

THE ALI Reporter

THE QUARTERLY NEWSLETTER OF THE AMERICAN LAW INSTITUTE

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SUMMER 2023



Actions Taken at the 2023 Annual Meeting

All approvals by ALI's membership at the Annual Meeting are subject to the discussion at the Meeting and the usual editorial prerogative.

CHILDREN AND THE LAW

Membership voted to approve Tentative Draft No. 5, which contains material from Chapter 1, Parental Authority and Responsibilities, Chapter 2, State Intervention for Abuse and Neglect, and Chapter 3, Child in Need of Services, of Part I on Children in Families; Chapter 13, Delinquency Proceedings, of Part III on Children in the Justice System; and Chapter 18, Minors' Civil Rights and Civil Liberties Outside the School Context, and Chapter 20, Minors' Obligations and Responsibilities, of Part IV on Children in Society.

CONFLICT OF LAWS

A motion to amend § 6.03 passed. Membership voted to approve Tentative Draft No. 4, which includes material from Chapter 6, Torts; Chapter 7, Property; and Chapter 8, Contracts.

Annual Meeting coverage continues on page 2

Now Available:

Restatement of the Law, The U.S. Law
of International Commercial and
Investor-State Arbitration

Model Penal Code: Sentencing

SEE PAGES 22-23 FOR MORE INFORMATION.

THE DIRECTOR'S LETTER BY DIANE P. WOOD

It brings me great pleasure to write to you in my now-official capacity as Director of The American Law Institute.

The ALI is a special institution in American Law and American life. At this year's Annual Meeting, I shared with everyone the story of my earliest impressions of the Institute after becoming a member. (Even before then, as a student of the renowned Charles Alan Wright, I knew that the ALI sat at the pinnacle of American law.) At my first Annual Meeting, as people approached the microphone and offered in-depth comments on a single section, or even a single line, of a draft, I remember thinking, "Everyone here is working hard. They're paying such careful attention to the work product of the Institute." And I have seen the same thing year after year: the deliberate and thoughtful nature of our work, the selfless time commitment of our members, and the collegiality to which we adhere, even when we disagree, are rare and precious traditions in our fast-paced, politicized, and polarized times.

All of these traditions were on display at this year's Annual Meeting, where we celebrated ALI's 100th Anniversary. What a remarkable and fitting celebration it was! The membership did its usual hard and excellent project work, reviewing drafts from seven separate projects and approving Principles of the Law, Government Ethics, marking that project's completion. We also looked back at what the Institute accomplished in our first 100 years with a discussion about our centennial history book and a museum-quality display featuring the Institute's and its members' accomplishments dating back to 1923. We honored some of our most distinguished and engaged members and welcomed two early-career law faculty to the stage. We looked toward the future, hosting distinguished panelists for discussions on the topics of social media and democracy, artificial intelligence, technology, and access to justice. (For detailed coverage of the 2023 Annual Meeting, see pages 1-21.) And we were honored to have Justice Elena Kagan present the Henry J. Friendly

continued on page 3

ACTIONS TAKEN AT THE 2023 ANNUAL MEETING CONTINUED FROM PAGE 1

COPYRIGHT

Membership voted to approve Tentative Draft No. 4, which contains portions of Chapter 4, Copyright Formalities; Chapter 5, Duration of Copyright; Chapter 6, Copyright Rights and Limitations; and Chapter 7, Copyright Infringement.

GOVERNMENT ETHICS

Tentative Draft No. 4 was approved by the membership, marking the completion of this project. The draft contains Chapter 1, Purpose, Scope, and Definitions; Chapter 3, Conflicts of Interest and Outside Activities of Public Servants; and § 401 of Chapter 4, Election-Related Activities of Public Servants. Read more about this project on page 4.

TORTS: MEDICAL MALPRACTICE

The Council approved the initiation of this project in January 2019. It was initially part of the Torts: Miscellaneous Provisions project, but is now produced separately beginning with Tentative Draft No. 1 for the 2023 Annual Meeting. However, due to time constraints, the draft was not discussed or voted on at this year's Meeting.

TORTS: MISCELLANEOUS PROVISIONS

Tentative Draft No. 2 includes sections on the topics of sepulcher and medical monitoring, among others. The following actions were taken:

- The membership voted to approve §§ 48D-48F (Sepulcher) of the draft.
- The membership discussed and voted on several motions on the section on medical monitoring. John Beisner, Mark Behrens, Susan Sharko, and Luther Munford presented their written motions to amend the section; those motions failed. Because of time constraints, discussion of the section was not completed and no vote was taken to approve the section.

PROPERTY

Tentative Draft No. 4 includes portions of Volume 1 on The Basics of Property, Volume 2 on Interferences with, and Limits on, Ownership and Possession, and Volume 7 on Public Local Land-Use Regulation.

A motion to amend § 1.2A of Volume 2, Division I, Chapter 1 was withdrawn after Reporters presented edits to § 1.2A in response to the motion. Membership voted to approve the draft through Volume 7, Division 1, Chapter 5. There was insufficient time to discuss Chapters 6 and 7 of Volume 7, Division I.

TORTS: REMEDIES

Membership voted to approve Tentative Draft No. 2 in its entirety with the exception of §§ 11, 26-27, which were discussed but not presented for voting. Tentative Draft No. 2 contains a portion of Chapter 1, Topic 1, General Rules for Measuring Compensatory Damages; all of Chapter 1, Topic 2, Injury to the Person; and a portion of Chapter 3, Topic 1, Permanent Injunctions.



Andrew D. Manitsky of Lynn, Lynn, Blackman & Manitsky PC



Cynthia E. Nance of University of Arkansas School of Law, Leflar Law Center



Amy Kellar of DiCello Levitt



Malcolm E. Wheeler of Wheeler Trigg O'Donnell LLP



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Medal to Chief Justice John G. Roberts, Jr., at our Annual Reception and Dinner, and to welcome back our former Council colleague, Justice Ketanji Brown Jackson. If you were not able to attend the Annual Meeting, I encourage you to watch the many speeches, panels, and presentations that are now available on ALI's website at www.ali.org/annual-meeting-2023/videos.

I was thrilled to have a front-row seat to these festivities and to have the chance to spend time with so many of you. There really is nothing like The American Law Institute and our membership.

With the celebration behind us, I am turning my attention to the ALI's future. As an ALI Council member, I had the privilege of working closely with two visionary ALI Directors, Lance Liebman and Ricky Revesz, and I hope to build on their successes, preserving the Institute's finest traditions while keeping it relevant and engaged in an ever-changing world.

One such success is our partnership with the European Law Institute, which began under Lance and continued under Ricky. Our two institutions completed our first joint project, Principles for a Data Economy – Data Rights and Transactions, in 2021. This project has prompted several follow-on projects, including one by the United Nations Commission on International Trade Law, which will build on our Principles.

I hope to see the partnership between the ALI and ELI grow in the coming years. In the near term, we are working on a slate of web-based educational programs exploring topics of mutual interest, which we hope to present to you this fall. We look forward to undertaking further transatlantic projects in the future. In addition, I hope to expand our international outreach to other, similar organizations outside of the U.S. and the EU.

Another very recent success was the working group that ALI convened on the topic of Electoral Count Act reform. The working group model proved to be a good one, offering the Institute a way to assist in solving a pressing problem in a timely manner. Our careful, deliberative, and long process does work well

to produce reliable Restatements, Principles, and Codes. Nonetheless, it may not be the right approach for everything. Where our Institutional strengths can make a distinctive contribution to an urgent issue, we must explore ways to offer authoritative, clear guidance on a more expedited basis.

We also must continue to consider non-traditional topics for our new projects. The recently launched project on High-Volume Civil Adjudication, which addresses the civil justice system's responses to high-volume, high-stakes, low-dollar-value claims, often involving unrepresented litigants, is a promising start in this direction. Developments in technology offer other such opportunities. For example, our Annual Meeting panel on AI prompted much discussion among our members. Developments such as AI that have the ability to interact with and touch all aspects of our laws and legal system raise complicated issues that can benefit from study and careful consideration by the ALI.

We all became ALI members because we believe that it is possible to articulate the law clearly and concisely and to support the rule of law in every possible way. I very much hope that we can find a way to bring our Institute's strengths to bear to clarify, modernize, and improve the law as it responds and relates to new and different challenges.

As we move into the second century together, let's keep up our traditions of careful attention to areas of the law that will benefit by the thoughtful, hard work of our wonderful and diverse group of members. Let's maintain our traditions of respectful dialogue with one another, understanding that it is a complicated world out there, and people do not always see it the same way. Let's all get involved in the work of the Institute. I encourage all of you, if you are already involved in projects, to keep up the good work; if you are a new member, take a look at our projects and join a Members Consultative Group. And don't hesitate to contact either our great Deputy Director, Eleanor Barrett, or me if there is anything we can do to help you in this regard.

I hope to see each of you at a project meeting this fall.

Membership Votes to Approve Principles of the Law, Government Ethics

On the final day of this year's Annual Meeting, the ALI membership voted to approve Principles of the Law, Government Ethics. The Principles project began in 2009, and is the Institute's first project on this important topic.

Led by Reporter Richard Briffault of Columbia Law School and Associate Reporter Richard W. Painter of the University of Minnesota Law School, the Principles offer guidance to government agencies and individuals on the proper standards of conduct that should apply to current and former public employees and officials. The Principles do not address judicial ethics because of the distinct concerns and institutional structure of the judiciary.

"The ethical standards that ought to govern the behavior of government officials have long been a matter of great public interest," said Reporter Briffault. "The development of the standards and procedures needed to assure that public officials act in the public interest and use public resources for public, not private purposes, has been the focus of criminal codes, ethics laws, executive orders, and legislative rules at all levels of government, federal, state, and local."

Associate Reporter Painter added, "The goal of the Principles of Government Ethics project is to distill a basic set of principles that articulate the values that ought to shape the field and, where possible, to present operational rules that will vindicate those goals in order to provide some guidance to the many governments, particularly at the state and local level, that may be developing ethical standards for the first time or revising, refining, and strengthening rules previously adopted."

