

December 2020

INVITATION FOR SPONSORSHIP OF THE SEDONA CONFERENCE WORKING GROUP SERIES COMMENCING
JULY 1, 2021

I am pleased to invite your firm or company to join our community of sponsors who make the work of The Sedona Conference possible by becoming an Annual Sponsor of The Sedona Conference Working Group Series for our fiscal year beginning July 1, 2021. The Sedona Conference is committed to moving the law forward in a reasoned and just way by providing forums where leading jurists, lawyers, experts, academics, and others come together in conferences and mini-think tanks called Working Groups and engage in true dialogue to find balanced solutions to cutting-edge issues in the areas of antitrust law, complex litigation, intellectual property rights, and data security and privacy law. The specific benefits and costs of sponsorship are set forth in this letter beginning on page 4.

Our most important contributions to the advancement of the law result from the efforts of hundreds of volunteer thought-leaders who participate in our Working Group content creation efforts. We currently have seven active Working Groups: Electronic Document Retention and Production (WG1); International Electronic Information Management, Discovery and Disclosure (WG6); eDiscovery Issues in Canada (WG7 or "Sedona Canada"); Patent Damages and Remedies (WG9); Patent Litigation Best Practices (WG10), Data Security and Privacy Liability (WG11), and Trade Secrets (WG12).

Our Working Group commentaries are available to lawyers, judges, and policy makers throughout the world free of charge, and many courthouses and government agencies host our commentaries on their secure intranets. Our Working Group output has been a powerful force moving the law forward in a reasoned and just way. The following is an update of the activities of the Working Groups during the last twelve months:

WG1 has published both the public-comment and final versions of the *Commentary on Rule 45 Subpoenas to Non-Parties, Second Edition*, and the public-comment and final versions of the *Commentary on ESI Evidence & Admissibility, Second Edition*. In 2021, WG1 expects to publish public-comment versions of the *Commentary on Effective Use of Federal Rule of Evidence 502(d) Orders*; a *Primer on Crafting eDiscovery Requests with Reasonable Particularity*; and a *Primer on Managing eDiscovery in Small Cases*. An additional new paper is likely to be released for member comment by mid-2021: a commentary on the need for uniform procedures for filing electronically stored information under seal. Finally, the WG1 Steering Committee has formed three brainstorming groups to consider new publications on the following topics: (1) Discovery and Preservation of Data from the Internet of Things (IoT); (2) Improving the Privilege Log Process; (3) Discovery Sanctions.

In addition to the publications mentioned above, WG1 collaborated with the Technology Resource Panel to update and shepherd publication of an indispensable resource, *The Sedona Conference Glossary: eDiscovery & Digital Information Management, Fifth Edition*.

WG6 published the final version of its *Commentary and Principles on Jurisdictional Conflicts over Transfers of Personal Data Across Borders*. In the coming year, WG6 expects to publish – for public comment – a primer on eDiscovery in the Asia Pacific region. Drafting teams on dawn raids, ephemeral data, international arbitration, and international legal holds, continue their work. A drafting team on cross-border privilege issues was formed and has made significant progress towards a first draft for member comment. Another new drafting team is close to completing its first draft, for member comment, of a second edition of the *International Litigation Principles*. New brainstorming groups were formed to explore the topics of (1) discovery under 28 U.S.C. § 1782 and (2) proportionality in cross-border discovery, and both groups are close to completing outlines of potential work product.

WG7, “Sedona Canada,” was very active in 2020 publishing the French translation of *The Sedona Canada Principles, 2d Edition*, and the final version of *The Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines*. Ambitious plans for 2021 include a third edition of *The Sedona Canada Principles* and a commentary on social media discovery.

WG9 launched its Framework for Analysis of Standard-Essential Patents and Fair, Reasonable, and Non-Discriminatory Licensing and Royalty Issues “Global Edition” drafting team. In 2021, WG9 will bring to final publication its “US Edition” on the same topic. WG9 further plans to publish for public comment a *Commentary on Case Management of Patent Damages and Remedies Issues*.

