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Practice Areas

Business Litigation
Labor, Employment and
Employee Benefits

Ask The Expert - Mass High Tech

I am concerned that a dispute I am involved in may end up in litigation. Do I have an obligation to preserve possible evidence?

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Yes. If you reasonably anticipate, or if you should know, that a matter might lead to litigation, you have an obligation to begin preserving evidence that may be relevant in a future lawsuit.

One of the most challenging aspects of this situation involves electronic evidence. Many companies have automatic procedures for destroying documents and electronic mail after a certain time has elapsed. However, if you have reason to believe a dispute may lead to litigation, these procedures should be halted with respect to all potentially relevant documents. Because the obligations imposed on potential litigants are significant and penalties for failing to meet those obligations are often quite onerous, it is always prudent to consult with counsel when a situation appears headed for litigation.

Additional information for this attorney
may be found on our website.

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