

# Addressing eDiscovery for Education

## *US Federal Rules of Civil Procedure (FRCP) Extend to K-12*

### KEY BENEFITS

- Respond more effectively to legal requests and meet document retention requirements
- Save costs & valuable IT resources with a solution that spans backup, archive & media management using a single user interface
- Leverage cost-effective, reliable automation of discovery information
- Prepare for a discovery planning session with the ability to produce, retrieve and review all discoverable data on demand
- Enable global legal holds and Federated search of all ESI.
- Reduce the IT bottleneck associated with eDiscovery
- Mitigate risk and exposure for your district

### The Challenge

Amendments to the Federal Rules of Civil Procedure went into effect on December 1, 2006. Although these amended rules went into effect more than two years ago, there is lingering confusion about the impact of these amendments on various organizations involved in litigation. The rules make all Electronically Stored Information (ESI), including e-mail, subject to legal review for all organizations. Since the rules took effect, several states have also explicitly addressed rules for electronic discovery.

According to eSchool News, (January, 2007) the FRCP rules require that any entity, including schools, involved in litigation must be able to produce ESI in the discovery process. Your district's IT person may need to show where relevant information is stored and how accessible it is to prepare for a meet and confer session. The exponential growth of data, coupled with complex infrastructures and the rise in litigation, makes this increasingly difficult. With no single-foundation technology to give legal and IT teams a holistic view across multiple data silos and storage tiers, responding to eDiscovery requests are inefficient, expensive and intolerable.

Districts may have to change the way they handle ESI, therefore technology changes may be required for storing and retrieving electronic data across the district.

### The CommVault® Solution

CommVault offers solutions that are ideally suited to help school districts address eDiscovery requirements.

CommVault's Simpana® software provides an effective framework for the management of a range of information management activities including retaining and accessing archive e-mail messages, files and documents, along with backup data. All this is achieved from a single console and a single infrastructure, providing the most comprehensive, risk-adverse and cost managed eDiscovery solution that exists today.

CommVault's Simpana® suite of Backup & Recovery, Archive, Replication, Resource Management and Search software is designed to work together seamlessly from the ground up, sharing a single code and common function set. This exclusive single-platform architecture enables unparalleled software efficiency, performance and reliability for unprecedented control over data growth, costs and risk.

The capability to manage backup data, along with archived messages, is becoming increasingly more important as courts begin to look beyond e-mail for discovery.



## KEY CAPABILITIES

- **Advanced search and find**—eDiscovery is faster and simpler with powerful filters that enable users to quickly identify and reduce the number of files and e-mail messages needed to review. Search result views allow users to utilize annotation tags and organize search results.
- **Point-and-click management**—Simpana® 8.0 simplifies data management of all ESI by offering an integrated suite operated from a single dashboard.
- **“One-click” legal holds**—Preserve authenticity and integrity of data. Legal holds can be administered globally and/or selectively across the enterprise based on search criteria and/or custodian.
- **“Post” legal hold considerations**—This includes reclassification of held content, data movement, consolidation and/or timely destruction of held content, regardless of infrastructure.
- **Cull and Reduce ESI volume**—Reduce the volume in-house, before being sent in for costly review and processing by an outside firm.
- **Built-in reporting**—Get all the information you need, when you need it. Ensure the evidentiary integrity of content with “point and click” reporting.
- **Export result sets**—In PST or CAB files to share with internal or external investigators.
- **Content Director**—Automates the process and workflow of classifying items as a records of business so that they are meaningful to the business.

**SIMPANA**  
software

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### ADDRESS FRCP REQUIREMENTS WITH COMMVAULT® SIMPANA® SOFTWARE SUITE

#### DATA ARCHIVING

Reduce the Cost of Discovery with Data Archiving

#### RULE 34(a) AND RULE 34(b)

Production of Documents, Electronically Stored Information

#### DATA PROTECTION

Minimize Disruption and Maximize Protection with a Responsive Legal Hold Strategy

#### RULE 26(f) AND RULE 26(b)(2)(b)

General Provisions Governing Discovery; Duty of Disclosure

#### STORAGE RESOURCE MANAGEMENT

Reduce the Risk of Sanctions with Effective Media Management

#### RULE 37(f)

Failure to Make Disclosures or Cooperate in Discovery; Sanctions

With Simpana® software, CommVault offers the only solution that provides capabilities for search and retrieval across all data types and data copies. A single interface enables the archive, find, search and retrieval capabilities necessary to meet the increasing demands for retention and retrieval regardless of data source or media type. Armed with this kind of actionable intelligence, districts can rapidly discover relevant information and assess their position quickly, therefore helping to choose the best strategy earlier in the litigation process.

### Conclusion

Responding to legal action can be costly and complex but an effective legal discovery strategy can mitigate risk and reduce the costs associated with litigation.

The advantage of the CommVault approach is a flexible, audit-ready answer to both the retention and retrieval requirements of eDiscovery challenges. In the event of a legal action, CommVault software enables districts to investigate message, application and file archives, along with backup data, providing a comprehensive electronic discovery solution to cost-effectively reduce risk and exposure.

According to one CommVault customer, “Having the ability to quickly and accurately retrieve information reduces our risk and exposure which will allow us to keep our budget where it belongs—in the classroom.”

Content Indexing option—Full text index documents and messages (including subject line and message body) along with 370 content types in 77 languages. Work with millions of items and maintain fast and efficient content-level search. View and refine result-sets before beginning retrieval processes for maximum efficiency.

### For full text of related FRCP amendments:

[http://www.uscourts.gov/rules/EDiscovery\\_w\\_Notes.pdf](http://www.uscourts.gov/rules/EDiscovery_w_Notes.pdf)

### For more information on CommVault eDiscovery:

[www.commvault.com/ediscovery](http://www.commvault.com/ediscovery)



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