

THE AMERICAN LAW INSTITUTE
Annual Report 2012 / 2013

Contents

Introduction to The American Law Institute Publications and Projects	3
Membership	3
ALI CLE	
Funding	3
President's Message	4
Director's Message	5
The American Law Institute	6
Council	
Celebrating 90 Years Of Law Reform	8
Newly Elected Officers	
New Council Members	8
New Projects	9
Restatement Fourth, The Foreign Relations Law of the United States	0
Restatement Third, Torts: Intentional Torts to Persons	
Model Penal Code: Sexual Assault and Related Offenses	9
Restatement Third, Information Privacy Principles	
Restatement Third, The Law of American Indians	
Renovations	11
Publications	12
ALI in the Courts	
Recent Publications	
The ALI Drafting Process	13
Current Projects	14
Membership	17
Awards	18
Distinguished Service Award Henry J. Friendly Medal	
Young Scholars Medal	
The American Law Institute	20
The ALI CLE group	23
Committees	24
The ALI Fund Preparing For A Second Century Of Law Reform	26 26
Annual Giving Report	27
The 1988 Life Member Class Gift	28
1988 Life Member Class Donors	29
Annual Fund	30
Sustaining Members	32
Ways to Give	36



"This is one of the most wonderful organizations ever created. I would not have had the wit myself to do it, but the idea that we are concerned about the law—how it should function and how it does function—is itself very exciting, intellectually challenging. But also, it reaches the whole issue of value in society. What should we be doing? How should we order ourselves in order to assure liberty?"

CONRAD K. HARPER Simpson Thacher & Bartlett

Introduction to The American Law Institute

The American Law Institute is the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. It was created in 1923 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.

Publications and Projects

The ALI drafts, discusses, revises, and publishes Restatements of the Law, Principles of the Law, and model statutes that are enormously influential in the courts and legislatures, as well as in legal scholarship and education. The ALI has long been influential internationally and, in recent years, more of its work has become international in scope.

The ALI addresses uncertainty in the law by developing restatements of legal subjects for use by courts and lawyers applying existing law. Restatements of the Law contain clear formulations of common law and its statutory elements or variations and reflect the law as it presently stands or might plausibly be stated by a court.

Completed Restatements include:

Agency

Conflict of Laws

Contracts

Foreign Relations Law of the United States

Judgments

The Law Governing Lawyers

Property

Restitution and Unjust Enrichment

Suretyship and Guaranty

Torts

Trusts

Unfair Competition

The ALI also examines and analyzes legal areas in need of reform. Principles of the Law express the law as it should be, which may or may not reflect the law as it is.

These projects include:

Aggregate Litigation

Corporate Governance

Family Dissolution

Software Contracts

Transnational Civil Procedure

Transnational Insolvency

Transnational Intellectual Property

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

Current Restatement or Principles projects include American Indian Law, Consumer Contracts, Election Law, Employment Law, Government Ethics, U.S. Law of International Commercial Arbitration, Liability Insurance, and Nonprofit Organizations, among others.

Membership

The ALI is made up of more than 4,300 lawyers, judges, and law professors of the highest qualifications. By participating in the 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.

ALI CLE

ALI CLE (formerly ALI-ABA) provides education for the legal profession, offering live courses, webcasts, telephone seminars, on-demand courses, and periodicals such as *The Practical Lawyer*. Experienced and renowned faculty and authors work with the ALI to provide educational programs and materials of the highest quality and relevance.

Funding

The ALI's primary sources of operating revenue are from publishing, educational programs, membership dues and contributions, and rental income from its headquarters building in Philadelphia. The financial support of the 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 the ALI are tax-deductible to the full extent of the law.

Annual Report 2012–2013 3

President's Message



I write this at a tough time for American government: for Congress, for relations between the executive and legislative branches, for the federal relationship between the national and the state governments, and for our underfunded state and federal courts. But not all quintessential American institutions are broken. I am very proud to send you this annual report that shows the health, both intellectual and financial, of The American Law Institute, of which you are an honored member.

The quality of our work is borne out by the number of times courts cite the ALI in a broad range of matters. This quality comes because of the dedication to making our work just what our founders hoped, a true reform and simplification of the law, taking into account the practical realities of sometimes vastly differing views of lawyers and judges along with the thoughtful involvement of scholars, now from across the globe.

This work on our projects, often late at night and taking time away from practice and family (and, in the case of certain unnamed members, time away even from baseball), is what I think Ben Franklin had in mind when he inoculated our culture with the primacy of volunteer work for the greater good. It is clearly what ALI's founders dreamed was possible when they had the brilliant idea of putting all three branches of the profession in the same rooms to first write and then argue out and edit the Restatements.

As our magnificent Director Lance Liebman reports on another page, we may never have had such a range and number of projects at various stages of development, from the very-close-to-the-finish-line Restatement of Employment Law to working out just how we can contribute to the law of privacy, or the reformation of the sexual assault portions of the Model Penal Code and our significant projects that relate to international law.

Under the leadership of our Deputy Director Stephanie Middleton and the rest of our dedicated and talented staff, we are more than minding our organizational p's and q's, working on our investment nest egg, editing drafts, and promoting our work, including the wonderful programs of ALI CLE.

Your contributions—large and small, monetary and intellectual—make all of this possible. I think each of you meets the high bar of being fully informed and actively engaged that Justice O'Connor set as requirements for American citizenship. I am grateful and so are all the lawyers, law students, judges, and scholars from around the world who turn to book or computer to gain insight from The American Law Institute.

Thank you, and I wish you health, joy, and a balanced life next year. That of course includes your continued support of the ALI.

RAt 18 am

Director's Message



Approaching my retirement from the wonderful job of ALI Director, it seems appropriate to look at the agenda from my first Annual Meeting, in 1999. I had of course inherited that list of projects from Geoff Hazard ("we stand on the shoulders of giants"). We had two Torts projects, the end of Apportionment and the start of what came to be called Physical and Emotional Harm. The only other Restatement on the agenda was Trusts. We took up Revised Article 2 (Sales), Revised Article 2A (Leases), and proposed Article 2B (Uniform Computer Information Transactions Act) of the UCC. We considered Insolvency Coordination among Canada, Mexico, and the United States. We worked on our recommendations for revising the Federal Judicial Code. And we dipped toes for the first time into Transnational Civil Procedure and our proposed federal statute concerning enforcement of foreign judgments.

As with all our Torts work for 90 years, Apportionment and Physical Torts have been discussed and cited by lawyers and judges. Trusts has received appropriate attention. The attempts to improve the UCC failed. Insolvency Coordination has contributed to significant law reform in the three NAFTA countries, has since been rewritten to be relevant worldwide, and is a starting point as Europe considers new laws concerning cross-border bankruptcies. The Judicial Code, our recommendation for federalizing enforcement of foreign judgments, and our proposals for civil/common law civil procedure coordination await attention. Possible conclusion: ALI's

Restatements influence the law more than its statutory recommendations (but see Uniform Commercial Code and Model Penal Code) and, it would seem, more than the projects called Principles that seek audiences more diverse than the judicial branch.

Looking at this year's Annual Meeting agenda and at our current project list, we have expanded significantly the number and range of our efforts at law reform. It is again a pair of Torts projects, now Economic Harm and Intentional Torts. Restatements underway are Arbitration, Employment Law, Consumer Contracts, Information Privacy, Foreign Relations, and American Indian Law. We are at work on two portions of the Model Penal Code: Sentencing and Sexual Assault Crimes. Principles projects are Liability Insurance, Election Law, Government Ethics, and Nonprofits. This is a list of important and controversial subjects, all of them worth our best efforts.

The good news is that top law professors have signed on as Reporters on all these projects, most of those we asked to be Advisers said yes, ALI members participate in Members Consultative Groups (most of which are now accessible from home or office by web conference), and members come to the Annual Meeting to hear projects presented and debated.

In September I had the opportunity to speak at the first general meeting of the new European Law Institute, held in Vienna. The halls were stunning, the meeting was attended by judges, lawyers, and professors, the substantive legal subjects taken up were similar to items on our agenda, and the administrative matters made me think I was back home. ELI is near completion of work on Sales Law, is thinking about e-Commerce Law, Insolvency Law, "Collective Redress" (see our work on Aggregate Litigation), Copyright Law, Data Protection, and Administrative Procedure Law. It is certain that there will be opportunities for minor and perhaps also for major coordination between ELI and ALI.

I am excited to continue my involvement in this work and predict that I will have mixed feelings as my role becomes less strenuous.

Lance Cieba-

The American Law Institute

Roberta Cooper Ramo, President
Allen D. Black, 1st Vice President
Douglas Laycock, 2nd Vice President
Margaret H. Marshall, Treasurer
Paul L. Friedman, Secretary
Lance Liebman, Director
Stephanie A. Middleton, Deputy Director

COUNCIL

Kenneth S. Abraham, University of Virginia School of Law, Charlottesville, VA

Susan Frelich Appleton, Washington University School of Law, St. Louis, MO

Kim J. Askew, K&L Gates, Dallas, TX

José I. Astigarraga, Astigarraga Davis, Miami, FL

John H. Beisner, Skadden, Arps, Slate, Meagher & Flom, Washington, DC

Allen D. Black, Fine, Kaplan and Black, Philadelphia, PA Amelia H. Boss, Earle Mack School of Law at Drexel University, Philadelphia, PA

Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein, San Francisco, CA

N. Lee Cooper, Maynard, Cooper & Gale, Birmingham, AL George H. T. Dudley, Dudley, Topper and Feuerzeig, St. Thomas, U.S. VI

Christine M. Durham, Utah Supreme Court, Salt Lake City, UT Kenneth C. Frazier, Merck & Co., Inc., Whitehouse Station, NJ Paul L. Friedman, U.S. District Court, District of Columbia, Washington, DC

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

Anton G. Hajjar, O'Donnell, Schwartz & Anderson, Washington, DC

Geoffrey C. Hazard, Jr.*, University of California, Hastings College of the Law, San Francisco, CA; University of Pennsylvania Law School, Philadelphia, PA D. Brock Hornby, U.S. District Court, District of Maine, Portland, ME

William C. Hubbard, Nelson Mullins Riley & Scarborough, Columbia, SC



John J. McKetta III of Graves, Dougherty, Hearon & Moody, and Chief Judge Diane P. Wood of the Seventh Circuit, at a meeting of the ALI Council

Wallace B. Jefferson, Alexander Dubose Jefferson & Townsend, Austin, TX

Mary Kay Kane, University of California, Hastings College of the Law, San Francisco, CA Michele C. Kane, The Walt Disney Company, Burbank, CA Carolyn Dineen King, U.S. Court of Appeals, Fifth Circuit, Houston, TX

Harold Hongju Koh, Yale Law School, New Haven, CT Carolyn B. Kuhl, Superior Court of California, County of Los Angeles, Los Angeles, CA

Carolyn B. Lamm, White & Case, Washington, DC Derek P. Langhauser, Maine Community College System, South Portland, ME

Douglas Laycock, University of Virginia School of Law, Charlottesville, VA

Carol F. Lee, Taconic Capital Advisors, New York, NY David F. Levi, Duke University School of Law, Durham, NC Goodwin Liu, California Supreme Court, San Francisco, CA Gerard E. Lynch, U.S. Court of Appeals, Second Circuit, New York, NY

Margaret H. Marshall, Choate Hall & Stewart, Boston, MA Lori A. Martin, WilmerHale, New York, NY

M. Margaret McKeown, U.S. Court of Appeals, Ninth Circuit, San Diego, CA

John J. McKetta III, Graves, Dougherty, Hearon & Moody, Austin, TX $\,$

Daniel J. Meltzer, Harvard Law School, Cambridge, MA Judith A. Miller, Chevy Chase, MD

