

FIVE LITIGATION “DISCOVERY” PRINCIPLES

For if you are sued or otherwise involved in litigation

1. Do **NOT** destroy any records (emails, notes, files, drafts, audio, etc.) even tangentially related to the litigation topic or participants involved.
2. Consider making a complete backup of all network computer files and email accounts. Label with date, “*confidential*” and “*do not destroy until at least (date 7 years in the future)* .”
3. Expect to transcribe (sign, date and note time) any voicemails related to litigation issues or participants involved.
4. Make a LIST of all records and computer-based business systems (databases, spreadsheets, etc.) associated with the litigation or participants involved such as:
 - a. Contracts
 - b. Correspondence
 - c. Project files
 - d. Supporting materials
 - e. Financials
 - f. Insurance policies, business license and other contracts/clients (at the time)
 - g. Organization chart (at the time)
 - h. Voicemail transcripts
5. Contact your lawyer with this list in hand and the records retention rules you’ve operated under:
 - a. Put together a “litigation discovery and retention plan” with your lawyer
 - b. Use this plan as directed (typically in place of normal records retention rules) until the litigation is settled – retain a copy of this plan with your litigation records

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