

Legal Hold

DEVELOP A REPEATABLE, DOCUMENTED, AND DEFENSIBLE PROCESS FOR IMPLEMENTING AND MANAGING LEGAL HOLDS.

Documented

Document your policy and process so it 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 and the manner and means by which data is preserved

Challenges We Address

Having a repeatable, documented, and defensible legal hold strategy and process enables 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 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 efforts, lack of effort, or inadvertent loss of data subject to hold.
- **Overscoped and blanket holds** — Oftentimes, companies 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.

Benefits We Provide

Lighthouse's Legal Hold offering includes three components — planning, legal hold remediation, and ongoing support. Below is what the components entail.

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
- 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 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. Let Lighthouse help you develop a repeatable, documented, and defensible process.

About Lighthouse

Lighthouse simplifies the complexities of ediscovery and information governance by the use of our intuitive technology solutions and comprehensive service offerings. Through our best-in-class expertise, Lighthouse stands apart as a leader in industry best practices and workflows. Our proactive, high-touch approach has enabled us to build enduring partnerships with the most respected corporations and law firms around the globe. For more information, visit lighthouseglobal.com.

Contact us to find out what Lighthouse can do for your business.

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