Kathryn A. Oberly, District of Columbia Court of Appeals, Washington, DC

Harvey S. Perlman, University of Nebraska, Lincoln, NE Roberta Cooper Ramo, Modrall Sperling, Albuquerque, NM David W. Rivkin, Debevoise & Plimpton, New York, NY Daniel B. Rodriguez, Northwestern University School of Law, Chicago, IL

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

Gary L. Sasso, Carlton Fields, Tampa, FL

Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit, Phoenix, AZ

Anthony J. Scirica, U.S. Court of Appeals, Third Circuit, Philadelphia, PA

Marsha E. Simms, Weil, Gotshal & Manges (retired), New York, NY

Robert H. Sitkoff, Harvard Law School, Cambridge, MA Jane Stapleton, Australian National University College of Law, Canberra, Australia; University of Texas School of Law, Austin, TX

Laura Stein, The Clorox Company, Oakland, CA

Larry S. Stewart, Stewart Tilghman Fox Bianchi & Cain, Miami, FL

Elizabeth S. Stong, U.S. Bankruptcy Court, Eastern District of New York, Brooklyn, NY

Catherine T. Struve, University of Pennsylvania Law School, Philadelphia, PA

David K. Y. Tang, K&L Gates, Seattle, WA

Sarah S. Vance, U.S. District Court, Eastern District of Louisiana, New Orleans, LA

Bill Wagner, Wagner, Vaughan & McLaughlin, Tampa, FL

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

Diane P. Wood, U.S. Court of Appeals, Seventh Circuit, Chicago, IL

COUNCIL EMERITI

Shirley S. Abrahamson, Wisconsin Supreme Court, Madison, WI

Philip S. Anderson, Williams & Anderson, Little Rock, AR Sheila L. Birnbaum, Quinn Emanuel Urquhart & Sullivan, New York, NY

Bennett Boskey**, Washington, DC

Michael Boudin, U.S. Court of Appeals, First Circuit, Boston, MA

William M. Burke, Shearman & Sterling (retired), Costa Mesa, CA

Hugh Calkins, Initiatives in Urban Education Foundation, Cleveland Heights, OH

Gerhard Casper, Stanford University, Stanford, CA

William T. Coleman, Jr., O'Melveny & Myers, Washington, DC

Edward H. Cooper, University of Michigan Law School, Ann Arbor, MI

Roger C. Cramton, Cornell Law School, Ithaca, NY

George Clemon Freeman, Jr., Hunton & Williams, Richmond, VA

Conrad K. Harper, Simpson Thacher & Bartlett (retired), New York, NY

Vester T. Hughes, Jr., K&L Gates, Dallas, TX

Herma Hill Kay, University of California at Berkeley School of Law, Berkeley, CA

Pierre N. Leval, U.S. Court of Appeals, Second Circuit, New York, NY

Betsy Levin, Washington, DC

Hans A. Linde, Portland, OR

Martin Lipton, Wachtell, Lipton, Rosen & Katz, New York, NY

Myles V. Lynk, Arizona State University,

Sandra Day O'Connor College of Law, Tempe, AZ

Robert MacCrate, Sullivan & Cromwell, New York, NY

Vincent L. McKusick, Pierce Atwood, Portland, ME

Robert H. Mundheim, Shearman & Sterling, New York, NY

Roswell B. Perkins***, Debevoise & Plimpton, New York, NY

Ellen Ash Peters, Connecticut Supreme Court (retired), Hartford, CT

Robert A. Stein, University of Minnesota Law School, Minneapolis, MN

Michael Traynor***, Cobalt LLP, Berkeley, CA

Patricia M. Wald, Washington, DC

Lawrence E. Walsh, Crowe & Dunlevy (retired), Oklahoma City, OK

William H. Webster, Milbank, Tweed, Hadley & McCloy, Washington, DC

George Whittenburg, Whittenburg Whittenburg Schachter & Harris, Amarillo, TX

Herbert P. Wilkins, Boston College Law School, Newton, MA

Annual Report 2012–2013 7

^{*}Director Emeritus

^{**}Treasurer Emeritus

^{***}President Emeritus and Chair of the Council Emeritus

Celebrating 90 Years Of Law Reform

The American Law Institute's Annual Meeting in May 2013 was a celebration of our 90th anniversary, complete with a birthday cake and a restaging of the panoramic dinner photograph from the first Annual Meeting in 1923.

The black-and-white photographs from our earliest meetings that lined the hallways during the Annual Meeting reminded us how richly steeped in tradition the Institute has always been, and that we have never wavered from our central purpose of clarifying and improving the law. But the juxtaposition also highlighted just how much the ALI has evolved over the decades into a more diverse group of men and women tackling a wider variety of law reform projects.

For the first time, the ALI held the Annual Meeting at the Ritz-Carlton Hotel in Washington, DC, breaking our longstanding tradition of meeting at The Mayflower. We will be returning to the Ritz-Carlton for the 2014 and 2015 Annual Meetings.

Newly Elected Officers

Two Council members ended their tenures as Officers of the ALI and were replaced by new officers previously elected at the January 2013 Council meeting. Margaret H. Marshall, the former Chief Justice of the Massachusetts Supreme Judicial Court, now of Choate Hall & Stewart in Boston, Mass., took over as Treasurer, replacing Judge Carolyn Dineen King of the Fifth Circuit Court of Appeals, and Judge Paul L. Friedman of the U.S. District Court for the District of Columbia was sworn in as Secretary to replace Susan Frelich Appleton of Washington University School of Law.

New Council Members

Three members of ALI's Council took emeritus status at the Annual Meeting and five new Council members were elected. The new Council members are:

- Harold Hongiu Koh, the Sterling Professor of International Law and former dean at Yale Law School
- Goodwin Liu, an associate justice of the California Supreme Court
- Lori A. Martin, a partner in the New York office of WilmerHale
- Laura Stein, a senior vice president and general counsel of The Clorox Company
- Sarah S. Vance, the Chief Judge of the U.S. District Court for the Eastern District of Louisiana

The three long-serving Council members who

transferred to emeritus status at the close of the 2013 Annual Meeting are: Sheila L. Birnbaum of Quinn Emanuel Urquhart & Sullivan, LLP, in New York, NY; Edward H. Cooper, University of Michigan Law School, Ann Arbor, MI: and Robert A. Stein, University of Minnesota Law School, Minneapolis, MN. Council members emeritus are encouraged to attend and participate in Council meetings and other Council activities, but they may not vote.



Laura Stein



Sarah S. Vance



Harold Honaiu Koh



Goodwin Liu



Lori A. Martin

New Projects

Several new projects got underway in 2013, and a milestone was reached as the Institute officially began work on the Fourth series of Restatements with the commencement of a project on The Foreign Relations Law of the United States. While some of the new projects are revisiting familiar ground, such as Restatement Third, Torts: Intentional Torts to Persons, and Model Penal Code: Sexual Assault and Related Offenses, the project on the law of American Indians is charting completely new territory. Still others look at some new and some familiar issues with a decidedly 21st century gloss —the Restatement Third, Information Privacy Principles, and the Restatement Third, The Law of Consumer Contracts. Already more than 500 ALI members have signed on to assist with these projects by joining the Members Consultative Groups.

Restatement Fourth, The Foreign Relations Law of the United States

Updating the influential 25-year-old Restatement Third of The Foreign Relations Law of the United States, this project will be led by two Coordinating Reporters—Sarah H. Cleveland of Columbia Law School and Paul B. Stephan III of the University of Virginia School of Law—who will oversee the work of six other Reporters to ensure consistency throughout the various segments of the project. (It's worth noting that Professor Cleveland holds the Louis Henkin chair at Columbia, named for the Chief Reporter on the Restatement Third of The Foreign Relations Law of the United States and one of the most influential scholars ever in the area of international law.) A group of eight Counselors will also be involved in the entire project and three separate teams of Advisers have been assembled to work on the first portions, relating to Sovereign Immunity; Treaties; and lurisdiction and Enforcement.

Restatement Third, Torts: Intentional Torts to Persons

This is the latest installment of the ALI's ongoing revision of the Restatement Second of Torts. It will complete the major avenues of recovery for physical and emotional harm to persons. The Reporters are Ellen S. Pryor, the Associate Dean of UNT Dallas College of Law, and Kenneth W. Simons of Boston University School of Law. The team of 37 Advisers includes federal appellate and district court judges; state supreme court and appellate court judges; practitioners from both plaintiffs and defense firms; in-house counsel; and law professors from Fordham, Harvard, UC Berkeley, and Yeshiva, among others.

Model Penal Code: Sexual Assault and Related Offenses

This new project will re-examine Article 213 of the Model Penal Code, which was ahead of its time when approved by the ALI in 1962, but is now outdated and no longer a reliable guide for legislatures and courts. Professor Stephen J. Schulhofer of New York University School of Law is the Reporter and Erin E. Murphy, also of NYU, is the Associate Reporter. A team

90th Anniversary

"The American Law
Institute exists to improve
and advance the law. It is
comprised of people who
care deeply, both about
the areas of which they
practice but also about the
law as a bulwark against
anarchy and chaos. It's an
institution devoted to law
reform."

JUSTICE CHRISTINE M. DURHAM

Utah Supreme Court

continued on following page

Annual Report 2012–2013 9

of 41 Advisers on the project includes federal and state prosecutors and defenders, as well as trial court judges and appellate judges, and law professors from American University, Duke University, Harvard, and the University of Chicago.

Restatement Third, Information Privacy Principles

The collection, use, and disclosure of personal information differ from one jurisdiction to another. The new project, Restatement Third, Information Privacy Principles, aims to clarify and restate a set of Fair Information Practice Principles in order to provide a better sense of order and consistency to be used as guidance to courts and legislatures. The Reporters are Paul M. Schwartz of University of California, Berkeley School of Law, and Daniel J. Solove of George Washington University Law School. The team of 39 Advisers includes in-house attorneys from Walt Disney, Facebook, Microsoft, and Intel, as well as judges, government attorneys from the Federal Trade Commission and Justice Department, and practicing lawyers at Arnold & Porter and the Cooley firm, among others.

Restatement Third, The Law of American Indians

This new project focuses on the foundational principles of American Indian law. The topics covered are expected to include: federal/tribal relations, state/tribal relations, tribal jurisdiction and authority, and Indian Country business law. The Reporter and Associate Reporters include a husband-and-wife team—Matthew L.M. Fletcher and Wenona T. Singel, who both teach law at Michigan State University College of Law—along with Kaighn Smith Jr. of Drummond Woodsum, Portland, ME. The 38 Advisers on this project include federal and state court judges; tribal court judges; government attorneys from the Justice Department and the U.S. Department of The Interior's Bureau of Indian Affairs, as well as law professors from Arizona State University, the University of Texas, and Yale University, among others.

Restatement Third, The Law of Consumer Contracts

Following the structure of the Restatement Second of Contracts, this new project focuses on aspects of the law that emphasize consumer contracts and regulatory techniques. It grows directly from the work done by one of the first winners of our Young Scholars Medal— Professor Oren Bar-Gill of New York University School of Law who will serve as a Reporter on the project along with Omri Ben-Shahar of the University of Chicago Law School. The project will be divided into three major parts: formation of contract, obligations in the contract, and enforcement and remedies. Covering common law as well as statutory and regulatory law, the project focuses on the common regulatory techniques with examples from specific statutes and regulations rather than developing a comprehensive summary of all the statutes and regulations that govern consumer contracts.



