



THE AMERICAN LAW INSTITUTE ANNUAL REPORT 2013-2014



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The American Law Institute is a place where I cut my teeth on the notion of academics getting together with practicing lawyers and with judges as we tried to hammer out what we thought were the best directions for the law to go.

Doing it through the Restatements and the Uniform Laws really gave an opportunity, for me at least, not only to hear and to learn and to get other perspectives, but actually to drive toward something.

The ultimate goal was not to persuade each other; the ultimate goal was actually to try to do some good.

”

SENATOR ELIZABETH WARREN
KEYNOTE SPEECH
ALI YOUNG SCHOLARS CONFERENCE
JUNE 9, 2014

INTRODUCTION TO THE AMERICAN LAW INSTITUTE

The American Law Institute was founded in 1923 in response to concerns that the body of American common law was both uncertain and complex. A group of prominent judges, lawyers, and academics formed the “Committee on the Establishment of a Permanent Organization for the Improvement of the Law” and published a report recommending that an organization be formed to improve the law and its administration. The committee included Judges Learned Hand and Benjamin Cardozo, and Harvard Law Professor Samuel Williston, and was chaired by former Secretary of State Elihu Root. Chief Justice and former President William Howard Taft, and future Chief Justice Charles Evans Hughes were among the ALI’s incorporators.

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

PUBLICATIONS AND PROJECTS

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

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

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 currently stands or might plausibly be stated by a court.

Completed Restatements include:

Agency	The Law Governing Lawyers
Conflict of Laws	Property
Contracts	Restitution and
Employment Law	Unjust Enrichment
(to be published in 2015)	Suretyship and Guaranty
Foreign Relations Law	Torts
of the United States	Trusts
Judgments	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, Government Ethics, U.S. Law of International Commercial Arbitration, Liability Insurance, and Nonprofit Organizations, among others.

MEMBERSHIP

The ALI is limited to 3,000 elected members who are lawyers, judges, and law professors of the highest qualifications. The Institute also has ex officio members and life members, for a total membership of more than 4,300. 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.

FUNDING

The ALI’s operating revenue is primarily derived from publishing, educational programs, membership dues and contributions, and rental income from its headquarters building in Philadelphia. The financial support of 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.

PRESIDENT'S MESSAGE



Every year in its history, The American Law Institute has produced important work. This year that is spectacularly so. It has been a historic year as well, because of the transition from the directorship of Lance Liebman, our fifth Director, to that of Richard Revesz, our sixth. We go through Presidents much faster: I am the ninth, I think.

The ALI is shaped by the combined contributions of our members, our leaders, and our Directors. The Liebman era was marked by a profound increase in the number of projects undertaken and completed, but also by Lance's inclusive style and lack of formality in person, with due and proper consideration for the formality of our written work. If you have not yet seen the video lauding his time at the ALI, I hope you will go to the ALI website to enjoy it.

The Revesz era has barely begun, but already Ricky's enthusiasm and eye for quality in our projects and in attracting new ideas and discussions with great new Reporters have sent good reverberations through the organization.

While we have 13 ongoing projects noted in this Annual Report, I want to call your attention to three: one that is finished and two that have been changed from Principles projects to Restatements.

The Employment Law Restatement is in the final stages of editing and should be published early next year. This huge undertaking by Chief Reporter Samuel Estreicher of NYU and Reporters Matthew T. Bodie of Saint Louis University, Michael C. Harper of Boston University, and Stewart J. Schwab of Cornell, as well as the project's Advisers and the Members Consultative Group, has been shepherded by Lance and Deputy Director Stephanie Middleton through to the final approval at this year's Annual Meeting. What may be unrecognized in print is the important help received from some Council members and other volunteers who, at the end of the project, are reviewing, editing, and ensuring that all changes made to the text prior to publication are within the terms of the Boskey Motion under which ALI's members approved the drafts.

Let me also note that, with the Council's approval, our projects on the law of charitable nonprofit organizations and on the law of liability insurance have been changed from Principles projects to Restatements. Our Nonprofits Reporters, Jill R. Horwitz of UCLA and Marion R. Fremont-Smith of Harvard, are working at lightning speed and producing first-rate work that has been reviewed by the Council at its October meeting and will be undertaken next by the Advisers and the MCG in the spring. I think this area is so important to the functioning of our democracy that, when finished, it will resonate in the courts, will guide lawyers, and will become a reference for the entire nonprofit community. I look forward to the time very soon when drafts of the Nonprofits Restatement will be before the entire membership for discussion and a vote. Likewise, Reporter Tom Baker of Penn Law School and Associate Reporter Kyle D. Logue of Michigan are making great progress working to develop a comprehensive statement of contract law in the liability insurance context. Because the project is now a Restatement, two previously approved chapters on basic principles and the management of claims may undergo revisions and may be presented for additional review by the Council and the membership.

Many of you, I am sure, have read with concern about the funding of various think tanks and other nonprofit groups by those who hope to influence improperly the outcome of policy decisions. A hallmark of The American Law Institute is its independence. And we would not have the luxury of independence were it not for our culture and the donations that support us in our work. While we take some grant money from time to time for particular projects, always carefully vetting the impact first, virtually all of our work is supported by your contributions, the interest on the corpus belonging to the ALI, and our publishing revenue.

I hope that you will join the 100 percent of our Council who make a contribution to the ALI, both with your checkbook (if anyone has those anymore) and with your time and attention.

My pride in being a member of the ALI comes from being one with our incredibly diverse and accomplished members and from our efforts to live up to the expectations of ALI's founders.

Happiest end of year in all ways. Music in your lives and hot air balloons in your skies as they are in mine right now. Thank you in advance for your continued support of all kinds, and for what you have done for us to make this past year so successful.

Roberta

DIRECTOR'S MESSAGE



This letter is my first as the Director of the ALI. It is truly daunting to follow in the footsteps of the five prior directors: William Draper Lewis, Herbert Goodrich, Herbert Wechsler, Geoffrey Hazard, and Lance Liebman. My two living predecessors have been wonderfully supportive during the transition. I very much enjoyed and learned a great deal from my visit with Geoff Hazard in his San Francisco office. Geoff was my Civil Procedure professor. I found him daunting as a first-year law student and I find his intellectual breadth and his enormously exacting standards daunting even now. Over a period of several months, Lance guided me patiently and skillfully through all of the things that I needed to learn to avoid an embarrassing start. He leaves us with a record of great accomplishment, reflected in the 19 projects that were completed during his tenure, the 13 ongoing projects that I am inheriting, the international partnerships that he launched, and the warmth and humor he brought to all his interactions. We all owe Lance enormous gratitude for his extraordinary leadership and I owe him special gratitude for his very generous mentorship.

