



Best Practices for Drafting and Issuing a Legal Hold



Make it timely

A thoughtful legal hold policy and a [legal hold automation tool](#) can help you issue a legal hold as quickly as possible after the triggering event.



Put it in writing

An oral threat of litigation can trigger preservation, but issuing only a verbal hold notice does not count as taking “reasonable steps” to actually preserve relevant information. To be safe, write it down.



Make it clear and specific

Make sure your notice is not full of legalese, clearly establishes the specific information that needs to be preserved, including details about the documents’ names, dates, and offers relevant examples to custodians.



Explain the matter at issue

It’s important that custodians understand the scope of the matter at issue so that they have more context on why it is so crucial that they comply with their duty to preserve.



Offer help

Your legal hold notice should also offer an easy way for the custodian to get in touch with the legal team for any questions or concerns.



Revise, revise, revise

Make sure you’re not forgetting any important detail on your notification and that you’re including all relevant custodians.



Ask for a notice of receipt—and follow up with custodians that don’t send acknowledgment

Always ask custodians to acknowledge receipt of the legal hold notification, and follow up with them consistently until they do so.



Document everything

To make the [legal hold process as defensible as possible](#), keep track of every action consistently, like emails sent, acknowledgments received, follow-ups, etc.

Learn more at [Logikcull.com](https://logikcull.com)

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