David W. Rivkin of Debevoise & Plimpton and Kenneth C. Frazier, CEO of Merck & Co., at the 2013 Annual Meeting



Jeannie C. Suk of Harvard Law School at a meeting of the Advisers for Model Penal Code: Sexual Assault and Related Offenses



U.S. District Judge Paul W. Grimm of the District of Maryland (right) and Gregory P. Joseph of Joseph Hage Aaronson, on the faculty for Judicial Ethics & Evidence in the Electronic Era, a CLE program before the 2013 Annual Meeting

Renovations

The Conference Center at The American Law Institute's headquarters in Philadelphia was beautifully modernized in a renovation project that produced a state-of-the-art meeting facility incorporating the latest in audio-visual technology.

The new look starts at the street level with a refurbished patio and walkway. The lobby was redone with wood paneling in warm tones and classic tiles. The entrance was redesigned to provide better access for disabled visitors. The elevators received a much-needed makeover. On each of ALI's three floors, the lobbies and restrooms were refurbished and new ALI logo signs were hung.

The centerpiece of the renovation project is the Conference Center. It now seats up to 72 participants, including a dais that accommodates up to six presenters. The new meeting room is much larger, and natural light now bathes the room from the floor-to-ceiling windows on the East wall. The design allows for a multitude of lighting options, from direct sunlight to complete blackout during on-screen presentations. Microphones at each seat can be individually controlled by our technicians, and presenters also have the option of using handheld or wireless mikes. The camera system allows for live-streaming with a sophisticated, multi-camera approach that offers full-view shots of the entire room and close-up shots of all speakers.

The adjoining room provides a comfortable space for catered breakfast, lunch, and breaks, and may also be used for concurrent break-out sessions.



The Conference Center



The break room adjacent to the Conference Center

below, left: The reception area for the Conference Center below: The security desk at lobby at ALI's headquarters in Philadelphia





923 Annual Report 2012–2013 11



Matthew L.M. Fletcher of Michigan State University College of Law, the lead Reporter on Restatement Third, The Law of American Indians

"The ALI as an institute has such respect from judges, because we understand it's not a politically driven or politically ideologically based organization."

CHIEF JUDGE THEODORE A. McKEE

U.S. Court of Appeals for the Third Circuit

Publications

The Institute's electronic and print publications serve two crucial functions: they are a principal source of the funds that make possible the ALI's vital work of law reform, and they are the means by which that work is disseminated to legal practitioners, judges, academics, and students throughout the world. Most ALI publications are accessible online through Westlaw and LexisNexis.

In the 81 years since the first Restatement of Contracts was published, the Institute's Restatements of the Law, model codes, and Principles of the Law have earned an unparalleled reputation for excellence and objectivity. As evidence of the respect that courts have traditionally accorded ALI publications, the Restatements and Principles of the Law have been cited by United States courts more than 191,000 times through June 2013.

ALI in the Courts

In the U.S. Supreme Court

During the fiscal year, the U.S. Supreme Court cited ALI's publications in 10 cases. Those cases include four opinions handed down in the last week of the Court's Term.

- Hollingsworth v. Perry, 133 S.Ct. 2652, 186 L.Ed.2d 768 (June 26, 2013), citing Restatement Third, Agency §§ 1.01 and 8.14
- Vance v. Ball State University, 133 S.Ct. 2434, 186 L.Ed.2d 565 (June 24, 2013), citing Restatement Third, Agency § 7.08 and Restatement Second, Agency § 219
- Mutual Pharmaceutical Co., Inc. v. Bartlett, 133 S.Ct. 2466, 186 L.Ed.2d 607 (June 24, 2013), citing Restatement Second, Torts § 402A
- University of Texas Southwestern Medical Center v. Nassar, 133 S.Ct. 2517, 186 L.Ed.2d 503 (June 24, 2013), citing Restatement Third, Torts: Liability for Physical and Emotional Harm § 27; Restatement Second, Torts §§ 432, 435A, and 870; and Restatement of Torts §§ 9, 279, 280, 281, 431, and 432
- Tarrant Regional Water Dist. v. Herrmann, 133 S.Ct. 2120, 186 L.Ed.2d 153 (June 13, 2013), citing Restatement Second, Contracts § 203
- Oxford Health Plans LLC v. Sutter, 133 S.Ct. 2064, 186 L.Ed.2d 113 (June 10, 2013), citing Restatement Second, Contracts § 69
- Metrish v. Lancaster, 133 S.Ct. 1781, 185 L.Ed.2d 988 (May 20, 2013), citing Model Penal Code § 4.02
- Bullock v. BankChampaign, N.A., 133 S.Ct. 1754, 185 L.Ed.2d 922 (May 13, 2013), citing Model Penal Code § 2.02

- Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659, 185
 L.Ed.2d 671 (April 17, 2013), citing Restatement Third,
 Foreign Relations Law of the United States §§ 402, 403, 404, and 502
- US Airways, Inc. v. McCutchen, 133 S.Ct. 1537, 185 L.Ed.2d 654 (April 16, 2013), citing Restatement Third, Restitution and Unjust Enrichment § 2 and Restatement Second, Contracts § 221

In the state supreme courts

The high courts of a number of jurisdictions specifically adopted Restatement sections during the past fiscal year. Here are some highlights:

- Columbia Community Bank v. Newman Park, LLC, 177
 Wash.2d 566, 304 P.3d 472 (Wash. 2013), adopting
 Restatement Third, Property (Mortgages) § 7.6
- Martell v. Driscoll, 302 P.3d 375 (Kan. 2013), adopting Restatement Second, Torts § 390
- Moad v. Dakota Truck Underwriters, 831 N.W.2d 111 (lowa, 2013), adopting Restatement Second, Conflicts § 185
- Cucinotta v. Deloitte & Touche, L.L.P., 302 P.3d 1099 (Nev. 2013), adopting Restatement Second, Torts § 592A
- Wrinkle v. Norman, 301 P.3d 312 (Kan. 2013), adopting, with modifications, Restatement Second, Torts §§ 197 and 345
- Scion Breckenridge Managing Member, LLC v. ASB Allegiance Real Estate Fund, 68 A.3d 665 (Del. 2013), adopting Restatement Second, Contracts § 157
- Hernandez v. Banks, 65 A.3d 59 (D.C. 2013), adopting Restatement Second, Contracts § 15
- Foster v. Costco Wholesale Corp., 291 P.3d 150 (Nev. 2012), adopting Restatement Third, Torts: Liability for Physical and Emotional Harm § 51
- USA Cartage Leasing, L.L.C. v. Baer, 429 Md. 199, 55 A.3d 510 (Md. 2012), adopting Restatement Third, Property (Servitudes) § 4.8(1) and (2)
- Edelstein v. Bank of New York Mellon, 286 P.3d 249 (Nev. 2012), adopting Restatement Third, Property (Mortgages) § 5.4
- Shafer v. TNT Well Service, Inc., 285 P.3d 958 (Wyo. 2012), adopting Restatement Second, Torts § 317

 Engler v. Gulf Interstate Engineering, Inc., 230 Ariz. 55, 280 P.3d 599 (Ariz. 2012), adopting Restatement Third, Agency § 7.07

Recent Publications

Published by ALI Publishers

- A Concise Restatement of Torts, third edition
- Restatement Third, Agency, Appendix Volume

Published by Cambridge University Press

- The WTO Case Law of 2011
- Legal and Economic Principles of World Trade Law

The ALI Drafting Process

ALI publications are accorded such great respect because of the Institute's unique process of drafting, discussion, and revision, in which members from all facets of the legal profession—the bench, the bar, and the academic world participate. After the Council approves the Director's recommendations of a project and a Reporter, project Advisers and Liaisons are appointed and ALI members may join the project's Members Consultative Group. The Reporter prepares a Preliminary Draft of a segment of the project for review by the Advisers, the Liaisons, and the 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. If the draft is approved by the Council, the Reporter prepares a *Tentative* Draft, incorporating any revisions directed by the Council, to be submitted for membership approval at an Annual Meeting. The drafting cycle continues until the entire work has been approved by the Council and the membership. Then the Reporter, subject to the Director's oversight, readies the final text for publication.

2013 Annual Report 2012–2013 13



"The best part of ALI is that it doesn't require any whip to be cracked. You've got a room full of people who all care about the same thing, and in my experience they not only bring a great deal of knowledge but also a great deal of good nature to work together."

WARD FARNSWORTH

Dean, University of Texas School of Law

Current Projects

Model Penal Code: Sentencing: This project is revisiting the Code's sentencing provisions in light of the many changes in sentencing philosophy and practice that have taken place in the more than 40 years since the Code was first developed. Drafts approved by the Council and the membership include material on the authority of sentencing commissions, sentencing guidelines, the authority of courts in sentencing, and mechanisms for prison release.

Reporter: Kevin R. Reitz, University of Minnesota Law School, Minneapolis, MN

Associate Reporter: Cecelia Klingele, University of Wisconsin Law School, Madison, WI

Model Penal Code: Sexual Assault and Related Offenses:

This new project will reexamine Article 213 of the Model Penal Code, which was ahead of its time when approved by the ALI in 1962, but is now outdated and no longer a reliable guide for legislatures and courts.

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

Principles of Election Law: Resolution of Election Disputes: This project is expected to have two components. The first component will address the principles, rules, and procedures applicable to recounts and the resolutions of disputes over the counting of ballots after they have been cast. The second component will concern the rules for "non-precinct voting"—the casting of ballots by means other than the traditional polling place on Election Day. The Reporters have begun work on model calendars for the resolution of disputed elections.

Reporter: Edward B. Foley, Ohio State University, Moritz College of Law, Columbus, OH

Associate Reporter: Steven F. Huefner, Ohio State University, Moritz College of Law, Columbus, OH

Principles of Government Ethics: This project seeks to enunciate a set of principles or best practices that will both reflect the emerging law of government ethics and provide guidelines to shape its future development. The project will focus on standards applicable to the operations of the legislative and executive branches.

Reporter: Richard Briffault, Columbia University School of Law, New York, NY

Associate Reporter: Kathleen Clark, Washington University School of Law, St. Louis, MO

Principles of the Law of Charitable Nonprofit Organizations: This project is drafting legal principles for the nonprofit sector, including principles relating to governance and to the duties of governing boards and individual fiduciaries. Material concerning charitable gifts, the duties and responsibilities of governing boards, and enforcement has been approved by the Council and the membership.

Reporters: Marion R. Fremont-Smith, Harvard University John F. Kennedy School of Government, Cambridge, MA, and

Jill R. Horwitz, University of California, Los Angeles School of Law, Los Angeles, CA

Principles of the Law of Liability Insurance: This project is developing principles of contract law in the liability insurance context, principles of liability insurance coverage, and principles of the management of insured liabilities. A chapter on basic liability insurance contract principles and part of a chapter on management of insured claims have been approved by the Council and the membership.

Reporter: Tom Baker, University of Pennsylvania Law School, Philadelphia, PA Associate Reporter: Kyle D. Logue, University of Michigan Law School, Ann Arbor. MI

Restatement Fourth, The Foreign Relations Law of the United States: This new project will update the influential 25-year-old Restatement Third of The Foreign Relations Law of the United States. Topics will include jurisdiction, treaties, and sovereign immunity.

Coordinating Reporters: Sarah H. Cleveland, Columbia University School of Law, New York, NY, and

Paul B. Stephan, University of Virginia School of Law

Restatement Third, Employment Law: This project aims to clarify the common law of employment. Although federal and state statutes regulate the employment relationship, major aspects continue to be governed by law developed by state appellate courts, and doctrine has changed significantly in recent decades. Drafts approved by the Council and the membership include material on the following topics: the existence of an employment relationship, contractual law dealing with termination of employment, the tort of wrongful discipline in violation of public policy, other torts affecting the employment relationship, employee obligations and restrictive covenants, compensation and benefits, employer liability for harm to employees, protections for workplace privacy and autonomy, and remedies. A Proposed Final Draft is expected to be submitted for approval at the 2014 Annual Meeting.