What I found most attractive when I was first approached about this position was that, in a society plagued by division and distrust, the ALI stands as a shining example of how judges, lawyers, and academics can work productively on projects of great public importance, and where the currency of the realm is the strength of the argument and the persuasiveness of the written word, rather than the position of interest groups.

In my first five months on this job, I've been able to observe first-hand how well this process works. The leadership of this organization is extraordinary. It is a real privilege to work daily with our President, Roberta Ramo, and our Deputy Director, Stephanie Middleton. More broadly, I marvel at the dedication of Council members, who bring such care and insight to the evaluation of drafts across very broad areas. For each project, the Advisers and Members Consultative Group are sources of insights that greatly improve the quality of the drafts. The active participation of our members, displayed so clearly at our Annual Meetings, is essential to the legitimacy of our projects,

which is based in large part on the bicameral approval process of each project by the Council and by the membership at an Annual Meeting. And for all the parts of this complex process to be effective, Stephanie's talented staff at the ALI's Philadelphia headquarters is essential.

At its meeting last month, the Council approved four new projects. Three are Restatements, in the areas of Conflict of Laws, Copyright and Property. The fourth is a Principles project: Principles of Compliance, Enforcement and Risk Management for Corporations, Nonprofits, and Other Organizations.

Restatements are addressed primarily to the courts and rely primarily on sources of positive law. A Restatement is engaged in the same inquiry as an excellent common law judge. But what a Restatement can do that a busy common law judge, however distinguished, cannot is to engage the best minds in the profession over an extended period of time, with access to extensive research, being able to test rules against disparate fact patterns in many jurisdictions, in the quest to determine the best rule. Two of our just-launched Restatements—Conflicts and Property—deal with areas of longstanding ALI concern. Our first Restatements in these areas were completed in 1934 and 1944, respectively.

Copyright, in contrast, is a new field for us. It is a departure from our typical Restatement, which deals with traditional common law areas. Copyright, of course, is predominantly a statutory area, but it is fitting for a Restatement because of the broad discretion that judges must exercise on key concepts such as the subject matter covered by copyright and the nature of fair use.

Unlike Restatements, Principles projects are addressed primarily to other institutions, such as legislatures, administrative agencies, and private actors. Our new Principles project will be addressed primarily to private organizations. Over the past decade, compliance, enforcement, and risk management have emerged as fundamental components in internal controls in complex organizations, both in the United States and around the world. Despite some partial efforts, there is still no consensus of "best practices" in this enormously important area. My hope—and expectation—is that we will fill that void.

The ALI was founded in 1923 and in nine years we'll be celebrating our 100th anniversary. That will be a great time to take stock of our accomplishments to date and the directions in which we want to focus during our second century. My hope is that by the time of our anniversary, we will have completed all the projects now in the pipeline, the four projects that Council just approved and a number of others that I will recommend in the coming years. To make this possible, our new projects will typically be directed by a Reporter and three to five Associate Reporters, each of whom will be responsible for drafting portions of the project, working closely with the Reporter. It is therefore fitting that I end by expressing my enormous gratitude to all of the Reporters working on our projects. They are leading scholars in their respective fields who dedicate an extraordinary amount of time and effort to this endeavor.

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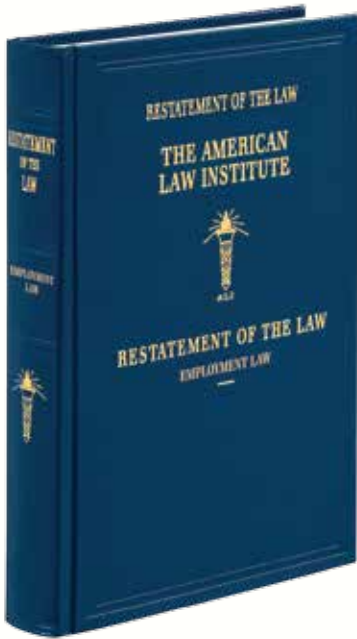
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With the vote of approval by the ALI membership at the Annual Meeting in May 2014, the Institute completed its work on The Restatement of the Law, Employment Law. The book will be published in early 2015.

The Restatement is already proving to be influential, with courts and government agencies citing the final draft on issues such as the status of independent contractors, the duty of loyalty, and public policy exceptions in wrongful discharge claims. The book is also expected to be a source of guidance for lawyers and an important resource for legal academics.

“ Our formulation tracks the forthcoming Restatement of the Law Employment Law, and thus is consistent with contemporary developments in jurisprudence. ”

National Labor Relations Board
Sept. 30, 2014, Decision and Order in
FedEx Home Delivery and
International Brotherhood of Teamsters

Charting new territory for the ALI, this project clarifies and simplifies employment law. Although federal and state statutes regulate the employment relationship, there are major aspects that continue to be governed by law developed by state and federal courts, and doctrine has changed significantly in recent decades.

Professor Samuel Estreicher of New York University School of Law served as the Chief Reporter on the project, which began in 2005. Major contributors to the work were Professors Michael C. Harper of Boston University and Stewart J. Schwab, the Dean Emeritus of Cornell Law School. Professor Matthew T. Bodie of Saint Louis University joined the project more recently and contributed an innovative chapter covering employee privacy.

Chapter 1: Existence of Employment Relationship

Chapter 2: Employment Contracts: Termination

Chapter 3: Employment Contracts: Compensation and Benefits

Chapter 4: Principles of Employer Liability for Tortious Harm to Employees

Chapter 5: The Tort of Wrongful Discharge in Violation of Public Policy

Chapter 6: Defamation, Wrongful Interference, and Misrepresentation

Chapter 7: Employee Privacy and Autonomy

Chapter 8: Employee Obligations and Restrictive Covenants

Chapter 9: Remedies

The Restatement of the Law, Employment Law is the product of a careful and deliberative process involving hundreds of individuals that spanned nearly a decade. The Institute is grateful for the work of the Reporters, their Advisers, the Members Consultative Group, the ALI Council, and the project Liaisons, along with the full membership of the Institute whose vote is required to approve each section of the project and to approve the final draft prior to publication.

The Advisers were an intellectually and geographically diverse group that included judges, practicing lawyers, and scholars with particular experience in the subject. The Reporters were also assisted immensely by a Members Consultative Group consisting of more than 225 Institute members who contributed by attending meetings to discuss drafts and by submitting written comments.

