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Clients, Fellow Litigators and Friends:

Litigation, like life, never fails to present new challenges. Some are truly brand new; others age-old but have taken on new urgency. For example, issues related to fiduciary duties of corporate board members or FDIC receiverships in distressed bank litigation are not new in 2009, but carry far more importance in today's economic climate. Twenty years ago, who would have thought that microblogging services, such as Twitter and Facebook, would compromise the open-mindedness that jurors are asked to maintain during trial and threaten the secrecy of jury deliberations? Further, gathering electronic evidence continues to pose new challenges as data is stored in electronic "clouds" and our courts struggle to balance the rights of litigants during discovery.

These are just a few of the topics covered by some of our leading attorneys in the following pages of ON Litigation. We send this new edition as part of our continued commitment to helping you stay ahead of the challenge curve in 2009 and beyond.

Take care and keep in touch,



Mark Lee
Chair, Litigation Practice Group
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