

The Sedona Conference Working Group 1
Style Guidelines

Updated 1.12.20

Before a Working Group Series (“WGS”) draft is submitted to The Sedona Conference (“TSC” or “Sedona”) home office for publication, the editor(s)-in-chief must ensure that the draft is logically organized and consistent in mechanics, perspective, and style. In other words, the draft must read in “**one voice.**” This can be a significant challenge given the Sedona consensus drafting process. To help achieve “one voice,” all final drafts should follow: *The Bluebook: A Uniform System of Citation* for citation form, the *Chicago Manual of Style* (“CMOS”) for stylistic matters not addressed by *The Bluebook*, and the below guidelines that address common mistakes or inconsistencies. Some of the guidelines reiterate rules already covered by either *The Bluebook* or CMOS, and others provide additional direction. Where the guidelines conflict with either *The Bluebook* or the CMOS, please follow the guidelines. Because TSC does not have the resources to serve as primary editor of WGS publications, drafts that do not substantially adhere to the guidelines will be returned to the drafting team for further editing.

I. Citation Form

- A. **Footnotes.** Always cite legal authority in footnotes.
- B. **Typeface Conventions.** WGS publications are academic; therefore, follow the typeface conventions used in the Whitepages of *The Bluebook*.
 - 1. Examples of things that are *italicized*:
 - a) Introductory signals
 - b) Short-form case names (Full case names are not italicized, unless they are used in a sentence)
 - c) Procedural and explanatory phrases in case citations
 - d) *Id.*
 - e) Title of Articles in Periodicals
 - f) Internal Cross References (*Infra*, *Supra*)
 - 2. Examples of things that are in LARGE AND SMALL CAPS:
 - a) Authors and titles of books, including institutional authors
 - b) Titles of periodicals, including law journals
 - c) Titles of main pages of websites
 - d) Codes and Rules of Evidence and Procedure (FED. R. CIV. P.)
- C. **Short-Form Case Names.** Use only if the case is cited in one of the preceding five footnotes.
- D. **Advisory Committee Notes.** Per Rule 3.4 of the Bluebook, follow this form: FED. R. CIV. P. 60(b) advisory committee’s note to 1946 amendment.
- E. **Westlaw.** For cases, always cite to the official reporter if available; if only available on an electronic database, Westlaw citations are preferred over LEXIS.
- F. **Footnote Numbering.** Continuously number footnotes throughout the draft, from beginning through any appendices.
- G. ***Supra/Infra.*** Make sure all internal references are accurate.

- H. **URLs.** Make sure all URLs work; avoid broken links.
 - I. **Sedona Publications.** When citing to Sedona publications, do not include the symbol for copyright registration. If possible, always cite to the most current version of a publication. Note that all recent Sedona publications that are final (not public comment) have a suggested citation in the first couple of pages of the paper. All Sedona publications can be pulled from the publications page of the website at <https://thesedonaconference.org/node/35>. Tip: If you are logged in, you don't need to fill out contact info, just click "yes" to agree to the terms.
 - 1. For papers printed in *The Sedona Conference Journal*, follow this form:
The Sedona Conference, *Commentary on Information Governance, Second Edition*, 20 SEDONA CONF. J. 95 (2019).
 - 2. For papers not yet published in the *Journal*, follow this form:
The Sedona Conference, *Commentary on Defense of Process: Principles and Guidelines for Developing and Implementing a Sound E-Discovery Process*, THE SEDONA CONFERENCE (2016 Public Comment Version), https://thesedonaconference.org/publication/Commentary_on_Defense_of_Process.
- II. **Grammar and Usage**
- A. **Internal References.** Simple internal references to sections of the same paper may go in the text (e.g., "See Section III.A."). If you do this, you do not need to use the words "supra" or "infra," but be sure to use the same form as the section you are citing to (e.g., See Section III.A. or See Section III(A)).
 - B. **Federal Rules.** Spell out "Federal Rules of Civil Procedure" or "Federal Rules of Evidence" instead of abbreviating like you would in footnotes (FED. R. CIV. P. or FED. R EVID.). You can use "Rule xxx" in the text only when the context makes it clear which set of rules you are referring to.
 - C. **One Space After Sentences.** Use only one space after periods and question marks.
 - D. **Active Voice.** Use active vs. passive voice where possible (e.g., The judge cited the *Commentary*. Not: The *Commentary* was cited by the judge.).
 - E. **Informal Expressions.** Avoid informal expressions like "we" (e.g., Don't write "we recommend that . . ." Instead, write "this *Commentary* recommends that . . .").
 - F. **Quotes.** Place quotations of 50 words or more in block format, except where the quote is found in a parenthetical (e.g., an explanatory parenthetical in a footnote).
 - G. **Run-in & Vertical Lists.** Ensure items in run-in and vertical lists have parallel elements (e.g., I enjoy the following: running, biking, and ~~golf~~—playing golf.).
 - H. **Serial Comma.** Consistently apply the serial comma before the "and" or "or" in any series (e.g., A, B, and C).
 - I. **Acronyms, Initialisms, and Abbreviations.**
 - 1. Properly introduce these before they are first used and then apply them consistently.

