

NOTICE OF OBLIGATION TO PRESERVE EVIDENCE

Earlier this year, Maryland passed legislation that purports to revive old claims for sexual abuse of minors that were previously barred by the statute of limitations. As a result, the Archdiocese expects to receive claims based on abuse that is alleged to have occurred many years and even decades ago. It is important that we preserve any documents that may be relevant to claims that may be made. Because we cannot anticipate at this time who may be asserting claims or what Archdiocesan personnel may be accused of improper conduct, we must at this point preserve all of the following kinds of documents:

- (1) all personnel records and all other documents pertaining to the employment or ministry of any clergy, employee, volunteer, or other person who worked in the Archdiocese at any time;
- (2) all documents relating to the hiring, supervision, and retention of clergy, employees, volunteers, or other persons who worked in the Archdiocese;
- (3) all documents that reflect or relate to any allegation or investigation of sexual abuse of a minor or other sexual misconduct by any clergy, employee, volunteer, or other person who worked in the Archdiocese at any time;
- (4) all documents relating to the Archdiocese's child protection policies—including, but not limited to, documents reflecting criminal background checks of Archdiocesan personnel and volunteers, documents relating to training of Archdiocesan personnel and volunteers, school attendance records, and documents related to attendance by minors at school/parish/Archdiocesan events, to the extent they already exist;
- (5) all communications relating to sexual abuse of minors or sexual misconduct by Archdiocesan personnel or volunteers;
- (6) insurance policies;
- (7) organizational charts;
- (8) documents reflecting the physical layout of Archdiocese properties.

Do not destroy or discard any of these categories of documents or materials without the express authorization of the General Counsel, even if such

documents or materials would otherwise be routinely discarded or destroyed in the ordinary course of your business.

Please note that in this context, the term “documents” should be construed in its broadest sense as any paper, file, recording, or data of any kind containing information, prepared by you or another and relevant to this matter. This includes both hard copies and all forms of electronic files or data of any kind, wherever and however the data or files are stored. “Documents” also includes any and all hard copies or electronic files or data kept on business premises or non-business locations, *i.e.*, emergency backups, personal archives, home e-mail files, web hosted files, and personal cell phone text messages and voicemails.

If relevant documents or physical materials are destroyed or otherwise made unavailable, it may subject you or others to disciplinary action and may subject the Archdiocese to sanctions that would impair its ability to defend a lawsuit. Any destruction of such documents, evidence, or information, inadvertent or otherwise, should be reported to the Office of the General Counsel.

Please circulate this memo to persons in your office who may have any potentially relevant documents, including any individuals formerly under your direction and control now in other departments within the Archdiocese.

If you are aware of any documents which address allegations of improper conduct in your control, or have any questions or concerns, please contact the Office of General Counsel (AnzideiC@adw.org and burkep@adw.org).