

2018-2019 ANNUAL REPORT THE AMERICAN LAW INSTITUTE



INTRODUCTION TO THE AMERICAN LAW INSTITUTE.....	3
PRESIDENT'S MESSAGE	4
DIRECTOR'S MESSAGE	5
THE AMERICAN LAW INSTITUTE.....	6
LEADERSHIP CHANGES	8
THE HENRY J. FRIENDLY MEDAL.....	10
DISTINGUISHED SERVICE AWARD.....	11
PROJECTS APPROVED AT THE 2019 ANNUAL MEETING	12
CURRENT PROJECTS	14
ALI COUNCIL VOTES TO LAUNCH FOUR RESTATEMENT PROJECTS	17
REASONABLY SPEAKING	20
THE AMERICAN LAW INSTITUTE DOCUMENTARY	21
PUBLICATIONS	22
EARLY CAREER SCHOLARS MEDAL.....	24
ALI CLE.....	25
MEMBERSHIP	26
IN MEMORIAM.....	27
COMMITTEES.....	28
CONDENSED CONSOLIDATED STATEMENTS OF ACTIVITIES.....	30
CONDENSED CONSOLIDATED STATEMENTS OF FINANCIAL POSITION.....	31
ANNUAL GIVING REPORT	32
HONORARY AND MEMORIAL GIFTS	33
THE NEW LIFE AND 50-YEAR MEMBER CLASS GIFT	34
DONATIONS.....	36
SUSTAINING MEMBERS	39
WAYS TO GIVE.....	44

Introduction to The American Law Institute

The American Law Institute was founded in 1923 in response to concerns that the body of American common law was both uncertain and complex. A group of prominent judges, lawyers, and academics formed the “Committee on the Establishment of a Permanent Organization for the Improvement of the Law” and published a report recommending that an organization be formed to improve the law and its administration. This led to the creation of ALI. The Institute’s mission, as set out in its charter, is “to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work.”

For more than nine decades, ALI has gathered the best minds in the American bar—judges, lawyers, and law professors—to accomplish its mission. The courts have come to trust and rely on ALI’s work due to its careful drafting process, its independence and integrity, and the intellectual caliber of those who participate in the Institute’s projects. Federal and state courts routinely look to ALI’s work for guidance in resolving questions of law.

Publications and Projects

ALI drafts, discusses, revises, and publishes Restatements of the Law, model statutes, and Principles of the Law that are enormously influential in the courts and legislatures, as well as in legal scholarship and education.

ALI has long been influential internationally and, in recent years, more of its work has become international in scope. It collaborates with numerous international law organizations and served as a model for the European Law Institute founded in 2011.

ALI addresses uncertainty in the law by developing restatements of legal subjects that are primarily addressed to courts. Restatements of the Law contain clear formulations of common law and its statutory elements or variations and reflect the law as it currently stands or might appropriately be stated by a court.

ALI also examines and analyzes legal areas in need of reform. Principles of the Law are primarily addressed to legislatures, administrative agencies, or private actors. They can, however, be addressed to courts when an area is so new that there is little established law. Principles may suggest best practices for these institutions.

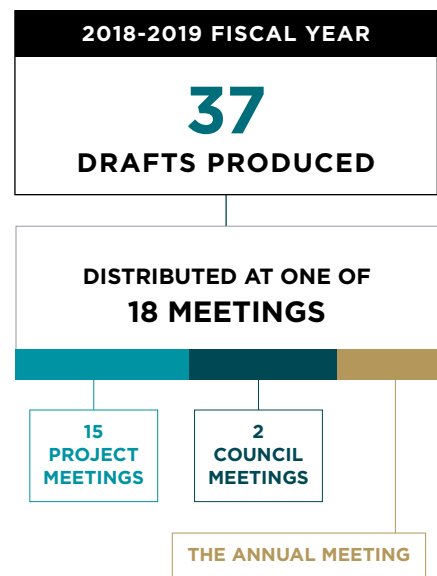
Statutory projects include the Uniform Commercial Code (in conjunction with the Uniform Law Commission), Model Code of Evidence, and Model Penal Code.

Membership

ALI is limited to 3,000 elected members who are lawyers, judges, and law professors of the highest qualifications. The Institute also has ex officio members and life members, for a total membership of more than 4,600. By participating in ALI’s work, its distinguished members have the opportunity to influence the development of the law in both existing and emerging areas, to work with other eminent lawyers, judges, and academics, to give back to a profession to which they are deeply dedicated, and to contribute to the public good.

Funding

ALI’s operating revenue is primarily derived from publishing, educational programs, membership dues and contributions, and rental income from its headquarters building in Philadelphia. The financial support of ALI’s members and partners is vital to its long-term financial stability. As a public charity under section 501(c)(3) of the Internal Revenue Code, all donations to ALI are tax deductible to the full extent of the law.





President's Message

As this year comes to a close, it is a good time to reflect on who we are and what ALI's special niche or purpose is. We live in a time of great change in the law, the courts, and the profession, and, we are told, even greater changes will soon be upon us, as the full weight of the revolution in artificial intelligence is

brought to bear on the courts and the legal profession, including judges. Already many Americans experience the courts without a lawyer at their side, in cases where both rules of procedure and substantive law are largely irrelevant to dispositions. In this world, the smart phone may soon be the only legal assistance that many litigants want or need. We can envision a virtual AI "courthouse" without lawyers or judges for that matter.

On the other end of the litigation spectrum, the multidistrict litigation process in the federal courts might be described in somewhat similar terms as these sometimes unwieldy cases move toward settlements only loosely connected to any substantive law or rules of procedure or practice. Whether we find these trends exhilarating because they address the needs of mass society or worrisome because they draw the courts into realms of problem-solving outside their expertise or customary portfolio, we must acknowledge that the ALI operates in a legal world that is far different from our early days, now nearly 100 years ago. And it isn't as though the only changes are the startling and most recent ones I have highlighted above. Consider the changing nature of the law firm, including the creation of very large, international law partnerships and corporations and the much more central place of statute and regulation as compared to traditional common-law rules. The study and teaching of law also has changed in the last 100 years, becoming more specialized and interdisciplinary, and, perhaps, somewhat removed from the day-to-day development and application of the law. Perhaps there is less civil discourse now than there was at the founding of the ALI. Because of social media and other factors, we live in a time when our fellow Americans find it difficult to disagree without rancor.

In this new environment are we irrelevant, a dinosaur clinging to older faiths and norms? It is quite clear that our members don't think so. They see the value of a rule-of-law organization dedicated to clarifying and simplifying the law. They know from their professional lives that this is still important work and still addresses a pressing need that our fellow Americans have for knowable law in many fields and contexts. Our remarkably dedicated members, project participants, and Council members take precious time to participate in the ALI's work because this work continues to matter and because they love and believe in law. Similarly, whatever the changes and trends in our law schools, many talented and distinguished academics are eager to take on the difficult and intellectually rewarding work of serving as a Reporter. Our Director has done a marvelous job of engaging many of the leading lights of the academy to further our work.

As President, I have the privilege of presiding at the Annual Meeting. I also have the privilege of attending the Council meetings where drafts get their first vote. All of the drafts—Preliminary Drafts, Council Drafts, and Tentative Drafts—are improved by the Reporters as a result of comments from members

and participants who attend our meetings in person or remotely, or submit comments through the project page on the website.

It deepens my appreciation for the wisdom and dedication of our members when the Reporters express their appreciation for the insights and detailed comments sent their way. I am grateful that so many of our members take the time to read, think, speak, and listen. Each draft gets better with every iteration because there are engaged and brilliant legal minds who represent divergent viewpoints, philosophies, and practices, who have a shared purpose of stating legal principles fairly, accurately, and clearly.

When it comes to civility in debate, we surely excel. This is not some old-fashioned and outmoded value; it is the very essence of democracy which itself embodies the equal dignity and weight accorded to every person and to every vote. As Justice Kennedy reminded us last May:

In a way, The American Law Institute, by its history and by its traditions and by its ethics, make [ALI] itself a restatement of civility. It's never been needed more than it is today.

... In just about four years ... you're going to have the 100th anniversary of the ALI. And it should be our aspiration and our hope that at that point, we will have made some recovery in restoring decency and thoughtfulness and honor to our civic discourse.

Democracy presumes that there will be a consensus based on thoughtful debate. ... This award will inspire me in future years to bring again the message of civility and decency and progress to all those who, like you, revere the law.

The thoughtful debate and civility exemplified by our members is unusual in our turbulent world. Indeed, we may be unique in our respect for the rule of law and for each other.

To create the ALI today probably would not be possible. But fortunately for us and for U.S. law, nearly 100 years ago inspirational figures had a vision that remains the foundation for the ALI of today.

In short, we remain remarkably strong and relevant in our mission and in the dedication of our members to that mission. And the work that your dedication produces remains recognized and respected. Courts continue to trust the ALI's work; in the past two years, U.S. courts explicitly have relied upon our Restatements and Principles more than 6,000 times, including 42 times by the Supreme Court of the United States. And, of course, judges, lawyers, and others use our Restatements, Principles, and Model Codes every day to better understand some area of the law.

I look forward to working with you to keep the ALI strong and its work at the highest level of excellence. Please help us today to lay the foundation for future generations of ALI members. I thank you for all that you have done and will do for the ALI.



Director's Message

This past year was a very productive one for The American Law Institute. At our Annual Meeting, it was very exciting to complete projects in three important areas: Charitable Nonprofit Organizations, Data Privacy, and the U.S. Law of International

Commercial and Investor-State Arbitration. The ALI had never dealt directly with these matters before, and we therefore are significantly expanding the footprint of our work.

A great deal of wealth in our society is controlled by the institutions that are the subject of the Restatement of Charitable Nonprofit Organizations. The rules governing these institutions have traditionally received less scrutiny than those governing for-profit corporations. And volunteer nonprofit boards are often less knowledgeable about their responsibilities than their paid, for-profit counterparts. I am extremely grateful to the Reporter, Professor Jill Horwitz of the University of California at Los Angeles School of Law, for expertly guiding this complex project past the finish line.