2. They are unnecessary if they are not referred to subsequently in the paper, unless they are terms that are commonly understood on first reference and add to general understanding. Such examples might be HIPAA (an acronym) and HTML (an initialism).
3. Try to avoid overuse of unnecessary acronyms and initialisms, as they can often add to confusion while trying to remember what they stand for and have been known to raise the ire of many on the bench. In many cases, a shortened version of the full name (i.e., use “response team” instead of “IRT” for second reference to Incident Response Team) can be substituted and be readily understood; in other cases, using the full term is better than a paragraph filled with alphabet soup. The following paper provides some excellent guidance: <http://ssrn.com/abstract=2560029>.

J. **Unnecessary Wordiness and Redundancies.** Avoid unnecessary wordiness and redundancies. Below are some examples:

Original	Edited
predominantly for the purpose of assisting	predominantly for the purpose of assisting
in making the determination	in determining
One example of a situation where such differing results could	One example of a situation where such differing results could

III. **Consistency**

- A. **Substantively Consistent.** Avoid internal inconsistencies.
- B. **Internal Cross-References.** Use as appropriate to avoid excessive redundancies.
- C. **Hyphenation and Capitalization.** Make sure usage of hyphens and case are consistent.
- D. **Headings/Subheadings.** Headings/subheadings should be:
 1. in proper alphanumeric order;
 2. consistent in form (e.g., subheadings should not fluctuate between 3.d., 3.d., and 3(d)); and
 3. structurally consistent within the same outline level (e.g., if 2(a) is a complete sentence, then 2(b) should be a complete sentence).

IV. **WG1 Specifics**

- A. **Mission.** Stay within (or close to), the WG1 Mission: “The mission of Working Group 1 is to develop principles, guidance and best practice recommendations for information governance and electronic discovery in the context of litigation, dispute resolution and investigations.”
- B. **Taxonomy.** Follow the appropriate and agreed-upon taxonomy as defined by the WG1 Steering Committee (e.g., “Principles” are reserved solely for *The Sedona Principles*).
- C. **Common Terms.** Be consistent in use of terms.
 1. Unless the context requires otherwise, use ESI instead of “data,” “records,” “documents,” “evidence,” etc. Be sure to spell out

- “Electronically Stored Information” and follow with parenthetical (ESI) prior to using the abbreviation the first time.
2. Unless the context requires otherwise, use “discovery” instead of “electronic discovery,” and, where the context does require the latter, use “electronic discovery” instead of “eDiscovery.” Use “discovery” or “discovery process” or a similar broad phrase when referring collectively to the discovery steps (e.g., preservation, collection, review, production). But use a more specific term when the context is limited to a specific step in the discovery process (e.g., use “preserve” or “preservation”).
 3. “Scope of discovery” is shorthand for what is defined by Fed. R. Civ. P. 26(b)(1), or the state equivalent. For the federal rule, this includes both relevance and proportionality.
 4. “Relevant” is used in reference to the scope of discovery. “Responsive” is used in reference to information or documents requested by discovery requests. Unless the context deals specifically with discovery requests, “relevant” is normally the correct term.
 5. “Meet and confer” should be used as action words requiring an in-person conference or meeting. E.g. “the parties should meet and confer.” Do not use “meet and confer” as a noun. “Meeting” should be used as a noun for an in-person conference. “Conference” should be used as a noun for the act of conferring without an in-person meeting. Of course, if the author is quoting another source that uses “meet and confer” as a noun, the source should be quoted accurately.
 6. “Parties” is generally preferred to “requesting parties” or “responding parties,” unless the context specifically deals with requests and responses. For example, all “parties” have the duty to preserve, and that duty frequently arises before any party makes any “requests.” “Responding parties” is generally preferred to “producing parties,” unless the context specifically deals with production. “Parties” includes their counsel, so “counsel” is not used unless the context requires it, and “parties and counsel” is redundant and should be avoided.
 7. Use “non-party” instead of “third-party.” (Note: Most “non” words are not hyphenated—but for consistency among Sedona papers, use the hyphenated form of non-party.)
 8. “Organizations” is normally preferred to “corporations” or “entities,” because it encompasses other forms of business entities (e.g., partnerships, LLCs, LLPs) and government agencies. “Parties” should be used instead of “organizations” if the context also applies to individual parties.
 9. Use of “Policy,” “Procedure,” and “Process”:
 - a. *Policy* refers to the general statement of a course of action which may be operational, aspirational, or a combination of both. Operational in this context means that the course of action can be executed without further articulation. An example of a policy is: “A written litigation hold will be

issued by the Legal Department whenever a case is filed, a case is reasonably anticipated, or notice of an investigation is received or reasonably anticipated.” The example is operational notwithstanding the absence of the articulation of the form, content, recipients, or method of distribution of the litigation hold.

- b. *Procedure* refers either to a plan of action to implement a policy or to the formalized rules of a court or governmental agency, e.g., the “X Rules of Civil Procedure.” In the context of the example policy, the Legal Department may have a procedure for the issuance of litigation holds including a standardized form and the method of identifying recipients of hold notices. Although a policy statement may incorporate procedure(s), procedure(s) should not be used as a synonym for policy.
- c. *Process* refers to the articulation of the steps employed to implement a procedure. In the context of the example policy and procedure, the IT Department may have specific processes it employs to preserve categories of ESI in its control, e.g., databases, server drives, etc. Similarly, the Legal Department may promulgate specific processes for custodial segregation and preservation of potentially relevant ESI, e.g., emails. Although a policy or a procedure may incorporate a process(es), process(es) should not be used as synonym for either policy or procedure.