The Principles of the Law, Government Ethics consists of the following Chapters:

- Chapter 1.** Purpose, Scope, and Definitions
- Chapter 2.** Gifts from and Financial Relationships with Prohibited Sources
- Chapter 3.** Conflicts of Interest and the Outside Activities of Public Servants
- Chapter 4.** Election-Related Activities of Public Servants
- Chapter 5.** Restrictions on Leaving or Entering Public Service
- Chapter 6.** Disclosure
- Chapter 7.** Administration and Enforcement of Government Ethics



ALI President David F. Levi, Reporters Richard Briffault and Richard W. Painter, ALI Director Diane P. Wood, and ALI Council Member John B. Bellinger III

Reporter Briffault explained, "The initial Chapter lays out the purpose and scope of the project and defines key terms that are used throughout the project. The next five Chapters address the substantive principles of government ethics: Chapter 2 considers the provision of benefits by outsiders to public servants; Chapter 3 addresses financial conflicts of interests and issues arising from the outside activities of public servants; Chapter 4 focuses on the election-related activities of public servants; Chapter 5 examines the so-called 'revolving door' problems that arise when public servants leave public service for private employment or enter public service from the private sector; and Chapter 6 addresses disclosure's role in detecting and deterring conflicts of interest, facilitating enforcement of ethics rules, and promoting public confidence in government. Chapter 7 turns from substantive principles to the equally important topic of the administration and enforcement of ethics rules and requirements."

"I am very grateful to Professors Briffault and Painter, and to the very dedicated Advisers and Members Consultative Group," said ALI Director Diane P. Wood. "Thanks to the ALI's rigorous process of careful research and reasoned debate from a diverse group of project participants representing all sides of the issues raised in this Principles project, I hope that the work provides needed guidance to those who are currently struggling with these issues."

The Reporters, subject to oversight by the Director, will now prepare the Institute's official text 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 Meeting. Until the official text is published, the drafts approved by the membership are the official position of ALI, and may be cited as such.

ALI would like to thank the Reporters, project participants, and all ALI members who contributed their time, wisdom, and guidance to this project.

Annual Meeting Sunday Programs

This year's Annual Meeting featured two Sunday programs. The day began with a Special Program in which **J. Michelle Childs** of the U.S. Court of Appeals for the D.C. Circuit interviewed **Richard M. Gergel** of the U.S. District Court, District of South Carolina, about his book, *Unexampled Courage*. This book describes the racial awakening of President Truman and Judge J. Waties Waring of the U.S. District Court, District of South Carolina, and traces their influential roles in changing the course of America's civil rights history.



Craig R. Bucki of Phillips Lytle LLP



Carol F. Lee of Taconic Capital Advisors LP



Council Member Bellinger and Reporters Briffault and Painter at the completion of the Principles of Government Ethics session



J. Michelle Childs and Richard M. Gergel

The second program of the day was the ALI CLE Ethics Program on The Issues and Ethics of Litigation Financing. Planning chair and moderator **Tom Baker** of University of Pennsylvania Carey Law School was joined by panelists **Jiamie Chen** of D. E. Shaw & Co., **Victoria Shannon Sahani** of Boston University School of Law, **Virginia A. Seitz** of Sidley Austin, and **Sarah S. Vance** of the U.S. District Court, Eastern District of Louisiana. The panel addressed the state of litigation funding, focusing in particular on lawyers' roles and ethical duties in the emerging field of litigation finance. **This program is available on-demand for CLE credit at ali-cle.org.**



Virginia A. Seitz, Victoria Shannon Sahani, Jiamie Chen, Sarah S. Vance, and Tom Baker

Henry J. Friendly Medal: John G. Roberts, Jr.

John G. Roberts, Jr., Chief Justice of the United States, was presented with the Henry J. Friendly Medal at the 2023 Annual Dinner by Associate Justice Elena Kagan of the Supreme Court of the United States. Twenty-eight of the Chief Justice's law clerks attended the presentation.

The medal was established in memory of Judge Henry J. Friendly, who was a member of the Council of The American Law Institute and a distinguished judge of the United States Court of Appeals for the Second Circuit. Endowed by Friendly's former law clerks, the Henry J. Friendly Medal recognizes contributions to the law in the tradition of Friendly and the Institute.

When presenting the medal, Justice Kagan praised the Chief Justice's writing. "The Chief is incapable of writing a bad sentence. His writing has depth, intelligence, crystal clarity, grace, humor and understated style," said Justice Kagan. "That writing is, in my humble opinion, the best writing in law. He is a consummate legal craftsman."

"I'm very honored to accept this medal, not as an award but as a continuing challenge," said Chief Justice Roberts when accepting the award. reflected on his path toward a career in the law and how his one-year journey as Judge Friendly's law clerk taught him that one can live a good and full life in a career dedicated to the law.

"I saw on a day-to-day basis, on an eye-to-eye basis, that a good and full life could be led in the law," said the Chief Justice. "Yes, Judge Friendly was brilliant. Yes, he had a photographic memory, but it was his unrelenting hard work in the service for the right result, for the right reasons, that made him great and, at least to me, inspirational."

In closing, the Chief Justice thanked The American Law Institute on behalf of the federal courts for its significant contribution to the rule of law.



John G. Roberts, Jr., Chief Justice of the United States, was born in Buffalo, New York, January 27, 1955. He married Jane Sullivan in 1996 and they have two children - Josephine and Jack. He received an A.B. from Harvard College in 1976 and a J.D. from Harvard Law School in 1979. He served as a law clerk for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit from 1979-1980 and as a law clerk for then-Associate Justice William H. Rehnquist of the Supreme Court of the United States during the 1980 Term. He served as a Special Assistant to the Attorney General of the United States from 1981-1982, Associate Counsel to President Ronald Reagan, White House Counsel's Office from 1982-1986, and as Principal Deputy Solicitor General from 1989-1993. From 1986-1989 and 1993-2003, he practiced law in Washington, D.C. He served as a Judge on the Court of Appeals for the District of Columbia Circuit from 2003-2005. Nominated as Chief Justice of the United States by President George W. Bush, he assumed that office on September 29, 2005.

Distinguished Service Award: Roberta Cooper Ramo

The Distinguished Service Award was presented to ALI President Emerita Roberta Cooper Ramo of Modrall Sperlberg. The award is given from time to time to a member who over many years has played a major role in the Institute as an institution, by accepting significant burdens as an officer, Council member, committee chair, or project participant and by helping keep the Institute on a steady course.

“Roberta has been a backbone of the ALI since the day she joined,” said ALI Director Diane P. Wood when presenting the award, “And we are infinitely better for it, because of her service.”

Ramo has been an active member of ALI for more than 30 years. Elected to the Council in 1997, she served as First Vice President before being elected the first woman President of the Institute in 2008. During her nine years as President, she brought a focus on diversity to ALI’s membership and Council election process, effectively bringing more women, minorities, and breadth of practice to the organization. “This was one of the things that Roberta really focused on as President,” said Director Wood. “There was a tremendous improvement in finding the best people all over the country.”

As President, she is also credited with inspiring confidence and participation from all members of the Institute as well as fostering collegiality through some of the most complex and controversial project discussions.

Her presidency saw 14 projects completed and 20 projects initiated. “Roberta brought that same inclusive, really imaginative look to the projects that we did during her time,” said Director Wood, calling attention to Ramo as a driving force behind the first-ever Restatement of American Indian Law. Ramo often attended project sessions, and never missed a Council or Annual Meeting. As a member of several nonprofit boards, she also lent her expertise as an Adviser on Restatement of the Law, Charitable Nonprofit Organizations.

“It’s the luckiest of breaks that I got to be a lawyer. And I think my singular honor when I was told that I was going to be a member of The American Law Institute,” said Ramo upon accepting the award. She expressed her gratitude for the service the membership and ALI leadership, giving special thanks to former ALI Director Richard L. Revesz and former Deputy Director Stephanie A. Middleton.

Ramo celebrated the Institute’s culture and comradery, emphasizing its importance in the preservation of American democracy:

I have always believed that American lawyers were both the architecture and the foot soldiers of the American democracy. And The American Law Institute now is more deeply important than ever, not just because of the quality of the work that we do but because of the way we do it in a society, which for the moment—in part, propelled by social media, in part, propelled by ignorance—and the fact that we don’t have good civics education—has become deeply polarized and unable to talk to one another. And so, The American Law Institute, its culture, in my view, is as important as its work. And I think in order for us to survive the next hundred years, I have to call on each member to be aware of the importance of the culture. We are one of the few institutions in America today where people can talk about deeply important matters, have disagreements, and understand that to come together is the only way to move forward.



ALI Director Diane P. Wood and ALI President Emerita Roberta Cooper Ramo



We are one of the few institutions in America today where people can talk about deeply important matters, have disagreements, and understand that to come together is the only way to move forward.

Roberta Cooper Ramo

A video of Ramo’s remarks is available on the ALI Media Library at media.ali.org.

John Minor Wisdom Award: Margaret H. Marshall and Mary M. Schroeder

The American Law Institute presented the John Minor Wisdom Award to Margaret H. Marshall of Choate Hall & Stewart LLP and Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit at this year's Annual Meeting.

The Wisdom Award is given from time to time in specific recognition of a member's contributions to the work of the Institute, the primary purpose of which is to recognize members who do not have an official role in Institute projects. Former ALI Reporters, former ALI officers, and Council emeriti are eligible for consideration after their official service has concluded.

Margaret H. Marshall

"For her courage in the face of a brutal regime, for her clear judicial decrees expanding the rule of law and access to it to everyone, for her own graceful humanity, The American Law Institute presents to Margaret Marshall the John Minor Wisdom Award," said Wallace B. Jefferson of Alexander Dubose & Jefferson LLP when presenting the award to Marshall. "She, like Wisdom, cast ripples that have swept down the mightiest walls of oppression and resistance."

Marshall wrote the majority opinion for *Goodridge v. Dept. of Public Health*, the landmark Massachusetts Supreme Judicial Court case in which the court held that the Massachusetts Constitution requires the state to legally recognize same-sex marriage. The 2003 decision was the first by a U.S. state's highest court to find that same-sex couples had the right to marry.

In her speech, she remarked on the influence Wisdom had on her perspective of the law when



Margaret H. Marshall



Raymond J. Lohier Jr., Michael Traynor, Mary M. Schroeder, Margaret H. Marshall, Wallace B. Jefferson, and ALI President David F. Levi

she first moved to the United States, saying "There's a reason that I feel so honored about this award, because the judge influenced me in a very direct way. It had never occurred to me that the law could be a force of good because I lived in a country where law was used day in and day out to oppress, suppress, and distress people. And I began to think differently about the law." In 1966, while living in her native South Africa, Marshall was elected president of the anti-apartheid National Union of South African Students.

Currently senior counsel at Choate Hall & Stewart, she was appointed Associate Justice of the Massachusetts Supreme Judicial Court in 1996. She served for 11 years as chief justice of the court until her retirement in December 2010, after gaining a national reputation for both her landmark decisions and her reforms of the Massachusetts court system.

Marshall echoed Wisdom's sentiment in *United States v. Jefferson County Board of Education* on the distinction between and importance of both color blindness and color consciousness in the administration of justice, noting that while there have been advancements since the 1966 opinion, there is still more work to be done.

In closing, Marshall expressed appreciation to ALI members for their continued hard work to the rule of law. "What you are doing in this organization and for the next 100 years will make the difference to whether we are or we are not a democracy. And this is not the time to stop working on the rule of law."