Principles of Data Privacy seeks to provide a set of best practices for entities that collect and control data concerning individuals, as well as guidance for a variety of actors at the federal, state, and local levels, including legislators, attorneys general, and administrative agency officials. The Reporters, Professors Paul Schwartz of the University of California at Berkeley School of Law and Daniel Solove of the George Washington University Law School, faced the significant challenge of grappling with a cacophony of disparate measures in the area and succeeded at setting forth a comprehensive framework to effectively implement privacy protections.

The Restatement of the U.S. Law of International Commercial and Investor-State Arbitration identifies the role of the courts over the life cycle of an arbitral proceeding, including enforcement of the arbitration agreement, the judicial role in arbitral proceedings, and post-award relief. It also addresses the ways in which the basic principles governing U.S. court involvement in investor-state arbitration in some instances are different from those applicable to international commercial arbitration generally. The Reporter, Professor George Bermann of Columbia Law School, led a remarkable team and deserves our collective admiration.

In addition to completing these three projects, during this past year the ALI launched four new ones. Three of them are Restatements in the Torts area, on Remedies, Defamation and Privacy, and Concluding Provisions. They are the last three components of the Restatement Third of Torts, launched in the early 1990s, which also comprises three projects that have already been completed and two that have been underway for several years. It is terrific that arguably our most influential project, with more than 80,000 citations in the courts, is moving forward in this manner.

Significant legal developments have taken place since the ALI completed Principles of Corporate Governance in 1994, and two particularly salient ones are going to be a significant focus of our new Restatement of Corporate Governance: the ever-increasing concentration of equity ownership and the changing role of shareholders, and the growing incorporation of environmental, social, and governance (ESG) considerations into the mainstream of corporate governance. The timely nature of this project was underscored in August when the Business Roundtable issued a statement on the nature of corporations, signed by 181 CEOs, which, departing from shareholder primacy, endorses the view that corporations should be run in a manner that benefits all of their stakeholders.

With the completion of three projects and the launching of four, the ALI now has 17 ongoing projects. There is a constant flurry of activity as drafts move through our various stages. It is a real joy for me to work with our extraordinary Deputy Director Stephanie Middleton on the substance of each of these projects. And the terrific ALI staff make even the most complex logistical feats seem effortless.

I am enormously gratified that, for each of our projects, our Reporters are typically the top academics in their respective fields, many of whom see this work as a crowning achievement of their careers. But however talented our Reporters are, the final work benefits enormously from the strength and commitment of our members, who contribute tens of thousands of hours each year through their participation in Advisers/Members Consultative Group meetings and Annual Meetings, and their close scrutiny of drafts whenever they are posted. I am in awe of the talent and expertise that so many members bring to each of our projects; you are what makes the ALI such an extraordinary institution!

I am also enormously grateful for the financial support that our members provide to make this work possible. By becoming Sustaining Members, contributing to our Annual Fund, supporting the class gift after 25 years of membership, and through estate planning and bequests, you enable us not only to carry out our projects, but also to engage in a variety of other institutionally compelling activities, such as providing generous assistance for members outside of the private sector to be able to attend our meetings, and promoting the work of the next generation of leading legal scholars. Without your support, we simply would not be able to do our work. I therefore hope that you will keep the ALI in mind as you plan your year-end philanthropic giving. Strengthening the rule of law is a compelling goal and, day in and day out, The American Law Institute does so much on that score as a result of your substantive and financial commitment to our success!

The American Law Institute

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**President Emeritus and Chair of the Council Emeritus*

Leadership Changes

Council Elections

The American Law Institute's membership has elected four new members to the Institute's Council.

At the 2019 Annual Meeting, the Institute's membership elected four new members to the ALI's Council, which determines projects and activities to be undertaken by the Institute and approves the work, along with the membership, as representing the position of the Institute.

The new Council members are Allison H. Eid of the U.S. Court of Appeals for the Tenth Circuit, Daniel C. Girard of Girard Sharp LLP, Thomas M. Hardiman of the U.S. Court of Appeals for the Third Circuit, and Pamela S. Karlan of Stanford Law School.

Allison H. Eid is a judge on the U.S. Court of Appeals for the Tenth Circuit. Prior to joining the Tenth Circuit, Judge Eid served as a justice of the Colorado Supreme Court, where she chaired the Water Court Committee and served as the state-court representative to the Advisory Committee for the Federal Rules of Appellate Procedure. Before being named to the Colorado Supreme Court, she served as the Solicitor General of the State of Colorado.

Judge Eid practiced commercial and appellate litigation with the Denver office of Arnold & Porter. She clerked for the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States, and for Judge Jerry Smith of the U.S. Court of Appeals for the Fifth Circuit.

Daniel C. Girard is the managing partner of Girard Sharp LLP, a San Francisco-based law firm. He represents plaintiffs in class-action lawsuits, and has served as lead attorney in a range of cases, including class actions arising under the securities, commodities, antitrust, predatory lending, telecommunications, privacy, and civil-rights laws.



Daniel C. Girard, Allison H. Eid, Pamela S. Karlan, and Thomas M. Hardiman

Mr. Girard is a member of the U.S. Judicial Conference Standing Committee on Rules of Practice and Procedure. He served on the Advisory Committee on Civil Rules from 2004 to 2010 and on the Advisory Board of the Institute for the Advancement of the American Legal System from 2007 to 2016.

Thomas M. Hardiman was nominated by President George W. Bush to the U.S. Court of Appeals for the Third Circuit on January 9, 2007, and was confirmed by the Senate (95-0) on March 15, 2007. Prior to becoming a circuit judge, he served as a trial judge on the U.S. District Court for the Western District of Pennsylvania. Before taking the bench in 2003, Judge Hardiman was in private practice from 1990 to 2003.

In 2008, Chief Justice John Roberts appointed Judge Hardiman to the Information Technology Committee of the Judicial Conference of the United States. Judge Hardiman was appointed Chairman of the IT Committee in 2013, and he continues to serve in that capacity.

Pamela S. Karlan is the Kenneth and Harle Montgomery Professor of Public Interest Law and a founder and co-director of the Supreme Court Litigation Clinic at Stanford Law School. Her primary scholarship involves constitutional litigation, particularly with respect to voting rights and antidiscrimination law.

After clerking for U.S. District Court Judge Abraham Sofaer and Justice Harry Blackmun of the Supreme Court of the United States, she practiced law at the NAACP Legal Defense and Educational Fund, focusing on employment discrimination and voting rights. She also served as a Deputy Assistant Attorney General in the Civil Rights Division of the United States Department of Justice. There, she received the Attorney General's Award for Exceptional Service (the Department's highest award for employee performance) for her work in helping to implement the Supreme Court's decision in *United States v. Windsor* and the John Marshall Award for Providing Legal Advice for her work on Title VII and gender identity.

Council Members Taking Emeritus Status

This year, four Council members took Emeritus status.



Elizabeth J. Cabraser is a partner in the law firm of Lief Cabraser Heimann & Bernstein. She practices in the areas of consumer protection, defective products, international and human rights, torts, and securities law. She also is a member of the adjunct faculties of the Columbia and

University of California, Berkeley, Law Schools, lecturing on class-action and complex litigation.

Ms. Cabraser was elected to the ALI in May 1993 and to the Council in 1999. She serves as an Adviser on the Restatement Third of Conflict of Laws, Restatement of the Law, Consumer Contracts, and Restatement of the Law, Corporate Governance. She previously served as an Adviser on the Restatement Third of Torts: Liability for Economic Harm, Principles of the Law of Aggregate Litigation, and the Recognition and Enforcement of Foreign Judgments: Analysis and Proposed Federal Statute.



Carolyn B. Lamm is a partner at White & Case, where she concentrates in international arbitration, international trade matters, and international commercial litigation. She served as the president of the American Bar Association for the 2009-2010 term.

Ms. Lamm was elected to the ALI in December 1984 and was elected to the Council in December 1999. She serves as the Chair of the Regional Advisory Group for Region 4, and was a Counselor for Restatement Fourth, The Foreign Relations Law of the United States. She also served as an Adviser on the recently approved Restatement of the Law, The U.S. Law of International Commercial and Investor-State Arbitration, and was previously an Adviser on the Recognition and Enforcement of Foreign Judgments project.

Prior to joining White & Case, Ms. Lamm was employed by the U.S. Department of Justice and served as a trial attorney in the Fraud Section, Civil Division, before becoming Assistant Director of the Commercial Litigation Branch, Civil Division.



Douglas Laycock is the Robert E. Scott Distinguished Professor of Law and Professor of Religious Studies at the University of Virginia, and the Alice McKean Young Regents Chair in Law Emeritus at the University of Texas at Austin.

Professor Laycock was elected to the ALI in October 1983 and was elected to the Council in May 2001. He served as Second Vice President from 2008 to 2015, and as First Vice President from 2015 to 2019. He resigned from the Council and Vice Presidency in 2019 to become a Reporter for the Restatement Third of Torts: Remedies. He is an Adviser for Principles of the Law, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, and previously served as an Adviser on the Restatement Third of Restitution and Unjust Enrichment project.

Before joining the University of Virginia's faculty in 2010, Professor Laycock served as the Yale Kamisar Collegiate Professor of Law at the University of Michigan. Prior to that, he taught law for 25 years at the University of Texas at Austin and for five years at the University of Chicago.



Margaret H. Marshall is Senior Counsel at Choate, Hall & Stewart LLP. Before rejoining the firm, she served for 11 years as Chief Justice of the Massachusetts Supreme Judicial Court until her retirement in December 2010. She was the first woman to hold that position in the Court's more than 300-

year history. She also served as the first woman senior fellow of the Yale Corporation.

Justice Marshall was elected to the ALI in 1990 and was elected to the Council in 1999. She is an Adviser for Principles of the Law, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities. She previously served as an Adviser on the Restatement Third of Agency project.

Prior to joining the bench, she was Vice President and General Counsel of Harvard University. Before that, she was an associate, and later a partner, in the Boston law firm of Csaplár & Bok, and a partner at Choate, Hall & Stewart.

In 1966, while living in her native South Africa, she was elected president of the anti-apartheid National Union of South African Students, and served in that capacity until 1968, when she came to the United States to pursue her graduate studies.

The Henry J. Friendly Medal: Retired U.S. Supreme Court Associate Justice Anthony M. Kennedy

The American Law Institute presented the Henry J. Friendly Medal to Retired Associate Justice Anthony M. Kennedy of the Supreme Court of the United States at the 2019 Annual Meeting. The Honorable John G. Roberts, Jr., Chief Justice of the United States, presented the award.