Chief Reporter: Samuel Estreicher, New York University School of Law, New York, NY

continued on following page



I. Bennett Capers of Brooklyn Law School at a meeting of the Advisers for Model Penal Code: Sexual Assault and Related Offenses



ALI Treasurer Margaret H. Marshall, the former Chief Justice of the Massachusetts Supreme Judicial Court, now of Choate, Hall & Stewart in Boston, at a meeting of the ALI Council



Jon M. Sands, Federal Public Defender for the District of Arizona at a meeting of the Advisers for Model Penal Code: Sexual Assault and Related Offenses

25 2013 Annual Report 2012–2013 15

Reporters: Matthew T. Bodie, Saint Louis University School of Law, St. Louis, MO

Michael C. Harper, Boston University School of Law, Boston, MA

Stewart J. Schwab, Cornell Law School, Ithaca, NY

Restatement Third, Information Privacy Principles:

Information privacy law, concerning the collection, use, and disclosure of personal information, is currently an assortment of laws and regulations that differ from jurisdiction to jurisdiction. This new project aims to bring clarity to American information privacy law by restating and fleshing out a set of Fair Information Practice Principles that will bring greater order and consistency to privacy law and provide guidance to courts and legislatures.

Reporters: Paul M. Schwartz, University of California, Berkeley School of Law, Berkeley, CA, and

Daniel J. Solove, George Washington University Law School, Washington, DC

Restatement Third, The Law of American Indians: Just beginning, this project aims to cement the foundational principles of American Indian law. Topics are expected to include federal/tribal relations, state/tribal relations, tribal jurisdiction and authority, and Indian Country business law.

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

Associate Reporters: Wenona T. Singel, Michigan State University College of Law, East Lansing, MI, and

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

Restatement Third, The Law of Consumer Contracts:

This new project will largely follow the structure of the Restatement Second of Contracts, focusing on aspects of the law unique to consumer contracts and on regulatory techniques that are prominently applied in consumer protection law. The project will be divided into three major parts: formation of contract, obligations in the contract, and enforcement and remedies.

Reporters: Oren Bar-Gill, New York University School of Law, New York, NY, and

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

Restatement Third, The U.S. Law of International **Commercial Arbitration:** The goal of this project is to restate the American law of international commercial arbitration. Material on recognition and enforcement of awards, post-award relief, and the confirmation and vacatur of international arbitral awards made in the United States has been approved by the Council and the membership.

Reporter: George A. Bermann, Columbia University School of Law, New York, NY

Associate Reporters: Jack J. Coe, Jr., Pepperdine University School of Law, Malibu, CA

Christopher R. Drahozal, University of Kansas School of Law, Lawrence, KS

Catherine A. Rogers, Penn State University, Dickinson School of Law, University Park, PA

Restatement Third, Torts: Intentional Torts to Persons:

The latest installment of the ALI's ongoing revision of the Restatement Second of Torts that began with Products Liability in the 1990s, this new project will complete the major avenues of recovery for physical and emotional harm to persons.

Reporters: Ellen S. Pryor, UNT Dallas College of Law, Dallas, TX, and

Kenneth W. Simons, Boston University School of Law, Boston, MA

Restatement Third, Torts: Liability for Economic Harm:

This project focuses on torts that involve economic loss, or pecuniary harm not resulting from physical harm or physical contact to a person or property. The project will update coverage of economic torts in the Restatement Second and address some topics not covered in prior Restatements. Material on unintentional infliction of economic loss has been approved by the Council and the membership.

Reporter: Ward Farnsworth, University of Texas School of Law, Austin, TX

Membership

Membership in The American Law Institute is a distinct professional honor, and the number that may be elected is limited to 3,000 (not including life, honorary, and ex officio members).

Our elected membership consists of eminent judges, lawyers, and law professors from all areas of the United States and from many foreign countries, selected on the basis of professional achievement and demonstrated interest in improving the law.

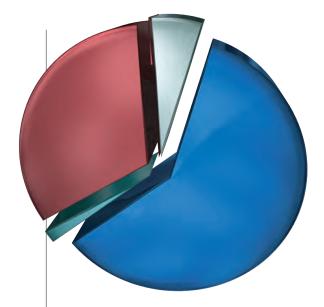
Election of an individual to the ALI begins with a confidential nomination by an ALI member that is supported by two additional ALI members. In sponsoring a candidate for membership, the ALI member affirms his or her personal assessment that the candidate has demonstrated excellence in the law, is of high character, will contribute to the work of the Institute, and is committed to its mission to clarify and improve the law.

Members are expected to take an active part in the Institute's activities, and such involvement is esteemed in the legal profession. Ways that members can participate include submitting comments on drafts, participating in Institute projects either as Advisers or on Members Consultative Groups, and attending Annual Meetings where the Institute's work is debated and voted on. Members should always write, speak, and vote on the basis of their own personal and professional convictions—without regard to client interests—so as to maintain ALI's respected reputation for thoughtful and impartial analysis.

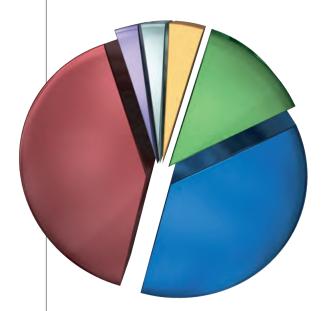
Active ALI members not only make significant contributions to the legal profession and to society, they also reap substantial personal benefits, including opportunities to participate in important legal work, and to forge valuable friendships and professional relationships with other members.

A total of 132 new members were elected in fiscal year 2012-13, raising the current number of elected members to more than 2,700. Newly elected members were welcomed at the 2013 Annual Meeting, where they attended two special events that provided an opportunity for them to get to know one another, meet with seasoned members, and learn more about how to become involved in the Institute's work.

In addition to our elected members, the Institute currently has about 1,400 life members, 245 ex officio members, and two honorary members. Life members are those who have been elected members for more than 25 years. Ex officio members are considered members while they hold a specific office or position, with the exception of the Chief Justice of the United States and Associate Justices of the Supreme Court of the United States who are ex officio members for life.



- Elected (60%)
- Elected & Ex Officio (2%)
- Life (33%)
- Honorary (<1%)
- Ex Officio (6%)



- Judges (13%)
- Practicing Attorneys (41%)
- Non Profit (3%)
- Academics (37%)
- Government (3%)
- Corporate (4%)

923 Annual Report 2012–2013 17

U.S. Supreme Court Justice Samuel A. Alito, Jr.



Judge Anthony J. Scirica of the Third Circuit



Geoffrey C. Hazard, Jr.

Awards

Distinguished Service Award

The Distinguished Service 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, accepting significant burdens as an officer or committee chair and helping keep the Institute on a steady course as the greatest private law-reform organization in the world. Our recipient this year, Geoffrey C. Hazard, Jr., accepted the award from a distinguished pair of presenters—U.S. Supreme Court Justice Samuel A. Alito and Judge Anthony J. Scirica of the Third Circuit.

Professor Hazard is an ALI Director Emeritus and Council member and the Thomas E. Miller Distinguished Professor of Law at the University of California Hastings College of the Law. A nationally recognized expert on professional ethics and civil procedure, Professor Hazard was ALI's fourth Director, serving from 1984 to 1999. He was the Reporter for the Restatement Second of Judgments and served as Co-Reporter for the ALI/ UNIDROIT Principles of Transnational Civil Procedure. During his tenure as Director, many new ALI projects were begun, including Restatement Third works on Agency, The Law Governing Lawyers, Property, Restitution, Suretyship, Torts, Trusts, and Unfair Competition; and Principles of the Law projects on Family Dissolution, Transnational Civil Procedure, and Transnational Insolvency.

Henry J. Friendly Medal

Established in memory of Judge Friendly and endowed by his former law clerks, the Friendly Medal is reserved for those considered especially worthy of receiving it. It recognizes contributions to the law in the tradition of Judge Friendly and the Institute. Since 1987, it had been awarded on only eight occasions to 10 recipients.

In 2013, William H. Webster, the former Director of the FBI and the CIA and a retired Federal appeals judge, became the 11th recipient of the Friendly Medal. A retired partner at Milbank Tweed, Judge Webster is a naval veteran of both World War II and the Korean War. He served as CIA Director from 1987 to 1991 and as FBI Director from 1978 to 1987. Prior to that, he was a judge on the U.S. Court of Appeals for the Eighth Circuit. In addition to his long and remarkable history of public service, Judge Webster's dedication to ALI spanned 53 years. Elected to Council in 1978, he served for 25 years as chair of the Nominating Committee.

Chief Judge Merrick B. Garland of the United States Court of Appeals for the District of Columbia Circuit, a former clerk to Judge Friendly, presented the award.

Young Scholars Medal

Every other year, The American Law Institute awards the Young Scholars Medal to one or two outstanding early-career law professors whose work is relevant to the real world and has the potential to influence improvements in the law. The purpose of the award is to encourage practical scholarly work and to publicize the work of the honorees by sponsoring conferences on issues related to their work. The winning professors each receive a \$5,000 prize, are invited to speak at an ALI Annual Meeting, and will plan a conference devoted to identifying legal subjects that would benefit from law reform.

- Adam J. Levitin, Georgetown University Law Center
- Amy B. Monahan, University of Minnesota Law School

California Supreme Court Associate Justice Goodwin Liu chaired the committee that selected the winners and presented the awards at the Annual Meeting.

Longtime ALI Council member William H. Webster was accompanied by his wife, Lynda, (far left) as he received the Henry J. Friendly Medal. The former Director of both the FBI and the CIA, Judge Webster also served on the Court of Appeals for the Eighth Circuit. Presenting the award was Chief Judge Merrick B. Garland of the U.S. Court of Appeals for the District of Columbia Circuit (second from right), who clerked for Judge Friendly. Judge Mary M. Schroeder of the Ninth Circuit (far right) chaired the committee that selected Webster for the award.

Justice Goodwin Liu of the California Supreme Court (center) poses with the two winners of the Young Scholars Medal: Amy B. Monahan of the University of Minnesota Law School, and Adam J. Levitin of Georgetown University Law Center.

Professor Levitin's work focuses on financial regulation and the recent crisis in mortgage foreclosures. He has testified before Congress many times on topics including bankruptcy, bank regulation, consumer finance, and housing finance. He holds a J.D. from Harvard Law School, an M.Phil and an A.M. from Columbia University, and an A.B. from Harvard College.

Professor Monahan's scholarship centers on the intersection of health care reform and public-sector pensions. Her teaching and research focuses primarily on the topics of taxation and employee benefits. She has written 18 articles or book chapters since the beginning of her teaching career. Professor Monahan holds a J.D. from Duke University School of Law and a B.A. in international studies from Johns Hopkins University.

Professor Levitin spoke at the 2013 Annual Meeting and Professor Monahan will address the membership at the 2014 Annual Meeting.