ADVISERS

Fred W. Alvarez, Jones Day

Alice W. Ballard, Law Office of Alice W. Ballard

Craig Becker, AFL-CIO

Hon. Marsha S. Berzon, U.S. Court of Appeals, Ninth Circuit

Joan M. Canny, Amerijet International, Inc.

Hon. P. Kevin Castel, U.S. District Court, Southern District of New York

Hon. J. Michelle Childs, U.S. District Court

Hon. Denny Chin U.S. Court of Appeals, Second Circuit

Frank Cummings, Solo Practitioner

Kenneth Glenn Dau-Schmidt, Indiana University, Maurer School of Law

Deborah A. DeMott, Duke University School of Law

Michael Delikat, Orrick, Herrington & Sutcliffe LLP

Hon. Christine M. Durham, Utah Supreme Court

Cynthia L. Estlund, New York University School of Law

Laurence Gold, Bredhoff & Kaiser

Willis J. Goldsmith, Jones Day

Marvin L. Gray, Jr., Davis Wright Tremaine

Anton G. Hajjar, Murphy Anderson

Hon. William F. Highberger, Superior Court of California

Paul V. Holtzman, Krokidas & Bluestein

Jerry M. Hunter, Bryan Cave

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

Pauline T. Kim, Washington University School of Law

Gillian L. Lester, University of California, Berkeley School of Law

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

M. Scott McDonald, Littler Mendelson

Paul W. Mollica, Outten & Golden

Wayne N. Outten, Outten & Golden

Cliff Palefsky, McGuinn, Hillsman & Palefsky

Bettina B. Plevan, Proskauer Rose

Debra L. Raskin, Vladeck, Waldman, Elias & Engelhard

Lynn K. Rhinehart, AFL-CIO

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

Mark A. Rothstein, University of Louisville School of Medicine

Samuel S. Shaulson, Morgan, Lewis & Bockius

Kazuo Sugeno, University of Tokyo

Jay W. Waks, Kaye Scholer

LIAISONS

For the American Bar Association

Stewart S. Manela, Arent Fox

Arnold H. Pedowitz, Pedowitz & Meister

For the College of Labor and Employment Lawyers, Inc.

Michael J. Leech, Talk Sense Mediation

For the National Employment Lawyers Association

Joseph D. Garrison, Garrison, Levin-Epstein, Chimes, Richardson & Fitzgerald

PUBLICATIONS

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

Beginning with the Restatement of Contracts in 1932, the Institute's Restatements of the Law, Principles of the Law, and model codes have earned an unparalleled reputation for excellence and objectivity. As evidence of the respect the courts have customarily accorded ALI publications, the Restatements and Principles of the Law have been cited in published decisions by United States courts more than 195,000 times through June 2014.

ALI IN THE COURTS

In the U.S. Supreme Court

During its 2013-14 term, the U.S. Supreme Court cited the work of The American Law Institute in 15 cases.

- ***McCullen v. Coakley***
Concurrence citing Restatement Second, Agency §§ 229 and 230 and Restatement Third, Agency § 7.07, 134 S.Ct. 2518 (June 26, 2014)
- ***Fifth Third Bancorp v. Dudenhoeffer***
Majority citing Restatement Second, Trusts 2d §§ 166, 167, and 174, 134 S.Ct. 2459 (June 25, 2014)
- ***Abramski v. U.S.***
Dissent citing Restatement Second, Agency § 366, 134 S.Ct. 2259 (June 16, 2014)
- ***CTS Corp. v. Waldburger***
Majority citing Restatement Second, Torts § 899, 134 S.Ct. 2175 (June 9, 2014)
- ***Bond v. U.S.***
Concurrences citing Restatement Second, Foreign Relations Law of the United States § 117 and Restatement Third, The Foreign Relations Law of the United States § 302, 134 S.Ct. 2077 (June 2, 2014)
- ***Petrella v. Metro-Goldwyn-Mayer, Inc.***
Majority citing Restatement Third, Restitution and Unjust Enrichment § 4, 134 S.Ct. 1962 (May 19, 2014)
- ***Paroline v. U.S.***
Majority citing Restatement Third, Torts: Liability for Physical and Emotional Harm §§ 27, 29, and 36, and Restatement Third, Torts: Apportionment of Liability § 26; dissent citing Restatement Third, Torts: Liability for Physical and Emotional Harm § 27, Restatement Third, Torts: Apportionment of Liability § 12, Restatement Second, Torts §§ 8A, 652B, and 885, and Restatement of Torts § 901, 134 S.Ct. 1710 (April 23, 2014)
- ***Northwest, Inc. v. Ginsberg***
Majority citing Restatement Second, Contracts § 205, 134 S.Ct. 1422 (April 2, 2014)

- **Lexmark Intern., Inc. v. Static Control Components, Inc.**
Majority citing Restatement of Torts Ch. 35, Introductory Note, and Restatement Second, Torts § 870, 134 S.Ct. 1377 (March 25, 2014)
- **Marvin M. Brandt Revocable Trust v. U.S.**
Majority citing Restatement Third, Property (Servitudes) §§ 1.2 and 7.4, and Restatement of Property § 154; dissent citing Restatement of Property § 16, 134 S.Ct. 1257 (March 10, 2014)
- **BG Group, PLC v. Republic of Argentina**
Dissent citing Restatement Third, The U.S. Law of International Commercial Arbitration §§ 4-12 (T.D. No. 2, 2012), 134 S.Ct. 1198 (March 5, 2014)
- **Rosemond v. U.S.**
Majority citing Model Penal Code § 2.06, 134 S.Ct. 1240 (March 5, 2014)
- **Walden v. Fiore**
Majority citing Restatement Second, Torts §§ 577 and 558, 134 S.Ct. 1115 (February 25, 2014)
- **Burrage v. U.S.**
Majority citing Restatement of Torts § 431, Model Penal Code § 2.03, and the ALI 39th Annual Meeting Proceedings, 134 S.Ct. 881 (January 27, 2014)
- **Medtronic, Inc. v. Mirowski Family Ventures, LLC**
Majority citing Restatement Second, Judgments § 28, 134 S.Ct. 843 (January 22, 2014)
- **Miller v. Commonwealth**
Pennsylvania Supreme Court, adopting Restatement Third, Property (Wills and Other Donative Transfers) § 7.1(a), 84 A.3d 620 (Pa. 2013)
- **Hook v. Trevino**
Iowa Supreme Court, adopting Restatement Third, The Law Governing Lawyers § 53, Comment c, 839 N.W.2d 434 (Iowa, 2013)
- **In re Peierls Family Inter Vivos Trusts**
Delaware Supreme Court, adopting Restatement Second, Conflict of Laws § 271, comment g, 77 A.3d 249 (Del. 2013)
- **Estate of Irvine v. Oaas**
Montana Supreme Court, adopting Restatement Third, Property (Wills and Other Donative Transfers) § 12.1, 372 Mont. 49, 309 P.3d 986 (Mont. 2013)

RECENT PUBLICATIONS

- Restatement Second, Contracts, Appendix Volume
- Restatement Third, Trusts, Appendix Volume

THE ALI DRAFTING PROCESS

ALI publications are accorded 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. Work begins when the Council approves the Director's recommendations of a new project and one or more Reporters. Project Advisers and Liaisons are then appointed and ALI members may join the project's Members Consultative Group. Reporters prepare 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. Once a draft is approved by the Council, the Reporter prepares a Tentative Draft, incorporating any revisions directed by the Council, to be submitted to the membership for approval at an Annual Meeting. This 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.

