

## KENNETH J. WITHERS

Ken is Director of Judicial Education and Content for The Sedona Conference®, an Arizona-based non-profit law and policy think-tank on the forefront of issues involving technology, civil justice, intellectual property, and antitrust law. He has published several widely-distributed papers on electronic discovery, including *Computer-Based Discovery in Federal Civil Litigation*, *Federal Courts Law Review*, October 2000 (<http://www.fclr.org/2000fedctslrev2.htm>) and *Observations on the Sedona Principles*, with Hon. John Carroll, The Sedona Conference, April 2003 ([http://www.thesedonaconference.org/publications\\_html](http://www.thesedonaconference.org/publications_html)). In 2004 he published a preliminary survey of the proposed amendments to the Federal Rule of Civil Procedure, *Two Tiers and a Safe Harbor: Federal Rulemakers Grapple with Electronic Discovery*, in the September 2004 issue of *The Federal Lawyer*. One year later, he published a follow-up article on the evolution of the proposed amendments as a result of the extensive public comment they received, entitled *They've Moved the Two Tiers and Filled in the Safe Harbor*, in the November 2005 issue of *The Federal Lawyer*. In 2006 he wrote and appeared in a 90-minute instructional DVD on electronic discovery with U.S. District Judge Shira Scheindlin, presented as the keynote address at the annual Management of Electronic Records conference and available from <http://www.cohasset.com>. In 2008 he published *Ephemeral Data and the Duty to Preserve Discoverable Electronically Stored Information*, 37 U. Balt. L. R. 349. From 1999 through 2005, Ken was a Senior Education Attorney at the Federal Judicial Center in Washington DC, where he developed Internet-based distance learning programs for the federal judiciary concentrating on issues of technology and the administration of justice. He contributed to several well-known FJC publications, including the *Manual for Complex Litigation, Fourth Edition* (2004), *Effective Use of Courtroom Technology* (2001), and the *Civil Litigation Management Manual* (2001).