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THE Sedona Conference®

VOL VIII ♦ NUMBER 1
FEBRUARY 2006

UPDATE

The Eighth Annual Sedona Conference® on Complex Litigation

— LITIGATING MASS TORTS — May 4-5, 2006

Hilton Sedona, Sedona AZ

The Eighth Annual Sedona Conference on Complex Litigation will address important and practical issues in the Litigation of Mass Torts, including:

- ♦ Pre-Trial Issues
 - Class Certification
 - CMO's, Expert Discovery, *Daubert* Hearings
 - Dealing with Potential Fraud in the Submission of Diagnoses
 - Jury Selection
 - Use of Court-Appointed Expert Panels
- ♦ Trial Issues
 - Case and Test Plaintiff Selection
 - Use of Technology
 - Motions *in limine*
 - Juror Questionnaires
 - Best Practices for Juror Comprehension
 - Ethics and Publicity
- ♦ Post-Trial Issues
 - Juror Interviews
 - Collateral Estoppel
- ♦ Mass Torts: The Next Generation
- ♦ Resolving Mass Torts: Magistrates, Masters & Mediators
- ♦ Ethical Issues in Mass Tort Settlements & Creative Class Devices

**For the complete agenda, faculty bios, and to REGISTER,
go to www.thesedonaconference.org, or call toll free:
1-866-860-6600.**

**—REGISTRATION IS STRICTLY LIMITED TO 45 PARTICIPANTS—
IN ADDITION TO THE FACULTY**

◆ COMPLEX LITIGATION VIII ◆

LITIGATING MASS TORTS

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As with all of our conferences, you will enjoy:

- ◆ A Nationally Renowned Faculty of Jurists, Trial Attorneys and In-House Counsel
- ◆ A Limited Number of Participants Creating a Seminar-Like Setting
- ◆ Cutting-Edge Issues
- ◆ The Sedona Conference Hallmark: Dialogue, NOT Debate

— CONFERENCE SPONSORS —

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◆ Registration Details ◆

LITIGATING MASS TORTS

May 4-5, 2006

Hilton Sedona, Sedona, AZ

REGISTRATION. The registration fee is \$1095; \$995 if two or more people register at the same time (no more than three people per firm, please). *The Registration form is on our website: www.thesedonaconference.org.* Registration includes the Notebook, two continental breakfasts, two luncheons, Thursday's reception with the faculty and a list of Conference participants. Academic and government discounts available. Full refund, less a \$75 administrative fee, for cancellations received at least 45 (forty-five) days prior to the Conference. Refunds cannot be given after that time, but you will receive a credit for another Regular Season Conference of choice for cancellations received at least 72 hours before the Conference (credit good for 3 years). Substitutions permitted at anytime. If you have any questions call toll free: 1-866-860-6600.

PLEASE NOTE:

To ensure the maximum opportunity for meaningful dialogue, registration is limited to 45 persons on a first-come, first-served basis, based on date of receipt of paid registration(s).

WRITTEN MATERIALS/DIALOGUE. Conference materials are made available to participants through our website *before* the Conference, allowing us to rapidly focus our dialogue on the leading-edge issues *at* the Conference. Conference Notebooks are also provided upon Registration in Sedona, and are separately available for those who cannot attend for \$95 (postage included). To order, contact us at tsc@sedona.net.

PARTICIPANT EXPERIENCE LEVEL. We look for an experienced group of participants to facilitate an enlightening dialogue for all.

MANDATORY CONTINUING LEGAL EDUCATION. Advance MCLE accreditation will be applied for, seeking 11.75 Mandatory Continuing Legal Education credits in 60-minute credit-hour states, and 14.00 credits in 50-minute credit-hour states, pursuant to each state's rules. Ethics credits will also be applied for. Certificates of Accreditation and Attendance are provided at the end of the Conference. For further MCLE details call us at 1-866-860-6600.

SCHEDULE/ATTIRE. The Conference begins with Continental Breakfast at 8:00 am Thursday, and ends Friday at 2:30 pm. A reception with the faculty follows Thursday's session, and lunch is provided on both days (complete agenda on the website). Casual attire throughout.

LODGING. We have reserved a block of rooms for the group (\$189-\$219/nite) at the *Hilton Sedona Resort & Spa* where we are holding this year's Conferences. *Rooms will be held at the Group Rate until 45 days before the Conference* (see photo & link on our website on the Conference page). Call the *Hilton* reservation line (1-877-273-3762) to reserve your room; *identify yourself as a Sedona Conference participant to be eligible for the Group Rate.*

—Go to www.thesedonaconference.org or call 1-866-860-6600 to Register—

◆ Working Group Series ◆ (WGSSM) UPDATE

“Moving the Law Forward in a Reasoned & Just Way”

WORKING GROUP 1:

Electronic Document Retention and Production

WG1, through four Special Project Teams, is currently in the process of creating Sedona Commentaries on (1) E-mail management and archiving; (2) Legal holds (both the trigger and the process sides); (3) Legacy data; and (4) Search and retrieval sciences. All should be published for public comment before year's end. In addition, *The Sedona Principles* will be revised during 2006 in light of the December, 2006 effective date for the federal rules amendments in this area. Anyone with comments or suggestions should send us an email (tsc@sedona.net).

