

November 2019

INVITATION FOR SPONSORSHIP OF THE SEDONA CONFERENCE WORKING GROUP SERIES COMMENCING  
JULY 1, 2020

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, 2020. 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, and intellectual property rights. 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 multiple commentaries since November 2018 including the final, post-public comment versions of the *Commentary on Defensible Disposition*, the *Primer on Social Media, Second Edition*, and the *Commentary on Information Governance, Second Edition*. In addition, WG1 released both the public-comment and final versions of the *Commentary on Legal Holds, Second Edition*. In late 2019 and early 2020, WG1 expects to publish the public-comment versions of the *Commentary on Rule 45 Subpoenas to Non-Parties, Second Edition*, the *Commentary on ESI Evidence & Admissibility, Second Edition*, and an update to the 2008 *Commentary on Preservation, Management and Identification of Sources of Information that are Not Reasonably Accessible* (final title TBD). New papers likely to be released for public comment by mid-2020 include a Primer on Managing eDiscovery in Small Cases and a Primer on Specificity of Requests under Fed. R. Civ. P. 34. Finally, as a result of robust dialogue at the

October 2019 WG1 Annual Meeting in St. Louis, the WG1 Steering Committee plans to create two new drafting teams by the end of 2019 to address (i) the effective use of non-waiver orders under Fed. R. Evid. 502(d), and (ii) the need for guidance and uniformity in the federal courts related to the sealing of civil litigation documents and electronically stored information.

WG6 published for public comment its *Commentary and Principles on Jurisdictional Conflicts over Transfers of Personal Data Across Borders* in June 2019, and expects to publish the final version soon. Draft commentaries on international arbitrations; international legal holds; ephemeral data; and eDiscovery in the Asia Pacific region (APAC) are progressing towards being published for public comment. Work on a public comment version of a second edition of The Sedona Conference *Practical In-House Approaches for Cross-Border Discovery & Data Protection* is underway. A brainstorming group on dawn raids continue its work, with a drafting team likely being formed in early 2020 to begin drafting the commentary. WG6 also recently formed a brainstorming group to explore a possible commentary on cross-border privilege issues.

WG7, “Sedona Canada,” has been very active in 2019 and has doubled its membership. We are particularly pleased that the French translation of *The Sedona Canada Principles, 2d Edition*, has been completed and will be published for public comment before the end of the calendar year. In addition, *The Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines* was published for public comment in October and will be followed up with a webinar in December to encourage such comment. WG7 members held leadership positions in the annual Ontario eDiscovery Institute program in November, presenting both the *Sedona Canada Principles* and the *Commentary on Privacy* before a national audience. Members are also drafting articles promoting WG7 publications and activities in Canadian legal media. Ambitious plans for 2020 include drafting commentaries on social media discovery and litigation cost allocation – to be followed with webinars on each topic – and starting on a third edition of *The Sedona Canada Principles*. The WG7 Steering Committee is also exploring the potential for an all-Canada Sedona Conference Institute CLE program, at a date and location to be determined, highly dependent on securing sponsorship.

WG9 published for public comment “Stage Two” of its *Framework for Analysis of Standard-Essential Patent (SEP) and Fair, Reasonable, and Non-Discriminatory (FRAND) Licensing and Royalty Issues*, and is launching a new drafting team addressing the same subject matter but expanding the scope of coverage to include SEP/FRAND litigation outside of the U.S. WG9 further plans to publish for public comment a *Commentary on Case Management of Patent Damages and Remedies Issues*.

WG10 published the post-public comment edition of its *ITC Section 337 Investigations Chapter*. In 2020, WG10 plans to publish for public comment chapters on *Biopharma Patent Litigation* and the *Evolving Relationship between Federal Courts and Administrative Agencies*. WG10 further plans to publish an update to its *Parallel USPTO Proceedings Chapter* and public comment commentaries on global patent litigation issues, including: *Strategic and Tactical Considerations in Selecting Venues for International*

*Patent Enforcement; and Post-Grant Administrative Invalidation Proceedings Across Different Jurisdictions.* WG10 further plans to publish a joint commentary with WG12 on *Cross-Border Discovery Issues for Patent Litigation and Trade Secrets Litigation in the U.S. and Abroad.*

WG11 just published the final version of its *Commentary on Application of Attorney-Client Privilege and Work-Product Protection to Documents and Communications Generated in the Cybersecurity Context.* WG11 expects to publish its *Commentary on Law Firm Data Security* for public comment soon, along with the final version of its *Incident Response Guide.* Drafting teams continue to work on draft commentaries on data security and privacy issues in civil litigation; U.S. judicial enforcement of orders and judgments entered under the European Union General Data Protection Regulation (GDPR); a proposed model data breach notification law; a reasonable security test; and artificial intelligence (AI) transparency. WG11 is also in the process of forming drafting teams on proactive privacy and data security, and quantifying violations under U.S. privacy laws.

The Sedona Conference launched its Working Group (WG12) on Trade Secrets Law, and in Q1-Q2 2020 will bring to public comment publication commentaries on: *The Identification of Trade Secrets in Litigation; 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.* WG12 further plans to launch several new commentary drafting team projects in Q3-Q4 2020.

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. Commentaries authored by The Sedona Conference were cited in 23 reported opinions. More than 82 courts, federal and state agencies, bar associations, law schools, CLE organizations and others were granted permission to reprint and distribute 154 publications. Finally, The Sedona Conference Institute disseminates this content through continuing legal education programs presented both domestically and internationally.

The Sedona Conference Institute (TSCI) programs and “Voices From the Desert” webinar series also provide important outlets for Working Group publications and speaking opportunities for the Working Group members who devote many hours to the drafting, dialogue, and the consensus-building process that make those publications popular and authoritative. We are especially grateful to the sponsors who support the participation of their staff in this process, and we make every effort to spotlight those subject-matter experts on webinar and TSCI panels. During 2019, we held webinars on *The Sedona Conference Commentary on Application of Attorney-Client Privilege and Work-Product Protection to Documents and Communications Generated in the Cybersecurity Context* with panelists drawn from Working Group 11; *The Sedona Conference Commentary and Principles on Jurisdictional Conflicts over Transfers of Personal Data Across Borders and on US-UK-EU Cross-Border Data Transfers After Brexit* with panelists drawn from Working Group 6; and *The Sedona Conference Commentary on Legal Holds, Second Edition: The Trigger & The Process* with panelists drawn from Working Group 1. These webinars

attracted a live audience at a more than 250 locations. The 13<sup>th</sup> annual TSCI program, held in March 2019, continued the tradition of relying heavily on Working Group 1 publications and members, but started a shift in emphasis towards data privacy and security, featuring members of Working Groups 6 and 11 on the faculty. This tracks the evolution of eDiscovery practice overall and will be more prominent in the 14<sup>th</sup> annual program, scheduled for March 5-6, 2020 in St. Louis. Program coordinator Ken Withers in the Phoenix office welcomes your input into the planning for 2020. Finally, the recent Sedona Conference on Global Aspects of Patent Litigation relied upon the nonpartisan consensus commentaries published by Working Groups 9 and 10.

#### 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 60 WGS Annual Sponsors for our 2020 fiscal year beginning July 1, 2020. 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, as well as a discount on a subscription to The Sedona Conference Journal.

- 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 a Sedona Working Group meeting of choice. 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 6/30/21 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](mailto:cweinlein@sedonaconference.org)) confirming that your firm or company wants to become a WGS Annual Sponsor for FYE June 30, 2021. 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 2020 for payment in July 2020.

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