

Earlier this week Al repeated his allegations by email to most of you that the Samuel I. Newhouse Foundation was involved in and financially supported the formation of WG2, and that The Sedona Conference has misled members about that involvement. These allegations are untrue and we will not publish them.

To clarify, as I have done repeatedly: the Newhouse Foundation played no role in the formation of WG2. Newhouse only became involved after 40 or so Sedona Members had worked for more than a year to create a Public Comment draft of the WG2 work product, and then Newhouse's assistance was limited to providing financial support for two of four Town Hall Meetings (at Seton Hall University and in Birmingham, AL) seeking public comment on the draft.

The sponsors of WG2 that allowed its formation were the Federal Bar Association (civil litigation section), and the law firms of Alston & Bird, Bingham McCutchen, Lockridge Grindal & Nauen, Mayer Brown, and Robinson Cole (see Foreward to the May 2005 Public Comment Version). The sponsors of WG2 never changed, and Newhouse was never a sponsor of it.

(In July 1, 2006, we changed our sponsor model and no longer had specific organizations sponsoring specific Working Groups; rather we sought a group of Annual Working Group Series sponsors who make donations to sponsor the Working Group Series as a whole (see the website under Sponsors)).

When we decided in the summer of 2005 on a robust program of town hall meetings to get public comment on the public comment version, we received assistance from the American Judicature Society (Birmingham), the Dallas Bar Association (Dallas), the Samuel I Newhouse Foundation (Seton Hall and Birmingham), Seton Hall (Seton Hall), and a group of Denver law firms and the Robert Sturm College of Law (Denver). The assistance in each case was either a contribution towards costs, the provision of facilities, or other similar support - none of this support came in the form of "sponsorships."

Although Ken Withers and I have repeatedly explained this chain of events to Al, he has continued to claim that Newhouse helped form WG2, suggested that it somehow influenced the WG2 report, and that Sedona has somehow hidden Newhouse's involvement. No Newhouse representative participated in the discussions forming WG2 or in writing its report.

As to Al's comment that the assistance of Newhouse was not previously disclosed, I refer folks to our July 18, 2005 Status Report (click on link below to see a pdf of same) that in paragraph 1 describes "A September 8, 2005 program at Seton Hall in Newark, New Jersey, in association with the Seton Hall Law School and with the support of the Newhouse Foundation." (the Birmingham program was put together later). The cover for the materials provided to the public at the Seton Hall program similarly states that the program was presented "In association with Seton Hall University School of Law & with the support of the Samuel I. Newhouse Foundation" (click on link below to see a pdf of same). You can also click on the link below that contains the public invitation for the Birmingham program which similarly references the support of the Newhouse Foundation. For comparison purposes, the cover

for the materials for the December 2, 2005 Denver program stated that that program was "in association with the Robert Sturm College of Law and the Law Firms of Baker & Hostetler, LLP, Davis Graham & Stubbs, LLP, Faegre & Benson, LLP, Hoffman Reilly Pozner & Williamson, LLP, Hogan & Hartson, LLP, Holland & Hart, LLP, and Wheeler Trigg Kennedy, LLP." (click on the link below to see a pdf of same).

This "issue" has already consumed far too much time. I did, however, feel it important to make it clear to all that we never "concealed" the role of the Newhouse Foundation from WG2 members or the public in general, and in fact, provided the Newhouse Foundation with proper acknowledgement of their assistance. I also wanted to set forth this history to explain why I have stated that while we will gladly publish the Opposing Views piece regarding the WG2 report, we will do so only if its authors remove fn4, which inaccurately describes the role of the Newhouse Foundation.

The Sedona Conference never knowingly publishes false information and will not do so in this matter. For that reason, we will stand by our position, and trust that you all understand.

Please feel free to contact me directly if you have any further questions. Thanks again for all your efforts, take care and have a great weekend, all best, r.

July 18, 2005 WG2 Eblast:

<http://www.magnetmail.net/images/clients/sedona/attach/WG2Eblast071805.pdf>

November 18, 2005 WG2 Eblast:

<http://www.magnetmail.net/images/clients/sedona/attach/WG2Eblast111805.pdf>

Cover from Newark Town Hall Meeting materials:

http://www.magnetmail.net/images/clients/sedona/attach/WG2_Newark_Cover.pdf

Cover from Denver Town Hall Meeting materials:

http://www.magnetmail.net/images/clients/sedona/attach/WG2_Denver_Cover.pdf

Invitation to Birmingham Town Hall Meeting:

http://www.magnetmail.net/images/clients/sedona/attach/WG2_Birmingham_Invitation.pdf

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