



## **Confusion over Federal Rules of Civil Procedure Amendments Leaves Schools Exposed to Risk and High Costs, According to CommVault(R) Survey**

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### *CommVault(R) Survey Findings Reveal Lack of FRCP Preparedness in K-12 School Districts*

OCEANPORT, N.J., May 29, 2007 (BUSINESS WIRE) -- Nearly 80 percent of IT administrators at K-12 organizations are still unclear about their district policies for the retention of electronically stored information (ESI), including e-mail, according to findings of a customer survey released by CommVault(R) (NASDAQ:CVLT) today.

Approximately two out of three responding IT managers and administrators responsible for managing backup data and archived messages, indicate that they are aware of the amended Federal Rules of Civil Procedure (FRCP) which went into effect on December 1, 2006, according to the survey. The survey further revealed that 90 percent of schools have yet to initiate an FRCP compliance preparedness plan at this time.

Overall, the survey results demonstrate a marked disconnect in school district awareness of the issues surrounding FRCP rules and the legal discovery preparedness of school districts. While most school districts are fully aware of legal amendments, many of them have yet to establish policies to address electronic discovery for schools. By not appropriately complying and managing their ESI according to federal rules, district administrators are thus exposing their school districts to potential litigation risk and costly legal action.

"The new federal rules represent an urgent call to action for educators and school information technology officers to understand how information that is sent and received on school owned equipment might be used in litigation," said Mike Ivanov, senior director and head of CommVault's Archive Center of Excellence. "The cost of litigation can run into the hundreds of thousands of dollars, potentially draining public school districts of valuable education funds. To reduce the impact of such threats, school technology leaders need to become students of these new rules themselves and take stock of their e-mail policies and existing technologies to ensure compliance."

#### Overcoming FRCP challenges with legally defensible IT plans

The need to keep tabs on e-mail, instant messages (IM), and other digital communications produced by employees and students is impacting IT purchasing decisions across the spectrum of new technology adoption. As reported in the December 2006 issue of eSchool News, the ability to maintain compliance is forcing school leaders to reevaluate their digital storage technologies and how they search through and retrieve information.

"The new FRCP amendments make ESI subject to legal review and require holders of data to produce that data when needed," said Michael Osterman, president of Osterman Research, Inc. "The most important impact of the new FRCP amendments on organizations is that ESI, which will figure more prominently in litigation than ever before, needs to be managed properly."

While the survey shows increased awareness of, and the need for, compliance solutions, school districts also appear unsure how to comply and where to place emphasis when developing a legal discovery strategy. Based on the survey results, top priorities for FRCP compliance among school districts are mixed, ranging from the tactical - overcoming cost and resource barriers (90 percent) and reducing the administrative burden of managing email and archive needs (60 percent) - to the conceptual - mitigating risk (60 percent) and learning what FRCP means for a given school district (60 percent).

"After the FRCP amendments went into effect, we realized that we needed to better track the e-mails between faculty, parents and the administration within our district," said Jay Attiya, network manager, Middletown Township School District. "Ultimately, we selected CommVault's Archive solutions as a natural way to extend our current success with CommVault backup and recovery. 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."

#### CommVault's Singular approach to addressing email compliance for schools

CommVault's approach to addressing email compliance provides school districts with a flexible audit-ready solution to support both the retention and retrieval requirements of new FRCP amendments. As courts begin to look beyond email for discovery, CommVault uniquely enables search and retrieval across multiple data types and copies. With CommVault's Singular Information Management(TM) approach, CommVault enables organizations to investigate message and file archives, along with backup data, all through a single interface. In the event of a legal action, CommVault provides organizations a comprehensive electronic discovery solution to cost-effectively reduce risk and exposure.

CommVault offers a full suite of technologies to address FRCP requirements including:

Data Archiving - Rule 34(a) and Rule 34(b)

Data Protection - Rule 26(f) and Rule 26(b)(2)(B)

Data Resource Management - Rule 27(f)

To learn more about putting together a legal discovery plan for your school district, contact CommVault at [info@commvault.com](mailto:info@commvault.com). More information about CommVault's e-discovery solutions is available at <http://www.commvault.com/solutions/legaldisc/index.asp>. For full text on related FRCP amendments, go to [http://www.uscourts.gov/rules/EDiscovery\\_w\\_Notes.pdf](http://www.uscourts.gov/rules/EDiscovery_w_Notes.pdf).

#### About CommVault(R)

A singular vision - a belief in a better way to address current and future data management needs - guides CommVault in the development of Unified Data Management(R) solutions for high-performance data protection, universal availability and simplified management of data on complex storage networks. CommVault's exclusive single-platform architecture gives companies unprecedented control over data growth, costs and risk. CommVault's software was designed to work together seamlessly from the ground up, sharing a single code and common function set, to deliver superlative Data Protection, Archive, Replication, and Resource Management. More companies every day join those who have discovered the unparalleled efficiency, performance, reliability, and control only CommVault can offer. Information about CommVault is available at [www.commvault.com](http://www.commvault.com). CommVault's corporate headquarters is located in Oceanport, New Jersey in the United States. (cvlt-pd)

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#### SOURCE: CommVault

CommVault ☐

Media Contact:

Dani Kenison, 732-728-5370

[pr@commvault.com](mailto:pr@commvault.com) ☐

or ☐

Investor Relations Contact:

Michael Picariello, 732-728-5380

[ir@commvault.com](mailto:ir@commvault.com) ☐