



Globalization & Enterprise Content Management *eDiscovery for the New Federal Rules on Civil Procedure*



Today, most organizations reactively deploy point solutions every time a discovery request comes in, even when they're aware of eDiscovery platform business benefits. Amendments to the Federal Rules of Civil Procedure that took effect on December 1st, 2006, however will prevent enterprises from operating in the shield of ignorant bliss. Organizations are now required to address issues regarding electronically stored evidence at the onset of litigation (meaning the first meeting with an opponent's lawyer). The specific rules that have bearing on records/retention management and information technology are:

- **Rule 16-26.** These rules call for organizations to "...give early attention to issues relating to electronic discovery, including the frequently-recurring problems of the preservation of evidence..." This means being ready to discuss a strategy for dealing with electronically stored evidence at the very first meeting with the other parties in litigation.
- **Rule 37(f).** This rule provides a "safe harbor" for data destruction. This means that organizations face no penalties for deleting electronically stored information in keeping with routine operation of IT systems IF the party took reasonable steps to preserve it. However, any destruction must be due to routine operations in good faith, a synchronized framework must be in place, and this systemized framework must have integrated litigation hold procedures.
- **Rule 34(b).** This rule requires organizations to produce electronically stored information in its native format with its metadata intact and to prove chain of custody. If a defensible process is not demonstrated, litigation opponents may be granted access to an organizations network



COMSYS SOLUTIONS PROFILE:

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The COMSYS Solution

COMSYS' provides clients with a long term solution to new FRCP rules by addressing a number of processes and procedures related to the content supply chain. Our solution considers industry best practices in light of each client's unique business situation and provides executable recommendations. We work with clients to leverage existing investments in technology or when necessary provide recommendations for new technologies to achieve regulatory compliance. COMSYS is technology independent and has significant expertise in leading enterprise content management tools including EMC/Documentum, Vignette, Interwoven and others.

Let us provide a free Federal Rules of Civil Procedure compliance evaluation for you.

For More Information:

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