Mary M. Schroeder

Mary M. Schroeder has been a judge on the U.S. Court of Appeals for the Ninth Circuit since 1979, serving as chief judge from December 2000 to 2007. Prior to that, she served as a judge on the Arizona Court of Appeals from 1975 to 1979. She is the first in critical respects in her remarkable career: first woman to be an associate and then a partner in the law firm of Lewis and Roca in Phoenix; first woman to serve on the Arizona Court of Appeals, at the time the youngest woman appellate judge in the nation; and first woman to serve as Chief Judge on the Ninth Circuit.

“Like the legendary John Minor Wisdom, Mary Schroeder has helped right the wrongs of history and mentored others to do so,” said Michael Traynor of Cobalt LLP when presenting the award to Schroeder. She wrote the 1987 opinion *Hirabayashi v. United States* that vacated the World War II-era convictions of Japanese American civil rights leader Gordon Hirabayashi, the convictions of which were affirmed in the Supreme Court’s 1943 decision *Hirabayashi v. United States*.

“Mary appreciates the responsibilities of mentorship and the joys of seeing her mentees contribute to our world,” Traynor said as he shared stories and kind words from some of Schroeder’s colleagues, former law clerks, and court administrative personnel.

“This award is named for one of my heroes, John Wisdom, so it’s particularly meaningful to me,” Schroeder said upon accepting the award. She shared a story about one of Wisdom’s visits to the Ninth Circuit, where she asked him to sign her copy of *Unlikely Heroes* by Jack Bass, a book that details Wisdom’s and other Fifth-Court judges’ courageous role in deciding the cases that helped desegregate the south in the wake of *Brown v. Board of Education*. She called her inscribed copy one of her most treasured possessions.



Mary M. Schroeder

In conclusion, Schroeder reflected on her deep appreciation for the Institute and its work:

I have learned over the years that very little of importance can be achieved in the law or in the administration of justice without the cooperation of all of the constituent parts of our profession. The practitioners, the public servants, the professors, and the judges. The ALI may not generally be thought of as an inclusive organization, but in an important sense that is exactly what it is. Its mission is to involve all the parts of the legal profession in projects intended to improve the law. Thus, to me, the ALI is our country’s preeminent independent organization, seeking to move the law forward in a spirit of cooperation and inclusion. And so, in a time when our system is under severe stress, that effort is more important than ever.



Harold Hongju Koh: Law and the Russian- Ukraine War

Wednesday’s luncheon included remarks from Harold Hongju Koh of Yale Law School, one of the leading authorities on public and private international law and human rights. Koh, who has served in four presidential administrations and is a former Legal Adviser of the U.S. Department of State, has served as a lawyer for Ukraine since 2016. In his speech, Koh discussed the stakes of the Russia-Ukraine conflict and why lawyers should care, what lawyers have contributed in this continuing crisis, and how lawyers can help us get closer to the future we desire.

After explaining the key role legal actions have played in moving this conflict closer to a resolution, Koh closed by highlighting the important contribution lawyers can make:

This is a war about the principles that will guide us in the 21st century and whether there’s a possibility for a democratic future under the rule of law. If these are the stakes, we lawyers can’t be bystanders. The stakes are about the rule of law. Law helped us to get where we are and we’ll need legal help to get to where we want to be. Some say this is just about power. They’re right. It’s about Russian hard power against the power of an underdog, Ukraine, vastly enhanced by smart power. And that smart power is provided by the rule of law. The question is ‘Who will win?’ And on that, all of us have a part to play.

Videos of Marshall, Schroeder, and Koh’s remarks are available on the ALI Media Library at media.ali.org.

Special Events at the Annual Meeting

Members Reception and Buffet

Monday's Members Reception and Buffet featured a keynote discussion with moderator **David M. Rubenstein** of The Carlyle Group, **Danielle Allen** of Harvard University, and **David Brooks** of *The New York Times*.

During their discussion on the topic of the state of democracy in the United States, the panelists explored a variety of issues including the role of an informed and moral citizenry in maintaining democracy, reasons why voter turnout is lower in the U.S. than other democracies, politics in our society, and the country's role in protecting democracy around the world in the aftermath of January 6, among others.



Members and guests gathered at the National Portrait Gallery for the annual Members Reception.



David M. Rubenstein, Danielle Allen, and David Brooks



Swithin J. Munyantwali of the ILI-South African Centre for Excellence during the Q&A portion of the panel



Ann L. Estin of Iowa College of Law, Michael D. Green of Washington University School of Law, and Jennifer Ann Drobac of Indiana University, Robert H. McKinney School of Law



Myriam E. Gilles of Yeshiva University, Benjamin N. Cardozo School of Law, Jenny E. Carroll of University of Alabama School of Law, Risa L. Goluboff of University of Virginia School of Law, Adam N. Steinman of University of Alabama School of Law, and Alison Siegler of University of Chicago Law School



Thomas M. Hardiman of the U.S. Court of Appeals for the Third Circuit, Thomas B. Griffith of Hunton Andrews Kurth LLP, and William H. Pryor Jr. of the U.S. Court of Appeals for the Eleventh Circuit



ALI Deputy Director Eleanor Barrett and Marsha E. Simms of Weil, Gotshal & Manges LLP (Retired)



Roscoe Jones Jr. of Gibson, Dunn & Crutcher LLP and Daniel E. Troy of Berkeley Research Group



Ajay K. Mehrotra of Northwestern University Pritzker School of Law, Anuj C. Desai of University of Wisconsin Law School, and Orlando Lucero of Fidelity National Financial Family Companies



Ann A. Scott Timmer of the Arizona Supreme Court, Lisa S. Loo of Arizona State University, and Mary H. Murguia of the U.S. Court of Appeals for the Ninth Circuit



This year's Annual Reception and Dinner was held at the National Building Museum. The evening featured the presentation of the Henry J. Friendly Medal to Chief Justice of the United States John G. Roberts, Jr. Additional details are available on page 6.

Special 100th Anniversary Programming at the Annual Meeting

This year's Annual Meeting included special panel discussions, organized by ALI's 100th Anniversary Futures Committee. The program consisted of three discussions designed to ask big questions and challenge us to think broadly about the future in the context of the law. These discussions focused on the ways that technology and innovation affect all aspects of our society, including human relationships, governments, institutions, access to justice, and the rule of law.

"We hope that these programs will help you think about our role as we move into the next century," said Yvonne Gonzalez Rogers, Co-Chair of the Subcommittee on Charting a Course for the Future, when introducing the first program on Monday.

SOCIAL MEDIA AND DEMOCRACY

Panelists weighed the benefits and negatives of social media and examined the ways social media may or may not affect democracy. They also discussed key takeaways from the recent U.S. Supreme Court decisions regarding social media platforms, *Twitter Inc. v. Taamneh* and *Gonzalez v. Google LLC*.

Mary H. Murguia, U.S. Court of Appeals for the Ninth Circuit
(moderator)

Cindy Cohn, Electronic Frontier Foundation

Nita A. Farahany, Duke University School of Law

Steven Feldstein, Carnegie Endowment for International Peace



Mary H. Murguia, Cindy Cohn, Nita A. Farahany, and Steven Feldstein

ARTIFICIAL INTELLIGENCE AND SOCIETY

This program addressed the legal and ethical implications of artificial intelligence. "We are at a transformative moment in the history of mankind where machines are not only able to automate manual tasks, but to mimic us, our preferences, our voices, our images, our humor, and our personalities," said moderator Travis LeBlanc during his introductory remarks.

Travis LeBlanc, Cooley (moderator)

Ruth Okediji, Harvard Law School

Marc Rotenberg, Center for AI and Digital Policy

Brad Smith, Microsoft



ALI Director Diane P. Wood, Travis LeBlanc, Ruth Okediji, Marc Rotenberg, and Brad Smith

ROLE OF TECHNOLOGY IN DISPUTE RESOLUTION AND ACCESS TO JUSTICE

"Many people believe that the civil justice system is on the cusp of some of its most important changes," said moderator David Freeman Engstrom when kicking off the program. The conversation centered on the relationship between two of those changes: the rapid advance of new technologies and an access-to-justice crisis in the American legal system, particularly in the state courts.

David Freeman Engstrom, Stanford Law School (moderator)

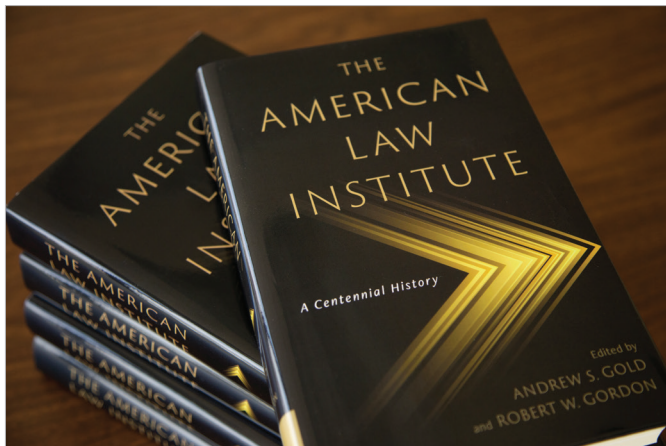
Bridget Mary McCormack, American Arbitration Association
International Centre for Dispute Resolution

Colin Rule, Mediate.com and ODR.com

Rebecca L. Sandefur, Arizona State University



David Freeman Engstrom, Bridget Mary McCormack, Colin Rule, and Rebecca L. Sandefur



In celebration of ALI's first 100 years, a volume of essays titled *The American Law Institute: A Centennial History* has been produced that explores ALI's founding, examines some of the Institute's most influential projects, and contemplates adoption and criticism of our work so far. The project was led by editors **Andrew S. Gold** of Brooklyn Law School and **Robert W. Gordon** of Stanford Law School.

On Tuesday, May 23, as editors Gold and Gordon kicked off our afternoon Annual Meeting session with a panel discussion of ALI's amazing first century. They were joined by chapter authors **Deborah A. DeMott** of Duke University School of Law, **G. Edward White** of University of Virginia School of Law, and **Richard R.W. Brooks** of New York University School of Law.



Andrew S. Gold, Robert W. Gordon, Richard R.W. Brooks, Deborah A. DeMott, and G. Edward White



The American Law Institute: A Centennial History is now available to order directly from Oxford University Press. With coupon code **ali40**, ALI members receive a 40% discount.

With exception of the special program on Artificial Intelligence and Society, videos of the 100th Anniversary Programs are available on media.ali.org.



The Institute would like to thank members of the Special Committee on ALI's 100th Anniversary for their hard work putting together the Annual Meeting events and programs celebrating ALI's 100th Anniversary, including this wonderful series.

