

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

To: [Client Name]
From: [Attorney Name]
Date: [Date]
Re: Legal Advisory Regarding Preservation of Evidence and Spoliation

Dear [Client Name],

In connection with the matter of [Case Name/Reference Number], this letter serves as a formal advisory regarding your legal obligations to preserve all potentially relevant evidence.

The Duty to Preserve

Under applicable law, a party has a duty to preserve evidence when litigation is pending or reasonably foreseeable. This duty extends to all forms of information, including physical documents, electronic data (ESI), and tangible objects that may be relevant to the claims or defenses in this matter.

Prohibition Against Destruction

You are strictly instructed not to delete, destroy, alter, or discard any records related to this matter. This includes, but is not limited to:

- Emails and text messages
- Internal memos and handwritten notes
- Financial records and receipts
- Electronic files, databases, and metadata
- Physical hardware or prototypes

Consequences of Spoliation

The destruction or significant alteration of evidence is known as "spoliation." If a court finds that evidence was destroyed when it should have been preserved, the penalties can be severe, including:

- Monetary sanctions and fines
- An "adverse inference" instruction (where the jury is told to assume the destroyed evidence would have been harmful to your case)
- Dismissal of claims or entry of a default judgment against you
- Criminal charges for obstruction of justice in certain jurisdictions

Immediate Actions Required

Please ensure that all "auto-delete" or "routine retention" policies affecting your electronic systems are suspended immediately for relevant files. You must also distribute a formal "Litigation Hold" notice to all employees or agents who may be in possession of relevant materials.

If you have any questions regarding whether a specific document or category of data must be preserved, please contact me immediately before taking any action.

Sincerely,

[Attorney Signature]
[Law Firm Name]