

## Zapproved Publishes In-Depth Analysis of Judge Scheindlin's "Pension Committee" Opinion and Its Impact on Legal Hold Processes

**Portland, Ore. January 29, 2010** – Zapproved Inc., a Software-as-a-Service (SaaS) provider with a platform that adds accountability to business communications, announced today that it has released "The Pension Committee Opinion: Judge Scheindlin's Call to Action for Effective Legal Holds." The in-depth analysis was authored by Brad Harris, Director of Legal Products for Zapproved, and legal hold expert, John Jablonski, Partner at Goldberg Segalla LLP. The analysis interprets the opinion and its practical effect on the duty to preserve evidence in the United States and the contemporary standard for litigation hold processes developed by courts over the last few years. The 14-page paper, part of the Legal Hold Pro™ Signature Series, is available immediately at no cost at [www.legalholdpro.com/scheindlin](http://www.legalholdpro.com/scheindlin).

On January 11, 2010, Judge Shira Scheindlin issued an opinion in *The Pension Committee v. Banc of America Securities* case that strongly affirms the need for organizations to issue written litigation hold notices as part of a robust litigation hold processes. Following Judge Scheindlin's seminal *Zubulake* opinions in 2004, this blockbuster 89-page opinion revisits many of the issues around legal preservation. The opinion concentrates on the weaknesses of the legal hold efforts of the plaintiffs in the \$550 million securities litigation. Among the key rulings by Judge Scheindlin is that "the failure to issue a *written* hold constitutes gross negligence because that failure is likely to result in the destruction of relevant information." (p.36)

"This is clearly a landmark opinion and since it was issued I have been receiving a lot of calls seeking an interpretation of the opinion," said Jablonski, co-author of *7 Steps for Legal Holds of ESI and Other Documents* (ARMA, 2009). "We worked extremely hard over the last two weeks to conduct a thorough analysis which we believe will serve as a guidepost to help corporations and others understand the real world implications of *The Pension Committee* opinion. The report includes a checklist of legal hold duties created or discussed by the opinion and recent cases that corporations and their lawyers can review to help meet the litigation hold expectations of the modern court."

“John and I wanted to go beyond a play-by-play of Judge Scheindlin’s opinion and illustrate how this case will impact in-house legal teams and outside counsel,” said Harris.

“Judge Scheindlin effectively redefined the ‘contemporary standard’ of litigation holds so we felt it was imperative to communicate that to the legal community immediately.”

At the upcoming LegalTech show in New York at the Hilton New York from February 1-3, 2010, complimentary printed copies of the report will be available while supplies last in Booth #320 where Zapproved will be demonstrating its Legal Hold Pro product. John Jablonski will present on Monday, February 1, at 4 p.m. at LegalTech and will discuss *The Pension Committee* opinion in the course of that session about legal holds.

For further comment on the decision or the state of legal hold requirements in the United States, contact attorney John Jablonski at (716) 566-5469 or send an email to [jjablonski@goldbergsegalla.com](mailto:jjablonski@goldbergsegalla.com).

For more information about Legal Hold Pro, visit [www.legalholdpro.com](http://www.legalholdpro.com) or send an email to [info@legalholdpro.com](mailto:info@legalholdpro.com).

### **About Zapproved Inc.**

Founded in February 2008, Zapproved is a Software-as-a-Service (SaaS) provider based in Portland, Ore., with a platform that adds accountability to business communications. Zapproved’s first products focus on targeted compliance workflows that reduce liability risk in legal and regulatory compliance. The company is expanding its product line to create a suite of applications that address additional compliance issues and workplace collaboration. To learn more, visit [www.zapproved.com/aboutus](http://www.zapproved.com/aboutus).

# # #

### **For more information, please contact:**

Chris Bright  
Vice President of Marketing  
Zapproved Inc.  
Telephone: +1 503 307-1261  
Email: [media@zapproved.com](mailto:media@zapproved.com)