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Thank You for Supporting Our Campaign

Donors to The American Law Institute's Second Century Campaign play a vital role in funding the Institute's future. Our goal is to raise \$35 million by the end of 2023. We are incredibly grateful for the generosity of those who have already contributed.

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Did you know that gifts of stock are one of the many ways you can support ALI's Second Century Campaign?

Whether donated outright before the end of 2023 or in fulfillment of a pledge agreement, gifts of stock are a unique and effectual way to help to secure the Institute's future. And because they may offer a double tax benefit by avoiding capital-gains tax and providing an income-tax charitable deduction for the full market value of the securities, gifts of stock are a fantastic option for the donor.

Making a gift of stock to ALI is also easy and convenient; simply follow the instructions available at www.ali.org/TransferSecurities.

To learn more about the Second Century Campaign, including joining one of our giving circles or the 100 for 100 program, please contact ALI Deputy Director Eleanor Barrett at ebarrett@ali.org.

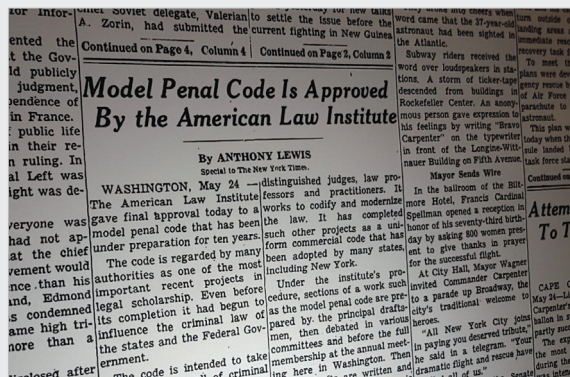
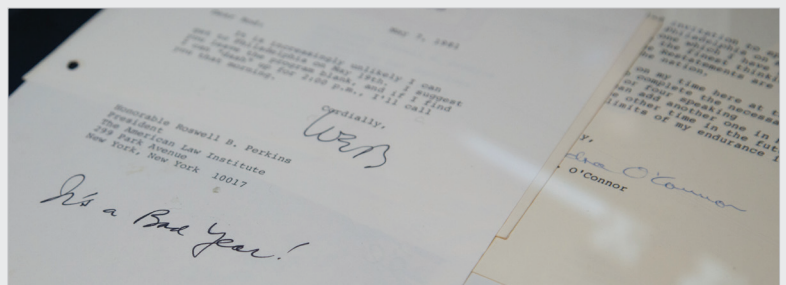
The ALI Exhibit: Looking Back at Our First Century

At this year's Annual Meeting, in addition to moving several ongoing ALI projects forward and looking ahead at the future of the Institute and the future of the law, we took the opportunity to reflect on the milestones achieved during the Institute's first century with an extensive centennial exhibit.

Visitors took a journey through highlights of our first century achievements, from our founding and some of our most influential work to our long-standing relationship with the Supreme Court of the United States, to our contribution to human rights and international affairs.



For those who didn't have the opportunity to go see the exhibit but would like to learn more about the Institute's first 100 years, visit the ALI Timeline by scanning the QR code or at www.ali.org/timeline.



New Record in Giving Set as ALI Honors the Classes of 1998 and 1973

ALI celebrated its new Life Members and 50-Year Members—the Classes of 1998 and 1973—at a luncheon held on Tuesday, May 23 during the Annual Meeting in Washington, D.C. There, a record-setting \$253,175 Class Gift was presented to the Institute by 1998 Class Committee Chair Pamela Samuelson of University of California, Berkeley School of Law. Also serving on the Committee were David John Burman of Perkins Coie LLP, Michele C. Kane of The Walt Disney Company, Leo P. Martinez of Andersen Tax LLC, and Victor A. Vilaplana of Practus LLP.



1998 Class Gift committee members David J. Burman of Perkins Coie LLP, Leo P. Martinez of Andersen Tax LLC, Committee Chair Pamela Samuelson of University of California, Berkeley School of Law, and Michele C. Kane of The Walt Disney Company (Retired)

ALI President David F. Levi took the stage at the luncheon to express his gratitude for the Class Gift and to acknowledge the new Life and 50-year members in attendance. Representing the latter were 1973 Class members Harry Clayton “Clay” Cook, Jr., of Cook Maritime Finance LLC and Donald E. Santarelli of Dinsmore & Shohl, LLP. All 17 members of the Class of 1973 will receive medallions honoring their 50 years as members of the Institute.

Professor Samuelson then presented the Class Gift, noting that the Class not only surpassed its goal for the campaign, but also set the record for the largest Class Gift raised since the program’s inception. She expressed deep gratitude to everyone who made this possible, and thanked the members of the 1998 Class Committee for their great work. Professor Samuelson recounted that after law school she entered the legal profession with an awe for the role the Institute had long played in advancing public values and good, coherent law, and that, now 25 years after being elected to the ALI, she was honored to have had this opportunity to be part of making such a positive impact on its future.

The Class Gift will help fund important aspects of the Institute’s mission, including our travel assistance programs, the Early Career Scholars Medal and annual conference, and our many influential law-reform projects.

The 1998 Life Member Class Gift

The 1998 Life Member Class Gift will be used to fund important aspects of the Institute’s mission, including our travel assistance programs, the Early Career Scholars Medal and annual conference, and our many influential law-reform projects.

The American Law Institute celebrates each gift that contributed to the success of this campaign. We deeply appreciate your generosity.

100 FOR 100 (\$100,000 and above)
Pamela Samuelson

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Elizabeth S. Stong
In honor of ALI Leadership and Staff

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In memory of Frank and Athalene Emory (Four-year pledge)
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In honor of Michele C. Kane and in memory of John P. Frank (10-year pledge)
Marina Corodemus
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Following the Class Gift presentation, President Levi introduced Class Speaker The Hon. Gerard E. Lynch of the U.S. Court of Appeals for the Second Circuit. A 1998 Class Member and member of the ALI Council, Judge Lynch spoke on the role of The American Law Institute in an age of skepticism. After walking through the composition of the Institute's membership from its founding through today, he praised the ALI for becoming "a more diverse group... that represent[s] society better than it once did." At the same time, Judge Lynch explained, over the decades, "skepticism of expertise became fashionable." Nevertheless, the Institute "attempts to engage with ideas from all corners of the legal world," he continued, "and arrive at consensus approval within the organization." Judge Lynch noted that the Institute "strives to avoid the tabloid headlines and political fads of the day," concluding that "the nation may not always know it or believe it, but it continues to need organizations that provide that kind of advice."

The Class Gift program will continue with the 1999 and 1974 Life Member Classes, which will be honored at ALI's 2024 Annual Meeting next May in San Francisco, CA



The Hon. Gerard E. Lynch of U.S. Court of Appeals, Second Circuit

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Donors as of June 30, 2023. Giving Circle Donors and Sustaining Life Donors are Sustaining Life Members for the 2023-2024 fiscal year.

The ALI Development Office has made every attempt to publish an accurate list of donors for the 1998 Life Member Class Gift campaign. In the event of an error or omission, please contact Kyle Jakob at 215-243-1660 or kjakob@ali.org.

This report is produced exclusively for the ALI community. The Institute prohibits the distribution of this booklet to other commercial or philanthropic organizations.



Members of the Class of 1998 gathered to celebrate 25 years with the Institute.

1998 LIFE MEMBER

CLASS COMMITTEE

Chair - Pamela Samuelson

- David J. Burman
- Michele C. Kane
- Leo P. Martinez
- Victor A. Vilaplana

CLASS OF 1998

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- Anthony V. Alfieri
- Richard T. Andrias
- James K. Archibald
- Lynne B. Barr
- Simon K. Barsky
- William G. Bassler
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- Marina Corodemus
- Leslie D. Corwin
- Michael Crommelin

- Laura Dooley
- Frank E. Emory, Jr.
- Barry H. Evenchick
- Merrick Brian Garland
- Nancy Gertner
- Robin C. Gibbs
- Robert L. Haig
- Trevor Clayton Hartley
- Paul T. Hayden
- Henry L. Hecht
- Ronald K. Henry
- Steven J. Heyman
- Frances Hill
- Denise Page Hood
- Samuel Issacharoff
- Ralph Jacobs
- Michele C. Kane
- William Waddingham Kehl
- Janine Marie Kern
- Richard H. Klapper
- Renée M. Landers
- William P. LaPiana
- Nanette K. Laughrey
- Thomas S. Leatherbury
- Gerard E. Lynch
- George W. Madison
- Fred T. Magaziner
- Richard D. Marks
- Leo P. Martinez
- Tom Montoya

- Rachel Fay Moran
- James Cecil Nobles, Jr.
- Dario U. Oscós Coria
- Betty R. Owens
- Stephen R. Perry
- Thomas M. Peterson
- Ellen S. Pryor
- Florence Wagman Roisman
- Pamela Samuelson
- Leigh I. Saufley
- Andrew Ike Schepard
- Peter M. Shane
- Amos Shapira
- Elizabeth S. Stong
- Jon B. Streeter
- Colin C. Tait
- Jay Tidmarsh
- Stan Twardy, Jr.
- Stephen Utz
- Dominick Vetri
- Victor A. Vilaplana
- Luis M. Villaronga
- Elizabeth Dean Whitaker
- Gary Wilson
- Nicholas Wolfson
- Ann C. Yahner
- Joachim Zekoll
- Donald Norman Zillman

CLASS OF 1973

- Dorothy Toth Beasley
- Jesse H. Choper
- Harry Clayton Cook
- Robert W. Gelfman
- Lawrence B. Gibbs
- W. John Glancy
- Nathaniel E. Gozansky
- John G. Harkins, Jr.
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- Donald E. Santarelli
- Carl W. Schneider
- Charles Seymour Whitman, III

ALI Welcomes Our Newest Members

ALI welcomed its newest members and first-time Meeting attendees at the Welcome Reception, held Sunday evening before the Annual Meeting kicked off. The event was hosted by ALI members Matthew R. Segal of the American Civil Liberties Union, Monica M. Márquez of the Colorado Supreme Court, and Holly J. Fujie of the Superior Court of California, County of Los Angeles.



Fred O. Smith Jr. of Emory University School of Law, Paul A. Gowder Jr. of Northwestern University Pritzker School of Law, and Lauren D. Sudeall of Vanderbilt University Law School



Sean H. Donahue of Donahue & Goldberg LLP, Juliet P. Stumpf of Lewis & Clark Law School, and Tracie L. Brown of the California Court of Appeal, First District



Hosts Matthew R. Segal, Monica M. Márquez, and Holly J. Fujie



Mary R. O'Grady of Osborn Maledon, Catherine M. Grosso of Michigan State University College of Law, Barbara O'Brien of Michigan State University College of Law, Valerie P. Hans of Cornell Law School, and Mary Kelly Persyn of Persyn Law & Policy

ALI Elects Five Council Members

During Monday's Reports and Business session at the Annual Meeting, President David F. Levi presented to the membership five nominees for the ALI Council, who were approved by the membership to a five-year term.