WG10 published the public comment version of its Chapter on Willful Infringement and launched a drafting team on Streamlining Lower-Value Patent Cases. In 2021, WG10 plans to publish for public comment chapters on: Biopharma Patent Litigation; and the Evolving Relationship between Federal Courts and Administrative Agencies. WG10 also plans to publish for public comment its Framework for Analysis on Strategic and Tactical Considerations in Selecting Venues for International Patent Enforcement. WG10 further plans to publish a joint Commentary with WG12 on Cross-Border Discovery in U.S. Patent and Trade Secret Cases. Finally, WG10 plans to form a drafting team on the topic of *The Role of Patents in Biopharma v. High-Tech Industries: Can One Patent System Effectively Accommodate Both?*

WG9 and WG10 jointly plan to publish a Patent Litigation Handbook in a special edition of The Sedona Conference Journal compiling the final versions of many of the publications described above.

WG11 published the final version of its *Incident Response Guide*, the public comment and final versions of its *Commentary on Law Firm Data Security*, the public comment version of its *Commentary on the Enforceability in U.S. Courts of Orders and Judgments Entered under GDPR*, and the public comment version of its *Commentary on a Reasonable Security Test*. In the coming year, WG11 expects to publish – for public comment – commentaries on (1) proactive privacy and data security governance and (2) quantifying violations under U.S. privacy laws. Drafting teams continue to work on draft commentaries on artificial intelligence (AI) transparency; data security and privacy issues in civil litigation; and a proposed model data breach notification law. A new brainstorming group on biometric privacy laws was formed, and the group is close to completing an outline of potential work product.

WG12 brought to publication its *Commentary on The Proper Identification of Asserted Trade Secrets in Misappropriation Cases*. In 2021, WG12 will bring to public comment publication commentaries on: The Employee Life Cycle Relating to Trade Secrets; Governance and Management of Trade Secrets; Equitable Remedies in Trade Secret Disputes; Monetary Remedies in Trade Secret Disputes; Protecting Trade Secrets in Litigation About Them; and Trade Secret Issues Across International Borders: Extraterritorial Reach. WG12 further plans to launch several new commentary drafting team projects in 2021.

The Sedona Conference takes Working Group content and disseminates it to the Bench and Bar in the United States and around the world through its publications, including *The Sedona Conference Journal*, and its “Voices from the Desert” webinars. In 2020, commentaries authored by The Sedona Conference were cited in 31 reported opinions. More than 29 courts, federal and state agencies, bar associations, law schools, CLE organizations and others were granted permission to reprint and distribute 92 publications. Finally, The Sedona Conference Institute disseminates this content through continuing legal education programs presented both domestically and internationally.

THE WGS ANNUAL SPONSORSHIP PROGRAM

The Working Group Series Annual Sponsorship program is an essential component of our overall funding, allowing us to support the efforts of existing and future Working Groups. We also depend on our WGS Annual Sponsor Program to expand our judicial education efforts and produce other conferences and programs to bring the collective wisdom generated in our Working Groups to the broader benefit of the Bench and Bar.

Our goal is to reach 45 WGS Annual Sponsors for our fiscal year beginning July 1, 2021. This will enable us to effectively serve the public good as a truly balanced and non-partisan law and policy think tank dedicated to the reasoned and just advancement of the law.

When you look at competing requests for donations and sponsorships, we hope that you will recognize the significant and positive impact The Sedona Conference has on the legal system. Being a Working Group Series Annual Sponsor is an effective way to reflect your commitment to improving the legal system while being fully engaged in our Working Group efforts.