In the state supreme courts

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

- **Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.** Nevada Supreme Court, adopting Restatement Second, Judgments § 41, 130 Nev. Adv. Op. 28, 321 P.3d 912 (Nev. 2014)
- **Gonzales-Alpizar v. Griffith**
Nevada Supreme Court, adopting Restatement Third, Foreign Relations Law of the United States § 482, 130 Nev. Adv. Op. 2, 317 P.3d 820 (Nev. 2014)
- **Roy v. Woodstock Community Trust, Inc.**
Vermont Supreme Court, adopting Restatement Third, Property (Servitudes) § 4.8(3), 2013 VT 100A, 94 A.3d 530 (Vt. 2014)
- **Jones v. State**
Tennessee Supreme Court, adopting Restatement Second, Torts § 591, 164 Lab.Cas. P 61,436, 426 S.W.3d 50 (Tenn. 2013)

RESTATEMENTS OF THE LAW

CURRENT PROJECTS

RESTATEMENT OF THE LAW, CHARITABLE NONPROFIT

ORGANIZATIONS: This project seeks to clarify the law governing charities. It will address legal questions relating to the formation, governance, and termination of charities, as well as the duties of governing boards and individual fiduciaries.

Reporters:

Marion R. Fremont-Smith, Harvard Kennedy School, Harvard University, Cambridge, MA, and
Jill R. Horwitz, University of California, Los Angeles School of Law, Los Angeles, CA

RESTATEMENT OF THE LAW, CONSUMER CONTRACTS: This 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, Harvard Law School, Cambridge, MA, and
Omri Ben-Shahar, University of Chicago Law School, Chicago, IL

Associate Reporter:

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

RESTATEMENT OF THE LAW, DATA 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 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 OF THE LAW, THE LAW OF AMERICAN INDIANS:

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

RESTATEMENT OF THE LAW, LIABILITY INSURANCE: This project will develop a coherent statement of contract law in the context of liability insurance, including management of claims and coverage. Chapters on basic liability insurance contract principles and on the management of claims have been approved by the Council and the membership. Because the project is now a Restatement, these chapters may be revised and presented for additional review.

Reporter:

Tom Baker, University of Pennsylvania Law School, Philadelphia, PA

Associate Reporter:

Kyle D. Logue, University of Michigan Law School, Ann Arbor, MI

RESTATEMENT OF THE LAW, 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; **Queen Mary**, University of London, London, England

RESTATEMENT OF THE LAW FOURTH, THE FOREIGN RELATIONS LAW OF THE UNITED STATES: This new project will update the influential 28-year-old Restatement Third of The Foreign Relations Law of the United States. Topics will include jurisdiction, the domestic effect of treaties, and sovereign immunity. A Tentative Draft on the recognition and enforcement of foreign judgments has been approved by the Council and the membership.

Coordinating Reporters:

Sarah H. Cleveland, Columbia University School of Law, New York, NY, and **Paul B. Stephan**, University of Virginia School of Law, Charlottesville, VA

Reporters – Jurisdiction:

William S. Dodge, University of California, Hastings College of the Law, San Francisco, CA

Anthea Roberts, London School of Economics, London, England; Columbia University School of Law, New York, NY

Paul B. Stephan, University of Virginia School of Law, Charlottesville, VA

Reporters – Sovereign Immunity:

David P. Stewart, Georgetown University Law Center, Washington, DC, and **Ingrid Brunk Wuerth**, Vanderbilt University Law School, Nashville, TN

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Reporters – Treaties:

Curtis A. Bradley, Duke University School of Law, Durham, NC
Sarah H. Cleveland, Columbia University School of Law, New York, NY
Edward T. Swaine, George Washington University Law School,
Washington, DC

RESTATEMENT OF THE LAW 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.

Reporter:

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

Associate Reporter:

Ellen S. Pryor, UNT Dallas College of Law, Dallas TX

RESTATEMENT OF THE LAW 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. Drafts covering unintentional infliction of economic loss and liability in tort for fraud have been approved by the Council and the membership.

Reporter:

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

PRINCIPLES OF THE LAW, ELECTION LAW: 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.

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 THE LAW, GOVERNMENT ETHICS: This project aims to create a set of principles 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.

PRINCIPLES OF THE LAW

Reporter:

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

Associate Reporter:

Kathleen Clark, Washington University School of Law, St. Louis, MO;
Richard Painter, University of Minnesota Law School, Minneapolis, MN

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 50 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, mechanisms for prison release, the authorized disposition of offenders, and collateral consequences of criminal conviction.

Reporter:

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

Associate Reporter:

Cecelia M. Klingele, University of Wisconsin Law School, Madison, WI

MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES:

This 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. A Tentative Draft covering procedural and evidentiary principles applicable to Article 213 was discussed at the 2014 Annual Meeting but was not voted on.

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

The Council of The American Law Institute voted in October 2014 to approve the commencement of four new projects.

RESTATEMENT OF THE LAW, COPYRIGHT

Reporter: Christopher Jon Sprigman, New York University Law School, New York, NY

RESTATEMENT OF THE LAW FOURTH, PROPERTY

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

RESTATEMENT OF THE LAW THIRD, CONFLICT OF LAWS

Reporter: Kermit Roosevelt III, University of Pennsylvania Law School, Philadelphia, PA

**PRINCIPLES OF THE LAW, COMPLIANCE, ENFORCEMENT,
AND RISK MANAGEMENT FOR CORPORATIONS, NONPROFITS,
AND OTHER ORGANIZATIONS**

Reporter: Geoffrey P. Miller, New York University Law School, New York, NY

MODEL CODES

NEW PROJECTS

NEW COUNCIL MEMBERS

At the 91st Annual Meeting in May, the membership elected eight new Council members to five-year terms that began at the Meeting's adjournment. Under ALI's governance rules, Council members may serve up to three five-year terms.