The new Council nominees are **J. Michelle Childs** of the U.S. Court of Appeals, District of Columbia Circuit; **Caitlin Halligan** of the New York State Court of Appeals; **Peter D. Keisler** of Sidley Austin LLP (Retired); **Robert H. Klonoff** of Lewis & Clark Law School; and **Leondra R. Kruger** of the California Supreme Court. Short biographies of the new Council members can be found on the ALI website.

Additionally, Donald B. Ayer; Abbe R. Gluck and Harold Hongju Koh, both of Yale Law School; Goodwin Liu of the California Supreme Court; Lori A. Martin of WilmerHale; Laura Stein of Mondelez International; and Sarah S. Vance of the U.S. District Court for the Eastern District of Louisiana were reelected to Council for a five-year term.

The ALI Council has reelected David F. Levi as President for a three-year term. In addition, the Council elected Ivan K. Fong of Medtronic PLC as Treasurer for a three-year term—replacing Wallace B. Jefferson, who reached his term limit.



Childs



Halligan



Keisler



Klonoff



Kruger

Ashley S. Deeks Explores the Double Black Box: National Security, AI and Democratic Accountability

The Tuesday morning session of the Annual Meeting began with a presentation from 2021 Early Career Scholars Medal Co-Recipient Ashley S. Deeks of the University of Virginia School of Law. Her presentation was titled “The Double Black Box: National Security, AI and Democratic Accountability.”

Deeks discussed a problem she refers to as the “double black box,” which “manifests itself at the intersection of national security, artificial intelligence, and the struggle that we face to hold our government institutions accountable when they act in secret.”

“We are seeing every day in the newspapers, an exponential focus[on] public use of AI by the government, by companies, and by individuals,” said Deeks. “I am focused on the uses of AI that happen behind the veil of classification.”

She discussed the ever-increasing role of AI tools in U.S. national security operations and examined how our national security agencies, which she argued already exist in a national security black box, will increasingly use these tools. She explained why black boxes—alone and together—will challenge our ability to ensure that the government is only doing things that comport with our public law values.

Deeks joined UVA School of Law in 2012 as an associate professor of law after two years as an academic fellow at Columbia Law School. Her primary research and teaching interests are in the areas of international law, national security,



intelligence and the laws of war. She is a member of the State Department’s Advisory Committee on International Law, and she serves as a contributing editor to the *Lawfare* blog. Deeks also recently served White House associate counsel and deputy legal adviser to the National Security Council while on leave from the UVA School of Law.

Francis X. Shen: How Neuroscience Will Change the Law

The last day of the Annual Meeting began with a presentation from 2021 Early Career Scholars Medal Co-Recipient Francis X. Shen of Harvard Law School and Harvard Medical School on “How Neuroscience Will Change the Law.”



Shen began his presentation by explaining the foundation of the interdisciplinary field of law and neuroscience:

The basic idea is simple. The brain is in the business of facilitating mental life through its information processing, and the law cares about mental life and information processing. The law cares deeply about things like happiness, pain, intent, competency, capacity, regret, remorse, decision making, and mental states of every stripe. The law demands evidence of mental states and legal doctrine, and [ALI’s publications] help to define those mental states and [define] which ones matter for law and which ones don’t. Moreover, the law is practiced by humans—judges, attorney, jurors, legislators, law professors—whose brains process information in ways that have profound legal implications.

Shen went on to explain the challenges facing this newly emerging field, and discussed how to prepare for a future in law that is rapidly adopting more neuroscience. He then shared examples of cases where brain science has been



ALI Director Diane P. Wood presents the Early Career Scholars Medal to Ashley S. Deeks and Francis X. Shen.

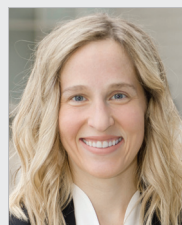
admitted into evidence and expects that trend to grow, saying “We’re not yet late to law and neuroscience, but we will be if we don’t act soon.”

Francis X. Shen is a professor at Harvard Law School, Associate Professor in the Harvard Medical School Center for Bioethics and the MGH Department of Psychiatry. Previously Dr. Shen was a Professor of Law, McKnight Presidential Fellow, and faculty member in the Graduate Program in Neuroscience at the University of Minnesota. He is also a faculty member and past Executive Director of the Center for Law, Brain & Behavior (CLBB) at MGH, and serves as the Executive Director of Education and Outreach for the MacArthur Foundation Research Network on Law and Neuroscience.

ALI Announces Early Career Scholars: Leah Litman and Crystal S. Yang

In March of this year, The Institute announced that it will award its Early Career Scholars Medal to Professor Leah Litman of the University of Michigan Law School and Professor Crystal S. Yang of Harvard Law School. The award recognizes outstanding law professors whose work is relevant to public policy and has the potential to influence improvements in the law. Two medalists are selected every other year.

“I am thrilled, on behalf of ALI, to award the Early Career Scholars Medal to these extraordinary professors,” said ALI Director Diane P. Wood, who also serves as the chair of ALI’s Early Career Scholars Medal Selection Committee. “Leah and Crystal have produced notable pieces of legal scholarship that are already having an impact in the law. Leah’s work in areas such as federal habeas corpus law is thought-provoking, and I am incredibly impressed by her depth of knowledge and analysis of Supreme Court jurisprudence. Crystal’s empirically sophisticated research and writing in the important and timely area of criminal justice reform, in which she also has real-world experience, has the potential to improve the law and lives of real people.”



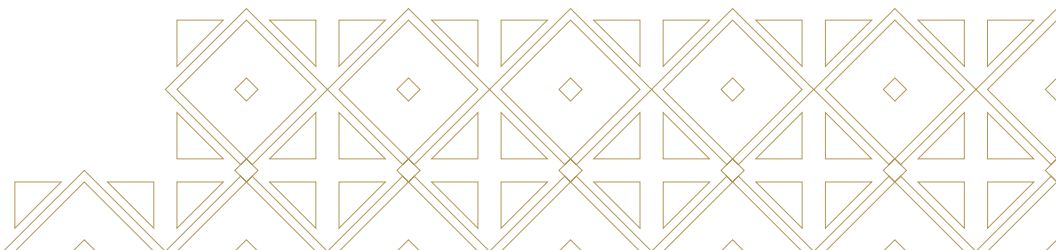
Leah Litman is a Professor of Law at the University of Michigan Law School, where she teaches and writes on constitutional law, federal courts, and federal sentencing. Her research examines unidentified and implicit values that structure the legal system, the federal courts, and the legal profession.



Crystal S. Yang is the Bennett Boskey Professor of Law at Harvard Law School and a Research Associate at the National Bureau of Economic Research, where she is co-director of the Crime Working Group. Her teaching and research interests center around empirical law and economics, particularly in the areas of criminal justice and consumer bankruptcy. Her current

research includes empirical projects on racial bias in the criminal justice system, spillover effects of deportation fear, and delivery of health care in correctional facilities.

The awards will be presented at the 2024 Annual Meeting in San Francisco.



Now Available: Restatement of the Law, The U.S. Law of International Commercial and Investor–State Arbitration

The Restatement of the Law, The U.S. Law of International Commercial and Investor–State Arbitration, the first such project for the Institute, 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.

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 Università Bocconi.

“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.”



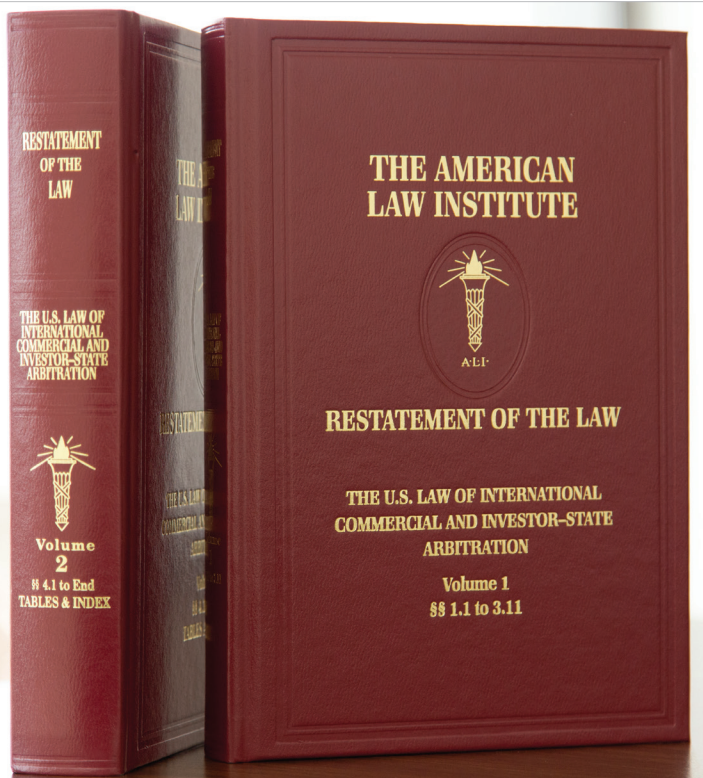
George A. Bermann, Christopher R. Drahozal, Catherine A. Rogers and Jack J. Coe, Jr., 2019 Annual Meeting



Cedric C. Chao of Chao ADR PC, 2017 project meeting

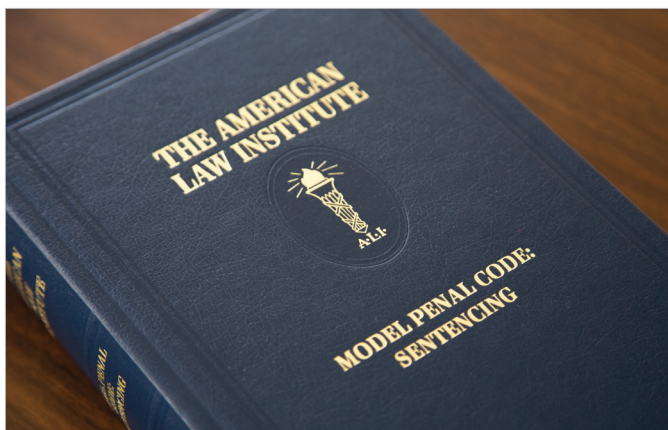


Jeffrey D. Kovar of the U.S. Department of State, 2017 project meeting



Linda J. Silberman of New York University School of Law, 2018 project meeting

Restatement of the Law, The U.S. Law of International Commercial and Investor–State Arbitration and Model Penal Code: Sentencing are both available for purchase on www.ali.org.