923 Annual Report 2012–2013 19

The American Law Institute**

Condensed Consolidated Statements of Financial Position

June 30, 2013 and 2012

	2013	2012*
ASSETS		
Cash	1,847,357	1,813,367
Receivables, net	2,520,937	2,458,967
Investments, at fair value	51,065,113	47,952,552
Land, buildings, and equipment, net	2,856,030	1,787,212
Total Assets	58,289,437	54,012,098
LIABILITIES AND NET ASSETS		
Accounts payable and accrued expenses	1,272,501	2,318,051
Deferred revenue	1,021,405	1,103,442
Postretirement health benefit obligation	2,074,670	2,404,213
Total Liabilities	4,368,576	5,825,706
NET ASSETS		
Unrestricted		
ALI	38,214,054	32,409,068
Noncontrolling Interest in ALIP	476,346	452,972
Total unrestricted	38,690,400	32,862,040
Temporarily restricted	14,791,090	14,884,981
Permanently restricted	439,371	439,371
Total Net Assets	53,920,861	48,186,392
Total Liabilities and net assets	58,289,437	54,012,098

Reclassified for comparative purposes

^{**} The condensed consolidated financial statements for The American Law Institute include all accounts and activities of Funds of the Treasurer and ALI CLE. In addition, they reflect the accounts and activities of The American Law Institute Publishers.

Condensed Consolidated Statements of Activities

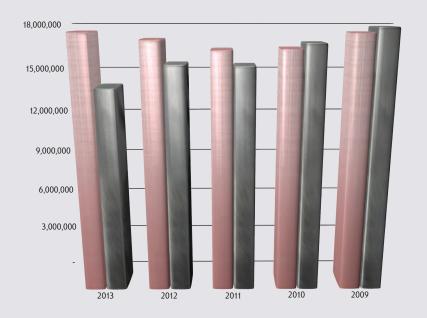
June 30, 2013 and 2012

	2013	2012*
UNRESTRICTED		
Publications and royalties	5,222,555	4,544,434
Membership dues	476,569	492,057
Net assets released from restrictions used for operations	1,653,831	1,194,645
Other income	931,457	820,999
ALI CLE revenue	9,313,832	10,084,669
Total unrestricted operating revenue and other support	17,598,244	17,136,804
Program expenses	9,830,559	10,734,670
General and administrative expenses	4,294,971	4,601,816
Total operating expenses	14,125,530	15,336,486
Increase in unrestricted net assets from operations	3,472,714	1,800,318
Investment return	3,322,432	299,627
Bequests	-	52,000
Non-operating expense, net	(966,786)	(2,273,672)
Increase (decrease) in unrestricted net assets	5,828,360	(121,727)
TEMPORARILY RESTRICTED		
Investment return	1,558,990	144,056
Net assets released from restrictions used for operations	(1,653,831)	(1,194,645)
Other income, net	950	990,890
Decrease in temporarily restricted net assets	(93,891)	(59,699)
INCREASE (DECREASE) IN NET ASSETS	5,734,469	(181,426)
Net assets, at beginning of year	48,186,392	48,367,818
Net assets, at end of year	53,920,861	48,186,392

^{*} Reclassified for comparative purposes

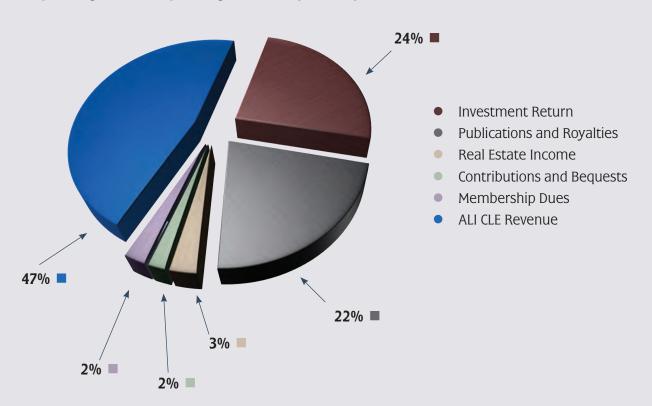
25 2013 Annual Report 2012–2013 21

Operating Revenue and Expense Since 2009



- Operating Revenue
- Operating Expense

Operating and Non-operating Revenue by Activity



The ALI CLE group



Faculty at ALI CLE's Forum on Class Actions and Aggregate Litigation: (L-R) Judge Mark I. Bernstein of the Philadelphia Court of Common Pleas; Judge Anthony J. Scirica of the Third Circuit; Judge Shira A. Scheindlin of the Southern District of New York; and Judge William F. Highberger of the Los Angeles County Superior Court

The ALI CLE group (formerly ALI-ABA) was established in May 2012 to continue the task of educating the bar and working with state and local bar groups to meet lawyers' CLE needs. In its first year, ALI CLE made tremendous strides to get its brand name known in an extremely competitive marketplace.

Since its inception, ALI CLE's strengths have derived from the excellence of its faculty, many of whom are members of The American Law Institute who volunteer their time and expertise to present high quality programs for the betterment of the bar.

In today's market, clients are looking for lawyers who are better trained. As a result, law firms are expanding their CLE interests beyond substantive law to add courses that provide skills, such as negotiation, drafting, and communications. With thousands of courses available

for viewing online, ALI CLE's strong suit is its content. Law firms that opt for subscription access are renewing at very high rates. All members of ALI are entitled to unlimited free access to ALI CLE's archived course catalog through the Knowledge Portal.

Looking forward, ALI CLE's goals are to use more targeted marketing and to take advantage of the diversity of our offerings, including both the standard in-person "ballroom" style format for classes and the newer trend toward streamed, distance learning.

Another trend is for shorter programs. While the standard one- or two-hour programs remain important, there is a growing appetite for nuggets of knowledge in much briefer segments. ALI CLE's staff is also looking to the international market because there is a great thirst around the world for knowledge about American law.

2013 Annual Report 2012–2013 23

Committees

Executive Committee

Roberta Cooper Ramo, Chair, Modrall Sperling

Allen D. Black, Fine, Kaplan and Black, RPC

Paul L. Friedman, U.S. District Court, District of Columbia

Wallace B. Jefferson, Alexander Dubose Jefferson & Townsend

Derek P. Langhauser, Maine Community College System

Douglas Laycock, University of Virginia School of Law

Margaret H. Marshall, Choate, Hall & Stewart

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

Gary L. Sasso, Carlton Fields, P.A.

Larry S. Stewart, Stewart Tilghman Fox Bianchi & Cain, P.A.

Diane P. Wood, U.S. Court of Appeals, Seventh Circuit

Audit Committee

Kathryn A. Oberly, Chair, District of Columbia Court of Appeals

Allen D. Black, Fine, Kaplan and Black, RPC

George H. T. Dudley, Dudley, Topper and Feuerzeig, LLP

Elizabeth S. Stong, U.S. Bankruptcy Court, Eastern District of New York

Sarah S. Vance, U.S. District Court, Eastern District of Louisiana

Bill Wagner, Wagner, Vaughan & McLaughlin, P.A.

Steven O. Weise, Proskauer Rose LLP

Awards Committee

D. Brock Hornby, Chair, U.S. District Court, District of Maine

Anton G. Hajjar, O'Donnell, Schwartz & Anderson, PC

Conrad K. Harper, Retired, Simpson Thacher & Bartlett LLP

Herma Hill Kay, University of California, Berkeley School of Law

Pierre N. Leval, U.S. Court of Appeals, Second Circuit

Roberta Cooper Ramo, Modrall Sperling

William H. Webster, Milbank, Tweed, Hadley & McCloy LLP

CLE Program and Marketing Committee

Steven O. Weise, Chair, Proskauer Rose LLP

Trevor Ackerman, Zoetis

José I. Astigarraga, Astigarraga Davis

John H. Beisner, Skadden, Arps, Slate, Meagher & Flom LLP

Amelia H. Boss, Earle Mack School of Law at Drexel University

John G. Cameron, Jr., Dickinson Wright PLLC

Greta E. Cowart, Winstead PC

Ellen C. Kearns, Constangy, Brooks & Smith, LLP

Roberta Cooper Ramo, Modrall Sperling

Kathleen R. Sherby, Bryan Cave LLP

Development Committee

Judith A. Miller, Chair, Solo Practitioner

Susan Frelich Appleton, Washington University School of Law

Allen D. Black, Fine, Kaplan and Black, RPC

Bennett Boskey, Solo Practitioner

Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein, LLP

Mary Kay Kane, University of California,

Hastings College of the Law

John J. McKetta, III, Graves, Dougherty, Hearon & Moody, PC

George M. Newcombe, Simpson Thacher & Bartlett LLP

Roberta Cooper Ramo, Modrall Sperling

Michael Traynor, Cobalt LLP

Governance Committee

Susan Frelich Appleton, Washington University School of Law

Harold Hongju Koh, Yale Law School

Derek P. Langhauser, Maine Community College System

M. Margaret McKeown, U.S. Court of Appeals, Ninth Circuit

Harvey S. Perlman, University of Nebraska

Roberta Cooper Ramo, Modrall Sperling

Catherine T. Struve, University of Pennsylvania Law School

Investment Committee

John J. McKetta, III, Chair, Graves, Dougherty, Hearon & Moody, PC

Mary Kay Kane, University of California,

Hastings College of the Law

Carol F. Lee, Taconic Capital Advisors LP

Margaret H. Marshall, Choate, Hall & Stewart

Lori A. Martin, WilmerHale LLP

Harvey S. Perlman, University of Nebraska

Roberta Cooper Ramo, Modrall Sperling

Membership Committee

Yvonne Gonzalez Rogers, Chair, U.S. District Court,

Northern District of California

Kim J. Askew, K&L Gates LLP

John H. Beisner, Skadden, Arps, Slate, Meagher & Flom LLP

Christine M. Durham, Utah Supreme Court

Paul L. Friedman, U.S. District Court, District of Columbia

Wallace B. Jefferson, Alexander Dubose Jefferson & Townsend

David F. Levi, Duke University School of Law

Roberta Cooper Ramo, Modrall Sperling

Daniel B. Rodriguez, Northwestern University School of Law

Gary L. Sasso, Carlton Fields, P.A.

Marsha E. Simms, Retired, Weil, Gotshal & Manges LLP

Nominating Committee

Diane P. Wood, Chair, U.S. Court of Appeals, Seventh Circuit
Kenneth S. Abraham, University of Virginia School of Law
D. Brock Hornby, U.S. District Court, District of Maine
Carolyn B. Lamm, White & Case LLP
Roberta Cooper Ramo, Modrall Sperling
Anthony J. Scirica, U.S. Court of Appeals, Third Circuit
Laura Stein, The Clorox Company

Program Committee

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

Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein, LLP **Kenneth C. Frazier,** Merck & Co., Inc.

Carolyn B. Kuhl, Superior Court of California, County of Los Angeles

Douglas Laycock, University of Virginia School of Law

Goodwin Liu, Supreme Court of California

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

Roberta Cooper Ramo, Modrall Sperling

David W. Rivkin, Debevoise & Plimpton LLP

Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit

Robert H. Sitkoff, Harvard Law School

Special Committee on the ALI Young Scholars Medal

Goodwin Liu, Chair, Supreme Court of California

Anne E. Cohen, Debevoise & Plimpton LLP

Christine M. Durham, Utah Supreme Court

Robert H. Klonoff, Lewis & Clark Law School

Alan B. Morrison, George Washington University Law School

Barrington Daniels Parker, Jr., U.S. Court of Appeals, Second Circuit

Roberta Cooper Ramo*, Modrall Sperling

Anthony J. Scirica, U.S. Court of Appeals, Third Circuit

Stuart H. Singer, Boies, Schiller & Flexner LLP

Henry E. Smith, Harvard Law School

Kate Stith-Cabranes, Yale Law School

Jon S. Tigar, U.S. District Court, Northern District of California

Special Committee on Technology

Derek P. Langhauser, Chair, Maine Community College System

David S. Coale, Lynn Tillotson Pinker & Cox LLP

Geoffrey C. Hazard, Jr., University of California,

Hastings College of the Law

Joan S. Howland, University of Minnesota Law School

Michele C. Kane, The Walt Disney Company

M. Margaret McKeown, U.S. Court of Appeals, Ninth Circuit

Roberta Cooper Ramo, Modrall Sperling

Henry R. Reeve, Denver District Attorney's Office

Paul M. Schwartz, University of California, Berkeley School of Law

Bill Wagner, Wagner, Vaughan & McLaughlin, P.A.