Established in memory of Judge Henry J. Friendly, the Medal recognizes contributions to the law in the tradition of Judge Friendly and the Institute and is not limited to ALI members or those associated with its projects. The Friendly Medal is not awarded every year but only as appropriate.

ALI President David F. Levi opened the presentation with some thoughtful words before giving the stage to Chief Justice Roberts, who began by expressing his admiration and respect for Justice Kennedy as a friend and colleague during the course of his extensive legal career, including his position on the U.S. Supreme Court for 30 years:

“Justice Kennedy ‘brought to the Court a special combination of legal acumen, collegiality, and kindness. He leaves behind an imposing body of judicial opinions to guide our future deliberations.’ He is also a wise and generous man who possesses the gift of prescience.”

Chief Justice Roberts highlighted Justice Kennedy’s dedication to his family, his considerate nature, and above all his devotion to the rule of law. “Justice Kennedy deserves this medal today because, like Judge Friendly, his career on the bench has been one of complete devotion to this vision of public service.”

Chief Justice Roberts expressed his belief in Justice Kennedy’s embodiment of the spirit of the Friendly Medal saying:

“[H]e has made the judicial branch one on which all of his colleagues can feel proud to serve with him. Certainly, Justice Kennedy has helped shape a judicial branch and Supreme Court on which I am proud to serve. Certainly, I have been proud and grateful for the chance to serve alongside Justice Kennedy. And certainly, today I am proud to present the Henry J. Friendly Medal to Justice Kennedy for his contribution to the law in the tradition of Judge Friendly and The American Law Institute.”

Justice Kennedy then took the stage to accept the award, express his thanks, and discuss the important work of the Institute and its influence on his many dedicated years of service on the nation’s highest court. He spoke of his particular admiration for the methods of the Institute, citing its commitment to civility and how that same civility should be mirrored throughout the general practice of law. He also looked towards the future of the Institute, and his hopes for its influence in shaping a better future for the law and legal interpretation.

The full video of the medal presentation is available on the ALI website.



Chief Justice Roberts presents the Friendly Medal to Retired Associate Justice Kennedy



Chief Justice Roberts, Retired Associate Justice Kennedy, and ALI President David F. Levi

Justice Kennedy was born in Sacramento, California, July 23, 1936. He married Mary Davis and has three children. He received his B.A. from Stanford University and the London School of Economics, and his LL.B. from Harvard Law School. He was in private practice in San Francisco, California from 1961–1963, as well as in Sacramento, California from 1963–1975. From 1965 to 1988, he was a Professor of Constitutional Law at the McGeorge School of Law, University of the Pacific. He has served in numerous positions during his career, including a member of the California Army National Guard in 1961, the board of the Federal Judicial Center from 1987–1988, and two committees of the Judicial Conference of the United States: the Advisory Panel on Financial Disclosure Reports and Judicial Activities, subsequently renamed the Advisory Committee on Codes of Conduct, from 1979–1987, and the Committee on Pacific Territories from 1979–1990, which he chaired from 1982–1990. He was appointed to the United States Court of Appeals for the Ninth Circuit in 1975. President Reagan nominated him as an Associate Justice of the Supreme Court, and he took his seat February 18, 1988. Justice Kennedy retired from the Supreme Court on July 31, 2018.

Distinguished Service Award: Carol F. Lee

The American Law Institute presented the Distinguished Service Award to Carol F. Lee of Taconic Capital Advisors at the 96th Annual Meeting. The Distinguished Service Award is given intermittently to a member who over many years has played a major role in ALI's work. She was introduced by Awards Committee Chair Raymond J. Lohier, Jr., of the U.S. Court of Appeals for the Second Circuit, who said of Ms. Lee, "[S]he embodies what this Institute is about."

Judge Lohier began his introduction by expressing his sincere and overwhelming admiration for Ms. Lee's work and her tireless dedication to the Institute. He further spoke about Ms. Lee's work on the project drafts, praising her efforts in reading the drafts cover to cover. Her insightful comments, thoughtful revisions, and commitment rise to a standard of excellence and clarity that is hard to match:

"Every ALI Restatement or Principles [draft] over the last several years has been touched by Carol's exacting eye, improved by her pointed suggestions, or stumbled under the force of her precise and very careful criticism.

Carol's incredible contributions to the Institute's academic work, her unrivaled level of civil participation in meetings, and her painstaking review of project drafts all set a nearly impossible example for her many friends and colleagues in this room, including me. Her remarkable dedication and profound commitment to the ALI's work reflects the Institute's founding purpose of clarifying, modernizing, and improving the law."

Ms. Lee took the stage to a standing ovation and began by explaining her impulsive drive for perfectionism which, she shared, has been an undeniable part of her personality since the third grade. She spoke on how being a part of the ALI gave her the chance to channel that need for perfection into the important work of the Institute. She expressed her gratitude for the award, and its symbolic connection to not just the content the Institute produces but to the people without whom it would not be possible:

"This award is not so much a tribute to me personally, although it is a great honor, as it is a sign of the importance that our Institute places on all of us working together to produce the best possible Restatements of the Law, Principles of the Law, and model statutes. Every member can and ought to participate in the collective enterprise of the ALI."

The full video of the award presentation is available on the ALI website.



Carol F. Lee accepts the Distinguished Service Award.

Ms. Lee is Special Counsel at Taconic Capital Advisors, an SEC-registered investment advisor based in New York City that manages private investment funds with total assets under management of approximately \$7 billion.

Ms. Lee was elected to the ALI in February 2008 and was elected to the Council in May 2012. She is a member of the Projects Committee and the Governance Committee and previously served on the Investment Committee. In addition, she devotes considerable time to reading Council drafts closely and providing comments to the Reporters. She is an Adviser for the Restatement of the Law Third, Torts: Intentional Torts to Persons, and serves on the Members Consultative Group for the Restatement of the Law, Consumer Contracts.

From 1983 to 1993, she was an associate and then a partner at Wilmer, Cutler and Pickering in Washington, D.C. Her practice included international corporate transactions and joint ventures, Supreme Court and appellate litigation, international aviation regulation, and campaign-finance law. She taught a course on the European Community and federalism in the United States as a lecturer at Harvard Law School and Yale Law School from 1989 through 1992.

From 1993 to 1995, she was General Counsel of the Export-Import Bank of the United States. From 1995 to 2002, she was Vice President and General Counsel of the International Finance Corporation, the private-sector investment arm of the World Bank Group. From 2007 through 2012, she was General Counsel of Taconic Capital Advisors.

She clerked for Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit, and for Justice John Paul Stevens of the United States Supreme Court. She has published several scholarly articles on legal and historical topics. Her husband, Professor David J. Seipp of Boston University School of Law, is a Life Member of the ALI.

Projects Approved at the 2019 Annual Meeting

This year, ALI members voted to approve two Restatement projects: Restatement of the Law, Charitable Nonprofit Organizations, and Restatement of the Law, The U.S. Law of International Commercial and Investor–State Arbitration. The membership also voted to approve Principles of the Law, Data Privacy.

The Reporters, subject to oversight by the Director, will now prepare the Institute’s official texts for publication. At this stage, the Reporters are authorized to correct and update citations and other references, to make editorial and stylistic improvements, and to implement any remaining substantive changes agreed to during discussion with the membership or by motions approved at the Annual Meetings. Until the official texts are published, the drafts approved by the membership are the official position of ALLI, and may be cited as such.

Charitable Nonprofit Organizations

Restatement of the Law, Charitable Nonprofit Organizations, addresses legal issues faced by nonprofit institutions, including choice of form, governance, changes to purpose and organization, restrictions on charitable assets, government regulation of charities, and standing of private parties.

Professor Jill R. Horwitz of the UCLA School of Law served as project Reporter. In addition, Nancy A. McLaughlin, Robert W. Swenson Professor of Law at the University of Utah S.J. Quinney College of Law, served as the project’s Associate Reporter, and Marion R. Fremont-Smith of Harvard University, John F. Kennedy School of Government, served first as a Reporter on the project before taking on the role of Consultant.

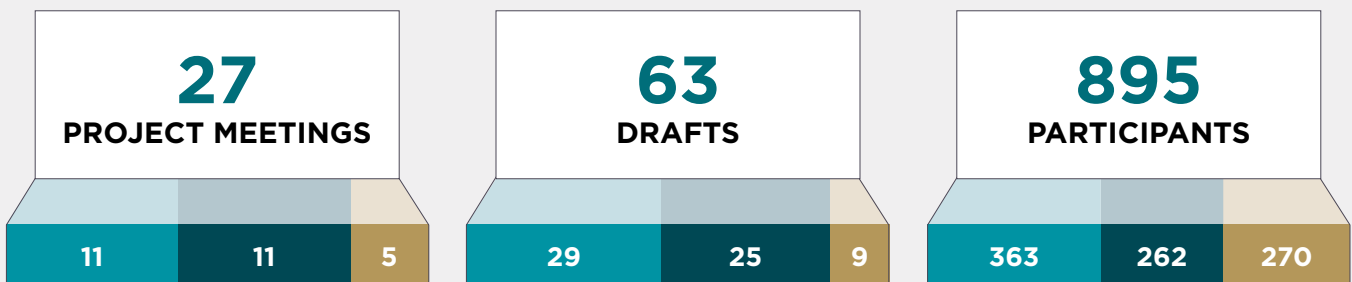


“This Restatement is meant to cover a large body of law. It addresses the birth, life, and death of charitable nonprofit organizations,” said Professor Horwitz. “It’s an important project for the ALI to undertake because charities touch the lives of so many people across the country and the law that governs charities is so poorly understood.”

ALI WOULD LIKE TO THANK THE REPORTERS, PROJECT PARTICIPANTS, AND ALI MEMBERS WHO CONTRIBUTED THEIR TIME, WISDOM, AND GUIDANCE TO THESE PROJECTS.



THANK YOU FOR YOUR WORK ON THE COMPLETED PROJECTS



- CHARITABLE NONPROFIT ORGANIZATIONS
- INTERNATIONAL COMMERCIAL AND INVESTOR–STATE ARBITRATION
- DATA PRIVACY

International Commercial and Investor-State Arbitration



Restatement of the Law, The U.S. Law of International Commercial and Investor-State Arbitration, identifies the role of the courts over the life cycle of an arbitral proceeding, including enforcement of the arbitration agreement, the judicial role in arbitral proceedings, and post-award relief. It also addresses the ways in which the basic principles governing U.S. court involvement in investor-State arbitration in some instances are different from those applicable to international commercial arbitration generally.

