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Ted Banks Talks To Compliance Week About Meeting eDiscovery In Wake Of Plantronics Decision

Partner [Ted Banks](#), along with other compliance attorneys, weighed in on the significance of the Plantronics decision as well as precautions to ensure compliance with e-Discovery demands in a recent Compliance Week article. On July 12, 2016 the U.S. district court in Wilmington, Delaware issued a \$3 million sanction because of findings that thousands of emails potentially relevant to the plaintiff had been deleted. The decision highlights the challenges of meeting demands even under new federal rules that were supposed to ease the burdens of eDiscovery.

Mr. Banks outlined important steps that a company should take once a lawsuit is filed or anticipated. A company should not only send a memo warning employees who have relevant information to save it, but should start collecting this information, he said.

Even better is to institute protective measures such as an organized, electronic record-keeping system or use of a unified storage system such as a cloud-based service. Mr. Banks cautioned that, “If a lawsuit is filed, you have to get around to people who have documents or may be witnesses and start to collect them right away and not let too much time pass.”