



Facilitate the Discovery of Electronic Information

The Federal Rules of Civil Procedure (FRCP) govern all civil actions and proceedings in the U.S. district courts. FRCP amendments, effective as of December 2006, make every company involved in lawsuits and federal litigation legally responsible for preserving and recovering electronic documents and email messages as part of legal discovery.

Applicability

The 2006 amendments affect every company in every industry. If a business is involved in a civil action in federal court, FRCP procedures, including precedents for electronic discovery, must be followed. Electronic discovery, or e-discovery, refers to any process in which electronically stored information is sought, located, secured and searched with the intent of using it as evidence in a civil or criminal case.

The Impact on Your Business

New language in the FRCP acknowledges electronic information as containing important business records subject to discovery. As a result, discovery affects archived and active file servers, databases, documents, text, email and voicemail messages as well as any electronic devices. Parties involved in a lawsuit must preserve relevant documents as evidence and meet to discuss discovery methods, costs and schedules, which require companies to submit all related documents within a matter of days. Risks for non-compliance can include fines, criminal penalties and obstruction of justice charges. As a result, business owners are seeking technologies that:

- Capture and store all electronic information in a comprehensive archive system.
- Simplify the file search and retrieval process for immediate discovery.
- Preserve the integrity of electronically stored information.

“U.S. companies face an average of 305 pending lawsuits internationally. The average litigation expenditure for U.S. companies surveyed has increased by 50% from 2005 to \$12 million—a figure that does not include ultimate case settlement or judgment payments. Litigation costs loom even larger considering that they represent more than 70% of overall legal spending.”

- Fulbright & Jaworski, Third Annual Litigation Trends Survey

ECM Enables FRCP Compliance

Enterprise Content Management (ECM) provides a comprehensive archive system that controls virtually all electronic information and makes it easily searchable and accessible. Companies of every size and across any industry can use PaperVision® Enterprise and ImageSilo® to reduce the time, cost and burden of locating and reproducing electronically stored information. In addition to reducing the risk of FRCP non-compliance, a Digatech Systems ECM solution can improve operational efficiency and employee productivity.

Whether companies manage documents on-premise with PaperVision Enterprise, or outsource data storage and access information online with ImageSilo, they can use the following capabilities to reduce the risk of non-compliance.

Comprehensive Information Capture

With electronic information growing in every direction and every form, businesses need a single system that captures all important business records and facilitates retrieval. Digitech Systems' ECM technology provides a complete document archive for any business record and simplifies search procedures for legal departments.

- The ECM system can automatically import documents from the corporate network, scanners and individual workstations for comprehensive file capture.
- The system centrally manages more than 250 file types, paper records, images, print streams and email messages to simplify search and retrieval.
- Email management captures and indexes all email messages and attachments, so they are easy to find.

Intelligent Search and Retrieval

Under the FRCP, judges can set strict deadlines for discovery. When time is of the essence, the hours and dollars saved searching for documents might equal the competitive advantage a business needs to win the case. PaperVision Enterprise and ImageSilo enable the legal team to locate and produce documents and information immediately.

- Powerful search capabilities allow both very broad searches across multiple index fields or projects and very detailed searches within specific date and value ranges.
- Full-text searches expedite the hunt by pinpointing key words within the content of a document.
- Legal assistants can print, export and email search results and allow judges secure, temporary web-based access to electronic documents.

Reliable Electronic Evidence

The FRCP does not set requirements for producing metadata, such as a modified date or other evidence of a document's origin, usage and validity. However, preserving the integrity of electronic documents and verifying that documents have not been changed are increasingly important elements of discovery and dispute resolution. Several Digitech Systems' ECM features provide proof of system integrity and document validity.

- Check-in and check-out functions track different document versions, and document access reports show who accessed documents and what they did with them.
- Non-repudiation technology enables companies to prove that stored email messages have not been altered since they were captured by the ECM system.
- Query reports reveal all system operations performed, so activities and claims can be substantiated.