Ad Hoc Committee on International Membership

David W. Rivkin, Chair, Debevoise & Plimpton LLP

George H. T. Dudley, Dudley, Topper and Feuerzeig, LLP

Peter Goldsmith, Debevoise & Plimpton LLP

Carolyn B. Lamm, White & Case LLP

Roberta Cooper Ramo, Modrall Sperling

Jane Stapleton, University of Texas School of Law

David K. Y. Tang, K&L Gates LLP

Ad Hoc Committee on Membership Process

Paul L. Friedman, *Chair*, U.S. District Court, District of Columbia **Elizabeth J. Cabraser**, Lieff Cabraser Heimann & Bernstein, LLP

Gerhard Casper, Stanford University

Mark R. Filip, Kirkland & Ellis LLP

Eric J. Friedman, Skadden, Arps, Slate, Meagher & Flom LLP

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

Conrad K. Harper, Retired, Simpson Thacher & Bartlett LLP

William C. Hubbard, Nelson Mullins Riley & Scarborough, LLP

Peter J. Kalis, K&L Gates LLP

William F. Lee, WilmerHale

Roberta Cooper Ramo, Modrall Sperling

Daniel B. Rodriguez, Northwestern University School of Law

Marsha E. Simms, Weil, Gotshal & Manges LLP

Annual Report 2012–2013 25

The ALI Fund

Preparing For A Second Century Of Law Reform

The ALI Fund is a key source of support that allows the Institute to continue its mission of clarifying and improving the law. Contributions to the Fund are provided primarily by members of The American Law Institute, with an annual goal of raising \$500,000, or a total of \$5 million in the next 10 years.

By becoming a Sustaining Member, joining a Giving Circle, or making a general contribution, ALI members help guarantee that the Institute is prepared for a second century of law reform.

Gifts to the ALI Fund help to:

Complete Projects More Quickly

The ALI Fund helps to speed up our process by increasing both the number of Reporters working on our projects and the number of Adviser and MCG meetings. Increasing stipends paid to Reporters also will allow them to reduce their teaching responsibilities while working on drafts.

Provide State-Of-The-Art Meeting Facilities

ALI recently completed major renovations to our Philadelphia headquarters to offer state-of-the-art, accessible spaces for Project meetings and educational programs. The ALI Fund provides the support necessary to maintain and enhance these facilities so that the Institute's work of modernizing the law is done in a modern environment, and so ALI CLE programs can attract top faculty and attendees.

Include ALI Members In ALI's Work

While ALI's members are lawyers of the highest qualifications, some have chosen service-oriented careers where compensation often lags far behind that in the private sector. The ALI Fund provides travel assistance funds to ensure that all members can be engaged in ALI's work. Securing the participation of these members is critical to maintaining the diversity of ideas that is the hallmark of ALI's approach and the key to our success.



U.S. Supreme Court Justice Stephen G. Breyer speaks at ALI's Young Scholars Invitational Conference: Bringing Together Copyright and Patent Law in Court

Support The ALI Young Scholars Medal And Symposium

ALI's Young Scholars Medal and symposium supports practical legal scholarship and raises awareness of the Institute's work while engaging the next generation of law faculty, practicing attorneys, and judges in law reform work. The ALI Fund ensures that this wonderful program will continue.

Assure That ALI Meets Its Increasing Operating Costs

The ALI Fund allows the Institute to establish and maintain a building reserves fund, in accordance with best practices—an imperative in today's economy that ensures the Institute can respond to unforeseen operating or maintenance costs without being forced to defer needed repairs and improvements to its facilities or technology infrastructure.

In addition, the ALI Fund ensures that any unforeseen reduction in revenue from our book sales due to changes in the publishing world will not hinder ALI's law reform work.

To inquire about making a donation, please contact Kyle Jakob, ALI Development Manager, at 215-243-1660, or kjakob@ali.org. To make a gift online, please visit www.ali.org/support.

Annual Giving Report

Griswold Fund

We thank the following donors for their generous contributions to the Erwin Nathaniel Griswold Fund, which facilitates international aspects of the Institute's work:

Richard F. Campbell III

Edward H. Cooper

Fred N. Fishman

Donald T. Fox

Charles W. Mooney, Jr.

Honorary and Memorial Gifts

The Institute is proud to receive gifts that honor or memorialize dear friends and loved ones. We are pleased to recognize the following gifts:

In Honor of

David O. Brink and Bonny Sweeney

David R. Brink

Michael D. Green

Thomas and Elizabeth Boyd

Roland K. Johnson

Hal Roberts Ray, Jr.

A. Leo Levin

Arlene Fickler

Lance Liebman

David A. Brownlee

Roberta Cooper Ramo

James H. Cheek, III

Andrew G. Schultz

Marc I. Steinberg

Mark J. Loewenstein

In Memory of

George Cain

Theodore A. Kolb

John L. Coffey and Marion Coffey

Frank J. Daily

Michael Marks Cohen

George K. Walker

Peter F. Coogan

Charles W. Mooney, Jr.

Philip H. Corboy

Frank J. Daily

Coudert Brothers LLP

Milo G. Coerper

Frank M. Covey, Jr.

Frank J. Daily

R. Ammi Cutter

Thomas Butler Merritt

Allison Dunham

Edwin E. Huddleson

William H. Erickson

Henry R. Reeve

Rose and David Estreicher

Samuel and Aleta Estreicher

Thomas E. Fairchild

Vincent R. Johnson

John P. Frank

Simon K. Barsky

Paul A. Freund

John B. Davidson

Grant Gilmore

Edwin E. Huddleson

Charles E. Griffin, Jr.

Charles E. Griffin, Sr.

Marvin Krasny

Diana C. Liu

Mark R. Kravitz

Susan L. Carney

Daniel C. Girard

Soia Mentschikoff

Edwin E. Huddleson

Chandler Muller

Eli H. Subin

Richard A. Nagareda

Carolyn B. Kuhl and

William F. Highberger

Louis H. Pollak

Charles W. Mooney, Jr.

Catherine T. Struve

Donald J. Rapson

Steven Harris and Barbara Bruno

Edwin E. Smith

Alan G. Ross

Michael A. Ross

Ernest James Sargeant

Donald Wayne Glazer

Gary T. Schwartz

Michael D. Green

Bernard G. Segal

Arlene Fickler

Sherwin P. Simmons

Frank S. Berall

Stephen Toth

Dorothy Toth Beasley

Herbert Wechsler

Joan E. Baker

Russell J. Weintraub

Zelda K. Weintraub

John Minor Wisdom

Bruce and Laurie Berger

D. Brock Hornby

David A. Rice

Charles Alan Wright

Richard D. Freer

R. Terrence Ney

2013 Annual Report 2012–2013 27

The 1988 Life Member Class Gift

ALI's new Life Members were honored at a luncheon at the 90th Annual Meeting, where Professor Michael D. Green of Wake Forest University School of Law and George M. Newcombe of Simpson Thacher presented the 1988 Life Member Class Gift to the Institute. Professor Green and Mr. Newcombe, who co-chaired the 1988 Life Member Class Campaign, far exceeded their goal of \$100,000, raising more than \$112,000. The contributions will be used to fund the Model Penal Code projects, the Young Scholars Medal, the Public Lawyer Scholarship Program, and the Members Consultative Group Travel Assistance program.

The Institute will continue the Class Gift effort with the 1989 Life Member Class that will be honored at the 2014 Annual Meeting.

ALI celebrates each gift, large and small, that contributed to the tremendous success of this campaign. We deeply appreciate your generosity.

Right: The Co-Chairs of the 1988 Life Member Class Campaign, Professor Michael D. Green of Wake Forest University School of Law (left) and George M. Newcombe of Simpson Thacher. Below: The members of the 1988 Class in attendance at the 2013 Annual Meeting.







1988 Life Member Class Donors

Giving Circle Donors*

Benjamin N. Cardozo Circle

(\$25,000)

George M. Newcombe, Palo Alto, CA The George and Joan Newcombe Charitable Gift Fund

Learned Hand Circle

(\$15,000 - \$24,999)

Richard D. Freer, Atlanta, GA (Five-year Pledge) In memory of Charles Alan Wright

Charles Alan Wright Circle

(\$10,000 - \$14,999)

Michael D. Green, Winston-Salem, NC (Five-year Pledge)

James L. Quarles, III, Washington, DC

Herbert Wechsler Circle

(\$5.000 - \$9.999)

Arlene Fickler, Philadelphia, PA
(Five-year Pledge)
In honor of A. Leo Levin and in
memory of Bernard G. Segal
Carolyn B. Kuhl and William F.
Highberger, Los Angeles, CA
In memory of Richard A. Nagareda

Soia Mentschikoff Circle

(\$2,000 - \$4,999)

Alfred C. Aman, Jr., Bloomington, IN
David A. Brownlee, Pittsburgh, PA
In honor of Lance Liebman
John B. Davidson, Chicago, IL
In memory of Paul A. Freund
Antonio Escudero-Viera, San Juan, PR
(Pledged)

Charles Capen Kingsley, New Haven, CT James B. Kobak, Jr., New York, NY Mark J. Loewenstein, Boulder, CO In honor of Marc I. Steinberg Susan Cooper Philpot, San Francisco, CA Clifford A. Rieders, Williamsport, PA (Pledged) Edwin E. Smith, Boston, MA
The Edwin E. and Katharine T. Smith
Charitable Fund
In memory of Donald Rapson
William E. Tanis, Denver, CO
Jerry Wertheim, Santa Fe, NM
(Pledged)
Michael A. Williams, Denver, CO

Donors

Partnering Donors

(\$1,000 - \$1,999)

John B. Bates, Jr., San Francisco, CA Stephen V. Bomse, San Francisco, CA David S. Doty, Minneapolis, MN (Five-year Pledge)

Edwin A. Kilburn, Scottsdale, AZ* (*Pledged*)

A. Douglas Melamed, Santa Clara, CA Edward S. Reid, New York, NY* (Pledged)

Deanell Reece Tacha, Malibu, CA*

Supporting Donors

(Up to \$999)

Anonymous

Robert H. A. Ashford, Syracuse, NY* (Five-year Pledge)

Diane Durgin, Atlanta, GA
Edward Jackson Hardin, Atlanta, GA*
Stephen N. Limbaugh, St. Louis, MO
Kevin O'Connell, Los Angeles, CA
Jeffrey N. Pennell, Atlanta, GA
Peter Edward Quint, Baltimore, MD
Stephen L. Saltonstall, Sandgate, VT
Michael Patrick Sullivan, Minneapolis,
MN

Samuel Brown Witt, III, Richmond, VA

Sustaining-Life-Plus Donors*

(\$250 - \$500)

Sheldon W. Halpern, Albany, NY Patricia Ann King, Washington, DC Richard W. Odgers, San Francisco, CA Edward F. Sherman, New Orleans, LA

Sustaining-Life Donors*

(\$125 or \$250)

Alan J. Berkeley, Washington, DC
Ann M. Burkhart, Minneapolis, MN
Thomas Field Cope, Denver, CO
Joel C. Dobris, Davis, CA
In memory of M. Michel Dobris
J. William Elwin, Jr., Chicago, IL
Raymond C. Fisher, Pasadena, CA
Nathan L. Hecht, Austin, TX
Joseph E. Imbriaco, Summit, NJ
Steven R. Kanes, Brookline, MA
Edward V. Lahey, Jr., Vero Beach, FL
Tim O'Brien, Kensington, MD
Joe Sims, Washington, DC

Annual Report 2012–2013 29

^{*} Giving Circle Donors are Sustaining Life Members for the 2013-2014 fiscal year.

