



CommVault Survey Highlights Disconnect between Legal and Information Technology Departments over FRCP Amendments

December 11, 2007

One Year Later, IT Departments Still Struggling to Address FRCP Requirements

OCEANPORT, N.J.--(BUSINESS WIRE)--Dec. 11, 2007--It's been one year since the US government overhauled the Federal Rules of Civil Procedure (FRCP) on December 1, 2006 in an effort to streamline the electronic discovery of information. A new study conducted by CommVault(R) (NASDAQ:CVLT), however, highlights some alarming statistics in the preparedness of enterprise companies to comply with these regulations. According to the survey of IT managers, only 20 percent are aware of the amendments governing e-discovery, and only 6 percent of the total respondents have actually implemented a solution to address the issue. The survey suggests that confusion still exists about the rules and that many firms are still struggling to clarify the roles IT departments should play in defining the procedures to address FRCP requirements.

The survey also revealed that while companies have been slow to react to the amended FRCP changes, nearly half of those surveyed have had to deal with some form of an e-discovery request. The results of the CommVault survey also demonstrate the clear lack of communication that exists between those charged with ensuring that companies are protected from a legal perspective and those responsible for protecting electronic communication.

"The likelihood of engaging in a legal dispute that involves e-discovery is high due to the explosion of digitized data that corporations continue to create. Companies that do not have standardized information retention and preservation practices and have misaligned legal and IT functions can expect a lengthy and costly process," said Vivian Tero, senior research analyst, Compliance Infrastructure, IDC. "The e-discovery rule changes necessitate better communication among IT and legal."

Communication Slow to Materialize Between Departments

Nearly as startling as the overall awareness levels of the FRCP amendments were the survey's findings around internal communications between the legal and IT departments. According to the survey, only 14 percent of IT departments had made any effort to engage the legal department on the new standards.

As the CommVault survey suggests, one of the biggest challenges facing corporations in meeting the new standards of FRCP may be their lack of internal communication. Legal groups typically are responsible for establishing the corporate policies and procedures, and IT is responsible for their implementation. The two departments must work together to address the challenges brought forward by the FRCP amendments.

"The results of the CommVault survey bring to light how much of a disconnect still exists between legal and IT departments more than a year after the FRCP amendments went into effect," said Mike Ivanov, senior director and head of CommVault's Archive Center of Excellence. "Having policies and procedures in place and being prepared for the meet and confer sessions is just as critical as being able to produce electronic documents in the event of litigation. Failure to do so can result in sizable fines for companies. It's critical that if companies want to avoid these types of penalties, their legal and IT departments need to spend more time implementing the steps necessary to ensure their companies are better prepared for discovery and litigation."

CommVault's Singular Approach to Addressing FRCP Challenges

CommVault's approach to addressing litigation readiness provides corporations with a flexible solution to support both the retention and retrieval requirements of the new FRCP amendments. As courts begin to look beyond email content for discovery, CommVault Simpana(TM) software uniquely enables search and retrieval across multiple data types and copies. With CommVault's Singular Information Management(TM) approach, CommVault Simpana software enables organizations to investigate message and file archives, along with collaboration and backup data, all through a single interface. In the event of 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 the amended FRCP rules 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)

More information about CommVault's e-discovery solutions is available at <http://www.commvault.com/solutions/legaldisc/index.asp>. For full text on the amended Federal Rules of Civil Procedure, go to <http://www.uscourts.gov/rules/newrules4.html>.

About the CommVault IT Department Survey

Conducted in November 2007, the CommVault survey polled 374 IT managers in a 4 question online survey to gauge their company's internal communication, preparedness and compliance with the new FRCP rules pertaining to electronic discovery. A complete copy of the survey results is available upon request.

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 Singular Information Management(TM) 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 Simpana(TM) software suite of products 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, Search and Resource Management capabilities. 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. CommVault's corporate headquarters is located in Oceanport, New Jersey, in the United States. (cvt-pd)

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