

Boost Custodian Compliance Rates for Legal Holds

Tips and Tactics for Faster Acknowledgements and Stronger Defensibility

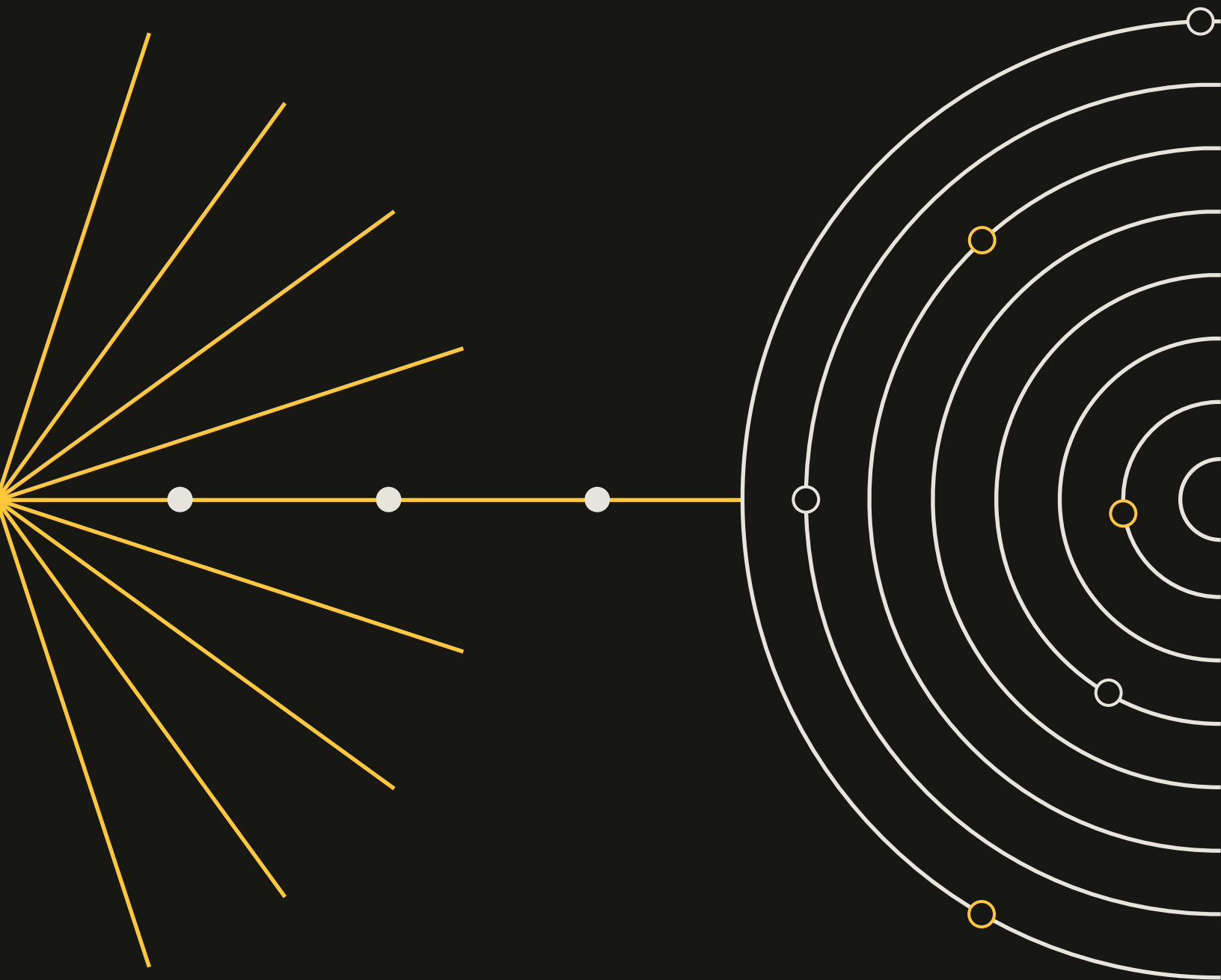


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Introduction: High Stakes, Low Awareness

A legal hold serves two important functions. It notifies custodians that they're responsible for preserving potentially relevant data. Also, and equally as important, a legal hold protects your organization.

