

# ZL UNIFIED ARCHIVE FRCP Compliance

ZL TECHNOLOGIES | White Paper



**ZL TECHNOLOGIES INC.**

**Do you know where your records are?**

With the proliferation of computers and electronic data within the corporate environment, organizations have become increasingly dependent on electronic communication. Reports and memos are now conveyed mostly electronically, replacing paper solutions at an increasing rate. Nearly all internal and external communications are done through email. Yet, in today's litigious society, communications are often used as evidence in civil lawsuits. Records documenting previous frivolous lawsuits might be a useful defense against a sexual harassment case. So, do you know where your electronically-stored information (ESI) is?

**FRCP now requires electronic data retention**

Established in 1938, the Federal Rules of Civil Procedure (FRCP) govern court procedures for civil lawsuits. In December of 2006, several amendments to the FRCP went into effect. The legislation now requires entities to retain records of all electronic communications for review in civil proceedings. The amendments detail what, how, and when electronic data must be provided during the pretrial process. Practically, this means that ESI such as email and instant messenger conversations must be produced in the case of a discovery request. Organizations must know what data exists within the organization and where it resides so that it can be quickly retrieved in the case of litigation.

Organizations must now have the ability to quickly react to discovery requests to produce requested data within FRCP timeframes in order to avoid severe penalties. These new requirements call for organizations to adopt a robust, easily-searchable archive to keep track of all their electronic records.

**Most organizations are unprepared**

Recent research has indicated that administrators and IT personnel are surprisingly unaware of the requirements imposed by the FRCP. In fact, a recent survey found that 94% of businesses do not have the proper hardware and software solutions in place to serve a discovery request in a timely manner. Furthermore, only 38% of respondents said they were even familiar with the new laws that went into effect. Important aspects of the regulations such as retention policies and litigation hold were still only in the early planning phases at many companies.

One important aspect of the FRCP is the need for timely and comprehensive discovery response. If a party requests documents in legal proceedings, the request must be served within 30 days. Finding the proper data within massive file archives also poses a significant challenge. Without a solution in place, you would

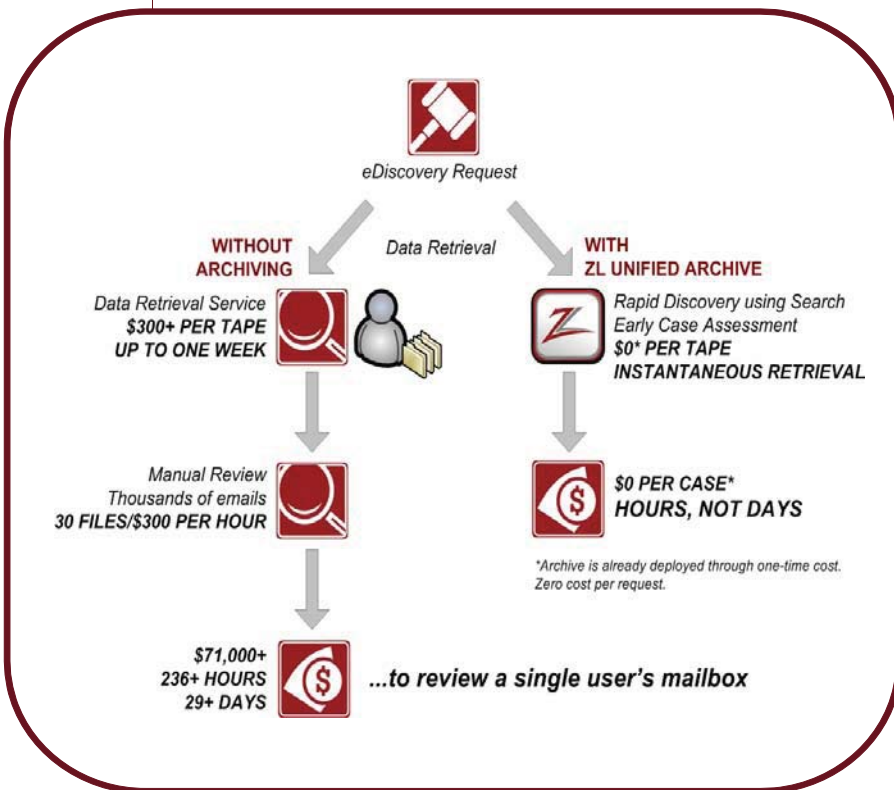
need to search through large quantities of old data, wasting valuable time and money.

**Cost: Compliance vs. Non-Compliance**

Without an integrated and robust solution, monetary costs can quickly rise beyond expectations. Consider the simplest example: you need to search just one mailbox in order to determine which documents to produce to the court. According to the

American Bar Association, a mailbox of 650 MB can hold up to 5,500 emails and 1,600 attachments. If your data is archived on magnetic storage, you must first send the tapes out to a data retrieval service, a process that can cost about \$300 and takes up to a week of the 30 day deadline. Next, you must hire an attorney to review its contents. An average attorney charges \$300 per hour, works about 8 hours per day, and is able to review documents at a rate of 30 documents an hour. Based on these figures, you could spend over \$71,000 to retrieve the data relevant to the court. This doesn't guarantee you will get the information you need in time to meet the 30 day deadline. Increase the amount of mailboxes that you want to search into the

hundreds or even thousands of users, and the need for a quicker, more scalable solution becomes extremely clear—you could spend hundreds of thousands or even millions depending on headcount.



This nightmare vanishes with the proper tools. A comprehensive compliance solution saves significant amounts of time and money spent in legal fees and data retrieval services. ZL Technologies' Unified Archive keeps all mailboxes archived on a single platform, journaling all messages as they are sent and received and storing them in a rapidly-searchable archive. Instead of having to search through old storage media manually, ZL delivers results within seconds, eliminating unwanted results using powerful search tools such as proximity search and stopwords. Applicable documents can be conveniently marked for review. This eliminates wasted time and money and enables an organization to be confident that it can retrieve data it needs, when it needs it.

### **A proactive approach makes life easy**

Furthermore, to meet FRCP retention requirements, the ZL system can be configured to execute a standard deletion policy that erases messages after a certain period of time. In addition, the archive allows for easy legal hold procedures to save important documents from deletion. Finally, ZL's solution can even handle physical records by offering workflow-managed preservation orders. A department-wide message can be sent that requires employees to confirm that they will keep all memos and reports to deal with urgent situations that may lead to possible litigation.

Therefore, in the face of significant new legislation requiring organizations to more carefully retain their information, it is important to consider a comprehensive solution to deal with your retention needs. A proactive approach will save time and money by avoiding the hassle and panic of searching for the proverbial "needle in the haystack" in responding to discovery requests.

For a complete review and explanation of the amendments to the FRCP, please refer to the ZL FRCP Rules Matrix, which can be downloaded from the Resources section of the ZL website at [www.zlti.com](http://www.zlti.com)

### **About ZL Technologies, Inc.**

Established in 1999, ZL Technologies, Inc. (ZL) provides cutting-edge enterprise software solutions for e-mail and files archiving for regulatory compliance, litigation support, corporate governance, and storage management. ZL's Unified Archive, offers a single unified platform to provide all the above capabilities, while maintaining a single copy and a unified policy across the enterprise. With a proven track record and enterprise clients which include top global institutions in finance and industry, ZL has emerged as the specialized provider of large-scale e-mail archiving for E-Discovery and compliance.