

NACWA 2007 WINTER CONFERENCE: Global Trends

Legal Affairs Committee
CWA Section 308 Orders:
Managing the Response
Top 10 Dos and Don'ts

DO —

10. **Sign the Response**
9. **Re-Read the 308 Letter**
8. **Prepare & Review the Response**
7. **Gather & Check the Facts**
6. **Issue an Internal "Upjohn Letter"**
5. **Identify Your Response Team**
4. **Narrow the Task & Reassess**
3. **Assess the Task**
2. **Issue a Non-Spoliation Letter**
1. **Read the Letter**



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DON'T —

- 10. Submit the Response Late**
- 9. Fail to Reserve Rights**
- 8. Volunteer Information**
- 7. Acquiesce in or Volunteer Legal Conclusions**
- 6. Turn It Over to a Consultant**
- 5. Try to Hide the Facts**
- 4. Speculate**
- 3. Generate Non-Privileged Communications**
- 2. Assume EPA Knows**
- 1. Ignore It**



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