

# Compliance Brief: FRCP

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## 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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