This is the first time that ALI has produced a Restatement on this area of the law. Work began in 2007 under the leadership of Reporter George A. Bermann of Columbia Law School and Associate Reporters Jack J. Coe, Jr., of Pepperdine University School of Law, Christopher R. Drahozal of the University of Kansas School of Law, and Catherine A. Rogers of both Penn State Law at University Park and Queen Mary, University of London.



“The Restatement assumes a choice has been made to have the merits of a dispute resolved in an arbitral setting rather than a court setting, but you haven’t escaped the courts,” said Professor Bermann. “Our Restatement focuses on what courts are asked to do and, among the things they’re asked to do, what they are willing to do. Essentially we have three phases in the life cycle of an arbitration where a court is invited to intervene: launching the arbitration, arbitral proceedings, and post-award.”

Data Privacy

Principles of the Law, Data Privacy, seeks to provide a set of best practices for entities that collect and control data concerning individuals and guidance for a variety of parties at the federal, state, and local levels, including legislators, attorneys general, and administrative-agency officials.

The project launched in 2013 and is led by Reporters Paul M. Schwartz of the University of California, Berkeley School of Law, and Daniel J. Solove of George Washington University Law School. It is divided into three Chapters: 1. Purpose, Scope, and Definitions; 2. Data Privacy Principles; and 3. Accountability and Enforcement. The Principles that are included cover a wide variety of topics that are at the forefront of privacy law today, from consent and confidentiality to data portability, retention, and destruction.

“The ALI process is something that is humbling because you get so much useful feedback, and the end-product is far superior to anything that we could have done on our own,” said Professor Schwartz. “We had Advisers from legal departments of some of the largest U.S. corporations, as well as lawyers in private practice, judges, and academics in the room. Having these many talented, insightful people going over a document line by line, comma by comma, was an amazing experience, and produced an incredible piece of work.”

“The project presents a framework to effectively implement privacy protection,” added Professor Solove. “One of the foundational things about privacy protection is the Fair Information Practice Principles or FIPPs. What you’ll find is that there are many different versions of FIPPs. One of the things we tried to do is pull together all these different versions and come up with what we think is the most sensible approach.”





Current Projects

The ALI Drafting Process

ALI's drafting process brings together members of the bench, bar, and academia to review and discuss drafts of Restatements of the Law, Principles of the Law, and Model Codes.

Project ideas are generally initiated by the Director and the Projects Committee. The Director then investigates a potential project and develops a project proposal, which usually includes a prospectus from a proposed Reporter (or Reporters). Once approved by the Council, work on the project begins.

A diverse group of Advisers is assembled by the Reporter, Director, and Deputy Director and approved by the Council. This group of subject-matter experts makes a commitment to review the project drafts and provide input to the Reporter. The Director may also appoint Liaisons from other legal organizations or appoint additional advisory panels. ALI members may join the Members Consultative Group (MCG) for a project. MCG members are not necessarily experts in the project's area of law, but provide a vital perspective, as they read the drafts the way the project's intended audience would.

The Reporter prepares Preliminary Drafts of the project for review by the Advisers, Liaisons, and MCG. After revising the material in light of comments received from these groups, the Reporter submits a Council Draft for review and approval by the Council. Once a draft is approved by the Council, the Reporter prepares a Tentative Draft, incorporating any revisions directed by the Council, to be submitted to the ALI membership for approval at an Annual Meeting. After discussion, the members vote on a "Boskey Motion" to approve the draft subject to the discussion at the Meeting and to the usual editorial prerogative. This drafting cycle continues until each segment of the project has been approved by the Council and the membership. Then the Reporter, subject to the Director's oversight, readies the official text for publication.

Project meetings from top to bottom:

Principles of the Law, Policing, project meeting

Restatement of the Law, Consumer Contracts, Annual Meeting

Model Penal Code: Sexual Assault and Related Offenses, project meeting

Restatement of the Law, The Law of American Indians, project meeting

Restatements

RESTATEMENT OF THE LAW, THE LAW OF AMERICAN INDIANS

This Restatement cements the foundational principles of American Indian law. Significant portions of Chapters on Federal–Tribal Relations, Tribal Authority, State–Tribal Relations, Tribal Economic Development, and Indian Country Criminal Jurisdiction have been approved by the membership. The remaining portions of the project, including Chapter 6 on Natural Resources, have been drafted.

Reporter:

Matthew L.M. Fletcher, Michigan State University College of Law, East Lansing, MI

Associate Reporters:

Wenona T. Singel, Office of the Governor, State of Michigan, Lansing, MI

Kaighn Smith, Jr., Drummond Woodsum, Portland, ME

RESTATEMENT OF THE LAW, CHILDREN AND THE LAW

This Restatement deals comprehensively with the legal regulation of children, rather than solely with family-law matters. Portions of each of the project's four Parts—Children in Families, Children in Schools, Children in the Justice System, and Children in Society—have been drafted. Portions of all four Parts have been approved by the membership.

Reporter:

Elizabeth S. Scott, Columbia Law School, New York, NY

Associate Reporters:

Richard J. Bonnie, University of Virginia School of Law, Charlottesville, VA

Emily Buss, University of Chicago Law School, Chicago, IL

Clare Huntington, Fordham University School of Law, New York, NY

Solangel Maldonado, Seton Hall University School of Law, Newark, NJ

David D. Meyer, Tulane University Law School, New Orleans, LA

RESTATEMENT OF THE LAW THIRD, CONFLICT OF LAWS

This project reexamines the increasingly important subject of conflict of laws in light of significant legal developments in the field since the influential Restatement Second was published in 1971. The project will include Chapters on Domicile, Judicial Jurisdiction, Recognition and Enforcement of Judgments, and Choice of Law, among others. Portions of several Chapters have been drafted. Chapters 1 (Introduction) and 2 (Domicile) and a portion of Chapter 5 (Choice of Law) have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

Kermit Roosevelt III, University of Pennsylvania Carey Law School, Philadelphia, PA

Associate Reporters:

Laura Elizabeth Little, Temple University Beasley School of Law, Philadelphia, PA

Christopher A. Whytock, University of California, Irvine School of Law, Irvine, CA

RESTATEMENT OF THE LAW, CONSUMER CONTRACTS

This Restatement focuses on aspects of the law unique to consumer contracts and on regulatory techniques that are prominently applied in consumer-protection law with examples from specific statutes and regulations. A draft of the entire project was approved by the Council in 2018 and was presented to the membership at the 2019 Annual Meeting, where the membership voted to approve § 1 of the draft.

Reporters:

Oren Bar-Gill, Harvard Law School, Cambridge, MA

Omri Ben-Shahar, University of Chicago Law School, Chicago, IL

Florencia Marotta-Wurgler, New York University School of Law, New York, NY



Restatement of the Law, The Law of American Indians, Annual Meeting

RESTATEMENT OF THE LAW, COPYRIGHT

This Restatement encompasses general copyright law. Portions of Chapters on Subject Matter and Standards, Scope of Protection, and Ownership have been drafted. The remaining Chapters are expected to include: Duration, Formalities, Rights and Limitations, Infringement, Secondary Liability, Remedies, and Copyright Protection and Management Systems. Several Sections have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

Christopher Jon Sprigman, New York University School of Law, New York, NY

Associate Reporters:

Daniel J. Gervais, Vanderbilt University Law School, Nashville, TN
Lydia Pallas Loren, Lewis & Clark Law School, Portland, OR
R. Anthony Reese, University of California, Irvine School of Law, Irvine, CA
Molly S. Van Houweling, University of California, Berkeley School of Law, Berkeley, CA

RESTATEMENT OF THE LAW, CORPORATE GOVERNANCE

The Institute first tackled the subject of corporate governance more than 25 years ago in Principles of the Law, Corporate Governance: Analysis and Recommendations. Although it provided valuable guidance in a new and unfamiliar area of law at the time, this area has evolved quite a bit in the intervening decades. Launched in January 2019, this project will examine the state of the law today and reflect it in the Restatement. A meeting was held in May 2019 with the Advisers to help define the initial scope of the project. A meeting of the Advisers and MCG is scheduled in spring 2020.

Reporter:

Edward B. Rock, New York University School of Law, New York, NY

Associate Reporters:

Jill Fisch, University of Pennsylvania Carey Law School, Philadelphia, PA
Marcel Kahan, New York University School of Law, New York, NY

RESTATEMENT OF THE LAW FOURTH, PROPERTY

This Restatement seeks to bring comprehensiveness and coherence to American property law. Subjects to be covered include the classification of entitlements, possession, accession, and acquisition; ownership powers; protection of and limits on ownership; divided and shared ownership; title and transfer; easements, servitudes, and land use; and public rights and takings. Portions of Volumes on The Basics of Property; Interferences with, and Limits on, Ownership and Possession; Powers and Duties Associated with Ownership; Divided and Shared Ownership; Servitudes; and Land Use have been drafted.

Reporter:

Henry E. Smith, Harvard Law School, Cambridge, MA

Associate Reporters:

Maureen E. Brady, Harvard Law School, Cambridge, MA
Sara C. Bronin, University of Connecticut School of Law, Hartford, CT
John C.P. Goldberg, Harvard Law School, Cambridge, MA
Daniel B. Kelly, University of Notre Dame Law School, Notre Dame, IN
Brian A. Lee, Brooklyn Law School, Brooklyn, NY
Tanya D. Marsh, Wake Forest University School of Law, Winston-Salem, NC
Thomas W. Merrill, Columbia Law School, New York, NY
Christopher M. Newman, The Antonin Scalia Law School at George Mason University, Arlington, VA

RESTATEMENT OF THE LAW THIRD, TORTS: CONCLUDING PROVISIONS

This project is part of ALI's ongoing revision of the Restatement Second of Torts. This Restatement addresses topics not covered in another part of the Restatement Third of Torts that either require updating since publication of the Restatement Second or were not previously addressed but should be covered in a modern torts Restatement. These topics will include medical liability, vicarious liability, wrongful death, and survival actions, among others. Launched in January 2019, the project's first meeting is scheduled in March 2020.