SCOTT BALES



Scott Bales is Chief Justice of the Arizona Supreme Court. Appointed in 2005 by Governor Janet Napolitano, he was retained by voters for a six-year term in 2008, and was elected by his peers as chief justice effective July 2014. A graduate of Harvard Law School, he clerked for Justice Sandra Day O'Connor on the U.S. Supreme Court and Judge Joseph T. Sneed

III on the U.S. Court of Appeals for the Ninth Circuit. He was a federal prosecutor in Phoenix, a Deputy Assistant Attorney General for the U.S. Department of Justice's Office of Policy Development, and a Special Investigative Counsel for the Justice Department's Inspector General. He served as Arizona's Solicitor General from 1999 to 2001, and worked at Lewis and Roca from 2001 to 2005, where his practice focused on appellate and complex litigation.

EVAN R. CHESLER



Evan R. Chesler is the Chairman of Cravath, Swaine & Moore. He is also President of the Dwight Opperman Institute of Judicial Administration and an adjunct professor of law at New York University School of Law. Mr. Chesler joined Cravath in 1976, became a partner in 1982, and head of the Litigation Department in 1996. A graduate of New York

University School of Law, he clerked for Judge Inzer B. Wyatt on the U.S. District Court for the Southern District of New York. He currently handles a wide variety of litigation, including securities, shareholder derivative, intellectual property, general commercial, environmental, ERISA, contractual disputes, and antitrust.

MARIANO-FLORENTINO CUÉLLAR



Mariano-Florentino Cuéllar is the Stanley Morrison Professor of Law at Stanford Law School and the Director of Stanford's Freeman Spogli Institute for International Studies. In January 2015, he will be sworn in as a Justice on the California Supreme Court, having been appointed by Governor Jerry Brown and confirmed by the voters in a November 2014 election. From

2009 to 2010, he served as Special Assistant to the President for Justice and Regulatory Policy at the White House. During the second term of the Clinton Administration, he worked at the U.S. Department of the Treasury as Senior Advisor to the Under Secretary for Enforcement. A graduate of Harvard University and Yale Law School, he also holds a master's degree and a Ph.D. from Stanford University.

ELIZABETH GARRETT



Elizabeth Garrett is Provost and Senior Vice President for Academic Affairs at the University of Southern California where she also teaches as the Frances R. and John J. Duggan Professor of Law. In July 2015, she will begin serving as President of Cornell University. A graduate of the University of Virginia School of Law, she clerked for Justice Thurgood Marshall

on the U.S. Supreme Court after clerking for Judge Stephen Williams on the U.S. Court of Appeals for the District of Columbia Circuit. She also served as legal counsel and legislative assistant for tax, budget, and welfare reform issues for U.S. Senator David L. Boren. Before joining USC Law in 2003, she was a professor at University of Chicago Law School, where she also served as deputy dean for academic affairs. She has been a visiting professor at Harvard Law School, the University of Virginia Law School, Central European University in Budapest, and the Interdisciplinary Center Law School in Israel.

TERESA WILTON HARMON



Teresa Wilton Harmon is a partner in the Chicago office of Sidley Austin, working in the Global Finance group. Her commercial law practice includes all articles of the Uniform Commercial Code, with a special emphasis on Article 9. She served as the American Bar Association's liaison to the Permanent Editorial Board for the UCC for four years and now serves

as an ALI-appointed PEB member and the ALI Advisor to the Uniform Law Commission's Drafting Committee for its proposed Home Foreclosure Procedures Act. A graduate of the University of Chicago Law School, she is a Fellow of the American College of Commercial Finance Lawyers, and past Chair of the Chicago Bar Association Commercial Finance and Transactions Committee and the ABA's Securitization and Derivatives Subcommittee.

LANCE LIEBMAN



Lance Liebman was Director of The American Law Institute from May 1999 to May 2014. A graduate of Yale University and Harvard Law School, he also holds a master's degree from Cambridge University. Throughout his directorship, he taught at Columbia Law School and remains a professor there. Before joining Columbia in 1991 as Dean, he was on the faculty of

Harvard Law School for 21 years, becoming a full professor in 1976 and serving as Associate Dean from 1981 to 1984. After serving as a law clerk to Justice Byron White on the U.S. Supreme Court, he worked on transportation and community issues as an Assistant to Mayor John V. Lindsay of New York City. Professor Liebman has been a Visiting Fulbright Professor of Law at Maharajah Sayajirao University in Baroda, India, a visiting lecturer at Tokyo University, and an adviser for the Japan Institute of Labor. He also taught at the Harvard-Fulbright School in Ho Chi Minh City, Vietnam, and at the Hebrew University of Jerusalem, Israel.

RAYMOND J. LOHIER, JR.



Raymond Lohier, Jr., is a judge on the U.S. Court of Appeals for the Second Circuit and a former federal prosecutor. A graduate of Harvard University and New York University School of Law, he clerked for Judge Robert P. Patterson, Jr., of the U.S. District Court for the Southern District of New York. As an Assistant U.S. Attorney in the Southern District of New York, he

served as Senior Counsel to the U.S. Attorney, Deputy Chief and Chief of the Securities and Commodities Fraud Task Force, and Deputy Chief and Chief of the Narcotics Unit. From 1997 to 2000, he was a Senior Trial Attorney with the Civil Rights Division of the U.S. Department of Justice, where he spearheaded employment discrimination-related litigation and worked on other civil rights matters. From 1991 to 1992 and again from 1993 to 1997, he worked at the New York law firm Cleary, Gottlieb, Steen & Hamilton.

SETH P. WAXMAN



Seth Waxman is a partner in the Washington, DC, office of WilmerHale and Chair of the firm's Appellate and Supreme Court Litigation Practice Group. He served as Solicitor General of the United States from 1997 through January 2001, and has argued before the U.S. Supreme Court more than 65 times. A graduate of Harvard University and Yale Law

School, he clerked for Judge Gerhard A. Gesell of the U.S. District Court for the District of Columbia. A member of the ALI since 2001, Mr. Waxman lectures and writes frequently on topics related to litigation, constitutional history and doctrine, the First Amendment, intellectual property, and the Supreme Court. He also serves on the faculty of the Georgetown University Law Center.

Also in May, it was announced that Wallace B. Jefferson, the former Chief Justice of the Texas Supreme Court, was elected Treasurer, replacing Margaret H. Marshall, the former Chief Justice of the Massachusetts Supreme Judicial Court, and that longtime Council member Christine M. Durham of the Utah Supreme Court has taken emeritus status.