^{*} Sustaining Life Member for the 2013-2014 fiscal year.

^{*} Sustaining Life Members for the 2013-2014 fiscal year.

Annual Fund

The Annual Fund comprises year-end contributions as well as additional unrestricted gifts received throughout the year. These gifts help to support daily operations and provide the Institute with important latitude to undertake new initiatives. We thank the following individuals for their generosity:

Giving Circle Donors*

Benjamin N. Cardozo Circle

(\$25.000)

Martin Lipton

Learned Hand Circle

(\$15,000 - \$24,999)

Roswell B. Perkins

Charles Alan Wright Circle

(\$10,000 - \$14,999)

Bennett Boskey

Robert H. Mundheim

Herbert Wechsler Circle

(\$5,000 - \$9,999)

Sheila L. Birnbaum

Elizabeth J. Cabraser

Daniel C. Girard

In memory of Mark R.

Kravitz

Lori A. Martin

Michael Traynor

The Roger J. & Madeline

Traynor Foundation

Soia Mentschikoff Circle

(\$2,000 - \$4,999)

Helaine M. Barnett

Gerhard Casper

Mark R. Filip

Mary Kay Kane

Iudith A. Miller

William R. Newlin

Roberta Cooper Ramo and

Barry Ramo

Steven O. Weise

Donors

\$1,000 - \$1,999

Michael D. Green

Ricki Tigert Helfer

Procter Hug, Jr.

Allan Kanner

Carolyn Dineen King

Carol F. Lee

David F. Levi

Lance Liebman

John J. McKetta, III

Phil C. Neal

Henry L. Parr

Larry S. Stewart

Guy Miller Struve

Bill Wagner

\$500 - \$999

Susan Frelich Appleton

Edward J. Barshak

Allen D. Black

Alexandra A. Brookshire

Peter Buscemi

Charles C. Cohen

Hector De Leon

Deborah A. DeMott

Ira M. Feinberg

Peter Flynn

Yvonne Gonzalez Rogers

Anton G. Hajjar

Robert C. Heim

D. Brock Hornby

The Helaine and Brock

Hornby Fund

Samuel Issacharoff

Robert M. Kaufman

Carolyn B. Kuhl

Barbara M. G. Lynn and

Michael P. Lynn

Daniel R. Murray

Ved P. Nanda

Alfred W. Putnam

David W. Rivkin

Gary L. Sasso

Laura Stein

William F. Stutts

Paul K. Sun, Jr.

Jon S. Tigar

Gregory Howard Williams

William J. Williams, Jr.

Peter A. Winograd

\$200 - \$499

Charles C. Allen, Jr.

Jon T. Anderson

Kim J. Askew

William J. Boyce

Willard L. Boyd III

David R. Brink

Matthew D. Brown

Sammy Cacciatore

James H. Cheek, III

Glenn R. Coates

George W. Coombe, Jr.

Michael A. Cooper

Carolyn F. Corwin

Frank J. Daily

Diana M. Daniels

William D. Dolan, III

Samuel and Aleta Estreicher

Eugene R. Fidell

Stephen F. Fink

Paul E. Freehling

W. Royal Furgeson, Jr.

Ruth Bader Ginsburg

Michael S. Goodrich

Charles E. Griffin

Geoffrey C. Hazard, Jr.

William C. Hubbard

Edwin E. Huddleson

lack B. lacobs

Richard G. Johnson

Vincent R. Johnson

Mary Kay Kane

Michele C. Kane

Louis B. Kimmelman

Henry L. King

Robert and Heidi Klonoff

W. H. Knight

Stephen Kurzman

Stephen P. Lamb

Derek P. Langhauser

Douglas Laycock

Ronald D. Lee

Diana C. Liu

Robert A. Long, Jr.

Andreas F. Lowenfeld

Charles W. Matthews

William S. McKee

M. Margaret McKeown

Daniel J. Meltzer

Alan B. Morrison

Earl H. Munson

Richard L. Neumeier

Michael A. Olivas

Owen Olpin

Carolyn S. Ostby

Betty R. Owens

Jeffrey M. Pollock

Charles J. Queenan, Jr.

Florentino Ramirez

Marjorie O. Rendell David A. Rice

Russell M. Robinson, II

Ionathan Rose

William A. Rosoff

Michael A. Ross

Sustaining Members for the

^{*} Giving Circle Donors are 2012-2013 fiscal year.

Joseph P. Russoniello David J. Seipp Ellen M. Semonoff Jonathan A. Small Jane Stapleton Linda Alden Swanson William Griffith Thomas Willard K. Tom R. Patrick Vance and Sarah S. Vance Anthony van Westrum Virginia G. Watkin Zelda K. Weintraub John P. Weitzel Charles K. Whitehead Herbert P. Wilkins Philip S. Winterer G. Robert Witmer, Jr. The Nancy and Bob Witmer Endowment Fund Charles W. Wolfram Diane P. Wood

Up to \$199 Shirley S. Abrahamson José Enrique Alvarez Eric G. Andersen Michelle I. Anderson Mark J. Andrews Richard T. Andrias Mari Carmen Aponte James G. Apple Graeme W. Austin Lawrence Herman Averill Charles L. Babcock Simon K. Barsky Robert A. Behrman Frank S. Berall Bruce and Laurie Berger E. Carolan Berkley Richard Lyle Berkman Thomas and Elizabeth Boyd Willard L. Boyd Lorence L. Bravenec

Bonnie Brier Karen B. Brown William H. Brown, III Thomas J. Buiteweg Stephen B. Burbank Sherri L. Burr Richard M. Buxbaum Susan L. Carney John L. Carroll Henry L. Chambers, Jr Bradley G. Clary Denise D. Colliers Richard D. Cudahy lack Davies **Timothy Davis** Elizabeth F. Defeis Richard F. Dole, Ir. William F. Downes Frazer Durrett, Jr. Norman L. Epstein Howard M. Erichson Henry L. Feuerzeig Noel Fidel Paul L. Friedman Thomas E. Geu Edward M. Ginsburg David G. Glickman Andrew C. Greenberg Peter E. Halle Steven Harris and Barbara Bruno Robert J. Hearon, Jr. Richard H. Helmholz Joan M. Heminway Richard Conrad Henke John E. Higgins, Jr. Cornish F. Hitchcock Mary Guilfoyle Holmes Kathleen J. Hopkins Shirley M. Hufstedler Susan A. Jensen-Lachmann Mark R. Joelson Sheila D. Jones

Howard I. Kalodner

Yale Kamisar Lee L. Kaplan Maximilian W. Kempner Cornelius B. Kennedy Richard S. Kinyon David G. Klaber Christopher M. Klein Linda A. Klein Corinna Barrett Lain Carolyn B. Lamm David M. Lascell William Hudson Leedy Betsy Levin John B. Lewis Donald C. Lubick Gerard E. Lynch Donald M. Maclay Malachy T. Mahon James C. Martin Albert J. Matricciani, Jr. James B. May Leon M. McCorkle Jr. J. Sherman McLaughlin Gilbert S. Merritt Thomas Butler Merritt Joel A. Mintz James C. Moore Stephen P. Murphy Samuel K. Murumba W. Frank Newton W. Michel Pierson Donald J. Polden Lawrence Ponoroff Lonnie A. Powers Hal Roberts Ray, Jr. Charles A. Redd Henry R. Reeve John H. Rich III Douglas R. Richmond Daniel B. Rodriguez Brent M. Rosenthal Douglas E. Rosenthal David S. Ruder

Mary M. Schroeder Andrew G. Schultz Romaine S. Scott, Jr. Norma L. Shapiro M. Melvin Shralow Robert H. Sitkoff Marshall L. Small Steven R. Smith Edmund B. Spaeth, Jr. Joseph F. Spaniol, Jr. Stanley Sporkin Robert A. Stein Elizabeth S. Stong Catherine T. Struve Eli H. Subin Jonathan E. Thackeray Gerald J. Thain Larry D. Thompson Robert Blakey Thompson Peter D. Trooboff Thomas A. Tupitza George K. Walker John M. Walker, Jr. Don Wallace Herbert S. Wander G. Lane Ware Jeffrey G. Weil Jack B. Weinstein Alvin Weiss Stephen J. Werber Wayne D. Wisbaum Harvey L. Zuckman

25 Annual Report 2012–2013 31

Karen J. Sarjeant

Sustaining Members

Sustaining Members give the Institute a dependable base of support by paying dues at higher levels. While these gifts also contribute to the Institute's general operations, we wish to recognize the following Sustaining Members for the 2012-2013 fiscal year separately:

Alexandra A. Brookshire	Robert A
Edward R. Brown	Richard
Harvey G. Brown, Jr.	Albert L.
Thomas P. Brown	Glenn R.
Peter W. Bruce	Milo G. C
William C. Bryson	Anne E.
John G. Buchanan, III	Charles (
Stephen B. Burbank	David K.
David John Burman	H. Rodgi
Timothy W. Burns	Neil B. Co
Peter Buscemi	Avern Co
Robert L. Byer	Thomas
Elizabeth J. Cabraser	James E.
John G. Cameron, Jr.	Lovida H
Bryan T. Camp	J. Willian
Mortimer M. Caplin	Roxanne
Catherine L. Carpenter	Dennis P
William B. Carr, Jr.	John S. C
Barry E. Carter	George
Richard E. Carter	Edward
Robert C. Casad	N. Lee Co
Gerhard Casper	Marina C
William Richard Casto	Carolyn I
Verner F. Chaffin	Leslie D.
John Allen Chalk	John G. C
Steve Charnovitz	Harold C
Antonia Handler Chayes	Yvonne
Eric A. Chiappinelli	Francis F
Gary C. Clark	Michael
Roger S. Clark	Frank J. I
Bradley G. Clary	George A

Robert A. Clifford
Richard R. Clifton
Albert L. Clovis
Glenn R. Coates
Milo G. Coerper
Anne E. Cohen
Charles C. Cohen
David K. Cohen
H. Rodgin Cohen
Neil B. Cohen
Avern Cohn
Thomas A. Cole
James E. Coleman, Jr.
Lovida H. Coleman, Jr.
J. William Conger
Roxanne B. Conlin
Dennis R. Connolly
John S. Cooke
George W. Coombe, Jr.
Edward H. Cooper
N. Lee Cooper
Marina Corodemus
Carolyn F. Corwin
Leslie D. Corwin
John G. Crabtree
Harold Cramer
Yvonne Cripps
Francis R. Croak
Michael Crommelin
Frank J. Daily
George A. Davidson