Reporter:

Nora Freeman Engstrom, Stanford University Law School, Stanford, CA
Michael D. Green, Wake Forest University School of Law, Winston-Salem, NC

Associate Reporters:

Mark A. Hall, Wake Forest University School of Law, Winston-Salem, NC
Tanya D. Marsh, Wake Forest University School of Law, Winston-Salem, NC

RESTATEMENT OF THE LAW THIRD, TORTS: DEFAMATION AND PRIVACY

This project is part of ALI's ongoing revision of the Restatement Second of Torts. This Restatement addresses torts dealing with personal and business reputation and dignity, including defamation, business disparagement, and rights of privacy. Among other issues, the updates will cover the substantial body of new issues relating to the internet. Launched in January 2019, the project's first meeting will be scheduled in 2021.

Reporters:

Lyrissa Barnett Lidsky, University of Missouri-Columbia School of Law, Columbia, MO

Robert C. Post, Yale Law School, New Haven, CT



Restatement of the Law, Copyright, project meeting



Restatement of the Law, Corporate Governance, project meeting



Restatement of the Law Fourth, Property, project meeting

ALI Council Votes to Launch Four Restatement Projects

At the January 2019 Council meeting, The American Law Institute's Council voted to launch four new projects:

Restatement of the Law, Corporate Governance, and three Torts projects, which will complete the ongoing Restatement Third of Torts. The three Torts projects are **Defamation and Privacy**, **Remedies**, and **Concluding Provisions**.

Restatement of the Law, Corporate Governance, will be led by Reporter Edward B. Rock, the Martin Lipton Professor of Law at New York University School of Law. The project will follow ALI's Restatement framework, set forth when ALI was founded nearly a century ago. The Institute first tackled the subject of corporate governance more than 25 years ago in Principles of the Law, Corporate Governance: Analysis and Recommendations. Although it provided valuable guidance in a new and unfamiliar area of law at the time, this area has evolved quite a bit in the intervening decades. This project will examine the state of the law today and reflect it in the Restatement. Jill Fisch of University of Pennsylvania Carey Law School and Marcel Kahan of New York University School of Law are Associate Reporters.

The revision of the Restatement Second of Torts began in the early 1990s. Portions of the Restatement Second have been superseded by the Restatement Third of Torts: Products Liability, Apportionment of Liability, and Liability for Physical and Emotional Harm. The Restatement Third of Torts: Liability for Economic Harm was approved by ALI members at the 2018 Annual Meeting, and will be published later this year. Two additional torts categories are being covered in current projects: Intentional Torts to Persons and Property Torts.

The Reporters for the Restatement Third of Torts: Concluding Provisions will be Nora Freeman Engstrom of Stanford Law School and Michael D. Green of Wake Forest University School of Law. Mark A. Hall and Tanya D. Marsh of Wake Forest University School of Law have been named Associate Reporters. The Reporters for the Restatement Third of Torts: Defamation and Privacy will be Lyrissa Barnett Lidsky, dean of the University of Missouri School of Law, and Robert C. Post of Yale Law School. The Reporters on the Restatement Third of Torts: Remedies will be Richard L. Hasen of University of California, Irvine School of Law, and Douglas Laycock of the University of Virginia School of Law and the University of Texas at Austin School of Law.



Restatement of the Law Third, Torts: Intentional Torts to Persons, Annual Meeting

RESTATEMENT OF THE LAW THIRD, TORTS: INTENTIONAL TORTS TO PERSONS

This project is part of the ongoing revision of the Restatement Second of Torts. Continuing the work of the Restatement Third, Torts: Liability for Physical and Emotional Harm, this project addresses other major avenues of recovery for physical and emotional harm to persons, with a focus on assault, battery, and false imprisonment. It also includes Sections on consent, self-defense, and other privileges. Portions of all four Chapters have been drafted. Chapter 1 (Definitions of Intentional Torts to Persons; Transferred Intent) and portions of Chapter 2 (Consent) have been approved by the membership.

Reporter:

Kenneth W. Simons, University of California, Irvine School of Law, Irvine, CA

Associate Reporter:

W. Jonathan Card, Wake Forest University School of Law, Winston-Salem, NC

RESTATEMENT OF THE LAW THIRD, TORTS: REMEDIES

This project is part of ALI's ongoing revision of the Restatement Second of Torts. This Restatement addresses tort damages and other remedies. It will include issues related to identifying the types of recoverable damages, such as past and future lost wages, medical expenses, disfigurement, and pain and suffering, as well as measuring damages, including discounting future earnings to present value, the effect of taxes, and structured settlements. Launched in January 2019, the project's first meeting is scheduled in fall 2020.

Reporters:

Richard L. Hasen, University of California, Irvine School of Law, Irvine, CA

Douglas Laycock, University of Virginia School of Law, Charlottesville, VA; University of Texas at Austin School of Law, Austin, TX

Principles

PRINCIPLES OF THE LAW, COMPLIANCE, RISK MANAGEMENT, AND ENFORCEMENT

This project provides recommendations of best practices for internal and external control within organizations. All six Chapters—Definitions; Subject Matter, Objectives, and Interpretation; Governance; Risk Management; Compliance; and Liability and Enforcement—have been drafted. Chapter 1 (except the definitions relating to Chapters 4 and 6); Chapters 2 and 3; and portions of Chapter 5 have been approved by the membership.

Reporter:

Geoffrey P. Miller, New York University School of Law, New York, NY

Associate Reporters:

Jennifer H. Arlen, New York University School of Law, New York, NY

James A. Fanto, Brooklyn Law School, Brooklyn, NY

Claire A. Hill, University of Minnesota Law School, Minneapolis, MN

PRINCIPLES FOR A DATA ECONOMY

Conducted jointly with the European Law Institute, this project will study, identify, and collate the existing and potential legal rules applicable to transactions in data as an asset and as a tradeable item and assess the “fit” of those rules with these transactions. Because of the innovative, joint approach of this project, the structure of the project will vary somewhat from the traditional ALI structure. The project aims to develop a set of transnational Principles to provide guidance to parties in the data economy, as well as to courts and legislators worldwide. Because data does not have a “location,” the goal is to have a common set of Principles that would apply wherever the parties happen to be. Portions of all eight Chapters have been drafted.

Reporters:

Neil B. Cohen, Brooklyn Law School, Brooklyn, NY

Christiane C. Wendehorst, University of Vienna, Department of Civil Law, Vienna, Austria

Co-Chairs:

Lord John Thomas of Cwmgiedd, Essex Court Chambers, London, England

Steven O. Weise, Proskauer Rose, Los Angeles, CA

PRINCIPLES OF THE LAW, GOVERNMENT ETHICS

This project sets forth principles that will both reflect the emerging law of government ethics and provide guidelines to shape its future development. Chapter 2 on Gifts from and Financial Relationships with Prohibited Sources, and portions of Chapter 4 on the Election-Related Activities of Public Servants and Chapter 5 on Post-Government Employment Restrictions (later renamed “Revolving-Door Restrictions”) have been approved by the membership.

Reporter:

Richard Briffault, Columbia Law School, New York, NY

Associate Reporter:

Richard W. Painter, University of Minnesota Law School, Minneapolis, MN

PRINCIPLES OF THE LAW, POLICING

This project tackles some of the hardest questions, where courts, legislatures, and police are most in need of guidance. The membership has approved Chapters on General Principles, Police Encounters, Use of Force, Eyewitness Identifications, and Police Questioning. Chapters on General Principles of Searches, Seizures, and Information Gathering; Policing with Individualized Suspicion; Policing in the Absence of Individualized Suspicion; Policing Databases; General Principles of Evidence Gathering, Forensic Evidence Gathering; Internal Agency Accountability; External Accountability, Political Oversight, and Judicial Remedies have been drafted.

Reporter:

Barry Friedman, New York University School of Law, New York, NY

Associate Reporters:

Brandon L. Garrett, Duke University School of Law, Durham, NC

Rachel A. Harmon, University of Virginia School of Law, Charlottesville, VA

Tracey L. Meares, Yale Law School, New Haven, CT

Christopher Slobogin, Vanderbilt University Law School, Nashville, TN



Principles for a Data Economy, project meeting

PRINCIPLES OF THE LAW, STUDENT SEXUAL MISCONDUCT: PROCEDURAL FRAMEWORKS FOR COLLEGES AND UNIVERSITIES

This project recommends procedural frameworks that universities and colleges should have in place to respond to sexual assault and related student misconduct. All 11 Chapters have been drafted. Topics include notice and clarity of policies; support and interim measures; reporting; inquiries and investigations; informal and formal resolution of complaints; sanctions; processes for appeals; confidentiality and disclosure; and interaction between campus processes and the criminal-justice system. Chapters 1-3 were submitted at the 2018 Annual Meeting, for discussion only.

Reporter:

Vicki C. Jackson, Harvard Law School, Cambridge, MA

Associate Reporter:

Suzanne B. Goldberg, Columbia Law School, New York, NY



Principles of the Law, Government Ethics, project meeting



Principles of the Law, Policing, project meeting

Model Codes

MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES

This project is re-examining Article 213 of the Model Penal Code, which has become outdated since its approval in 1962. All portions of this project have been drafted, including provisions on Sexual Assault, Sexual Assault of a Vulnerable Person, Sexual Assault by Exploitation, Offensive Sexual Contact, Sex Trafficking and Related Offenses, and Permission to Use Force, as well as related definitions. The entire draft of this project is expected to be submitted at the 2020 Annual Meeting.

Reporter:

Stephen J. Schulhofer, New York University School of Law, New York, NY

Associate Reporter:

Erin E. Murphy, New York University School of Law, New York, NY

UNIFORM COMMERCIAL CODE

A joint project of ALI and the Uniform Law Commission, the UCC was promulgated to harmonize the law of commercial transactions. In 2019, the organizations formed a joint committee to review the UCC with a view to recommending amendments or revisions to accommodate emergent and emerging technological developments.

From time to time, the Permanent Editorial Board for the UCC issues PEB Commentaries to provide guidance in interpreting and resolving issues raised by the UCC. A PEB Commentary on Consignments was issued in January 2019.



