

Compliance Brief: FRCP

EfficiencyNOW! ControlNOW! MoneyNOW! ECMNOW!



Applicability

The Federal Rules of Civil Procedure (FRCP) govern all civil actions and proceedings in U.S. district courts. FRCP amendments require every company involved in lawsuits and federal litigation to preserve and recover electronic documents and email messages as part of the discovery process. If a business is involved in a civil action in federal court, FRCP procedures, including precedents for electronic discovery, must be followed.

The Impact to Your Business

The FRCP acknowledges electronic information as containing important business records subject to discovery. As a result, discovery affects archived and active file servers. Parties involved in a lawsuit must preserve documents, including email messages, as evidence. Risks for non-compliance can include fines, criminal penalties and obstruction of justice charges. And, “failure to preserve” electronically stored information in anticipation of a lawsuit can result in further punishment. As a result, business owners are seeking technologies that:

- **Efficiently** capture, store and retrieve all information in a comprehensive system.
- **Control** electronically stored information by preserving its integrity.
- Simplify the file search and retrieval process to save **money** on legal discovery.



“86% of businesses surveyed were sued in 2013. Of those businesses, companies facing at least one lawsuit with more than \$20 million at issue was at 31%, a significant increase from years prior. Among all respondents, the percentage of companies spending \$1 million or more on litigation has increased to 54%.”

~ Fulbright and Jaworski, 9th Annual Litigation Trends

ECMNOW! Enables FRCP Compliance

Enterprise Content Management (ECM) provides a comprehensive archive to **control** all electronic information and make it searchable and accessible. Companies of every size and in any industry can use PaperVision® Enterprise and ImageSilo® to reduce the time, cost and burden of reproducing information. In addition to reducing the risk of FRCP non-compliance, an ECMNOW! solution can also improve operational **efficiency** and save your organization **money**.

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Efficiently Capture and Store Information

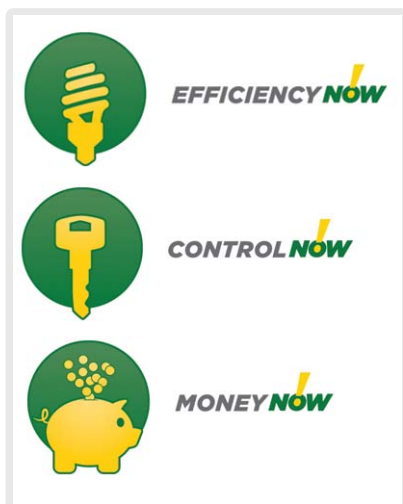
Under the FRCP, judges can set strict deadlines for discovery. When time is of the essence, the hours saved searching for documents might equal the competitive advantage a business needs to win the case. *ECMNOW!* enables the legal team to locate and produce information **efficiently**.

- Print, export and email search results and allow judges and lawyers secure, temporary web-based access to electronic documents.
- Capture and index all email messages and attachments, so they are easy to find in response to a court order.

Gain Control of Your Security

Preserving the integrity of electronic documents and verifying that documents have not been changed are increasingly important elements of discovery and dispute resolution. Recent language holds businesses accountable for failing to preserve information in order to keep it out of litigation. When a company purposely does not retain messages, the FRCP will assume the information not preserved would have been harmful to them in court. Several *ECMNOW!* **control** features help provide proof of system integrity, retention and document validity.

- Track different document versions and document access with check-in and check-out functions to show who accessed documents and what they did with them.
- Prove that stored email messages have not been altered since they were captured by the ECM system with non-repudiation technology.



Save Money by Streamlining Searches

With electronic information growing in every direction and every form, businesses need a single system that captures all important business records and facilitates retrieval without breaking the bank. *ECMNOW!* provides a complete document archive that allows you to cut costs and save **money**. Even better? PaperVision Message Manager is a FREE component.

- Access more than 250 file types, paper records, images, print streams and email messages within one central system to expedite searches.
- Save time and **money** on information searches by using keyword searches to pinpoint specific text within the content of a document quickly.