

IN MEMORIAM

Richard G. Braman

Richard Braman was the visionary founder and Executive Director Emeritus of The Sedona Conference. His passing on June 9, 2014 was a loss to The Sedona Conference and to the legal profession.

Richard was a pathfinder and an agent of change. When he saw a need he found a solution. He found ways to foster cooperation and bridge gaps, and his natural leadership attracted others to join him in crafting solutions and finding a better way.

Richard was active as a leader and agent of change as early as high school, where he graduated at the top of his class. He was president of the thespians, the debate team, vice president of the student council, and president of the student federation. Richard created the federation as an alternative to a student council that was not responsive to the needs of students. He saw a need and, with the help of others, crafted a solution.

Richard attended the University of Minnesota, completed his course work in three years, and graduated *summa cum laude* in 1975. He then attended the University of Minnesota Law School and graduated *magna cum laude*. His professional career began in the antitrust group of the law firm of Brobeck, Phleger & Harrison in San Francisco. A year later, he realized that a large California law firm was not a good fit for his independence. He moved back to Minnesota and joined the boutique plaintiffs' class action firm of Opperman & Paquin.

In 1984, Richard took the first of two sabbaticals and opened Gabriel's, a Minnesota jazz club that quickly acquired national renown. He then resumed his law career and joined the law firm of Gray, Plant, Mooty, Mooty & Bennett (currently known as Gray Plant Mooty) in its plaintiffs' antitrust practice. He would co-chair the Antitrust Practice Group before taking his second sabbatical to create The Sedona Conference.

Richard founded The Sedona Conference in December 1997 because he was dissatisfied with traditional continuing legal education (CLE) programs. He knew there was a better way than "talking heads" delivering lectures to passive unengaged attendees who were collecting CLE credits while solving crossword puzzles or reading the paper. Richard wanted to replicate the college seminar, with a small group of people interested in the advanced subject matter and engaging in real dialogue on an issue. The result was The Sedona Conference regular season conferences on antitrust law, complex litigation, and intellectual property rights. From the beginning, these regular season conferences have been advanced level, dialogue-based mini sabbaticals with limited attendance for the nation's leading jurists, lawyers, and experts to examine cutting edge issues of law and policy. To encourage the dialogue leaders at the regular season conferences to create superior written materials to accompany and support the sessions at the conferences, Richard created *The Sedona Conference Journal* to publish the best papers from The Sedona Conference regular season conferences.

At the regular season conferences, leading practitioners were discussing possible solutions to cutting edge issues and wanted to follow-up by drafting principles, guidelines, or best practices to move the law forward. This naturally led to the formation of The Sedona Conference Working Groups. Working Group 1 produced *The Sedona Principles: Best Practices Recommendations & Principles Addressing Electronic Document Production* (March 2003 version), which had an

immediate and substantial impact. Within a few weeks they were cited by the Discovery Subcommittee of the Civil Rules Advisory Committee of the Judicial Conference of the United States. Less than a month later they were cited by Judge Shira Scheindlin of the United States District Court for the Southern District of New York in *Zubulake v. UBS Warburg*, the groundbreaking case on eDiscovery.

Because of Richard's energy and passion for the mission of The Sedona Conference, the organization has grown greatly in the past fifteen years. The Sedona Conference now has eleven Working Groups addressing issues in eDiscovery, antitrust, complex litigation, intellectual property rights, cyber security, and international electronic information management. Collectively, the Working Groups have published a total of 47 nonpartisan consensus commentaries, principles, guidelines, or best practices designed to move the law forward in a reasoned and just way. The newest Working Group is identifying and commenting on trends in data security and privacy law, in an effort to help organizations prepare for and respond to data breaches, and to assist attorneys and judicial officers in resolving questions of legal liability and damages.

As a result of Richard's work in the field of eDiscovery, in 2013 he was selected as one of the top six eDiscovery pioneers by *Law Technology News* and *The American Lawyer*. He was also named one of the 50 most innovative people in Big Law in the past 50 years by *The American Lawyer*. Richard also is remembered for his revolutionary work in fostering cooperation between opposing parties. Richard understood that cooperation, not obstruction, is the hallmark of a truly great and effective lawyer. *The Sedona Conference Cooperation Proclamation*, published in 2008, receives more judicial endorsements every year.

In my opinion, The Sedona Conference is the natural, if not inevitable, outgrowth of Richard being a pathfinder and an agent of change. Richard's personal principles and beliefs became the guiding principles for The Sedona Conference: professionalism, civility, an open mind, respect for the beliefs of others, thoughtfulness, reflection, and belief in a process based on civilized dialogue, not debate. The goodness and purity of the mission of The Sedona Conference combined with Richard's personal character, graciousness and friendly personality, attracted many of us, including me, to join Richard in supporting The Sedona Conference as an agent of change in the legal profession.

We best honor Richard and preserve his legacy by collectively carrying out the mission of The Sedona Conference to move the law forward in a reasoned and just way. In support of its mission, The Sedona Conference will continue to address unsettled and uncharted areas of the law, where the authoritative and influential guidance of The Sedona Conference can move the law forward. That is exactly what Richard would want.

Richard's portrait hangs in the hallway of The Sedona Conference office, a few steps from my office door. Every day I see Richard smiling as I walk by. I want to believe he is pleased with the work we are doing at The Sedona Conference, and proud of the organization he started. Thank you, Richard, for creating The Sedona Conference to act as an agent of change in the legal profession.

Craig W. Weinlein
Executive Director
The Sedona Conference
Phoenix, AZ