

DAWN RAID GOLDEN RULES

ALERT AND ORGANIZATION

- **Don't obstruct:** Be professional and cooperative.
- **Don't destroy** documents or other evidence.
- **Call counsel** immediately to protect your rights.
- **Keep a record** of what is searched, what is taken, who was involved in the search, and persons in focus.
- **Know your rights:**
 - The search should be limited to the scope of the warrant.
 - You have the right to receive inventory of materials seized.
 - You have the right to withhold or receive back-privileged materials.
 - In the United States, interviews on substantive topics are voluntary and may be refused. You may insist on counsel being present.
 - In the European Union, you must answer purely factual questions but may refuse to answer questions to which the answers may be self-incriminating.

STEP-BY-STEP RESPONSE

1. **Ask to see** investigators' identification and documents authorizing the search.
 - a. Confirm that your company's premises are permitted to be searched.
 - b. Keep a record of the investigators' names and affiliations.
2. **Call counsel** immediately.
 - a. Ask investigators to wait for counsel to arrive (they may refuse).
 - b. Put counsel in touch by phone with investigators.
3. **Assign a point of contact** to interface with the investigators and organize the response.
 - a. Provide a conference room free of business materials and away from business operations for investigators.
 - b. Assign individuals to "shadow" investigators.
 - c. Interface with outside counsel.

4. **Ensure document preservation**, send out a litigation hold notice immediately, and take steps to ensure that all relevant evidence is preserved—regardless of location.
5. **"Shadow" the search**—assign someone to follow each investigator.
 - a. This person should be trained to understand the rights of both the company and individuals.
 - b. Ensure that company employees are cooperating with the search.
 - c. Keep a record of all items searched and seized.
 - d. Involve external counsel for any questions regarding privilege.
6. **Make copies of all materials seized**—one copy for investigators and one copy for company files.
7. **Protect privileged materials** by objecting to the seizure of any privileged material and agreeing to a procedure to ensure that any privileged materials seized are returned. Involve outside counsel in this exercise.
8. **Do not break seals** where the investigators have sealed the company's premises (e.g., overnight).

HOW WE CAN HELP

If you need assistance with more detailed dawn raid guidelines or training, contact a Morgan Lewis lawyer listed below:

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