

The Sedona Conference Cooperation Guidance for Litigators & In-House Counsel (March 2011)

The Sedona Conference issued its *Cooperation Proclamation* in 2008, launching “a coordinated effort to promote cooperation by all parties to the discovery process to achieve the goal of a ‘just, speedy, and inexpensive determination of every action.’” The intent is “to promote open and forthright information sharing, dialogue (internal and external), training, and the development of practical tools to facilitate cooperative, collaborative, transparent discovery. This *Proclamation* challenges the bar to achieve these goals and refocus litigation toward the substantive resolution of legal disputes.”

The *Cooperation Proclamation* acknowledged that what is required is a “paradigm shift for the discovery process” and that The Sedona Conference envisioned a three-part process: (1) awareness (the *Proclamation* itself), (2) commitment (the writing of a Brandeis brief-style “The Case for Cooperation” developing a detailed understanding and full articulation of the issues and changes needed to obtain cooperative fact-finding), and (3) tools—“developing and distributing practical ‘tool kits’ to train and support lawyers . . . in techniques of discovery cooperation, collaboration, and transparency.”

The Sedona Conference Cooperation Guidance for Litigators & In-House Counsel comprises the third part of the three-part process—practical toolkits designed for training and supporting lawyers in techniques of discovery cooperation, collaboration, and transparency. The separate guidance documents for litigators and in-house counsel are each organized around “cooperation points” — opportunities to engage in cooperative behavior in an effort to bring efficiency and efficacy to the discovery process allowing more disputes to be resolved on their merits consistent with Federal Rule of Civil Procedure 1. A companion document for the Bench is *The Sedona Conference Cooperation Proclamation: Resources for the Judiciary*.

The full text of *The Sedona Conference Cooperation Guidance for Litigators & In-House Counsel* is available free for individual download from The Sedona Conference website at https://thesedonaconference.org/publication/Cooperation_Guidance_for_Litigators_and_In-House_Counsel.

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