Model Penal Code: Sexual Assault and Related Offenses, project meeting

Reasonably Speaking

The American Law Institute has released the first full season of its podcast, *Reasonably Speaking*. This podcast series, featuring ALI members and project participants, explores some of the most important legal topics of today. Each episode takes listeners through the law in action, beyond courtrooms and casebooks, providing a better understanding of how we got here and what we should consider as we forge ahead.

Season One Episodes

Protecting Individual Liberties: Recognizing the Value of State and Federal Courts featuring Justice **Goodwin Liu** of the California Supreme Court and Judge **Jeffrey S. Sutton** of the U.S. Court of Appeals for the Sixth Circuit

May It Please the Court: SCOTUS Perspectives from Leading Supreme Court Advocates featuring Professor **Douglas Laycock** of the University of Virginia School of Law and the University of Texas at Austin School of Law, an experienced Supreme Court advocate himself, moderating an insightful conversation between former Solicitor General **Seth P. Waxman**, Partner at WilmerHale, and former Assistant to the Solicitor General **Nicole A. Saharsky**, Partner at Mayer Brown

May It Please the Court Part II: A Closer Look at Arguing in Front of SCOTUS featuring Kirkland & Ellis Partner **Paul D. Clement**, who served as the 43rd Solicitor General of the United States from June 2005 until June 2008

Race and Policing featuring **Sherrilyn Ifill** of the NAACP Legal Defense and Educational Fund, Inc., **Barry Friedman**, NYU Law professor and founding director of NYU Law's Policing Project, and **John Malcolm** of the Heritage Foundation

The Decline of the Death Penalty featuring death-penalty expert and author of *End of Its Rope: How Killing the Death Penalty Can Revive Criminal Justice*, **Brandon L. Garrett** of Duke University School of Law, ALI's past President **Roberta Cooper Ramo**, Shareholder at Modrall Sperlberg, and Retired Justice **Christine M. Durham** of the Utah Supreme Court

Consent and Sexual Assault in Criminal v. Tort Law featuring NYU Law's **Erin E. Murphy** and UC Irvine Law's **Kenneth W. Simons**

Why Is Defining Consent So Difficult? featuring Criminal Law Professor **Aya Gruber** of the University of Colorado Law School, and AEquitas Co-Founder and CEO **Jennifer G. Long**



Robert L. Wilkins and Paul L. Friedman

Responding to Sexual Assault Allegations on Campus featuring **Suzanne B. Goldberg**, Professor of Law at Columbia Law School and Executive Vice President for University Life at Columbia University, and **A. Gilchrist Sparks III**, member and past Chair of the Board of Trustees of the University of Delaware

American Indian Law: Tribal Sovereignty, Citizenship, Criminal Jurisdiction, Violence Against Women, and the Indian Child Welfare Act featuring renowned experts on American Indian law and policy, **Matthew L.M. Fletcher** of Michigan State University College of Law and **Wenona T. Singel** of the Office of the Governor for the State of Michigan

Protecting Children in Criminal Procedures featuring Juvenile Law Center's Chief Legal Officer and Co-Founder **Marsha Levick** and Columbia Law School Professor **Elizabeth S. Scott**

Long Road to Hard Truth: The 100-Year Mission to Create the National Museum of African American History and Culture featuring Judge **Paul L. Friedman** of the U.S. District Court for the District of Columbia talking with Judge **Robert L. Wilkins** of the U.S. Court of Appeals for the District of Columbia Circuit; Judge Wilkins played an integral role in making the museum a reality.

Creating a Strong Corporate Compliance Program featuring compliance experts **Ivan K. Fong**, Senior Vice President for Legal Affairs and General Counsel at 3M, and **Lori A. Martin**, Partner at WilmerHale

Coming to Terms with Consumer Contracts featuring consumer-contract experts **Omri Ben-Shahar** of University of Chicago Law School and **Florencia Marotta-Wurgler** of New York University School of Law

The American Law Institute Documentary

The American Law Institute was selected to be profiled by Visionaries in its 23rd season. Visionaries is a nonprofit educational organization dedicated to producing and distributing media that inspires individuals and communities to take action for positive social change. Since 1995, Visionaries has been producing a documentary series for public television. Hosted by Sam Waterston of the TV show *Law & Order*, the documentary series highlights the stories of nonprofit organizations around the world that are working to make a positive difference in their communities and beyond. The documentary is currently airing on PBS stations around the country.

The American Law Institute is grateful to the numerous ALI members and project participants who sat down for interviews with the Visionaries crew, many of which appear in the piece.

We sincerely thank the following donors for their generosity in underwriting this documentary:

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Publications

The Institute's electronic and print publications fulfill two very important purposes: they are a major source of funds that support the Institute's vital law-reform work, and they are the means by which that work is disseminated to practicing lawyers, judges, academics, and students throughout the world. Most ALI publications are accessible online through Westlaw, HeinOnline, and LexisNexis.

Beginning with the Restatement of the Law, Contracts, in 1932, the Institute's Restatements of the Law, Principles of the Law, and model codes have earned an unparalleled reputation for excellence and objectivity. As evidence of the respect the courts have customarily accorded ALI publications, the Restatements and Principles of the Law have been cited in published decisions by U.S. courts over 210,000 times through June 2019.

In the State Supreme Courts

The high courts of a number of jurisdictions specifically adopted Restatement Sections during the past fiscal year. Some highlights follow:

CIANCHETTE V. CIANCHETTE 209 A.3D 745 (ME. 2019)

Supreme Judicial Court of Maine, adopting **Restatement Second, Torts** §§ 525 and 530(1)

RHODE ISLAND INDUSTRIAL-RECREATIONAL BUILDING AUTHORITY V. CAPCO ENDURANCE, LLC 203 A.3D 494 (R.I. 2019)

Supreme Court of Rhode Island, adopting **Restatement Second, Torts** § 552

RUBLEE V. CARRIER CORPORATION 428 P.3D 1207 (WASH. 2018)

Supreme Court of Washington, adopting **Restatement Second, Torts** § 400

STATE V. ROACHE 920 N.W.2D 93 (IOWA 2018)

Supreme Court of Iowa, adopting **Restatement Third, Torts: Liability for Physical and Emotional Harm** §§ 29 and 33

Recent Publications

Restatement of the Law, Liability Insurance, and Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, are now available as official texts.

The Liability Insurance Restatement has four Chapters covering a range of liability-insurance-law topics. Chapter 1 addresses basic contract-law doctrines that have special application in the insurance-law context: interpretation, waiver, estoppel, and misrepresentation. Chapter 2 addresses insurance-law doctrines relating to duties of insurers and insureds in the management of potentially insured liability actions: defense, settlement, and cooperation. Chapter 3 addresses general principles relating to the risks insured that are common to most forms of liability insurance, including coverage provisions, conditions, and the application of limits, retentions, and deductibles. Chapter 4 addresses enforceability and remedies.

Principles of Election Administration apply to any type of elective office and are structured to be useful to multiple audiences, including state legislatures, state courts, and state officers such as secretaries of state and local election officials. The project is divided into three Parts.

Part I outlines the ways in which states can securely and efficiently incorporate early voting and absentee voting to maximize accessibility and convenience for voters. Part I may be used by a judge in any case that involves an issue concerning early or absentee voting.

Parts II and III address how states can manage post-election disputes, with Part II focusing on elections generally and Part III concentrating on the procedures necessary in disputed presidential elections in light of unique scheduling constraints.

VISIT WWW.ALI.ORG TO ORDER NOW.

In the U.S. Supreme Court

During its October 2018 Term, the U.S. Supreme Court cited the work of The American Law Institute in 13 cases:

AIR & LIQUID SYSTEMS CORP. V. DEVRIES 139 S. CT. 986 (MAR. 19, 2019)

Majority quoting **Restatement Third, Torts: Liability for Physical and Emotional Harm** § 7 and citing § 7, Comment *j*; quoting **Restatement Third, Torts: Products Liability** § 2, Comment *i*; quoting **Restatement Second, Torts** §§ 315 and 388, and citing § 395, Comment *j*; dissent quoting **Restatement Second, Torts** § 402A(1)(b) and **Restatement Third, Torts: Products Liability** § 5, Comments *a* and *b*

GAMBLE V. UNITED STATES 139 S. CT. 1960 (JUNE 17, 2019)

Majority quoting **Restatement Fourth, The Foreign Relations Law of the United States** § 481 and **Restatement Second, Conflict of Laws** § 98, Comment *b*; dissent quoting the Commentary to § 15 of the **Administration of the Criminal Law** (Proposed Final Draft, Mar. 18, 1935)

HERRERA V. WYOMING 139 S. CT. 1686 (MAY 20, 2019)

Majority quoting **Restatement Second, Judgments** § 28, Comment *c*; dissent quoting **Restatement, Judgments** § 68, Comment *n*, citing and quoting Comment *i* and Reporter's Note to Comment *i* to **Restatement Second, Judgments** § 27, quoting § 28(5)(c) and Comment *j* to § 28, citing Comments *a* and *c* to § 28, and quoting § 33

JAM V. INTERNATIONAL FINANCE CORP 139 S. CT. 759 (FEB. 27, 2019)

Dissent citing **Restatement Third, The Foreign Relations Law of the United States** § 467, Reporters' Note 7

LAMPS PLUS, INC. V. VARELA 139 S. CT. 1407 (APR. 24, 2019)

Majority citing **Restatement Second, Contracts** § 206

MCDONOUGH V. SMITH 139 S. CT. 2149 (JUNE 20, 2019)

Majority citing **Restatement Second, Torts** §§ 653 and 658

NIEVES V. BARTLETT 139 S. CT. 1715 (MAY 28, 2019)

Majority citing **Restatement, Torts** §§ 118 and 119; § 121 and Comments *e* and *h* to that Section; and § 653

NORTH CAROLINA DEPARTMENT OF REVENUE V. THE KIMBERLEY RICE KAESTNER 1992 FAMILY TRUST 139 S. CT. 2213 (JUNE 21, 2019)

Majority quoting **Restatement Third, Trusts** § 42, Comment *a*; § 49, Comment *b*; and § 50, Comment *c*

OBUSKEY V. MCCARTHY & HOLTHUS LLP 139 S. CT. 1029 (MAR. 20, 2019)

Majority citing **Restatement Third, Property (Mortgages)** §§ 1.1 and 8.2

QUARLES V. UNITED STATES 139 S. CT. 1872 (JUNE 10, 2019)

Majority quoting **Restatement Second, Torts** § 158, Comment *m*

REHAIF V. UNITED STATES 139 S. CT. 2191 (JUNE 21, 2019)

Majority quoting **Model Penal Code** §§ 2.02(4) and 2.04(1)(a)

REPUBLIC OF SUDAN V. HARRISON 139 S. CT. 1048 (MAR. 26, 2019)

Majority citing **Restatement Second, Contracts** § 66 and Comment *b* to that Section

UNITED STATES V. STITT 139 S. CT. 399 (DEC. 10, 2018)

Majority quoting **Model Penal Code** § 221.0(1) and § 221.1, Comment 3(*b*), and citing § 221.1(1)

Early Career Scholars Medal

This year, The American Law Institute awarded its Early Career Scholars Medal to Professors Michelle Wilde Anderson of Stanford Law School and David Pozen of Columbia Law School. The award is given to outstanding law professors whose work is relevant to public policy and has the potential to influence improvements in the law. The medalists are selected every other year and presented the award at the Institute's Annual Meeting.

