

Guidelines for Managing Records Created by Financial and Securities Regulators in the Investigative and Litigation Process

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Research Problem

- No standards to guide financial and securities regulators in the management of their investigative records.

Objectives

- Emphasize the importance of properly managing investigative records (i.e., evidence collected & created by investigators and litigators);
- Understand the management practices of different financial and securities regulators;
- Recommend best case management practices to financial and securities regulators.

Methodology

- Review legal & records management standards, best practices, guidelines, case law, and statutes & regulations;
- Questionnaire for financial & securities regulators;
- Follow-up interviews with financial & securities regulators.

Findings

- Large amounts of evidence, in all forms and formats, are placing strains on financial and securities organizations;
- Difficult to manage & track disparate pieces of evidence;
- Staff, particularly enforcement officers and lawyers, need to be properly educated and trained in identifying materials that are at high risk for degradation;
- Regulatory bodies need to create preservation policies to ensure long-term access to electronically stored information (ESI).

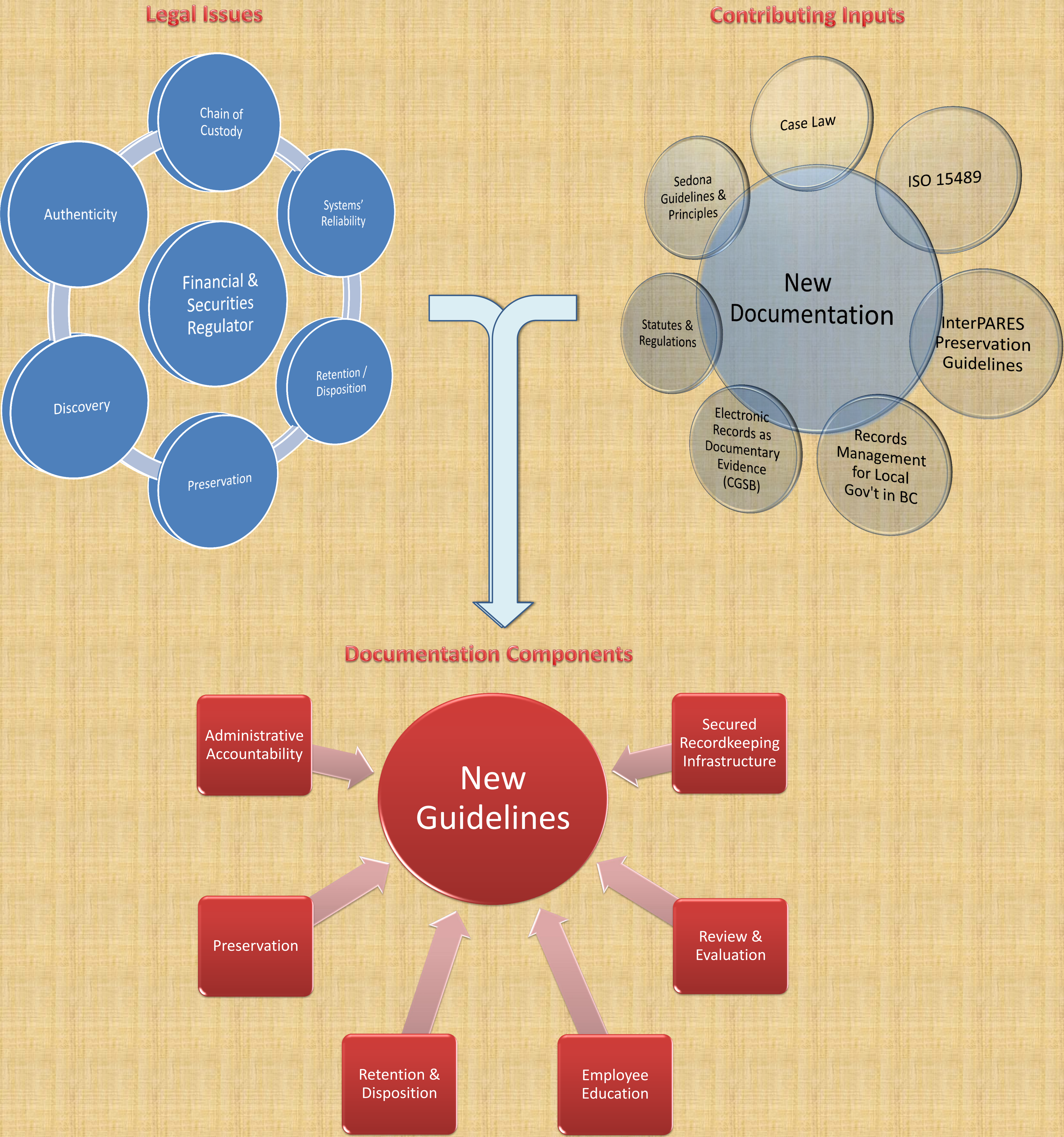
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References

Casswell, D. G. (1991): Through the admissibility of evidence maze: An attempt at a purposive structuring. *Alberta Law Review*, 29(3), 584-616.

Woolley, A. (2002). The devil is in the disclosure: The role of *R. v. Stinchcombe* in establishing appropriate disclosure rules for administrative tribunals. *Alberta Law Review*, 40(3), 717-742.



Proposed Guidelines may be found on CiFER's website: http://www.ciferresearch.org/products_service/products