Improving Legal Hold Compliance Rates

Transfers some of the responsibility of data preservation from the company to the individual

Demonstrates a good-faith effort by organizations during litigation and compliance activities

Minimizes internal follow-up costs and legal risk

✦ Legal holds are extremely important – but your recipient may have never heard of one before.

You understand the risks, the requirements, and the process for legal holds. But many people don't even know what they are, including most employees within your organization

Recipients of legal holds need clear explanations and directions so they can take timely and appropriate action.

Keep reading to learn tips to boost custodian compliance rates.

Tip #1: Make It Obvious: Who It's From and Why It Matters

If you're sending legal holds by email, think about the first thing your audience sees: the sender and subject line. It determines whether the custodian will even open the legal hold email.

And for good reason. With so much employee training surrounding phishing and suspicious emails, a legal email can be disregarded easily.

✦ Use a Recognizable Sender

A generic address like "legal@company.com" feels like spam. But if it comes from someone recognizable in the organization — it can help the notice feel more legitimate. Consider sending the legal hold from the lead attorney assigned to the legal matter.

Tools like Casepoint Legal Hold can "spoof" the legal hold email sending address to improve open and compliance rates while not inundating the email inboxes of individuals in the legal department.

✦ Create a Clear, Action-Oriented Subject Line

Would you trust an email subject that said "Legal Hold" alone? Especially if you've never heard of a legal hold before? Vague subject lines don't make it clear that action is required by the recipient. And if you can't get custodians to open the legal hold email, you can't expect them to acknowledge the legal hold or comply with its directions.

Before and After: Sender and Subject Lines

The image displays two side-by-side email interface mockups. The left mockup, labeled 'Generic sender and vague subject', shows an email from 'legal@company.com' with the subject 'Legal Hold'. The right mockup, labeled 'Clear sender and action-oriented subject', shows an email from 'Office of the General Counsel' with the subject 'Legal Hold — Action Required: Acknowledge and Preserve Data'. Both mockups include a search bar, a list of emails, and a timestamp of 11:27 pm.

| Sender | Subject | Time |
|-------------------------------|---|----------|
| legal@company.com | Legal Hold | 11:27 pm |
| Office of the General Counsel | Legal Hold — Action Required: Acknowledge and Preserve Data | 11:27 pm |

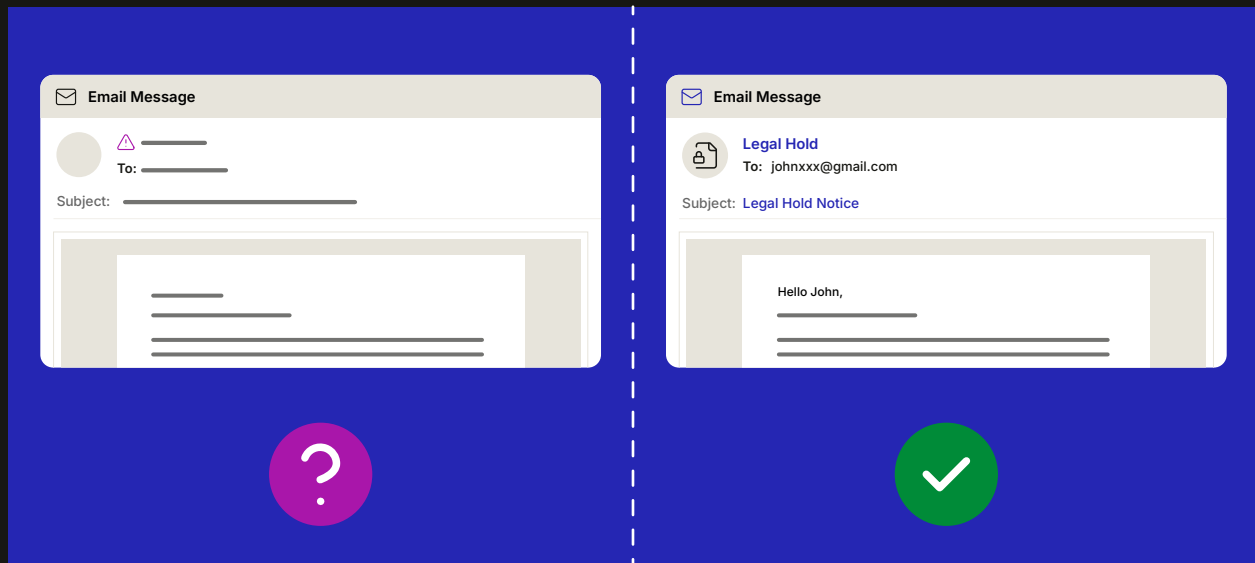
Tip #2: Match Your Organization's Branding

