

LITIGATION · PREPARATION

THE LITIGATION READINESS GUIDE

A working document for owners, executives, and HR leaders.

THE PREMISE

Disputes are won before they are filed

By the time a commercial dispute reaches a courtroom, most of the outcome is already fixed: by the contract that was or was not signed, the emails that were or were not sent, and the records that were or were not kept. Litigation readiness is not pessimism. It is running the company so that if a fight comes, you hold the better file.

PART ONE

The record you will wish you had

- **Contracts are signed, complete, and findable.** Every material relationship has an executed agreement, with amendments in one place.
- **Key decisions leave a trail.** Material approvals, notices, and warnings happen in writing, not hallway conversations.
- **Notice provisions are honored.** When a contract says notice must be written and delivered a certain way, that is how you deliver it.
- **Document retention is a policy, not an accident.** You know what is kept, where, and for how long, and deletion is suspended the moment a dispute is reasonably anticipated.

PART TWO

The first fourteen days of a dispute

A worked sequence for the moment a serious dispute surfaces, whether you are sending the demand or receiving it:

STEP	ACTION	WHY
01	Preserve everything: suspend auto-deletion, secure devices and accounts of the people involved	Spoliation accusations poison good cases
02	Quiet the channel: route communication about the dispute through one owner and counsel	Casual emails become exhibits
03	Build the chronology: dates, documents, people, dollars, while memories are fresh	The first honest timeline drives strategy
04	Price the positions: best case, worst case, likely case, and the cost of each path	Disputes are investment decisions

05	Choose the posture: demand, negotiate, mediate, or file, deliberately	Drift is the most expensive strategy
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PART THREE

Where companies go wrong

- Answering a demand letter in anger, on the same day, without counsel reading it first.
- Letting the sales relationship owner keep negotiating after the dispute has hardened.
- Treating litigation budgets as unknowable. Phased budgets with decision points exist; insist on them.
- Ignoring insurance. Many commercial and employment disputes trigger coverage; late notice can forfeit it.

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