THE BENEFITS

- First and foremost, you will play an integral role in enabling The Sedona Conference to fulfill its mission and continue to develop consensus-based, non-partisan work product and advanced legal education programs.
- WGS Annual Sponsors are entitled to an unlimited number of complimentary annual Working Group Series memberships for their individual employees during the fiscal year of their sponsorship. This enables all of your interested colleagues to join our different Working Groups, to have access to all of our Working Group members-only areas on our website, to see and comment on all draft works in progress, to volunteer to participate in all activities of each of our Working Groups, and to be eligible to register for any of our Working Group meetings (up to capacity). WGS members also receive discounts on registration fees for our regular season conferences, TSCI conferences, and our “Voices from the Desert” webinars.
- WGS Annual Sponsors may identify an individual (who is not a Sponsor employee) to receive a Sedona Scholarship to accompany your Sponsor representative as his or her guest at an in-person Sedona Working Group meeting of choice. Two Sedona Scholarships are available for online Sedona Working Group meetings. The guest will receive a complimentary registration and a complimentary Sedona membership for three months, because Working Group meetings are not open to nonmembers. The Sedona Scholarships are offered only to individuals who have never attended a Sedona Working Group meeting, in order to attract potential new thought leaders to The Sedona Conference. We hope you will use this opportunity to take a client or other guest who you want to introduce to The Sedona Conference Working Group experience. It’s a great way to show your appreciation for the relationship and to demonstrate your personal commitment to moving the law forward in a reasoned and just way.
- WGS Annual Sponsors have their names and logos posted on the Sponsors page of our website, with a link to their own websites, during the period of their sponsorship.
- We have created a special WGS Annual Sponsor logo for use by Sponsors as they see fit during the period of their sponsorship, so long as it does not imply endorsement by The Sedona Conference of our Sponsor’s services.

- A reference to our WGS Annual Sponsors (and the page of our website where they are listed) is included in all of our Working Group Series publications and *The Sedona Conference Journal*.
- WGS Annual Sponsors receive a complimentary copy of *The Sedona Conference Journal* published each year.
- WGS Annual Sponsors receive a royalty-free license to reprint WGS publications to hand out to individual existing and prospective clients or for internal use, such as in-house training, and may post WGS publications on their private, secure intranets, during the period of their sponsorships.
- When selecting faculty for Sedona conferences and webinars, and when selecting drafting team members for Working Group commentary drafting projects, we look first to our WGS Annual Sponsors to see if they have representatives with the necessary qualifications and experience to fill the slot before looking elsewhere.
- WGS Annual Sponsors will be invited to participate in conference calls of the Sponsor Advisory Council to discuss with management of The Sedona Conference their ideas and suggestions for improving the work of The Sedona Conference and to help identify new tipping point issues where the influential guidance of The Sedona Conference Working Groups can move the law forward.
- The Sedona Conference pays special attention to tagging, liking, sharing, and promoting our WGS Annual Sponsors and WGS Annual Sponsor representatives on social media. The Sedona Conference is active on Twitter, LinkedIn, and Facebook. Whether it be tagging individual dialogue leaders or faculty in posts, liking updates, sharing upcoming events and articles written by WGS Annual Sponsors and their representatives, or even posting about awards and triumphs of WGS Annual Sponsors and their representatives, we seek to actively engage and educate our social media networks about The Sedona Conference community.

THE COST & HOW TO SIGN UP FOR THE FYE 6/30/22 WGS ANNUAL SPONSOR PROGRAM

The Sedona Conference is a nonprofit, 501(c)(3) public charity. Contributions or gifts to The Sedona Conference are tax-deductible under Section 170(c) of the Internal Revenue Code. Sponsorship costs \$10,000/year: \$4,000 of the WGS Annual Sponsor fee is treated by us as a charitable donation, and \$6,000 as payment for the goods and services described above.

To sign up, just send me an email (cweinlein@sedonaconference.org) confirming that your firm or company wants to become a WGS Annual Sponsor for FYE June 30, 2022. Please also let me know the exact way you want your firm or company to be listed as a sponsor on our website, and the URL to use to link your listing to your website. We also want a vector file of your company logo to display on the Sponsor page of our website. We will send out our official welcome letter and invoice in June 2021 for payment in July 2021.

Further background information on The Sedona Conference can be found on our website. Please don't hesitate to let me know at any time if you have any questions or require further information. Thank you very much for your consideration of this invitation.

With my best regards



Craig W. Weinlein
Executive Director
The Sedona Conference