

### *Litigation Hold Policy*

The courts have imposed requirements regarding the preservation of documents, including electronic documents such as email that may be relevant in potential lawsuits. The courts are also imposing multi-million dollar penalties, along with other sanctions, against companies and government agencies which do not have procedures in place to protect discoverable material. In addition, sanctions can be imposed against individual officials and employees within companies and government agencies for non-preservation or outright spoliation of evidence.

To ensure that the State is in compliance with these new rules, the Department of Administration, Division of Legal Services has promulgated a “Litigation Hold” policy which sets forth the authority and process for initiating, implementing, monitoring, and releasing litigation holds. This policy applies to all potential evidence in whatever form when litigation against a Department, or an employee acting within the scope of employment, has been filed or is reasonably anticipated or foreseeable. This policy also applies to litigation that has been filed, or is reasonably anticipated or foreseeable to be filed, on behalf of the Department.

This policy suspends any records retention policy that would otherwise authorize destruction, deletion or disposal of such potential evidence.

For further information, see the Litigation Hold Policy.

If you have any questions or comments about the litigation hold policy, we are available to discuss the subject with your representatives.