A legal hold notice should look like it's coming from your organization.

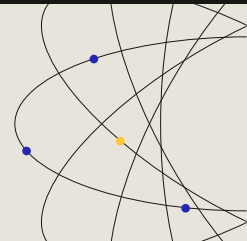
Make sure your email includes the same branding as internal emails:

- ✦ Logo
- ✦ Header style
- ✦ Fonts and colors

A modern legal hold tool can customize and templatinze email designs, so you don't have to start from scratch with every new legal hold. A well-designed, branded legal hold template will build credibility and familiarity with your custodians, leading to an increase in open rates.



If the design feels different from regular internal emails, recipients might mistake it for a spam or phishing attempt and ignore the notice entirely.



Tip #3: Define the Scope

The notice communicates to custodians what data needs to be preserved for the matter at hand. Here, specificity is crucial.

"Preserve your data from 2022 to 2024."

What data? Just work data? What types? What does that even mean?

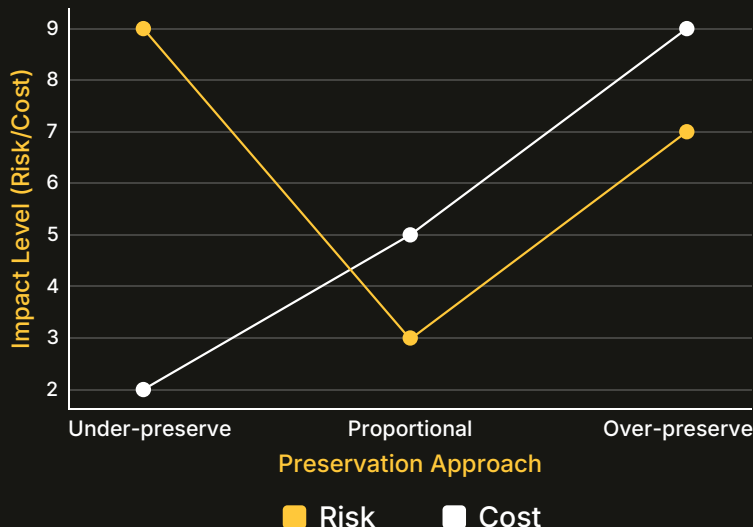
The notice should list categories of data sources — written documents, emails, photos, text messages, videos — be as specific as possible. For modern companies, it's often emails and cloud storage, and possibly mobile device data if there's a company phone involved.

Outlining the specific date range for the requested data is equally as important. If you aren't explicit, custodians may fail to preserve what you need, undermining the defensibility of your legal hold. On the flip side, failing to provide a specific date range also increases the likelihood of over-preserving data. Unclear instructions often lead custodians to preserve everything. This increases the legal risk to your organization, because preserved data is usually held longer than the standard data retention policy within the company and is therefore discoverable for other legal matters for longer than necessary. This drives up downstream eDiscovery costs, as more data must be collected and reviewed for your matter.

