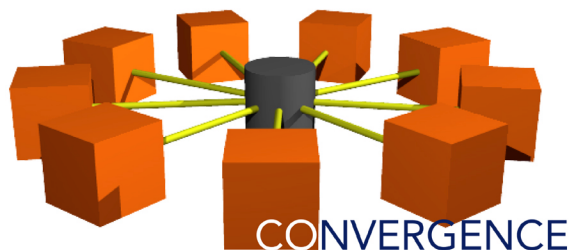


Discovery Technology Group™  
White Paper Series



## E-DISCOVERY TOOLS: DON'T BE FORCED TO SETTLE!

Consider this potential e-discovery scenario: Your opponent justifiably requests a copy of each e-mail related to the performance of your services. These documents could be in a variety of places: your computer network, on laptops, on backup tapes, or archived in storage. The relevant e-mails are most likely mixed with unrelated documents that your company does not want to expose to your opponent. Producing only the relevant data will be complex and costly, but failure to properly provide the data can result in severe sanctions by the court.

Now, consider the cost of going through this process for each lawsuit in which your company is involved from this time forward -- electronic discovery has become so costly that companies with good claims or defenses will often settle, simply to avoid e-discovery costs.

One way to control the cost of e-discovery is to minimize the volume of electronic records -- the vast majority of which are e-mails -- that are kept by the company. There are various ways to reduce the volume of e-mail, including imposing mailbox size restrictions and requiring mandatory deletion periods. But there are also novel, technological approaches to eliminating the over-retention of e-mail that present a significant advantage over size restrictions or deletion policies.

Recognizing that not all e-mail is inconsequential and expendable, management must decide exactly what is to become an official electronic record to be archived and then instruct employees on the proper outbound treatment of important e-mail. Fortunately, there are more efficient ways to record and retrieve those important e-mails that are in fact an official record.

One innovative solution is from a company called RPost® ([www.rpost.com](http://www.rpost.com)). The RPost® product allows users to send "Registered E-mail®" messages. A company can then easily set an e-mail records retention policy such that only Registered E-mail transmission receipts are retained in the company records. Using RPost Registered E-mail services helps management determine what is a permanent company record.

**Simply put, if the e-mail message is important enough to be sent Registered, then it is important enough to archive.**

The Registered E-mail feature provided by RPost allows companies to organize and manage their e-mail and also helps to eliminate the retention of unwanted e-mail that makes e-discovery extremely expensive and cumbersome.

In addition, RPost® provides a simple, cost-effective way to archive and to provide e-mailers the same or better delivery verification protections or those associated with hardcopy documents. The RPost Registered E-mail core service provides the sender with verifiable proof of sending and receiving, content (including attachments), and atomic clock time stamps. In fact, the Registered Receipt™ e-mail that is automatically returned to the sender with this delivery status information provides a digital recording/snapshot of the server-to-server conversation that witnessed the e-mail transaction. The same Registered Receipt is then used to regenerate the original e-mail and attachments, should anyone challenge the original transaction after the fact. Note: You alone manage the returned Registered Receipt™ e-mail for verification purposes, as RPost does not store any transmittal or content information – and therefore would not be party to discovery.

Although e-discovery expenses continue to grow, new technological solutions are gaining ground and will ease the burden and cost of e-discovery. RPost® seems like just such a solution.

Contact:

Stanley M. Gibson  
310.201.3548 • [SGibson@jmbm.com](mailto:SGibson@jmbm.com)

Dan P. Sedor  
310.201.3554 • [DSedor@jmbm.com](mailto:DSedor@jmbm.com)

Michael A. Gold  
310.201.3529 • [MGold@jmbm.com](mailto:MGold@jmbm.com)

Robert E. Braun  
310.785.5331 • [RBraun@jmbm.com](mailto:RBraun@jmbm.com)



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**JMBM** | Jeffer Mangels  
Butler & Marmaro LLP  
*Discovery Technology Group*

1900 Avenue of the Stars • Los Angeles, California 90067 • 310.203.8080 • 310.203.0567 (fax)  
Two Embarcadero Center • San Francisco, California 94111 • 415.398.8080 • 415.398.5584 (fax)  
695 Town Center Drive, Suite 230 • Costa Mesa, California 92626 • 714.429.8200 • 714.429.8202 (fax)  
JMBM.com