A TRIBUTE TO THE OUTGOING DIRECTOR



In a tribute to outgoing ALI Director Lance Liebman, the program at the Annual Dinner featured his former Harvard Law School colleague, Justice Stephen G. Breyer. Instead of making a speech, Justice Breyer was joined on stage by Director Liebman and ALI President Roberta Cooper Ramo for an informal, Q&A-style chat. The result was a delightful mix of reminiscing about their earliest days teaching together at Harvard and more serious discussion of the role of lawyers and judges in society and the future work of the Institute.

“Lance and I just about shared an office.... We survived the first few years at Harvard Law School, which I will tell you is not that easy,” Justice Breyer said. He described Director Liebman as a “terrific problem solver,” especially during his tenure as Dean of Columbia Law School where he was known for having “a good mind” and “an ability to listen to other people.” In his leadership of the ALI, Justice Breyer said, Director Liebman “brought in people to open up the Institute” and led a “joint effort to solve problems.”

THE YOUNG SCHOLARS PROGRAM

Every other year, ALI 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 award is meant to encourage practical scholarly work and to publicize the work of the honorees by sponsoring conferences on issues related to their work. Honorees are also asked to speak at an ALI Annual Meeting. The 2013 winners were Adam J. Levitin of the Georgetown Law Center and Amy B. Monahan of the University of Minnesota Law School.



◀ Professor Levitin was recognized for his work on financial regulation and the recent crisis in mortgage foreclosures. As part of his prize, ALI funded a conference he organized in June 2014 titled “The Ten Trillion Dollar Question: Reforming Housing Finance Regulation.” The keynote address at the conference was offered by Senator Elizabeth Warren, who was introduced by ALI Director Richard Revesz and ALI Director Emeritus Lance Liebman. Professor Levitin met Senator Warren when she was his professor at Harvard Law School. Since then, they have worked on issues and testified together before Congress about a proposed Credit Cardholders’ Bill of Rights.

▶ Professor Monahan, who was recognized for scholarship that centers on the intersection of health care reform and public-sector pensions, spoke at the 2014 ALI Annual Meeting on the subject of “The Law and Politics of Public Pensions.” She was introduced by Justice Goodwin Liu of the California Supreme Court who chaired the Young Scholars Medal selection committee. (Justice Liu is again chairing the selection committee for the 2015 Young Scholars Medals. See Page 9 for a complete list of selection committee members. Winners will be announced in the spring.)



AWARDS

THE FRIENDLY MEDAL

Chief Justice John G. Roberts, Jr., presented the Henry J. Friendly Medal to Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit and Judge Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit.

“The Institute has chosen well,” Chief Justice Roberts said. “Judges Mike Boudin and Pierre Leval are extremely worthy honorees. I have known each of them for 35 years, and I can attest to that personally. They embody [Judge Friendly’s] uncompromising rigor and integrity in following the law wherever it may lead.”

The Friendly Medal—established in memory of Judge Friendly and endowed by his former law clerks—is reserved for recipients who are considered especially worthy of receiving it. It recognizes contributions to the law in the tradition of Judge Friendly and the Institute and is not limited to ALI members or those associated with its projects.



DISTINGUISHED SERVICE AWARD

The American Law Institute’s Distinguished Service Award was presented by Justice Ruth Bader Ginsburg to ALI Council emeritus Gerhard Casper, the former President of Stanford University. Justice Ginsburg said it was “a privilege to present the award to Gerhard Casper, whose wisdom and caring have guided the ALI since he became a Council member in 1980.”

Describing “how much good Gerhard has done for the Institute,” Justice Ginsburg noted his chairing of the Nominating Committee for six years; his service on the Program Committee for six years and as an Adviser to the Charitable Nonprofit Organizations project since 2002; his role in the establishment of the ALI Young Scholars Medal; his address about academic freedom at the Annual Dinner in 1998, when the Institute celebrated its 75th anniversary; and, most recently, his presence on the search committee that proposed Richard Revesz as the successor to Director Lance Liebman.



THE JOHN MINOR WISDOM AWARD

The John Minor Wisdom Award was presented to Professor Neil B. Cohen, who said in his acceptance remarks that working on a project for The American Law Institute is “the experience of a lifetime.”

“It is fascinating, it is exhilarating, and it is in fact a lot of fun,” said Professor Cohen, who teaches at Brooklyn Law School. “What could be better than immersing ourselves in areas that we know and love, identifying their key principles, and expressing those principles in a way that leads others through the thicket and can guide judges to the advancement and development of those principles?” In presenting the award, Professor Robert A. Stein, an emeritus member of the Institute’s Council and past President of the Uniform Law Commission, said that he had observed Professor Cohen’s “remarkable contributions to the work of the Institute over many, many years.”



REGIONAL ADVISORY GROUPS

With the creation of 16 Regional Advisory Groups, ALI aims to ensure its membership reflects the broad diversity of highly capable and accomplished lawyers, judges, and academics in the United States and abroad, including type of practice or other professional work. The Regional Advisory Groups will confidentially identify candidates for membership and develop their membership proposals, as well as provide information on other candidates proposed for membership within the region as requested by the Membership Committee.

With the addition of Regional Advisory Groups, the Institute will remain a vibrant, relevant, and distinguished membership organization throughout the 21st century.