Proportionality: Right-Sizing Your Legal Hold

Proportionality means tailoring the scope of your legal hold to the actual needs of the matter. A well-balanced hold shows you made a good-faith, reasonable effort, thereby protecting the case, controlling costs, and keeping custodians engaged.

Why Scope Matters: The Risk-Cost Balance



► **Under-preserve** → Risk of sanctions, and increased risk of missing relevant information to inform your case

► **Proportional** → Right balance of risk and cost

► **Over-preserve** → Higher costs to manage, and more discoverable data for litigation

Tip #4: Show Them How It's Done

Remember, it's likely your custodians aren't familiar with legal holds, data preservation, and the processes involved in eDiscovery. If you are asking custodians to preserve data, you need to show them how to do it.

Make sure to include step-by-step instructions explaining how custodians actually go about preserving the data. Do they need to drag and drop relevant emails into a specific folder created by IT? Do they need to save a copy of all relevant files on a specific shared drive? Do they need to provide a list of all Slack channels they use that could contain relevant data in the scope?

For a legal hold to be successful, custodians don't just need to know what they need to preserve, but how.

✦ Example: Communicating How Custodians Can Preserve Data

- ✓ **Emails:** Drag and drop relevant emails into the IT-designated "Legal Hold" folder
- ✓ **Files:** Save copies of relevant documents to the shared drive labeled "Case Materials"
- ✓ **Slack:** Provide a list of active channels that may contain relevant conversations
- ✓ **Confirmation:** Acknowledge completion by replying to the legal hold notice

Tip #5: Lead With Clarity and Accuracy

The general counsel or lead litigation attorney may define what needs to be preserved and why. Paralegals and legal ops professionals then translate that into clear, actionable instructions for custodians. Modern legal hold tools like Casepoint offer the ability to templatzize legal hold language and instructions to save time and give you a head start.

Clarity and Accuracy Are Critical

1. Custodian Compliance

People need to know exactly what to preserve and how to preserve it, when to start, and when to stop.

2. Defensible Recordkeeping

If your process is challenged in court, you can show you took precise, reasonable, and proportional steps to preserve evidence.

Key elements of clarity and accuracy:

- 📌 Specific dates, data types, and sources
- 📌 Consistent terminology between legal teams and custodians
- 📌 Explicit lists ("emails, Teams chats, shared drive folders from January 2020 to December 2022") instead of vague instructions ("preserve your data")
- 📌 Step-by-step instructions on how to preserve the requested data

This prevents spoliation, which can sink a case before it's even heard.

What Is Spoliation?

When data altered, deleted, or destroyed, whether intentional or unintentional. Its integrity is compromised and it can't be used in court.

Legal holds are designed to prevent spoliation.

Tip #6: Keep It at the Right Length and Easy To Read

If your message is too long, you risk losing someone's attention. Make it too short and you may leave out critical details.

One of the most underrated tips is keeping your legal hold at the right length.

How long should it be? It depends, of course, but one to two full pages is typically a good target for legal holds. That allows you enough space to explain the purpose, scope, and instructions without overwhelming your reader. This "sweet spot" helps recipients quickly understand what's required without feeling buried in legal language.

✦ Enhance Readability and Engagement With Formatting

A well-formatted notice is more likely to be read, understood, and lead to action.



Use bullet points for lists and scope details



Highlight or bold key action items



Break up text into short paragraphs for easy scanning

✦ Quick Self-Check Before Sending

- ✦ Can someone scan it in under a minute and still understand the core instructions?
- ✦ Do the key actions stand out visually?
- ✦ Is there a clear break between background/context and what the recipient needs to do?

Bonus: 3 Quick Must-Do's for Every Legal Hold

1. Be Explicit About What To Preserve and How To Preserve It

**Do not delete or alter any files.
We will preserve your data
centrally — no action required.**

**Move all documents and
messages matching these criteria
into the folder\LegalHold\ProjectX
and do not delete anything
from that folder.**

2. Explain What Signing the Legal Hold Means

Be very clear about what signing the notice even means. You may want to add in what it means if the custodian doesn't comply.