Professor Anderson is a Professor of Law and Robert E. Paradise Faculty Fellow for Excellence in Teaching and Research at Stanford Law School. She is a scholar of state and local government law, and regional governance. Her work combines legal analysis, empirical research, and a deep understanding of institutions and communities to shed light on phenomena such as geographically concentrated poverty and municipal fiscal distress. Her recent publications explore, among other topics, restructuring (such as bankruptcy, disincorporation, and receiverships) in cities and counties facing chronic poverty related to deindustrialization. As Professor Anderson shows, these issues affect not only Rust Belt capitals such as Detroit, but also postindustrial cities in California, rural counties in the West and South, and small towns across the country. She is currently completing a book about what we need most from local governments in America's high-poverty, postindustrial areas.

Prior to joining Stanford Law School in 2014, Professor Anderson was an assistant professor of law at the University of California Berkeley Law School. She has been a research fellow at the European Commission's Urban Policy Unit in Brussels and an environmental law fellow at Shute, Mihaly & Weinberger. She clerked for Judge Guido Calabresi on the U.S. Court of Appeals for the Second Circuit and Judge Marilyn Hall Patel on the U.S. District Court for the Northern District of California. Professor Anderson is the Chair of the Board of Directors of the National Housing Law Project and a Member of the Board of Directors of the East Bay Community Law Project in Oakland, California.

Professor Pozen is a Professor of Law at Columbia Law School. He teaches and writes about constitutional law and information law, among other topics. His scholarship on the political economy and sociology of government transparency has been featured in dozens of media stories and multiple international conferences and described as "changing the way we think about a subject that had grown stale." Much of his constitutional scholarship identifies situations in which public-law practices are not working as desired—situations of "bad faith," "self-help," "uncivil obedience," "constitutional hardball," methodological "impurification"—and tries to help legal actors understand them better and respond in more candid and constructive ways. He is currently working on an empirical analysis of constitutional polarization, a critique of information fiduciaries, and a historical study on the rise of the nonprofit sector and its implications for constitutional law.

For the 2017-2018 academic year, Professor Pozen was the inaugural visiting scholar at the Knight First Amendment Institute at Columbia University. From 2010 to 2012, he served as special advisor to Harold Hongju Koh at the Department of State. Previously, he was a law clerk for Justice John Paul Stevens on the U.S. Supreme Court and for Judge Merrick B. Garland on the U.S. Court of Appeals for the District of Columbia Circuit, and a special assistant to Senator Edward M. Kennedy on the Senate Judiciary Committee.



ALI President David F. Levi, Michelle Wilde Anderson, Mariano-Florentino Cuéllar, and ALI Director Richard L. Revesz at the 96th Annual Meeting

Professor Anderson addressed the members at this year's Annual Meeting. She spoke passionately about her understanding and experiences with members of these marginalized communities. Using vivid narratives recounted from interviews with members of the local population, she painted a picture of the personal struggles, geographical disadvantages, and legal and financial limitations that residents of these communities are challenged with every day. She stressed that while these stories are heartbreaking they are not uncommon, and that the problem is deeply rooted in issues of poverty and funding mismanagement.

She noted that while the private sector, nonprofits, volunteers, and local churches can assist in easing the burden these communities face, they are unable to match the scale of need in places of border-to-border poverty.

"The fix is actually not as hard as it looks. It starts with just two words. Those words are 'political will.' We have to decide that it's worth it to care about these places. That means celebrating the good work there so it's worth doing, and sending in reinforcements of money and talent.

It means investing in their infrastructure, their community colleges, and their youth. Instead of writing eulogies for so-called dying places, we need to focus on the millions of people who live there."

The full video of the medal presentation and Professor Anderson's remarks is available on the ALI website.

ALI CLE

American Law Institute Continuing Legal Education (ALI CLE) is one of the most respected names in continuing legal education. Since its founding in 1947, ALI CLE has provided top-tier educational programming for lawyers across the country in a broad spectrum of practice areas and settings. Integral to ALI CLE's national reputation for excellence are the thought leaders in its faculty: noted judges, scholars, and practitioners, including many ALI members. In the 2018-19 fiscal year, collaboration with ALI, its members, projects, and publications, continued to produce successful programs.

This year's Annual Meeting program, *Duty to Whom? Ethics Dilemmas Confronted by Government Lawyers*, featured Troy A. McKenzie of New York University School of Law; John B. Bellinger III of Arnold & Porter; Meredith Fuchs of Capital One; Derek P. Langhauser of the Office of the Governor of Maine; Thomas D. Morgan of The George Washington University Law School; and Richard W. Painter of University of Minnesota Law School. The panelists discussed some of the most critical issues facing lawyers in the public sector today, and discussed why many of the issues are universal and do not simply affect lawyers in government service.

A series of programs on the newly published Restatement of the Law Fourth, The Foreign Relations Law of the United States: Selected Topics in Treaties, Jurisdiction, and Sovereign Immunity, as well as on the Restatement of the Law, Charitable Nonprofit Organizations, that was just approved by the ALI membership at the 2019 Annual Meeting, are also underway. ALI member and Adviser to the Nonprofits Restatement, Andrew M. Grumet of Polsinelli PC and his colleague, Christina N. Cahill, recorded two webcasts on legal issues in nonprofit fundraising. A series of on-demand videos, taken from discussions at the January 2019 University of Virginia Law School Sokol Colloquium, *The Restatement and Beyond: The Past, Present, and Future of the Foreign Relations Law of the United States*, are also being distributed. Both projects will further help raise awareness of ALI's work.

ALI CLE's in-person courses, designed for lawyers seeking a more immersive experience, provide personal access to the country's top lawyers and opportunities to network with nationally based peers. Several annual programs have earned a wide reputation as being *the* annual event for practitioners in those particular practice areas. Included in this prestigious group are: *Legal Issues in Museum Administration*, held for the 46th year and planned in partnership with the Smithsonian Institution; *Accountants' Liability*, which featured a keynote address from newly installed PCAOB Chairman William Duhnke; *Life Insurance Company Products*, touting more than a dozen panelists from FINRA or the U.S. Securities and Exchange Commission; and *Eminent Domain and Land Valuation Litigation*, which presented timely topics such as border-wall takings and flood and wildfire inverse-condemnation cases.



2019 Annual Meeting ALI CLE Program

In addition to its yearly in-person courses, ALI CLE offered over 150 webcasts on topics in a wide range of practice areas, as well as ethics, skills, and law-practice management. ALI CLE's nimbleness allows for rapid-response programming in developing legal topics as they arise. This year included multiple webcasts on opportunity zones, the Section 199A regulations, and other evolving implications of the Tax Cuts and Jobs Act of 2017. Technology-related programming addressed smart contracts, estate planning with digital assets, cyber insurance, and compliance with the General Data Protection Regulation (GDPR). Ongoing partnerships with the American College of Trust and Estate Lawyers, American College of Real Estate Lawyers, and the American College of Environmental Lawyers enhance ALI CLE's curriculum with high-level presentations by nationally known experts. This past year ALI CLE also released several new webcasts to help attorneys meet the various CLE requirements mandated by different states, including gender in the workplace and confronting substance abuse.

Beyond CLE programming, ALI CLE continues to publish four legal periodicals as well as the annual update to the *Trial Manual for the Defense of Criminal Cases*. Authored by Anthony G. Amsterdam and Randy Hertz of New York University School of Law, and edited by ALI, the *Trial Manual* is made available for free download to public defenders or other public-sector lawyers from the ALI Communications Department. Copies may be requested by emailing communications@ali.org.



Nonprofits Restatement webcast recording

Membership

ALI's elected membership is limited to 3,000 individuals, and as such, the Membership Committee seeks to recommend to the Council only those candidates who have demonstrated exceptional professional achievement, outstanding personal character, and an avid interest in law reform. The Committee is committed to maintaining a membership that reflects the broad diversity of highly capable and accomplished lawyers, judges, and academics in the United States and abroad, including by type of practice or other professional work.

During the 2018–2019 fiscal year, 135 distinguished legal professionals were elected upon accepting the nomination and committing to participate in our work. The Institute celebrated these new members at the 2019 Annual Meeting with two special events designed to welcome them to the ALI community and to explain the Institute's many projects and ways to participate in its work. Members make invaluable contributions to our law-reform efforts by donating their time and expertise in numerous areas of the law.

As of June 30, 2019, ALI membership included 2,791 elected members, 1,617 life members (a status achieved after 25 years of service to the Institute), 256 ex officio members, and two honorary members. While ex officio members are generally considered members only during the time they hold a specific office or position, the Chief Justice and Associate Justices of the Supreme Court of the United States are ex officio members for life.

CURRENT MEMBERSHIP	
Elected Members	2,791
Life Members	1,617
Ex Officio Members	256
Honorary Members	2
Total ALI Membership	4,666

MEMBERS BY CATEGORY

Includes Elected, Elected & Ex Officio, Life, Honorary, and Ex Officio



- **36%** ATTORNEYS IN PRIVATE PRACTICE
- **34%** ACADEMICS
- **14%** JUDGES
- **16%** CORPORATE, GOVERNMENT, AND NONPROFIT ATTORNEYS

135 NEW MEMBERS



- **49** 36% ACADEMICS
- **44** 33% ATTORNEYS IN PRIVATE PRACTICE
- **25** 18% JUDGES
- **17** 13% CORPORATE, GOVERNMENT, AND NONPROFIT ATTORNEYS

In Memoriam

This year, The American Law Institute lost one of its past presidents, an active emeritus Council member, and a veteran project Reporter, who was slated to begin work on one of the newly launched Torts Restatement projects.