Model Penal Code: Sentencing Is Now Available

The now available Model Penal Code: Sentencing book reexamines the sentencing provisions of the 1962 Model Penal Code in light of the many changes in sentencing philosophy and practice that have taken place since its original publication.

The project was led by Reporter Kevin R. Reitz of the University of Minnesota Law School and Associate Reporter Cecelia M. Klingele of the University of Wisconsin.

The Sentencing project provides guidance on some of the most important issues that courts, corrections systems, and policymakers are facing today, including the general purposes of the sentencing system; rules governing sentence severity—including sentences of incarceration, community supervision, and economic penalties; the elimination of mandatory minimum penalties; mechanisms for combating racial and ethnic disparities in punishment; instruments of prison population control; collateral consequences, including guidelines, notification, and order of relief; victims' rights in the sentencing process; the sentencing of juvenile offenders in adult courts; the creation of judicial powers to review many collateral consequences of conviction; and many issues having to do with judicial sentencing discretion, sentencing commissions, sentencing guidelines, and appellate sentence review.

In 2009, after Professors Carol S. Steiker of Harvard Law School and Jordan M. Steiker of The University of Texas School of Law produced the "Report to the ALI Concerning Capital Punishment," the Institute withdrew Section 210.6 of the Model Penal Code "in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment."

"As a matter of recent history in this country, we're at quite an important moment, where the conversation and political attitudes towards criminal justice policy and sentencing policy have been shifting dramatically at the state level," said Professor Reitz upon the project's completion. "Despite current uncertainties in the federal government, legislators, policymakers, and lawmakers in state and local criminal justice systems are searching for workable solutions to problems of mass punitiveness that have grown since the 1970s. This moment in history is particularly fortuitous for the Model Penal Code because we are arriving at the point of completion just as this new or changed nationwide debate is occurring. For lawmakers, judges, and corrections leaders, we can provide the tools they will need to create important and lasting sentencing reforms in their jurisdictions."



Kevin R. Reitz and Cecelia M. Klingele, 2017 Annual Meeting



2015 project meeting



Miriam A. Krinsky of Fair and Just Prosecution, 2016 Annual Meeting



Raymond J. Lohier Jr. of U.S. Court of Appeals for the Second Circuit, 2017 Council meeting

2022 UCC Amendments To Become Effective in Several States

The American Law Institute and the Uniform Law Commission formed a joint committee in 2019 to review the Uniform Commercial Code with a view to recommending amendments or revisions to accommodate emerged and emerging technological developments. At their respective annual meetings in 2022, both ALI membership and ULC membership voted to approve a new UCC Article 12 that would govern the transfer of property rights in certain intangible digital assets (“controllable electronic records”) that have been or may be created using new technologies. Amendments to Articles 1, 2, 2A, 3, 4, 4A, 5, 7, 8, and 9; and transition provisions were also approved.

The 2022 UCC Amendments became effective in one state on July 1 and will become effective in several additional states in July, August, the Fall, and on January 1. Please see the chart below (check the legislation in any particular state if you’re relying on the effective date in that state).

Effective dates of 2022 UCC Amendments (in order of effective date):

State	Effective date
Indiana	July 1, 2023
Hawai’i	July 11, 2023
North Dakota	August 1, 2023
Colorado	August 6, 2023
Nevada	October 1, 2023
New Mexico	January 1, 2024
Washington State	January 1, 2024
Alabama	July 1, 2024

Did you know: ALI CLE has offered three webinars on Article 12?

The first two are now available on-demand at ali-cle.org:

New UCC Article 12: Everything You Need to Know explores how digital assets used in transactions and as security interests are treated under the new Article 12 and the revised Article 9.

New UCC Article 12: Applying the Rules to Practice takes the discussion one step further, examining how the rules could work in actual practice under Article 12 and the revised Article 9. You may watch this program even if you have not taken the first session.

The latest course will be available on-demand soon:

New UCC Article 12 and Amendments to Article 9: A Practical Approach to Transactions and Opinion Letters specifically examines structuring deals and writing opinion letters under the Amendments, as well as touches upon choice-of-law and affirmative and defensive matters arising from the transition.

For more information or to register online as a member, visit the ALI CLE website and use the members only **ALIWEB** coupon code at checkout.

Children and the Law

June Project Meeting

Project participants gathered this June to discuss Preliminary Draft No. 10, which includes proposed Sections from four Parts.

Part I, Children in Families, includes two new Sections from Chapter 2, State Intervention for Abuse and Neglect.

Part II, Children in School, includes two Comments, in rough outline form, that the Reporters propose adding to the Chapter on Students' Speech Rights.

The draft includes three Sections from Part III, Children in the Justice System. Sections 15.10, 15.11 and 15.12 pertain to transfer of adolescent defendants from juvenile court to criminal court.

Lastly, § 19.02 of Part IV (renumbered § 16.20), dealing with minors' access to reproductive health treatment was approved by the ALI membership in 2019. It has been revised in response to *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022).

Children and the Law project participants should mark their calendars to attend a final convening of the group at Columbia Law School on September 22, 2023.

The event will include a discussion of issues and themes that have recurred during our work on the Restatement, as well as two panel discussions on family regulation and youth crime regulation.

2023 Chicago Law Review Symposium

On April 21, *The University of Chicago Law Review* hosted a symposium centered around the Restatement of the Law, Children and the Law. The symposium brought together prominent scholars and judges to comment on each Part of the Restatement, with responses by the Reporters.

After welcome remarks from Dean **Thomas J. Miles** of Chicago Law and ALI Director **Diane P. Wood**, the discussion began with an introduction of the project by ALI Council Member **Jeffrey S. Sutton** of the U.S. Court of Appeals for the Sixth Circuit and Restatement Reporter **Elizabeth S. Scott** of Columbia Law School.

The Institute is very grateful to the University of Chicago and the *Law Review* for hosting.

Panel I: Children in Society

Moderator: **Clare Ryan** of University of Alabama School of Law

Commentators: **Michele Bratcher Goodwin** of University of California, Irvine School of Law, **Anne C. Dailey** of University of Connecticut School of Law, and **Laura A. Rosenbury** of University of Florida Levin College of Law

Reporter Response: **Elizabeth S. Scott** of Columbia Law School

Panel II: Children in Schools

Moderator: **Zalman Rothschild** of University of Chicago Law School

Commentators: **Goodwin Liu** of the California Supreme Court and **Kristine L. Bowman** of Michigan State University College of Law

Reporter Response: **Emily Buss** of University of Chicago Law School

Panel III: Children in the Justice System

Moderator: **Esther Hong** of Wake Forest University School of Law

Commentators: **Kristin Nicole Henning** of Georgetown University Law Center and **Thomas Grisso** of University of Massachusetts Chan Medical School

Reporter Response: **Richard J. Bonnie** of University of Virginia School of Law

Panel IV: Children in Families

Moderator: **Lisa Washington** of Brooklyn Law School

Commentators: **Douglas NeJaime** of Yale Law School and **Josh Gupta-Kagan** of Columbia Law School

Reporter Response: **Clare Huntington** of Fordham Law School and **Solangel Maldonado** of Seton Hall Law School



Jeffrey S. Sutton

Institute in the Courts: The American Law Institute and the U.S. Supreme Court

In June, the U.S. Supreme Court released its final decisions for the October 2022 Term. During the Term, the Supreme Court cited ALI publications in 16 separate opinions authored by six justices across 14 cases. Nine of those opinions were majorities, four were dissents, and three were concurrences.

The Court cited 12 different Restatements in 11 opinions, the Model Penal Code in four opinions, and Principles of the Law in one opinion. ALI work was cited for a wide range of issues, including in cases analyzing the Elections Clause, determining the extraterritorial reach of the Lanham Act, defining offenses under the Immigration and Nationality Act, and interpreting the Indian Child Welfare Act. For example, the Restatement of the Law Third, Agency—the Restatement cited in the most cases

this Term—was referenced in matters involving the discharge in bankruptcy of a faultless debtor’s debt, criminal conspiracy to commit honest-services fraud, and student-loan forgiveness.

The Restatement of the Law Second, Torts, was the publication with the most Sections cited (four Sections within two opinions), and the Restatements of Torts were cited more than those of any other subject, with citations to the Restatement of the Law Third, Torts: Liability for Economic Harm, and to a draft of the Restatement of the Law Third, Torts: Intentional Torts to Persons, in addition to the citations to the Restatement Second.

Below is the list of cases from the 2022 Term citing ALI work.

Abitron Austria GmbH v. Hetronic Int’l, Inc. No. 21-1043, 2023 WL 4239255 (June 29, 2023)

Majority (Justice Alito): quoted Restatement of the Law Third, **Unfair Competition** § 23, Comment *b*, and cited § 23, Comment *d*

Arizona v. Navajo Nation Nos. 21-1484 and 22-51, 2023 WL 4110231 (June 22, 2023)

Concurrence (Justice Thomas): cited Restatement of the Law Third, **Trusts** § 2, Restatement of the Law Second, **Contracts** § 206, and Restatement of the Law, **Contracts** § 505

Dissent (Justice Gorsuch): cited Restatement of the Law Second, **Contracts** § 201(2)

Bartenwerfer v. Buckley 143 S. Ct. 665 (Feb. 22, 2023)

Majority (Justice Barrett): cited Restatement of the Law Third, **Agency** § 7.07 and Restatement of the Law Third, **Suretyship and Guaranty** § 12

Biden v. Nebraska No. 22-506, 2023 WL 4277210 (June 30, 2023)

Concurrence (Justice Barrett): quoted Restatement of the Law Third, **Agency** § 2.02(1) and Comment *e* thereto

Counterman v. Colorado No. 22-138, 2023 WL 4187751 (June 27, 2023)

Concurrence (Justice Sotomayor): cited **Model Penal Code** § 250.7 (T.D. No. 13, 1961)

Haaland v. Brackeen 143 S. Ct. 1609 (June 15, 2023)

Dissent (Justice Thomas): cited Principles of the Law of **Family Dissolution: Analysis and Recommendations** § 2.02

Moore v. Harper No. 21-1271, 2023 WL 4187750 (June 27, 2023)

Dissent (Justice Thomas): cited Restatement of the Law Second, **Judgments** § 27 and Comment *h* and Illustrations 13 and 14 thereto

Notes About Members and Colleagues

New York v. New Jersey 143 S. Ct. 918 (Apr. 18, 2023)

Majority (Justice Kavanaugh): cited Restatement of the Law Second, **Contracts** § 33, Comment *d*

Percoco v. United States 143 S. Ct. 1130 (May 11, 2023)

Majority (Justice Alito): quoted Restatement of the Law Third, **Agency** § 1.01, Comment *e*

Pugin v. Garland Nos. 22-23 and 22-331, 2023 WL 4110232 (June 22, 2023)

Majority (Justice Kavanaugh): cited and quoted **Model Penal Code** § 240.0(4) and § 241.6, Comment 2

Dissent (Justice Sotomayor): cited and quoted **Model Penal Code** § 241.6(1) and Comment 2 thereto, and § 242.1, Comment 2; cited §§ 240 to 243

Twitter, Inc. v. Taamneh 143 S. Ct. 1206 (May 18, 2023)

Majority (Justice Thomas): quoted Restatement of the Law Second, **Torts** § 876, Comment *a* and cited § 876 and Comment *d* and Illustrations 9 and 10 thereto; quoted Restatement of the Law Third, **Torts: Intentional Torts to Persons** § 10, Comment *c* (T.D. No. 3, 2018)

United States v. Hansen No. 22-179, 2023 WL 4138994 (June 23, 2023)

Majority (Justice Barrett): cited and quoted **Model Penal Code** § 5.02(1) and cited § 5.02(2) and Comment 3 thereto

United States ex rel. Schutte v. SuperValu Inc.