**By acknowledging this legal hold, you confirm you have
received the notice and will preserve all documents and
communications described above. Failure to comply may
result in legal consequences.**

You want the tone to be firm and clear, but not scary. A short, helpful line can help wrap up your message, leading us to the third must-do.

3. Include a Line for Following Up With Questions

Legal holds can be intimidating. A note can make the difference between someone walking away and following up on the notice.

**We appreciate your compliance. If you have any questions,
contact [name] by calling [phone number] or messaging
[email address].**

Why Modern Tools Matter for Improving Legal Hold Compliance

Paralegals and legal ops professionals manage multiple holds while overseeing inboxes for replies and managing spreadsheets to track acknowledgements.






Increase the scale and it's easy to see how this is too much to manage. Manual work wastes time and creates risk, and all it takes is one missed response or one mistake to threaten the organization.

A modern legal hold platform removes busywork, centralizes control, and gives you an auditable trail that is easy to defend

- ▶ **Automate Follow-Up** — Reminders and escalations run themselves, so you don't have to chase every custodian.
- ▶ **Improve Compliance** — Fewer missed acknowledgements and clearer records of who did what and when.
- ▶ **Save Time** — Templates, bulk actions, and reports allow you to focus on higher-value tasks.

☀ Pain Points Snapshot

What paralegals and legal ops professionals tell us they struggle with:

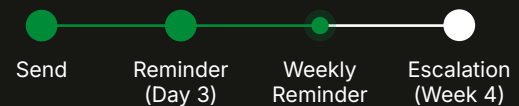
-  Keeping a manual spreadsheet of holds and acknowledgements
-  Scouring inboxes for replies and status updates
-  Creating and recreating notices from scratch each time
-  Lacking quick visibility to answer "Where are we on acceptances?"
-  Spending too much time compiling data and reporting across multiple disparate systems

Core Features That Increase Compliance

Configurable Reminders and Deadlines

What: Automatically send reminder emails to custodians who haven't acknowledged by a set deadline.

Why It Matters: Automated nudges increase response rates, stop holds from lingering, and save valuable time for the legal ops professionals managing holds

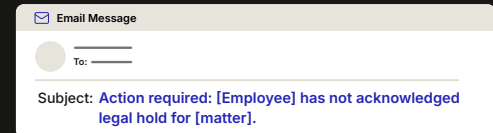
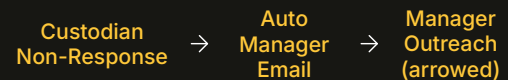


Initial send on day 0, first reminder at day 3, followed by weekly reminders.

Automatic Escalation to Managers

What: If a custodian remains delinquent after configured reminders/days, automatically notify their supervisor.

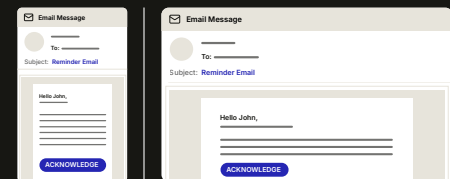
Why It Matters: Escalation shifts responsibility to management and reduces follow-up.



In-Reminder Acknowledgement (One-Click)

What: Allow custodians to acknowledge the hold directly from the reminder email so they don't have to search for the original message.

Why It Matters: Fewer clicks = less friction = higher acknowledgement rates.



Custodian clicks "Acknowledge" in the reminder; timestamp logged automatically.

Acknowledge on Behalf (With Note)

What: Log an acknowledgement on behalf of an unreachable custodian and include a note explaining why.

Why It Matters: Keeps compliance metrics realistic and documents good-faith attempts for defensibility.

