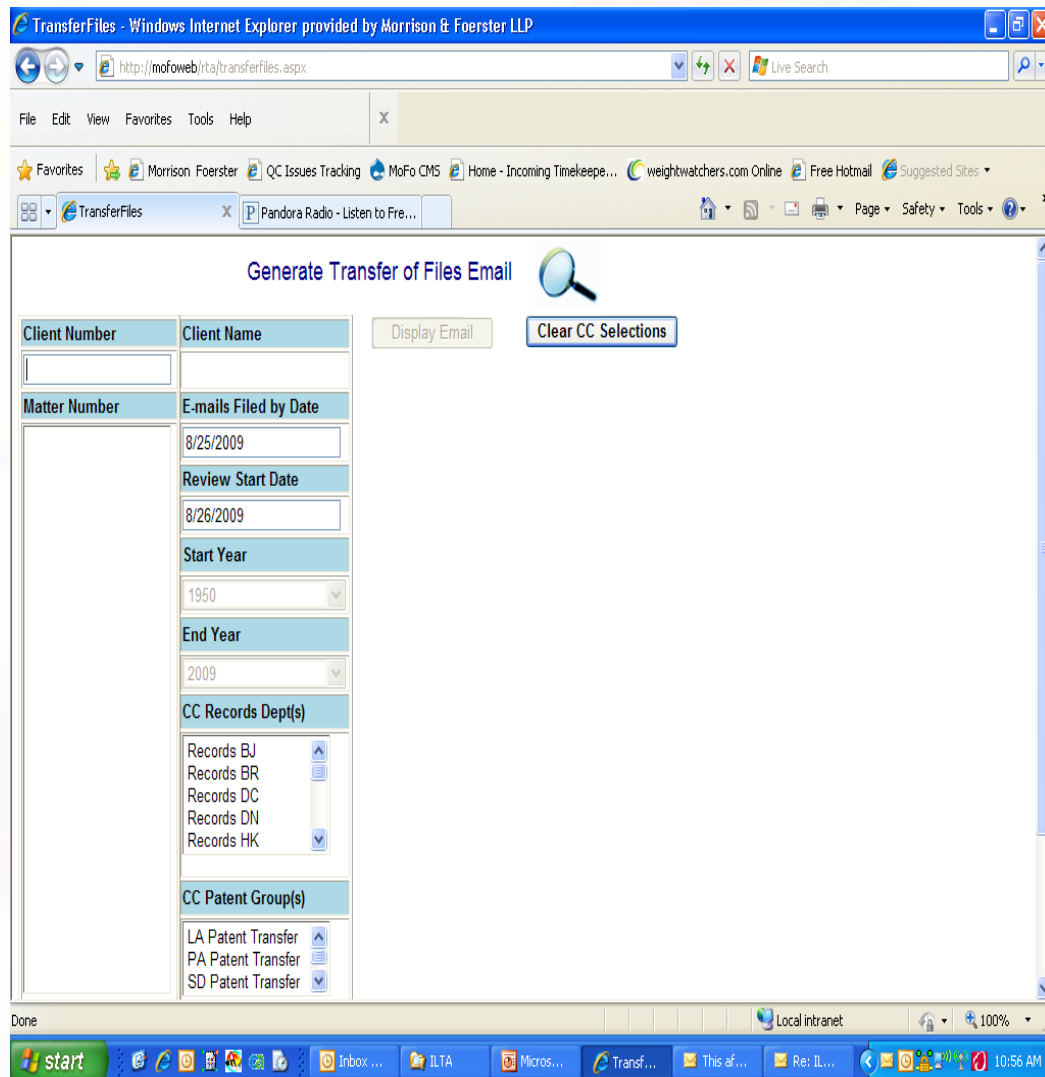
Tracking

- All Legal Holds are not created equal
 - Work with Attorney to determine steps
- Checklist
 - [Rec 2 Legal Hold Checklist.pdf](#)
 - Used by Records to track steps
 - Used by Records to track progress

Determining Timekeepers

Mofo uses a tool designed for client transfers to retrieve the timekeepers involved

- Mofo defines timekeepers and anyone who bills time
- This tool pulls information from Elite



Notification to Timekeepers

- Email to timekeepers and cc secretaries
 - [Rec 2 Legal Hold Notification.pdf](#)
- Voting buttons to confirm compliance
 - No – I have no documents/e-mail
 - Yes – I have documents/e-mail and I have complied
- Tracking spreadsheet
 - [Rec 2 Legal Hold Tracking.pdf](#)

Gathering - Messages

- E-mail
 - Mofo does not keep copies of entire mailboxes
 - All messages are filed into CARM
 - Once notification has been sent, timekeepers must file all messages relating to the matter
 - Once filed Records copies the messages back into Outlook for review
 - Mofo does not allow .pst files

Gathering –other documents

- Records works with IT to copy all relevant DM documents
- Records works with Lit Support to copy anything on the P:Drive or in E-rooms
- Records relabels physical folders

Releasing the Hold

- You cannot rely on the attorneys to tell you when to remove a hold
- [Rec 2 Release form.pdf](#)

Protective/Destruction Orders

- What are they?
 - Orders from the court to destroy specific documents relating to a matter
- How are they different from a Legal Hold?
 - They are usually associated to an active matter
- Who should coordinate?

Destruction Pitfalls

- Archived messages
 - Does deleted mean delete
- .pst Files
- Document productions
- Backups

Departed Attorneys

- Deal with the problem before they leave
 - [Rec 2 Departed Attorney.pdf](#)
- Part of the response

Best Practices

- Be consistent
- Be flexible
- New technology is always coming
- Documents come in many media types

Getting the Attorneys on Board

- If you build it they will come
- Taking care of the administrative tasks
- You know where to look
- You are the expert



Questions?