



CASE STUDY

A Cure for the Common Litigation Hold: How BIA Healed a Healthcare Organization's Chronic Pain

Situation

A healthcare organization found itself buried in nearly 150 legal matters under litigation hold with no standardized process for managing them. When this company came to BIA for help, they had over 3,000 custodians under various litigation holds. The litigation hold process was managed manually and differently, depending on the supervising attorney. With no uniform way of managing their litigation holds, the organization asked BIA for help in creating and systematizing a process. We helped them organize their holds, moved their data into a tool where they could track the process automatically, and equipped them to handle all their litigation holds more effectively, efficiently and consistently.



Challenge

It's not uncommon for companies to manage their litigation holds manually, but as with any process, detailed and accurate records are essential. In this case, the organization lacked a process for recording and reporting on legal hold events, notices, acknowledgements, reminders and other related efforts. Some of the holds were only documented through the notification emails sent to custodians while others were tracked via various spreadsheets. To complicate matters further, the organization did not have a designated employee in charge of overseeing the process, so multiple people across multiple divisions (and even their outside counsel) were involved. These parties didn't share with one another which custodians were under hold or how the matters were progressing, so there was no master list or bird's-eye view of the organization's litigation hold process or status.

Managing the litigation holds process manually can be time-consuming and messy, especially with thousands of custodians under hold across more than 100 matters. However the information is tracked – whether through a spreadsheet with a different tab for each matter or some other method – there needs to be documentation for when the initial notice was sent to each custodian and for when each person has confirmed receipt and agreed to comply with the obligations outlined in the notice. Additionally, reminder notices should be distributed regularly (and noted in the spreadsheet) to ensure that custodians are continuing to preserve their data. Another notice is due to custodians when the litigation hold has been released. Should your legal hold process ever be questioned by an opposing party in court (*When were the holds issued? When did custodians confirm receipt? Was the process was handled correctly from start to finish?*), having the proper documentation will help ensure defensibility and eliminate the risk of any sanctions.

AT A GLANCE

- **~150** matters under a litigation hold
- **3,000+** custodians
- **Multiple** tracking methods
- **No** oversight
- **0** standardized system for managing litigation holds



Solution

BIA recommended that the organization invest in a cloud-based litigation hold and data preservation platform to help streamline the process. The platform automates interrelated hold, preservation, and collection activities to increase efficiency and defensibility. It also automates tracking, sends electronic [custodian questionnaires](#) and reminders, and allows the organization to run reports and evaluate analytics.

The client fully embraced the idea of forgoing their [manual process](#) for an automated approach. We worked closely with them to get everything properly migrated and loaded into the platform.

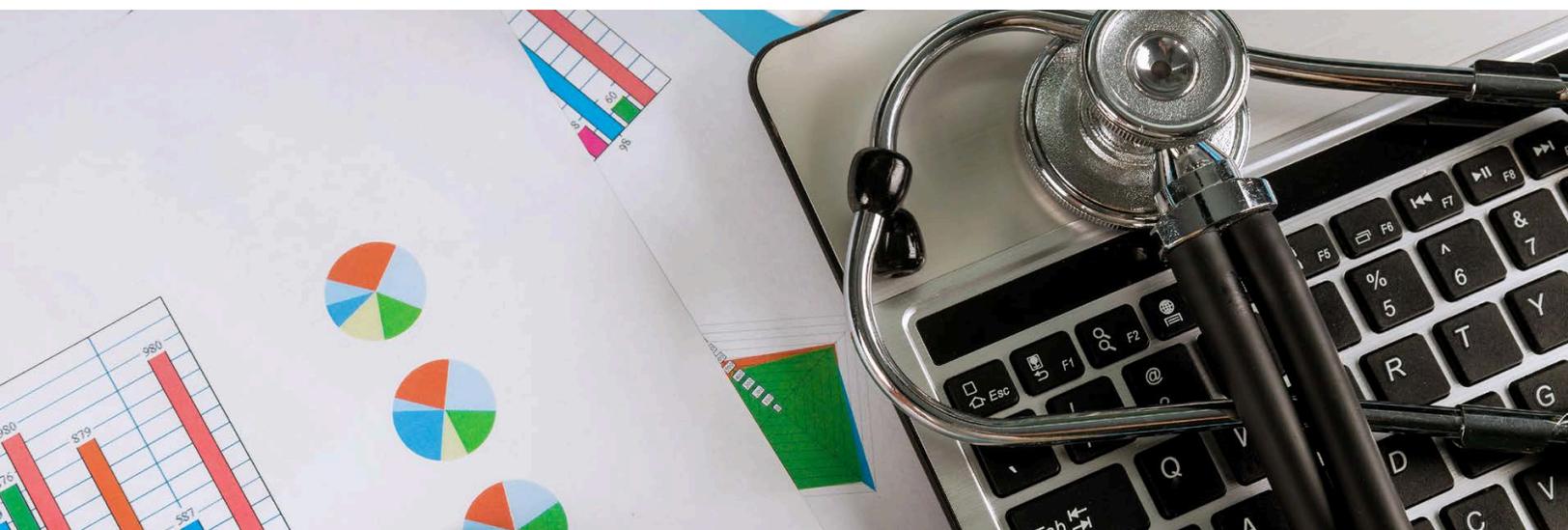
Impact

By migrating this organization's data into litigation hold software, BIA provided them with a completely streamlined process. During the process, we found that many custodians who'd previously been under hold could now be released. This meant that the client could then follow their normal retention and defensible deletion protocols to eliminate data that was no longer needed, thus reducing data storage costs and potential liability exposures.

BIA assisted the client in gathering, organizing, normalizing and importing all of their historic information into the new solution. Instead of multiple internal and external resources acting in a disjointed, inefficient and costly manner in diverse systems and processes, now the company has a single designated person managing all holds in a unified and connected interface. That individual uses the new solution to make routine updates, schedule reminders for custodians and run fully defensible reports — all at a fraction of the time and costs of their prior manual processes. We continue to support the client and make sure that they are gaining the maximum benefits from using their new solution to its fullest potential.

The solution also allows the organization to automatically, discreetly, and remotely collect and preserve custodians' data as needed so that it is ready for future litigation needs. Ultimately, investing in litigation hold software allowed the organization to streamline the process of managing legal holds, eliminate errors, reduce costs and risks, and drive efficiency and effectiveness.

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End Results



Created a **STREAMLINED, AUTOMATED PROCESS** for handling litigation holds



Significantly **IMPROVED DEFENSIBILITY, EFFICIENCY AND EFFECTIVENESS** by moving to an automated legal hold platform



REDUCED CONFUSION, COSTS AND RISKS associated with the prior processes



IMPROVED REPORTING AND ANALYTICAL CAPABILITIES across all legal matters



Offered **PEACE OF MIND** that the process is handled correctly and defensibly

Looking for a place to start with your legal holds? Our [Litigation Hold Notice Template](#) provides many benefits, enabling you to start streamlining your next litigation now and drive consistency throughout the process.