REGION ONE – MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND



John A. Nadas, *Chair*,
Choate, Hall & Stewart, MA

Richard H. Fallon, Jr., Harvard Law School, MA
Bruce W. Felmy, McLane, Graf, Raulerson & Middleton, NH
Robert G. Flanders, Jr., Hinckley, Allen & Snyder, RI
Roderick L. Ireland, Northeastern University, College of Social Sciences and Humanities, MA
William F. Lee, WilmerHale, MA
Mark S. Mandell, Mandell Schwartz & Boisclair, RI
Margaret H. Marshall, Choate Hall & Stewart, MA
Margaret D. McGaughey, U.S. Attorney's Office, ME
Margaret Minister O'Keefe, Pierce Atwood, ME
Maureen A. O'Rourke, Boston University School of Law, MA
Jack Pirozzolo, Sidley Austin, MA
Ameek Ashok Ponda, Sullivan & Worcester, MA
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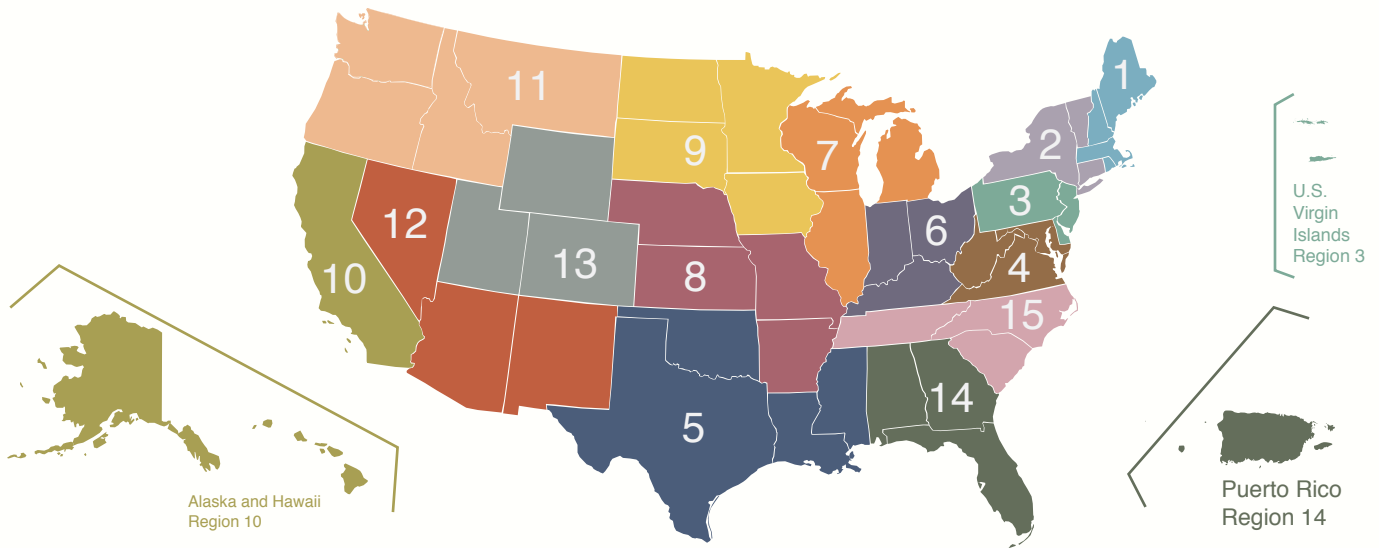
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new process was to take a
look at our membership
in each Region. We
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membership.”*

— ALI President
Roberta Cooper Ramo

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*Improving the law is no
mean feat, so I would like
to see potential members
who recognize this
challenge, who are excited
about it, and who have
the time and energy to
devote to the hard work it
demands.”*

— Judge Bernice M. Donald
Advisory Group Chair
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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).

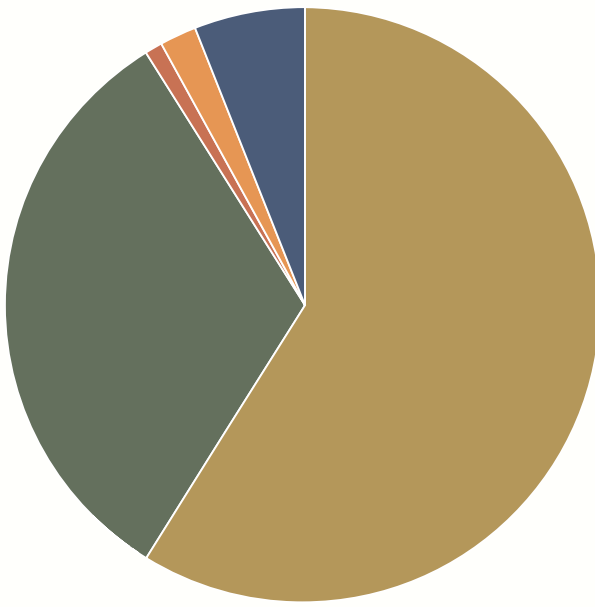
Our elected membership consists of eminent judges, lawyers, and law professors from all areas of the United States and from many foreign countries, selected on the basis of professional achievement and demonstrated interest in improving the law.

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.

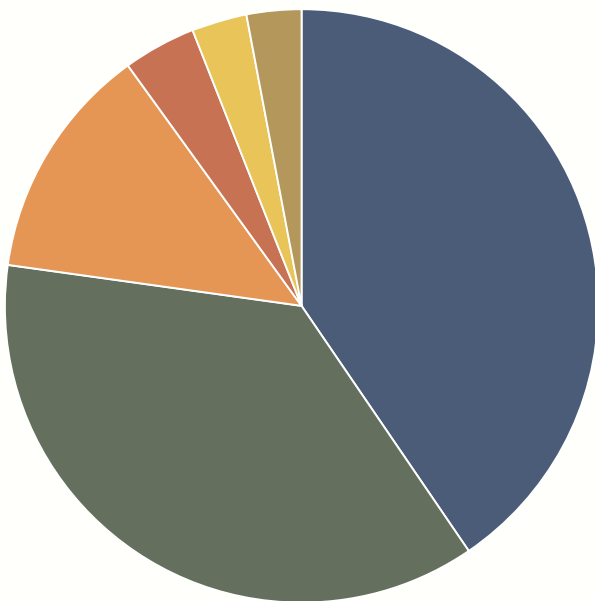
It is the responsibility of the sponsors to ensure that, to the best of their ability, the candidate's nomination remains confidential until the Membership Committee has decided to recommend the candidate to the Council. At that time, candidates will be contacted to confirm that they (1) accept election to ALI and (2) are committed to its purposes and are willing to participate in the work of the Institute.

A total of 174 new members were elected in fiscal year 2013-14, raising the current number of elected members to more than 2,640. Newly elected members were welcomed at the 2014 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 1,460 life members, 223 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%)
- Life (33%)
- Honorary (<1%)
- Elected & Ex Officio (2%)
- Ex Officio (6%)



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

THE AMERICAN LAW INSTITUTE CONTINUING LEGAL EDUCATION

The American Law Institute Continuing Legal Education provides in-person courses, webcasts, and on-demand audio and video seminars to meet the education and training needs of the legal profession.

ALI CLE is the successor to a legal education program started in 1947. The first national program of post-admission legal education, it was initially designed to meet the needs of returning WWII lawyer-veterans, but soon broadened its mission to educate the bar in general.

Today, ALI CLE's strength in the legal education marketplace is grounded in the excellence of its faculty members—accomplished lawyers, seasoned judges, government attorneys, in-house counsel, and recognized scholars—who volunteer to teach because they want to give something back to the profession and because they are proud to be associated with the sterling reputation of The American Law Institute.