Roswell B. (Rod) Perkins passed away on March 10, at the age of 92. “Rod Perkins was a beloved and admired leader of The American Law Institute for many years,” said ALI President David F. Levi. “He served as President from 1980 to 1993 and as Chair of the Council from 1993 to 2008. He led our deliberations with dignity and graciousness. In later years, he was no less supportive of the work of the ALI. He attended most Council meetings and

contributed helpfully to our discussions, bringing to bear the benefit of his wisdom and unparalleled experience in private practice. He was the model of professionalism, and we will miss him very much. On behalf of our members, I express our gratitude for his remarkable career and his dedication to a fair and effective legal system.”

During his presidency he played a leading role in the development of the Principles of Corporate Governance: Analysis and Recommendations. An ALI member since 1964, he served on numerous projects and committees. In recognition of his years of service, ALI presented him with the Distinguished Service Award in 2008.

He retired from partnership in Debevoise & Plimpton in 2001—52 years after joining the firm as an associate in 1949. In addition to his work at the firm, he also served in the government, chiefly as Assistant Secretary of the newly created Department of Health, Education, and Welfare during the Eisenhower administration, and as Counsel to New York Governor Nelson A. Rockefeller.

Mr. Perkins was a guiding force and a tremendous influence on the legacy of the Institute. He will be remembered for his warmth, wisdom, thoughtful communications, and dedication to ALI’s mission.



Patricia M. Wald passed away at her home in Washington, D.C., on January 12, 2019. She was 90. Judge Wald had an enormously distinguished career and was known for her modesty, humanitarianism, and great wisdom. She served for 20 years on the U.S. Court of Appeals for the District of Columbia Circuit, from 1979 to 1999, including five years as Chief Judge.

A respected leader in the legal community, she was recognized for the manner in which she handled cases involving the rights of women and children in the United States and abroad, and for her service as an important progressive voice in American jurisprudence, shedding light on the many obstacles women faced in the mid-20th century. She was the first woman appointed to the D.C. Circuit and the first woman to serve as Chief Judge of a Circuit, as well as the first woman to serve on ALI’s Executive Committee and ALI’s first woman officer, holding the offices of Second Vice President and First Vice President.

After her retirement from the federal bench, she went on to serve as a judge on the International Criminal Tribunal for the Former Yugoslavia for two years and was appointed to the Iraq Intelligence Commission in 2004. She also was a member of the President’s Commission on the Intelligence Capabilities of the U.S. Regarding Weapons of Mass Destruction.

She received innumerable honors and awards, most notably, the Presidential Medal of Freedom, the nation’s highest civilian honor.

Judge Wald was a dedicated member of ALI for 46 years. She served on ALI’s Council for 31 years. She leaves behind the extraordinary story of her personal and professional journey, and an enduring legacy of dedicated service to the law and a fierce commitment to equality.



William Charles Powers, Jr., passed away on March 10 at the age of 72. A member of ALI since 1992, Professor Powers served twice with Michael D. Green of Wake Forest University School of Law as Co-Reporters on Restatement of the Law Third, Torts: Apportionment of Liability, and Restatement of the

Law Third, Torts: Liability for Physical and Emotional Harm. Prior to his death, Professor Powers was named to serve as a Reporter for a third time on one of ALI’s newest projects, the Restatement of the Law Third, Torts: Concluding Provisions, with Professors Green and Nora Freeman Engstrom of Stanford Law School.

Professors Powers and Green were jointly named the R. Ammi Cutter Chair from 2001 to 2006, for their work as Reporters on the Restatement Third, Torts: Liability for Physical and Emotional Harm. The Cutter Chair is occupied by an active Reporter of proven effectiveness.

The second-longest-serving president of the University of Texas at Austin, serving from 2006 to 2015, Professor Powers was a member of the university’s law-school faculty for over 40 years, serving as dean for six of those years. He served as Chair of the Special Investigation Committee, Enron Corp., which guided federal investigators through the financial deception that led to the failure of Enron, the Houston-based company that went bankrupt in December 2001. In 2002, the committee produced its findings in what is now known as the “Powers Report.”

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Mariano-Florentino Cuéllar - California Supreme Court

Kenneth C. Frazier - Merck & Co. Inc.

Samuel Issacharoff - New York University School of Law

David F. Levi - Duke University School of Law

Lance Liebman - Columbia University School of Law (Retired)

Stephanie E. Parker - Jones Day

Stuart Rabner - New Jersey Supreme Court

Lee H. Rosenthal - U.S. District Court, Southern District of Texas

PROJECTS

Chair - Goodwin Liu - California Supreme Court

Yvonne Gonzalez Rogers - U.S. District Court, Northern District of California

Teresa Wilton Harmon - Sidley Austin LLP

Samuel Issacharoff - New York University School of Law

Carol F. Lee - Taconic Capital Advisors LP

David F. Levi - Duke University School of Law

Raymond J. Lohier, Jr. - U.S. Court of Appeals, Second Circuit

Stuart Rabner - New Jersey Supreme Court

Roberta Cooper Ramo - Modrall Sperling

Daniel B. Rodriguez - Northwestern University Pritzker School of Law

Gary L. Sasso - Carlton Fields P.A.

Jeffrey S. Sutton - U.S. Court of Appeals, Sixth Circuit

Seth P. Waxman - WilmerHale

EARLY CAREER SCHOLARS MEDAL (2018-2019)

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Rochelle C. Dreyfuss - New York University School of Law

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Condensed Consolidated Statements of Activities

FOR THE YEARS ENDED JUNE 30, 2019 AND 2018

NET ASSETS WITHOUT DONOR RESTRICTIONS	2019	2018
Publications and program revenue	\$10,339,691	\$10,889,354
Membership dues and other income	1,170,761	1,112,689
Contributions and grants	632,664	636,079
Investment spending policy income	2,142,322	1,556,743
Net assets released from purpose restrictions	2,099,185	2,689,328
Total operating revenue and other support	16,384,623	16,884,193
Program expenses	10,075,032	9,384,554
General and administrative expenses	3,718,205	3,697,742
Total operating expenses	13,793,237	13,082,296
Increase in net assets from operations	2,591,386	3,801,897
Investment return, net of spending policy	1,068,167	2,561,003
Bequests	-	448,001
Contributions	315,214	-
Non-operating expense, net	(855,562)	(963,131)
Increase in net assets without donor restrictions	3,119,205	5,847,770
NET ASSETS WITH DONOR RESTRICTIONS		
Investment return	430,329	725,200
Net assets released from purpose restrictions	(2,099,185)	(2,689,328)
Contributions and grants	98,861	228,474
Decrease in net assets with donor restrictions	(1,569,995)	(1,735,654)
INCREASE IN NET ASSETS	1,549,210	4,112,116
Net assets, at beginning of year	70,125,612	66,013,496
Net assets, at end of year	\$71,674,822	\$70,125,612

Condensed Consolidated Statements of Financial Position AS OF JUNE 30, 2019 AND 2018

ASSETS	2019	2018
Cash	\$1,376,381	\$1,653,514
Receivables and other assets	2,744,085	2,243,314
Investments, at fair value	68,718,114	67,485,015
Land, buildings, and equipment, net	2,573,402	2,586,449
Total Assets	75,411,982	73,968,292
LIABILITIES AND NET ASSETS		
LIABILITIES		
Accounts payable and accrued expenses	1,164,770	1,185,145
Deferred revenue	808,187	810,296
Postretirement health benefit obligation	1,764,203	1,847,239
Total Liabilities	3,737,160	3,842,680
NET ASSETS		
Without donor restrictions		
ALI	65,258,621	62,078,720
Noncontrolling interest in ALIP	303,537	364,233
Total net assets without donor restriction	65,562,158	62,442,953
With donor restrictions	6,112,664	7,682,659
Total Net Assets	71,674,822	70,125,612
Total Liabilities and Net Assets	\$75,411,982	\$73,968,292

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ALI pays stipends to top-tier law professors best suited to produce its project drafts, and also pays for the research assistants who support them. By providing funding necessary to maintain an increased number of Reporters, contributions help to expedite project completion times while retaining the high level of quality the Institute is known for.

REDUCE BARRIERS TO PARTICIPATION

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PRODUCE WORKS IMPORTANT TO THE PUBLIC INTEREST

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RAISE AWARENESS OF ALI'S WORK AND ENGAGE THE NEXT GENERATION

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ALI's new Life and 50-Year Members—the Classes of 1994 and 1969—were honored at a luncheon at the 96th Annual Meeting, where a \$200,000 Class Gift was presented to the Institute on behalf of the two classes by 1994 Class Committee Chair and ALI Council member John H. Beisner of Skadden, Arps, Slate, Meagher & Flom LLP. The Class of 1969, which was chaired by Robert H. Mundheim of Shearman & Sterling LLP and consisted of just 12 members, contributed \$15,000 toward the total.

In addition to Mr. Beisner, the 1994 Class Gift Committee included Roxanne B. Conlin of Roxanne Conlin and Associates, Mark R. Killenbeck of the University of Arkansas School of Law, William J. Perlstein of BNY Mellon, and Stuart H. Singer of Boies Schiller Flexner LLP. The gift will help fund important aspects of ALI's mission, including the Judges and Public-Sector Lawyers Expense Reimbursement program, the Early Career Scholars Medal and annual conference, the Members Consultative Group Travel Assistance program, and the Institute's ongoing law-reform projects. The Class Gift program will continue with the 1995 and 1970 Life Member Classes, which will be honored at the 2020 Annual Meeting.

The American Law Institute is grateful to everyone who contributed to the success of this campaign. We appreciate your generosity.



1994 Class Committee Chair John H. Beisner, with committee members Mark R. Killenbeck and William J. Perlstein, presents the New Life and 50-Year Member Class Gift to the Institute.



1994 and 1969 Class members gathered to celebrate 25 and 50 years with the Institute.

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