

WG12 Call for Volunteers (October 2024)

Formation of Four New Brainstorming Groups

We are pleased to offer new opportunities to become more involved in Working Group 12 (WG12). The Steering Committee is forming four new brainstorming groups. Please see the descriptions below. If interested, follow the subsequent instructions for applying and note that **the deadline for submitting applications is November 1, 2024.**

[Expectations of Brainstorming Group Members](#)

[How to Apply](#)

New Brainstorming Groups:

1. **International trade secret enforcement and protection** – scope to be determined, but could include enforcing trade secrets in response to international and transnational misappropriation, protecting trade secrets in other countries and questions regarding whether “acts in furtherance” of misappropriation have occurred in the United States. This team could include collaboration with Sedona members from non-U.S. jurisdictions. The early stages of brainstorming may also consider whether litigation before the ITC should be part of this project.
2. **Developing an effective “incident response plan” when trade secret disputes begin** – scope to be determined, but could include guidance on what each party should be considering and doing in the first 90 days of a trade secret dispute before and during litigation. This potential commentary would build on and coordinate with discussion in earlier and ongoing commentaries on TRO’s/expedited discovery in the Equitable Relief Commentary, the Employment Life Cycle Commentary, the Forensics Commentary and the Protecting Trade Secrets in Litigation About Them Commentary.
3. **Trade secret guidance for employees who change jobs** – scope to be determined, but could explain the applicable law for lay people employees and provide practical guidance about what to do (and not do) and what to expect when they leave one employer and start with another employer. Such a project could particularly benefit from input from employees who have changed jobs or been embroiled in litigation about “what they wish they had known” to make the move go more smoothly.
4. **When continued possession of trade secrets post-separation does or does not constitute misappropriation of trade secrets** – scope to be determined, but could include identification of factors affecting this decision and discussion of whether this topic should be addressed standing alone or as part of a larger project on misappropriation.

The target completion date for the initial draft outlines for each of these brainstorming groups is March 1, 2025.

Expectations of Brainstorming Group Members

Brainstorming Groups are typically larger in size than Drafting Teams and usually function over a relatively short period of time. In this regard, the work of a Brainstorming Group is more like a sprint than a marathon. Brainstorming Group members are expected to make the following commitments:

- Participation in Brainstorming Groups is a benefit of individual Sedona Conference Working Group Series membership. All Brainstorming Group members must keep their membership current *at all times* during the process.
- As the name suggests, Brainstorming Group members are encouraged to think creatively and actually “brainstorm,” which may go beyond or even challenge the premise of the Brainstorming Group, as warranted.
- Accordingly, Brainstorming Group members are expected to regularly join and participate in Brainstorming Group virtual meetings. Brainstorming Group leaders will take attendance for all meetings and track meeting participation and contributions. One or more Brainstorming Group members will be asked to take notes of Group meetings.
- Brainstorming Group members will be expected to draft or assist in drafting portions of the outline and/or perform research as needed.
- Brainstorming Group members are expected to review all team drafts that are circulated, and comment and/or revise/edit as necessary.
- Brainstorming Group members are expected to dialogue, not debate, and work collaboratively as part of a team to achieve consensus.
- Brainstorming Group members are strongly encouraged (but not required) to attend WG12 meetings where their work product is presented to the membership through a panel discussion and dialogue.

It is critical that all Brainstorming Group members are active, engaged participants in the outline drafting efforts to produce high-quality work product in a limited timeframe.

Factors in Brainstorming Group Selection:

The Steering Committee will work to ensure that a wide range of perspectives and backgrounds are represented. Please keep in mind, however, we do not seek differing perspectives so that one may advocate on behalf of a particular perspective or constituency; we seek differing viewpoints, backgrounds, and experiences to build consensus that is beneficial to all stakeholders.

Perspectives we will seek to have represented may include, among others:

- In-house counsel
- Outside counsel
- Judges
- Judicial clerks
- Government counsel
- Academics
- Service providers/Technology companies
- Small firms/Solo practitioners

We will likely have more well-qualified, well-rounded applicants than we have spots available. As a result, we may have a ranked waiting list. Brainstorming Group member participation and contributions will be evaluated by the Steering Committee as liaisons to the Group. If a member is unable to maintain the commitment to actively participate and contribute, it is possible that the member may need to be replaced to timely achieve the Brainstorming Group's objectives.

How to Apply

NOTE: If you are not currently a Working Group member but are interested in participating, become a member by [signing up for a Working Group Series \(WGS\) membership](#). Once a WGS member, one is eligible to take part in the activities of all Working Groups. If you have any questions about how to sign up for a membership or encounter any difficulties while doing so, please contact our office at info@sedonaconference.org or (602) 258-4910.

To be considered for the Brainstorming Group, please answer each of the questions below and submit your responses to Casey Mangan at jrm@sedonaconference.org **no later than November 1, 2024**. Please be brief when answering the questions; no more than 50 words per answer.

- Which WG12 Brainstorming Group are you applying for? If you are interested in multiple projects, please indicate your order of preference.
- What is your profession and expertise?
- What organization do you work for?
- How many years of experience do you have?
- What qualifications or experiences make you particularly qualified to serve on this Brainstorming Group?
- Are you willing and able to attend WG12 meetings to dialogue on the Brainstorming Group's work?

Please do not be discouraged if you are not selected. Because The Sedona Conference is a self-selected group of engaged, proactive members, we get many more eminently qualified applicants for each Group than we can take. If you do not get selected, please try again! Your application and eagerness to be involved are favorably considered the next time you apply for

a Brainstorming Group or Drafting Team. Also remember that as a member of WG12, you will have the opportunity to review and comment on any member-only work product written by this Group.

Important Note About Subsequently Formed Drafting Teams

Frequently, after the Brainstorming Group has presented an outline to the membership and a short period of member review and comment, the Steering Committee will likely approve the formation of a Drafting Team to produce a draft publication on the proposed topic. Being a member of the Brainstorming Group factors into consideration for Drafting Team membership, but it is not a guarantee that you will be selected. This is because Drafting Teams are usually smaller than Brainstorming Groups, function over a longer period of time, and require a particular balance of perspectives and experiences in order to build a consensus-based document that is beneficial to all stakeholders. Further, a Brainstorming Group is asked to recommend the composition of a subsequent Drafting Team, which may include a different mix of experience, expertise, or perspectives than appropriate for the Brainstorming Group.