

WG1 Call for Volunteers (February 2023)

[Expectations of Drafting Team Members](#)

[How to Apply](#)

New Drafting Team on Conducting eDiscovery of Modern Communication and Collaboration Platforms

We are pleased to announce a new opportunity to become more involved in Working Group 1 (WG1). The Steering Committee is forming and soliciting applications for a new drafting team for a Commentary on Conducting eDiscovery of Modern Communication and Collaboration Platforms. Please see below for a fuller description. **If interested, be sure to follow the subsequent instructions for applying and note that the deadline for submitting an application to participate is February 19, 2023.**

Evolving technologies have caused legal practitioners to reconsider traditional notions of what constitutes a “document” for the purpose of conducting eDiscovery. Indeed, electronically stored information (ESI) and electronic communications increasingly bear little resemblance to mere digital representations of their paper ancestors. Customary document-centric approaches to eDiscovery are becoming quickly outmoded, and collaboration platforms create challenges relating to chat messages, channels, links to files, and document versions. These next-generation forms of digital communication and collaboration are evolutionary branching events that may present significant challenges for the conduct of the discovery lifecycle, particularly identification, preservation & collection, search & retrieval, production, and presentation.

A Brainstorming Group explored this topic and has proposed an initial framework for a commentary on conducting eDiscovery of modern communications and collaboration platforms. The commentary would be legal in orientation, identifying the evolving issues and data sources, and overlaying technology education and application of these data sources to existing law. Referencing, synthesizing, and drawing upon existing Sedona publications, and coordinating with other drafting teams also addressing such emerging technology issues, the drafting team is tasked with drafting a commentary that addresses: (i) the discovery challenges presented by modern communication and collaboration platforms, highlighting the key differences from more traditional sources; and (ii) provide best practices on how to best identify, preserve, collect, review, and produce these emerging data sources. The target completion date for the initial draft commentary outline is in advance of the WG1 Annual meeting in October 2023 (attendance is optional, but encouraged), where the draft will be the focus of dialogue.

The Steering Committee liaisons will be Tara Emory, Sandra Metallo-Barragan, and Maria Salacuse.

Expectations of Drafting Team Members

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

- Participation on Drafting Teams is a benefit of individual Sedona Conference Working Group Series membership. Each Drafting Team member must keep their membership current *at all times* during the drafting process.
- Total time commitment is approximately 12–15 hours per month, including actual drafting, review, and Drafting Team virtual meetings. As part of the review and comment process, there may be periodic gaps in activity along the course of the Drafting Team's efforts.
- Drafting Team members are expected to regularly join and participate in Drafting Team virtual meetings—Drafting Team leaders will take attendance for all meetings, and track meeting participation and contributions during Drafting Team meetings. One or more Drafting Team members will be asked to take notes of Drafting Team meetings.
- Drafting Team members will be expected to draft or assist in drafting portions of the document and/or perform research as needed. Members will be expected to prepare law review quality drafts, including citations to legal authority in accordance with *The Bluebook: A Uniform System of Citation*. Drafting Team leaders will track contributions to the drafting and/or research.
- Unlike Brainstorming Groups, Drafting Teams are expected to stick to the parameters of their charter (see above) unless authorized or directed otherwise by the Steering Committee.
- Drafting Team members are expected to review all team drafts that are circulated, and comment and/or revise/edit as necessary.
- Drafting Team members are expected to dialogue, not debate, and work collaboratively as part of a team to achieve consensus
- If feasible, Drafting Team members are strongly encouraged to attend WG1 midyear or annual meetings where their work product is presented to the membership through a panel discussion and dialogue.

It is critical that all team members are active, engaged participants in the drafting efforts in order to produce high-quality work product in a limited timeframe. If the participation requirements outlined above are not something that you can commit to at this time, we would recommend that you postpone pursuing a spot on a Drafting Team until you are able to make these commitments. There will be more WG1 drafting efforts in the near future.

We will likely have more well-qualified, well-rounded applicants than we have spots. As a result, we may have a ranked waiting list. Drafting Team member participation and contributions will be evaluated by the Steering Committee liaisons to the Drafting Team. If a Drafting Team member is unable to maintain the commitment to actively participate and contribute, it is

possible that the member may need to be replaced in order to timely achieve the Drafting Team's objectives.

Selection and Application Process

As Drafting Teams typically have fewer members than Brainstorming Groups, the Steering Committee will need to be very selective. The Steering Committee attempts to assemble a Drafting Team comprised of a balance of perspectives committed to collaboratively delivering the work product described in the charter. Prior participation on a Brainstorming Group does not guarantee selection for a Drafting Team on the same topic. Note, however, that all WG1 members will have a chance to review and comment on the draft that a team produces.

Factors in Drafting Team Selection:

- Expertise and Profession
- Years of experience
- Balance
 - As we work to achieve consensus-based documents, it is important that a wide range of perspectives and backgrounds are represented. Accordingly, in selecting Drafting Team members, the Steering Committee will work to ensure these perspectives are fairly 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 in order to build a consensus-based document that is beneficial to all stakeholders.
 - Perspectives we will seek to have represented on Drafting Teams may include, among others:
 - Requesting parties
 - Responding parties
 - In-house counsel
 - Outside counsel
 - Judges
 - Judicial clerks
 - Government counsel
 - Academics
 - Service providers/Technology companies
 - Small firms/Solo practitioners

Should you ultimately not be selected for the Drafting Team, it may simply be the result of too many applicants representing a particular perspective, and not on a lack of qualifications.

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, including WG1. 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.

In order to be considered for the Drafting Team on Conducting eDiscovery of Modern Communication and Collaboration Platforms, please provide separate answers to each of the questions below and submit to Dave Lumia at dbl@sedonaconference.org **no later than February 19, 2023**. Please be brief when answering the questions; no more than 50 words per answer.

- What is your profession and expertise?
- What organization do you work for?
- How many years of experience do you have?
- Do you regularly represent requesting parties, responding parties, or both?

(Please mark appropriate box with an X.)

Type of Litigation	Requesting	Responding
Symmetric		
Asymmetric		

- What qualifications or experiences make you particularly qualified to serve on this drafting team?
- Do you know how to cite check legal authority and prepare citation form in accordance with The Bluebook: A Uniform System of Citation?
- Are you willing and able to attend WG1 midyear/annual meetings to dialogue on the Drafting Team's work?