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# Creative Business Solutions

## Don't Hit That Delete Key

Erasing important documents can be dangerous to a company's litigation health.

### Problem

A company can get caught up in litigation, or can contemplate filing a lawsuit, without having ever gained a full understanding of its obligation to produce and turn over electronic documents to the other side. Courts have consistently ruled that the failure to preserve and hand over such documents – e-mails, instant messages, word processing documents, even voice mails – can be grounds for sanctions against a party in litigation.

### Action

You should review your electronic discovery obligations in advance of being involved in a lawsuit, and certainly in advance of receiving a discovery demand for documents in a civil case. This is a tricky, rapidly developing area of the law, and it is essential to work with a legal team with experience in this area.

### Results

By consulting a team with experience in electronic discovery, you will avoid potentially severe sanctions, which can include dismissal of the lawsuit. You will also end up paying only your fair share of the costs of electronic discovery, which can be quite onerous. Moreover, you will be able to put into place an electronic-discovery policy that assures that you will preserve the documents, including back-ups, that you are required to preserve under current case law. As a result, you may gain the upper hand in major commercial or consumer litigation.

### Contact

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