143 S. Ct. 1391 (June 1, 2023)

Majority (Justice Thomas): cited Restatement of the Law Second, **Torts** § 526 and Comment *c* and the Reporter's Note thereto, quoted § 526, Comments *d* and *e*, cited § 545, and quoted § 545, Comment *c*; quoted Restatement of the Law Second, **Torts** § 500, Comment *a*; cited Restatement of the Law Third, **Torts: Liability for Economic Harm** § 10 and Comment *c* thereto, and quoted § 10, Comment *a*

Yegiazaryan v. Smagin Nos. 22-381 and 22-383, 2023 WL 4110234 (June 22, 2023)

Majority (Justice Sotomayor): cited Restatement of the Law, **Conflict of Laws** § 377 and Restatement of the Law Second, **Conflict of Laws** § 145

The American Constitution Society hosted a panel discussion on Section 3 of the 14th Amendment. The panel featured **Floyd Abrams** of Cahill Gordon & Reindel and **Gerard N. Magliocca** of Indiana University, Robert H. McKinney School of Law. **Russ Feingold** of the American Constitution Society provided the introductory remarks.

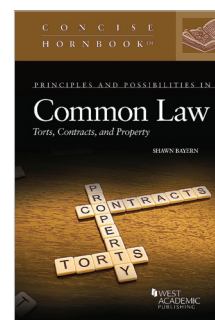
Kerry Abrams, **Paul W. Grimm**, and **David F. Levi**, all of Duke University School of Law, **Allyson K. Duncan** of the U.S. Court of Appeals for the Fourth Circuit (Retired) and **Paul Martin Newby** of the Supreme Court of North Carolina spoke at the 2023 Bolch Prize for the Rule of Law.

Ellen Patricia Aprill of Loyola Law School, Los Angeles and **Jill R. Horwitz** of UCLA School of Law are recipients of the 2023 Outstanding Nonprofit Lawyer Awards from the American Bar Association's Business Law Section.

Deborah N. Archer of New York University School of Law delivered the keynote address at the University of Connecticut's 100th commencement.

Mario Barnes of UCI School of Law and **Carolyn B. Witherspoon** of Cross, Gunter, Witherspoon & Galchus are 2023 ABF Fellow Awards recipients. Barnes and Witherspoon were awarded the Outstanding Scholar Award and Distinguished Life Fellow Award, respectively.

Shawn J. Bayern of Florida State University College of Law has authored Bayern's Principles and Possibilities in Common Law: Torts, Contracts, and Property (West Academic Publishing 2023), a book on common law principles and how tort, contract, and property law have developed in the United States.



Mira Baylson is the new executive deputy secretary for the Pennsylvania Department of State.

Mark A. Behrens and **Victor E. Schwartz**, both of Shook, Hardy & Bacon; **Martha E. Chamallas** of The Ohio State University, Moritz College of Law; **Darby Dickerson** and **Christopher John Robinette**, both of Southwestern Law School; **Nora Freeman Engstrom** of Stanford Law School; **Michael D. Green** of Washington University School of Law; **Mark A. Hall** of Wake Forest University School of Law; **Keith N. Hylton** of Boston University School of Law;

NOTES CONTINUED FROM PAGE 27

Gregory C. Keating of University of Southern California, Gould School of Law; **Nina A. Kohn** of Syracuse University College of Law; **Philip G. Peters Jr.** of University of Missouri School of Law; **Anthony J. Sebok** of Yeshiva University, Benjamin N. Cardozo School of Law; **Catherine M. Sharkey** of New York University School of Law; and **Kenneth W. Simons** of University of California Irvine School of Law participated in the symposium *Concluding the Restatement (Third) of Torts*, cosponsored by The American Law Institute, the Southwestern Law Review, and Southwestern's Panish Civil Justice Program.

The *ABA Journal* has published an article discussing **Emily Buss** of University of Chicago Law School's course, "The Constitutional Rights of Young People, from Young Peoples' Point of View."

Frank P. Cervone of Support Center for Child Advocates has retired after more than 33 years as executive director.

The New York University Board of Trustees has elected **Evan R. Chesler** of Cravath, Swaine & Moore chair-designate of the board. He will begin his role as chair September 1.

Danielle K. Citron of University of Virginia School of Law; **Matthew L. M. Fletcher** of University of Michigan Law School; **James Forman Jr.** of Yale Law School; **William C. Hubbard** of University of South Carolina School of Law; and **Carol S. Steiker** of Harvard Law School were elected to the American Academy of Arts & Sciences.

Walter A. Effross of American University Washington College of Law has authored *Keeping Your Own Counsel* (Aspen Publishing 2023), a book for law school students on how to navigate and succeed in law school and beyond. He runs *Keeping Your Own Counsel*, a blog of the same name that extends and supplements the practical discussions in his book.

Cynthia L. Estlund and **Samuel Estricher**, both of NYU School of Law; **Matthew T. Bodie** of University of Minnesota Law School, and **Shlomit Yanisky-Ravid** of Fordham University School of Law participated in the 75th Annual NYU Conference on Labor & Employment Law, "Reform for the Long Haul."

Lisa M. Fairfax of University of Pennsylvania Carey Law School has been appointed one of the public governors on the Financial Industry Regulatory Authority's Board of Governors.

Nita A. Farahany of Duke University School of Law has authored *The Battle for Your Brain: Defending the Right to Think Freely in the Age of Neurotechnology* (St. Martin's Press 2023), a book about advances in neurotechnology and what implications it has for the rights to privacy, freedom of thought, and self-determination.

Russell D. Feingold of the American Constitution Society has coauthored *The Constitution in Jeopardy, An Unprecedented Effort to Rewrite Our Fundamental*

Law and What We Can Do About It (Hachette Book Group 2022), a book discussing the legal efforts being made to change the U.S. Constitution.

Matthew L. M. Fletcher of University of Michigan Law School discusses the significance of the U.S. Supreme Court's decision to uphold ICWA as federal law in the *High Country News* article "The Supreme Court upheld ICWA. Now what?"

Edward B. Foley of The Ohio State University, Moritz College of Law has been awarded the 2023 Guggenheim Fellowship. He was awarded the Dorothy Tapper Goldman Foundation Fellowship in Constitutional Studies.

Simon J. Frankel has been sworn in as a judge on the San Francisco Superior Court.

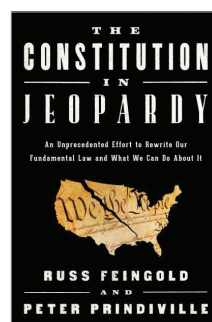
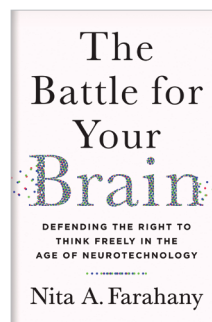
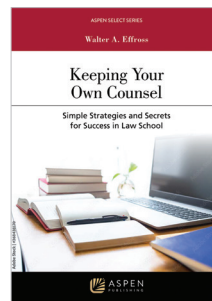


Simon J. Frankel

Caroline Rose Fredrickson of the American Constitution Society has authored *La Cour Suprême, Le Pouvoir Suprême* (Editions L'Harmattan 2023) a book on the history of the Supreme Court of the United States and potential reform options.



T. Markus Funk of Perkins Coie has recently authored and coauthored several articles: *What U.S. Law Reformers Can Learn From Germany's Value-Explicit Approach to Self-Defense*; *US Self-Defense Law - 'Harsh' By International Standards?*; *The Houston Restaurant Self-Defense Shooting: Neutralizing a Threat v. Killing a Criminal*; *US Self-Defense Law Is Neither Overly Harsh Nor Disappearing*; *Understanding the Development (and Surprising Deficiencies) of England's Storied Self-Defense Law*; and *Busting the Durable Myth That U.S. Self-Defense Law Uniquely Fails to Protect Human Life*, and has appeared as a guest on *The Law of Self-Defense Podcast* and *Rethinking Self-Defense* podcasts.



New Members Elected

On July 13, the Council elected the following 61 persons.

Ifeoma Ajunwa, Atlanta, GA
Nicole G. Berner, Washington, DC
Mary Jane Bowes, Pittsburgh, PA
Keith Bradley, Denver, CO
Stephanie Frederique Cagniard, Austin, TX
Gregory A. Castanias, Washington, DC
Jia Michelle Cobb, Washington, DC
Kevin L. Cole, San Diego, CA
Rose Cuison-Villazor, Newark, NJ
Rachel Ekery, Austin, TX
April L. Farris, Houston, TX
Andrew Guthrie Ferguson, Washington, DC
Martin S. Flaherty, New York, NY
Katherine Florey, Davis, CA
Ian Heath Gershengorn, Washington, DC
Jack Landman Goldsmith, Cambridge, MA
Jasmine B. Gonzales Rose, Boston, MA
Christine Chambers Goodman, Malibu, CA
Kent Greenfield, Newton Center, MA
Gregory R. Hanthorn, Mableton, GA
Genevieve Helleringer, Cergy-Pontoise, France
Stephen J. Herman, New Orleans, LA
Monte A. Jackel, Silver Spring, MD
D. Arthur Kelsey, Richmond, VA
Matthias Lehmann, Vienna, Austria
Travis Lenkner, Chicago, IL
Lisa Marshall Manheim, Seattle, WA
David Marcus, Los Angeles, CA
Wendy K. Mariner, Cambridge, MA
Lee Marshall, San Francisco, CA
Marcia L. McCormick, St. Louis, MO
Steve McManus, Bloomington, IL
Raffi Melkonian, Houston, TX
Alice M. Morical, Indianapolis, IN
Felix Mormann, Fort Worth, TX
Derek T. Muller, Notre Dame, IN
Christopher T. Nace, Washington, DC
Carolyn H. Nichols, Bala Cynwyd, PA
Barbara O'Brien, East Lansing, MI
Uché Ewelukwa Ofofile, Fayetteville, AR
Hari M. Osofsky, Chicago, IL
Robert M. Palumbos, Philadelphia, PA
Brian C. Rabbitt, Washington, DC
Srividhya Ragavan, Fort Worth, TX
Christopher T. Robertson, Boston, MA
Russell K. Robinson, Berkeley, CA
Paul Rose, Columbus, OH
William M. Sage, Fort Worth, TX
Joel M. Schumm, Indianapolis, IN
Mark Sidel, Madison, WI
Avani Mehta Sood, New York, NY
Thomas J. Spulak, Washington, DC
Maya Steinitz, Boston, MA
Ria Tabacco Mar, New York, NY
Holly A. Thomas, Pasadena, CA
David K. Thomson, Santa Fe, NM
Robert L. Tsai, Boston, MA
Daniel W. Van Horn, Memphis, TN
Lori W. Will, Wilmington, DE
Zaid A. Zaid, Washington, DC
Adam S. Zimmerman, Los Angeles, CA

Risa L. Goluboff of UVA School of Law has joined the board of directors for Equal Justice Works.