John B. Davidson Peter Flynn Jay E. Grenig David W. Ichel Jacqueline R. Griffin F. Leary Davis Iulia P. Forrester Samuel Issacharoff William B. Dawson Vernon L. Francis Richard B. Hagedorn Jack B. Jacobs Nora V. Demleitner Tamar Frankel Ralph A. Jacobs Robert L. Haig Kenneth C. Frazier John F. DePodesta Anton G. Hajjar Wallace B. Jefferson Mary Jo Howard Dively Paul L. Friedman Edward C. Halbach, Jr. James R. Jenkins Donald L. Doernberg Kem Thompson Frost F. Sheffield Hale Arnold C. Johnson Dagmar Strandberg John F. Dolan W. Royal Furgeson, Jr. Vincent R. Johnson Hamilton Mitchell F. Dolin Richard S. Gallagher F. Claiborne Johnston, Jr. Roy A. Hammer William C. Donnino Anne Gardner Gregory G. Jones Herbert J. Hansell Leslie Espinoza Garvey Donald F. Donovan James F. Jorden Edward Jackson Hardin Laura Gaston Dooley John L. Gedid Gregory P. Joseph John G. Harkins, Jr. William V. Dorsaneo, III Gay Gellhorn Michael Alexander Kahn Conrad K. Harper Yale Kamisar David S. Doty James Paul George Michael A. Harring Joshua Dressler R. James George, Jr. Hideki Kanda Philip Lee Harris George H. T. Dudley I. Richard Gershon Mary Kay Kane Richard E. V. Harris Christine M. Durham Kenneth W. Gideon Michele C. Kane Mark I. Harrison Linda S. Fads Ruth Bader Ginsburg Cem Kaner Harris L Hartz Joel D. Eaton Daniel C. Girard Joseph Kartiganer William Dixon Haught Werner F. Ebke Marjorie L. Girth Rudolph Kass Thomas Z. Hayward, Jr. Robert M. Kaufman Anthony C. Epstein Donald Wayne Glazer Richard Conrad Henke Norman L. Epstein Martin Glenn Herma Hill Kay Eric B. Henson Thomas H. Glocer Von G. Keetch Charles R. Eskridge III William F. Highberger Samuel Estreicher Daniel L. Goelzer Hugh Rice Kelly Frances R. Hill Zachary D. Fasman Mel Goldman Janet Langford Kelly John F. Hilson Harvey J. Goldschmid Kenneth R. Feinberg Howard H. Kestin Patrick E. Hobbs John M. Ferren Marc J. Goldstein Evelyn V. Keyes Rhys S. Hodge Henry L. Feuerzeig Yvonne Gonzalez Rogers Bennett Lexon Kight D. Brock Hornby Mark R. Killenbeck Eugene R. Fidell Randy Gordon Alan D. Hornstein Mark R. Filip Philip L. Graham, Jr. Carolyn Dineen King Philip K. Howard Ruth E. Fitch David J. Grais Patricia Ann King Arnette R. Hubbard Daniel H. FitzGibbon Oscar S. Gray Laird C. Kirkpatrick William C. Hubbard Michael M. Greenfield Edmund W. Kitch Sidney A. Fitzwater Vester T. Hughes, Jr. J. Clifton Fleming, Jr. Jane Cutler Greenspan Richard H. Klapper Richard W. Hulbert Michael D. Floyd John DeWitt Gregory Charles Lincoln Knapp

Annual Report 2012–2013 33

Chad C. Messier Carlos G. Ortiz W. H. Knight Gregory E. Maggs Takeshi Kojima Daniel B. Magraw, Jr. Ricardo A. Mestres, Jr. Christopher Osakwe Theodore A. Kolb Edward F. Mannino Mark A. Michelson John E. Osborn Glenn S. Koppel Ronald L. Marmer Donald M. Middlebrooks Carolyn S. Ostby Diana Elizabeth Marshall Stephanie A. Middleton Boris Kozolchyk Jerry Richard Palmer Margaret H. Marshall Harriet E. Miers William W. Park Larry Kramer Noël Anketell Kramer John W. Martin, Jr. lames D. Miller Jeffrey A. Parness Michael I. Krauss Lori A. Martin Judith A. Miller R. Hewitt Pate Phyllis A. Kravitch Susan R. Martyn J. W. Montgomery, III Charles H. Pelton Carolyn B. Kuhl Amy R. Mashburn Charles W. Mooney, Jr. Richard C. Pepperman, II Steven C. Laird Charles W. Matthews Rachel Fay Moran Roswell B. Perkins Frederick W. Lambert Barbara Taylor Mattis Edward A. Morgan Harvey S. Perlman Iohn D. McCamus Alan B. Morrison Joseph H. Lang, Jr. Stephen R. Perry Derek P. Langhauser David J. McCarthy, Jr. John H. Morrison Ellen Ash Peters Frank A. Pfiffner David M. Lascell Philip J. McConnaughay Jonathan M. Moses Othni J. Lathram Joyce McConnell Earl H. Munson Carter G. Phillips David A. Murdoch Douglas Laycock Ralph C. McCullough, II Ronald F. Phillips Carol F. Lee Iulian B. McDonnell Daniel T. Murphy Susan Cooper Philpot Cynthia K. Lee Paul E. McGreal Daniel R. Murray Kristina Pickering William F. Lee David F. Pierce Powell McHenry Fred F. Murray Thomas B. Lemann James F. McHugh, III A. Robert Pietrzak Ved P. Nanda Dianne M. Nast Bettina B. Plevan E. Bruce Leonard lames C. McKay. Ir. Charles L. Levin William S. McKee Jay A. Neveloff Ellen S. Podgor Janet Koven Levit John J. McKetta, III George M. Newcombe Donald J. Polden Carol Bensinger Liebman Joseph McLaughlin William R. Newlin Edward M. Posner Lance Liebman Martin C. McWilliams, Jr. W. Frank Newton Burnele Venable Powell William Walter Means Martin Lipton R. Terrence Ney William H. Pryor, Jr. Francis D. Logan lames A. Medford Miriam McIntire Nisbet Roger V. Pugh Mark S. Melodia Ann M. Lousin Alice M. Noble-Allgire Theresa J. Pulley Radwan Guadalupe T. Luna Daniel J. Meltzer Joseph J. Norton Charles J. Queenan, Jr. Martin E. Lybecker Robert E. Mensel Kathryn A. Oberly Sheldon Raab John E. Merow Florentino Ramirez Barbara M. G. Lynn Michael A. Olivas Donald M. Maclay Gilbert S. Merritt Cecil Jay Olmstead III Roberta Cooper Ramo George W. Madison Thomas Butler Merritt John F. Olson Carey R. Ramos

Jorge C. Rangel David A. Schlueter Larry S. Stewart George K. Walker Daniel M. Schneider H. Mark Stichel Janet Walker Hal Roberts Ray, Ir. Stuart C. Stock Bernard D. Reams, Jr. Milton R. Schroeder Evan J. Wallach Alan R. Schwartz Alicemarie H. Stotler Leland Ware Harry M. Reasoner Thomas M. Reavley Anthony J. Scirica Eugene B. Strassburger, III Ruth Wedgwood Noelle M. Reed Robert M. Segal John William Strong Donald E. Weihl Terrance G. Reed Karl E. Seib Keith Strong Steven O. Weise Ralph Reisner David J. Seipp Guy Miller Struve Jay L. Westbrook John H. Rich III Ellen M. Semonoff Rolf Stürner Joan G. Wexler Martin F. Richman Stephen L. Sepinuck William F. Stutts Malcolm E. Wheeler David W. Rivkin Frederic White Brian D. Shannon Kenneth H. Suelthaus Ernest Francis Roberts, Jr. L. David Shear Barry Sullivan Thomas E. Wiener A. James Robertson, II William P. Shelley Richard L. Sutton Edward L. Wilkinson R. J. Robertson, Jr. Ben H. Sheppard, Jr. Thomas P. Sweeney **Gregory Howard Williams** Nicholas Adams Robinson Suzanna Sherry Deanell Reece Tacha James A. Williams Russell M. Robinson, II Geoffrey B. Shields Viola J. Taliaferro Michael A. Williams Encarnación Roca Trias James Malcolm Sibley David K. Y. Tang Deborah R. Willig C. Paul Rogers III Joaquin Silguero Estagnan Stephen Lyle Tatum Peter A. Winograd Ronald S. Rolfe Richard A. Silver Richard L. Thies Philip S. Winterer Marsha E. Simms Willard K. Tom Lee H. Rosenthal Wayne D. Wisbaum Steven S. Rosenthal Joe Sims Daniel M. Traynor Michael M. Wiseman Michael A. Ross Paul Steven Singerman Michael Traynor Charles W. Wolfram L. Kinvin Wroth Barbara J. Rothstein John S. Skilton Thomas A. Troyer Thomas D. Rowe, Jr. Matthew D. Slater Stefan F. Tucker Richard C. Wydick Keith A. Rowley Jonathan A. Small E. Peter Urbanowicz David P. Yaffe Stephen Rubin Bradley Y. Smith Sief van Erp Yukio Yanagida David S. Ruder Robert E. Smith Anthony van Westrum Douglas R. Young Candace Zierdt Linda J. Rusch Barbara R. Snyder Ben F. Vaughan, III William T. Russell, Jr. Christina A. Snyder Luis M. Villaronga Pablo Salvador-Coderch David C. Vladeck Brian F. Spector L. F. Sams, Jr. Richard C. Squire Howard H. Vogel Jorge A. Sánchez Cordero Michael K. Steenson Walter J. Wadlington Dávila Robert A. Stein Bill Wagner Michael D. Sandler Jeffrey W. Stempel Sean P. Wajert Gary L. Sasso Edwin H. Stern W. Stanley Walch

2013 Annual Report 2012–2013 35

Ways to Give



Emeritus Council Members Roswell B. Perkins of Debevoise & Plimpton and William H. Webster of Milbank, Tweed, Hadley & McCloy

"I view my ALI membership as a privilege and a trust, and I am sensitive to the preservation of continuing the perception of the legitimacy of the ALI's mission and recognition of its work product as critical to the protection and progress of American jurisprudence."

HARVEY ERNEST BINES

Sullivan & Worcester LLP Boston, MA

Your financial commitment to The American Law Institute is an important investment in improving the law. The Institute is an independent, nonpartisan organization supported by tax-deductible contributions. As a public charity under section 501(c)(3) of the Internal Revenue Code, all donations to the ALI receive maximum tax benefits. Donors who wish to support the ALI can do so in the following ways:

Gifts of Cash

Gift of cash by check or credit card are fully deductible for federal and state income-tax purposes. Checks should be made payable to The American Law Institute. The Institute also accepts donations via MasterCard, Visa, American Express, and Discover.

To make a gift online, visit the ALI website at www.ali.org/support.

Gifts of Appreciated Securities

Gifts of appreciated stock may offer a double tax benefit by avoiding capitalgains tax and providing an income-tax charitable deduction for the full market value of the securities.

Corporate Matching Gifts

Many firms and corporations encourage their employees to give by matching their philanthropic support through matching gift programs. Donors should contact their organization to find out about participation in such programs.

Bequests

Including the Institute in an estate plan can be easily accomplished through a bequest that specifies a certain amount or a percentage, or a retirement plan or life-insurance policy that names the ALI as a beneficiary or contingent beneficiary after family members.

Undistributed Class Action Funds

In class actions, after disbursements of the settlement or damages funds, there sometimes are funds that cannot be distributed to class members for various reasons. The parties may agree on, and the court may order, disposition of unclaimed or undistributed funds to charitable, educational, or nonprofit organizations such as the ALI.

To inquire about making a donation, please contact Beth Goldstein, Membership Director, or Kyle Jakob, Development Manager.

Phone: (215) 243-1666 or 1660 Fax: (215) 243-1636 development@ali.org www.ali.org/support

The Institute has made every attempt to create an accurate list of donors during the 2012-2013 fiscal year (July 1, 2012, through June 30, 2013). In the event of an error or omission, please email development@ali.org.

"Law is important. Law is fragile.

Clarifying the law, helping it to develop in directions of greater fairness and efficiency in a rapidly changing world is a huge and difficult undertaking and very much worth the vast commitment of effort it requires."

JUDGE PIERRE N. LEVAL 2009 Annual Meeting



The American Law Institute 4025 Chestnut Street

Philadelphia, PA 19104-3099

TEL 215 243 1600 FAX 215 243 1636 EMAIL ali@ali.org WEB www.ali.org