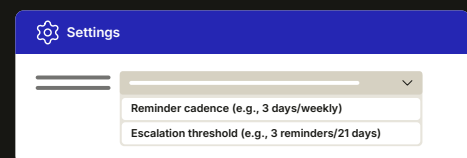
| <input checked="" type="checkbox"/> | No | Custodian | Acknowledged By | Date | Method (On Behalf) | Notes |
|-------------------------------------|----|-----------|-----------------|------|--------------------|-------|
| <input checked="" type="checkbox"/> | | | | | | |
| <input checked="" type="checkbox"/> | | | | | | |
| <input checked="" type="checkbox"/> | | | | | | |
| <input checked="" type="checkbox"/> | | | | | | |

Acknowledged on behalf of Jane Doe — on maternity leave. Spoke by phone; device preserved by IT.

Hold-by-Hold Flexibility (Configurable Cadences)

What: Define different reminder and escalation rules per hold or custodian group.

Why It Matters: Different matters (HR, litigation, regulatory) have different urgency and often different managing attorneys, so flexibility prevents one-size-fits-all rigidity and frustration.

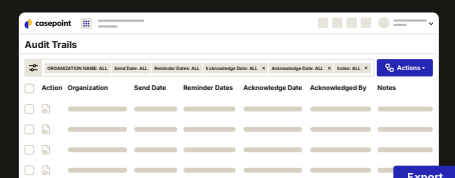


Employment matters: reminders every three days. Contract disputes: reminders weekly.

Defensible Audit Trail and Timestamps

What: Exportable log of send dates, reminders, acknowledgements, escalations, and notes generated in a few clicks.

Why It Matters: When you need to prove process, time-stamped evidence shows you acted promptly and consistently.



Producible CSV showing full timeline of actions for each custodian.

Operationalizing Legal Holds: Reporting, Templates, and Productivity Benefits

The right platform turns repetitive administrative work into predictable, automated steps so you can spend more time on the exceptions that matter.

Reporting

Automated, scheduled reports surface who has not acknowledged, what changed since the last digest, and which holds need attention today.

- 👉 Drive transparency and evidence you need for defensibility
- 👉 Reduce ad hoc status requests
- 👉 Save time

Templates

Reusable templates and autofill fields let you create consistent holds in minutes instead of retyping notices every time.

- 👉 Reduce errors
- 👉 Increase the speed of deployment
- 👉 Make it easy to enforce best practices for language across matters

Productivity

A modern tool streamlines common workflows so you become more efficient and strategic.

- 👉 Cut clicks and time per hold with bulk create, batch edits, and quick actions
- 👉 Fix stale lists automatically by integrating with HR and remove inactive custodians from active workflows
- 👉 Simplify exception handling with bulk acknowledge on behalf and manager escalations

🌟 Example Deployment

Create from Template

Pick a template and autofill custodian lists.

Schedule Reminders

Set cadence and escalation rules in seconds.

Send Reports

Configure the weekly status report to legal ops and GC.

Create from
Template

Schedule
Reminders

Send
Reports

Less Than 5 Minutes With Casepoint Legal Hold

About Casepoint

Casepoint is the trusted data discovery platform for large corporations and government agencies. Our mission is to transform data into actionable intelligence and responsive insights. Leveraging the power of AI and advanced analytics, our end-to-end eDiscovery platform empowers teams to seamlessly collect, preserve, and discover vast amounts of data from diverse sources.

With Casepoint, organizations identify crucial information to address their complex data-responsive needs — from litigation, investigations, regulation, and compliance to congressional inquiries or Freedom of Information Act (FOIA) requests. Our platform offers an intuitive user experience designed with unmatched security, enabling enterprises to manage their data confidently, enhance efficiency, meet reporting obligations, and mitigate risks. From legal hold and data preservation to cloud collections and eDiscovery, Casepoint streamlines data-responsive workflows.

Our commitment to the customer experience is unwavering. At Casepoint, we're more than just a software provider, we're a trusted partner — a team of experts invested in helping customers meet business objectives and achieve successful outcomes for their toughest challenges. From configuring workflows to ongoing support, we are there every step of the way, ensuring a seamless experience and tangible results. Trust, collaboration, and exceptional customer service are the cornerstones of our approach, fostering long-term relationships built on mutual respect and achievement.



CASEPOINT.COM



HELLO@CASEPOINT.COM



+1 (844) 882-0021