

LITIGATION HOLD CHECKLIST

A litigation hold (also known as a preservation notice or legal hold) is the process a business uses to preserve information relevant to a lawsuit, government investigation or enforcement action. The litigation hold is put in place when there is an action that causes the business to be aware of an actual, anticipated or foreseeable litigation or investigation.

CASE NAME: _____ DATE: _____

1.	<input type="checkbox"/>	<p>Administrator/Executive Director notifies the following individuals when they receive a notice of lawsuit, notice of government investigation, record request, there is a significant incident with harm or a complaint that rises to the level that litigation can be reasonably anticipated. Notification should include a summary of the issues and chronology of events, if possible. This should be done promptly upon learning of the potential claim.</p> <ul style="list-style-type: none"><input type="checkbox"/> Supervisor/Regional Vice President<input type="checkbox"/> General Counsel / Outside Counsel<input type="checkbox"/> Risk Manager												
2.	<input type="checkbox"/>	<p>Risk Manager/General Counsel/Regional Vice President conducts a roundtable discussion to determine if litigation is warranted. This meeting should include:</p> <ul style="list-style-type: none"><input type="checkbox"/> General Counsel / Outside Counsel<input type="checkbox"/> Any personnel involved with safeguarding or retrieving the data. <p>Determine the following and document the rationale and plan:</p> <ul style="list-style-type: none"><input type="checkbox"/> information relevant to the claim/investigation/litigation<input type="checkbox"/> person(s) with relevant materials<input type="checkbox"/> location and storage of materials (laptops, email servers, drives, files, etc.)<input type="checkbox"/> procedures to preserve the materials for litigation												
3.	<input type="checkbox"/>	<p>Issue Preservation Notice to all individuals who may be in possession of the information to be preserved. The Notice should include the following:</p> <ul style="list-style-type: none"><input type="checkbox"/> What must be preserved<input type="checkbox"/> What actions staff must take, with specificity<input type="checkbox"/> The obligations of the organization and individuals												
4.	<input type="checkbox"/>	<p>When litigation is filed, issue an amended Preservation Notice if the scope or type of information to be preserved has changed.</p>												
5.	<input type="checkbox"/>	<p>Materials to be preserved (look for paper originals and copies):</p> <table border="0"><tr><td><input type="checkbox"/> Clinical records</td><td><input type="checkbox"/> Business & Billing File</td></tr><tr><td><input type="checkbox"/> Admissions paperwork</td><td><input type="checkbox"/> Training records</td></tr><tr><td><input type="checkbox"/> Photographs</td><td><input type="checkbox"/> Logs (24 Hour, QA, medication)</td></tr><tr><td><input type="checkbox"/> Voicemail / Text Messages</td><td><input type="checkbox"/> Incident Reports</td></tr><tr><td><input type="checkbox"/> Policies & Procedures</td><td><input type="checkbox"/> Spreadsheets and databases</td></tr><tr><td><input type="checkbox"/> E-mail and e-mail attachments</td><td><input type="checkbox"/> Assignment sheets/schedules</td></tr></table>	<input type="checkbox"/> Clinical records	<input type="checkbox"/> Business & Billing File	<input type="checkbox"/> Admissions paperwork	<input type="checkbox"/> Training records	<input type="checkbox"/> Photographs	<input type="checkbox"/> Logs (24 Hour, QA, medication)	<input type="checkbox"/> Voicemail / Text Messages	<input type="checkbox"/> Incident Reports	<input type="checkbox"/> Policies & Procedures	<input type="checkbox"/> Spreadsheets and databases	<input type="checkbox"/> E-mail and e-mail attachments	<input type="checkbox"/> Assignment sheets/schedules
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6.	<input type="checkbox"/>	Routinely monitor for compliance with the Preservation Notice and document monitoring findings.
7.	<input type="checkbox"/>	Upon completion of litigation/investigation/enforcement action, issue litigation hold release.

PLEISS CASEY SITAR & ROSS