WORKING GROUP 2:

Protective Orders, Confidentiality & Public Access

WG2 published the public comment version of its *Best Practices Addressing Protective Orders, Confidentiality and Public Access* in May of 2005, and has been conducting Town Hall meetings around the country to gather feedback and input since. The Group will be meeting again in April to review the comments received during the public comment period and issuing a final report by the summer of 2006.

WORKING GROUP 3:

The Role of Economics in Antitrust

WG3 published the public comment version of *The Sedona Conference Commentary on the Role of Economics in Antitrust* in August of 2005, and has been gathering input and feedback since. The Group is currently editing the public comment version to issue a final version in the first quarter of 2006.

WORKING GROUP 4:

The Intersection of the Patent & Antitrust Laws

This Group is currently in the process of revising its work product on the intersection of the patent and antitrust laws following the dialogue surrounding the existing draft during the fall 2005 antitrust conference. A public comment version should be published during the second quarter of 2006.

WORKING GROUP 5:

Claim Construction & *Markman* Hearings

WG5 has had two face-to-face meetings so far, and their draft work product on *Markman* hearings and claim construction was subjected to dialogue during the fall 2005 patent litigation conference. The Group is currently completing the public comment version of its work product, which should be published in the first half of 2006.

WORKING GROUP 6:

International Issues in Electronic Information Management, Discovery & Disclosure

WG6 had its initial meeting in July, 2005, with 9 jurisdictions represented. The group is focusing now on a Global Survey while at the same time other teams are beginning the task of developing best practices for dealing with electronic information in a multi-jurisdictional environment. A second face-to-face meeting is being planned for September.

WORKING GROUP 7:

Sedona Canada

WG7 is currently being formed, and will consist primarily of Canadian judges, lawyers and experts examining e-disclosure and the management of electronic information in the Canadian context. Their inaugural meeting will be in May in Montreal.

Withers Joins TSC & New Phoenix Office

Ken Withers, former FJC Senior Judicial Education Attorney, moved to Phoenix to open up our new Phoenix offices effective January 1 of this year. He is filling the new position of Managing Director, and one of his main responsibilities will be to manage our growing Working Group efforts, developing content of immediate benefit to the bench and bar and all those involved with the legal system. The Sedona Conference is fortunate to have Ken on board, and we look forward to his contributions to our efforts to promote judicial education with our Working Group output. He will be joined by TSC's new office manager, Harry Henry, a former communications specialist at a Maryland regional hospital. The organization's overall efforts and regular calendar of dialogue-based conferences will remain headquartered in Sedona.

Audio Update Series to Re-Start in the first Quarter of 2006!

The Sedona Conference® WGSSM Audio Update Series will be restarting during the first quarter of 2006 at a reduced cost per/line. This series of audio conference calls presents cutting edge analysis of recent developments in the areas being addressed by our Working Groups (see left and below for description of our Working Groups). These programs are produced on short time frames given our drive to be timely. To be included on our e-mail invite list, just send us an email at tsc@sedona.net.

About Us

The Sedona Conference® was founded in 1997 as a nonprofit, 501(c)(3) research and educational institute dedicated to the advancement of law and policy in the areas of complex litigation, antitrust law and intellectual property rights. Initially focused on advanced, dialogue-based, restricted attendance seminars, The Sedona Conference® has successfully developed into a multi-faceted, open and neutral think-tank generating important, authoritative and timely contributions on significant legal issues. Already our Conferences and Working Groups have attracted participants from 47 states and the District of Columbia in the U.S., and from eight other countries around the world.

Our **Regular Season Conferences** provide a stimulating forum for ongoing dialogue among leaders of the bench and bar through intense, restricted-size “mini-sabbaticals.” They act as incubators, revealing “tipping points” for Working Groups to address. *Check the “Raves” section of our website to see comments from past Conference attendees about how our dialogue-based Conferences are different, and far more intellectually stimulating, than any other CLE or legal program.*

The Sedona Conference® Working Group Series (WGSSM) proposes solutions—principles, guidelines and best practices recommendations—that are designed to help harmonize disparate policies, decisions, regulations and viewpoints and to provide considered and fair guideposts for the reasoned and just development of the law. Our website and the WGSSM Update to the left describe our current Working Groups and how you can get involved in their efforts through the **WGSSM Membership Program**.

Register or for further information about our Conferences & Working Groups—

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COMPLEX LITIGATION VIII: LITIGATING MASS TORTS, May 4-5, 2006

Fall Conferences:

PATENT LITIGATION VII: October 12-13, 2006

ANTITRUST LAW & LITIGATION VIII: October 26-27, 2006

Sedona Hilton, Sedona, AZ

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Advanced Learning in a Panoramic Setting!

THE Sedona Conference®

**Announces its Eighth Annual
Sedona Conference®
on Complex Litigation:**

Litigating Mass Torts

Hilton Sedona, Sedona, AZ

“The best that’s ever been.”

Timothy J. Malloy, McAndrews, Held & Malloy

“Excellent. Lively. Interactive.”

Bob Visas, Arnold & Porter

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