President Biden has appointed **Risa L. Goluboff** of UVA School of Law and **Trevor W. Morrison** of NYU School of Law to the Permanent Committee for the Oliver Wendell Holmes Devise.

Michael D. Green of Washington University School of Law presented at the University of Chile's Private Law Department conference, "II International Congress: Re-systematizing Civil Liability - Evolution of Imputation Factor, Causation and Damage."

Caitlin Halligan has been confirmed as an associate judge to the New York State Court of Appeals.

Danielle Holley has been selected as the next president of Mount Holyoke College.

Ketanji Brown Jackson of the Supreme Court of the United States delivered the 2023 commencement address at Boston University School of Law.

Garry W. Jenkins is the president of Bates College.

Renee Knake Jefferson of University of Houston Law Center was recently interviewed by **Diane P. Wood** of the U.S. Court of Appeals for the Seventh Circuit to discuss her book *Shortlisted: Women in the Shadows of the Supreme Court* (NYU Press 2020).

Robert H. Jerry II of University of Missouri School of Law has authored *Advanced Introduction to Insurance Law* (Elgar Publishing 2023), with reviews from **Tom Baker** of University of Pennsylvania Carey Law School, **Leo P. Martinez** of Andersen Tax, and **Jeffrey W. Stempel** UNLV William S. Boyd School of Law.

Roscoe Jones Jr. of Gibson Dunn was elected as a member of the Council on Foreign Relations and as a fellow of the American Bar Foundation.

Andrew R. Klein is dean of Wake Forest University School of Law.

Carolyn B. Kuhl and **William F. Highberger**, both of the Superior Court of California, County of Los Angeles, have coauthored "Toward Fairer, Quicker, Cheaper Litigation: A Unified Theory of Civil Case Management," the feature article in Volume 107, Number 1 of *Judicature*. **Robert M. Dow Jr.**, Counselor to Chief Justice John G. Roberts Jr. of the United States has authored "Managerial Judges: The Long View," an accompanying piece to Kuhl and Highberger's article. Kuhl also received of the 2023 Outstanding Jurist Award from the Los Angeles County Bar Association.

NOTES CONTINUED FROM PAGE 29

Douglas Laycock of UVA School of Law has retired from teaching after more than 40 years.

The Toll Public Interest Center at University of Pennsylvania Carey Law School awarded **Benjamin Lerner** of Pennsylvania Court of Common Pleas (Retired) its 2023 Alumni Impact Award.

Roberta D. Liebenberg of Fine, Kaplan and Black received the 2023 Judge Learned Hand Award from the American Jewish Committee's Philadelphia/Southern New Jersey Chapter.

The American Academy of Arts & Sciences has elected **Goodwin Liu** of the California Supreme Court as the next chair of its board of directors.

The Sindh Institute of Medical Sciences in Karachi, Pakistan has named **Paul A. Lombardo** of Georgia State University College of Law a Distinguished Professor of Bioethics and Law.



Paul A. Lombardo at the Sindh Institute of Medical Sciences

Albert J. Matricciani Jr., retired judge of the Maryland Appellate Court, has rejoined the adjunct faculty at University of Maryland Francis King Carey School of Law. He is teaching a course on legal profession and a tutorial seminar on morality and the law.

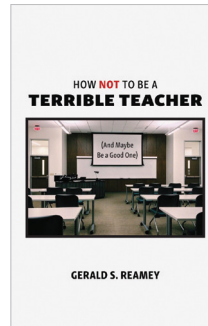
The U.S. Senate voted to approve the appointment of **Araceli Martínez-Olguín** to the U.S. District Court for the Northern District of California.

David D. Meyer has been chosen as the new President and Joseph Crea Dean of Brooklyn Law School.

David H. Moore is the new dean of J. Reuben Clark Law School, Brigham Young University.

Robert H. Mundheim of Shearman and Sterling was presented with an honorary Doctor of Laws degree from the University of Arizona James E. Rogers College of Law.

Norman M. Powell of Young Conaway is the next executive director of the Institute for Law & Economics at the University of Pennsylvania Carey Law School, succeeding **Lawrence A. Hamermesh** of Widener University Delaware Law School after his retirement.



Gerald S. Reamey of St. Mary's University School of Law has authored *How Not to Be a Terrible Teacher (And Maybe Be a Good One)* (Carolina Academic Press 2023).

Richard L. Revesz, Administrator of the Office of Information and Regulatory Affairs, was profiled by *The New York Times* on his recent position and work with federal regulations.

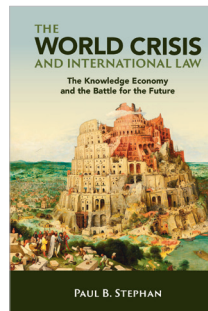
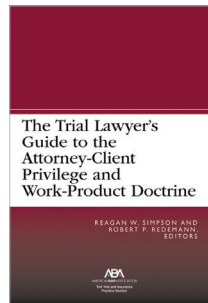
Laura A. Rosenbury has been elected the ninth president of Barnard College of Columbia University.

Reagan W. Simpson of Yetter Coleman is a coeditor and author and coauthor of several chapters in *The Trial Lawyer's Guide to the Attorney-Client Privilege and Work-Product Doctrine* (ABA Book Publishing 2023).

Mary L. Smith has been appointed to the board of Greenway Health.

The University of Alabama School of Law has named **Adam N. Steinman** the Robert W. Hodgkins Endowed Chairholder in Law.

Paul B. Stephan of UVA School of Law has authored *The World Crisis and International Law, The Knowledge Economy and the Battle for the Future* (Cambridge University Press 2023), a book discussing challenges in international law and the economy.



The National Constitution Center and Arizona State University's Center for Constitutional Design cohosted the event "Amendment Reform in America and Abroad," with **Jeffrey S. Sutton** of the U.S. Court of Appeals for the Sixth Circuit as a panelist and **Jeffrey Rosen** of the National Constitution Center as moderator.

Shoba Sivaprasad Wadhia of Penn State Law has been appointed Civil Rights and Civil Liberties Officer in the Department of Homeland Security.

Larry S. Stewart of Stewart Tilghman Fox Bianchi & Cain, P.A. (Retired) received the 2023 Award for Outstanding Public Service from the University of Florida Levin College of Law.

Meetings and Events Calendar At-A-Glance

Below is a list of upcoming meetings and events. For more information, visit www.ali.org.

2023

September 22

Restatement of the Law, Children and the Law Event
New York, NY

September 28

Restatement of the Law, Copyright
Philadelphia, PA

September 29

Restatement of the Law, Third, Torts: Miscellaneous Provisions
Philadelphia, PA

October 6

Restatement of the Law Fourth, Property
Philadelphia, PA

October 19-20

Council Meeting - October 2023
New York, NY

October 26

Restatement of the Law Third, Conflict of Laws
Philadelphia, PA

November 17

Restatement of the Law, Third, Torts: Remedies
Virtual

2024

January 18-19

Council Meeting - January 2024
Philadelphia, PA

February 29

Restatement of the Law, Corporate Governance
Philadelphia, PA

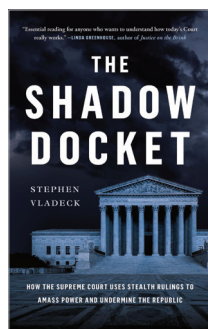
May 20-22

2022 Annual Meeting
Francisco, CA

October 17-18

Council Meeting - October 2024
New York, NY

Stephen I. Vladeck of the University of Texas School of Law has authored *The Shadow Docket: How the Supreme Court Uses Stealth Rules to Amass Power and Undermine the Republic* (Basic Books 2023), discussing the Court's use of emergency rulings. He participated in a National Constitution Center Town Hall event with **Jeffrey Rosen** of the National Constitution Center as moderator.



Bob Wessels of University of Leiden has been appointed as officer in the Order of Orange Nassau.



Bob Wessels

Ingrid Wuerth of Vanderbilt University Law School convened a roundtable on “Sanctions and Foreign Central Bank Immunity” at the annual meeting of the American Society of International Law.

If you would like to share any recent events or publications in the next ALI newsletter, please email us at communications@ali.org.

In Memoriam

ELECTED MEMBERS

George W. Jones, Jr., Washington, DC; **Kurt W. Melchior**, San Francisco, CA; **Richard A. Michael**, Chicago, IL; **L. J. Priestley**, Sidney, Australia; **Charity Scott**, Atlanta, GA; **Andrew H. Struve**, Irvine, CA

LIFE MEMBERS

Bernard F. Ashe, Delmar, NY; **Jürgen Basedow**, Hamburg, Germany; **James M. Bush**, Phoenix, AZ; **James D. Crawford**, Philadelphia, PA; **Frank W. Elliott**, Fort Worth, TX; **Daniel J. Gifford**, Minneapolis, MN; **Marvin L. Gray, Jr.**, Seattle, WA; **Joseph F. Johnston, Jr.**, Alexandria, VA; **Yale Kamisar**, Ann Arbor, MI; **Basil S. Markesinis**, London, England; **James A. Medford**, Greensboro, NC; **Jerry J. McCoy**, Sarasota, FL; **Lizabeth A. Moody**, Saint Petersburg, FL; **James C. Moore**, Pittsford, NY; **Barry J. Nace**, Washington, DC; **David Weissbrodt**, Minneapolis, MN

2023 Annual Meeting Videos Are Now Available

Videos of this year's awards presentations, panel discussions, 100th Anniversary programs, Early Career Scholar programs, and luncheon remarks are available on ALI's media library at media.ali.org.