Many faculty members return on an annual basis to offer the latest legal updates in their areas of expertise. Many also enjoy a loyal following of practitioners who have come to trust that the materials and information they provide in these courses is of the highest quality.

In addition to the traditional CLE courses related to specific areas of the law, such as Real Estate or Employment Law, ALI CLE offers skills courses, such as iPad for Lawyers, Legal Writing at the Macro Level, and modules designed to assist lawyers in the mechanics of running a firm, including finance, law firm accounting, and time management.

The ALI CLE subscription service, **LawPass**, provides ALI members with complimentary access to a database of professional development content, including: on-demand video programs; on-demand audio and MP3 downloads; and online course materials, articles, and forms.

COURSE SPOTLIGHT: LEGAL ISSUES IN MUSEUM ADMINISTRATION



Maxwell L. Anderson, the Director of the Dallas Museum of Art, offered the keynote address at Legal Issues in Museum Administration in March 2014.

In its 42nd year, the popular CLE program Legal Issues in Museum Administration, co-sponsored by the Smithsonian Institution, spans three days and this year offered a top-notch faculty that included decision makers at some of the country's premier museums, including The Barnes Foundation, The Frick Collection, The Metropolitan Museum of Art, the Solomon R. Guggenheim Museum, and the Whitney Museum of American Art. Also on the faculty were top officials from the National Endowment for the Arts and the Library of Congress, as well as leading practitioners and scholars who work in the arts arena. As always, the course featured updates on tax, legislation, and recent cases, and explored new developments in fields central to all museum operations—information and collections, human resources, and finance.

Here's a sample of the sessions offered in this three-day course:

- Museum Trademark Basics
- Collecting, Using, and Storing Digital Data
- Interns and Volunteers: Legal Standards and Best Practices for Nonprofits
- Protecting Your Audience: Visitor Policies
- A Legal Tool Kit for Solo Practitioners and Museums without Counsel
- Tax and Statutory Updates
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- Museum Accreditation: Navigating the Process
- Federal Grants: Tips and Issue Spotting
- Ethics and Professional Responsibility
- Charitable Contributions
- Bankruptcy and the Museum
- Corporate Sponsorships

FINANCIAL REPORT*

CONDENSED CONSOLIDATED STATEMENTS OF FINANCIAL POSITION June 30, 2014 and 2013

	2014	2013
ASSETS		
Cash	1,125,074	1,847,357
Receivables and other assets	2,341,181	2,520,937
Investments, at fair value	57,622,271	51,065,113
Land, buildings, and equipment, net	2,865,319	2,856,030
Total Assets	63,953,845	58,289,437
LIABILITIES AND NET ASSETS		
Accounts payable and accrued expenses	1,515,757	1,272,501
Deferred revenue	999,076	1,021,405
Postretirement health benefit obligation	2,228,594	2,074,670
Total Liabilities	4,743,427	4,368,576
NET ASSETS		
Unrestricted		
ALI	43,521,906	38,214,054
Noncontrolling Interest in ALIP	411,346	476,346
Total unrestricted	43,933,252	38,690,400
Temporarily restricted	14,837,795	14,791,090
Permanently restricted	439,371	439,371
Total Net Assets	59,210,418	53,920,861
Total Liabilities and Net Assets	63,953,845	58,289,437

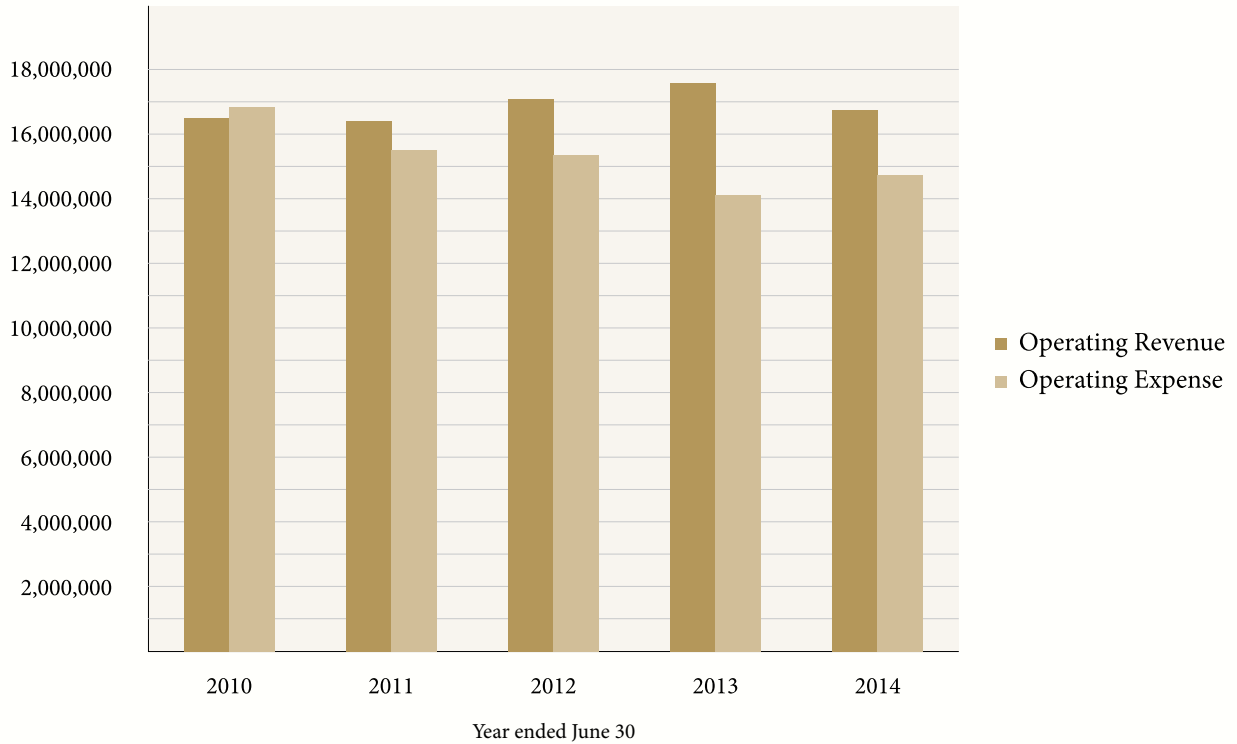
* The condensed consolidated financial statements for The American Law Institute include all accounts and activities of the Funds of the Treasurer and ALI CLE. In addition, they reflect the accounts and activities of The American Law Institute Publishers.

CONDENSED CONSOLIDATED STATEMENTS OF ACTIVITIES

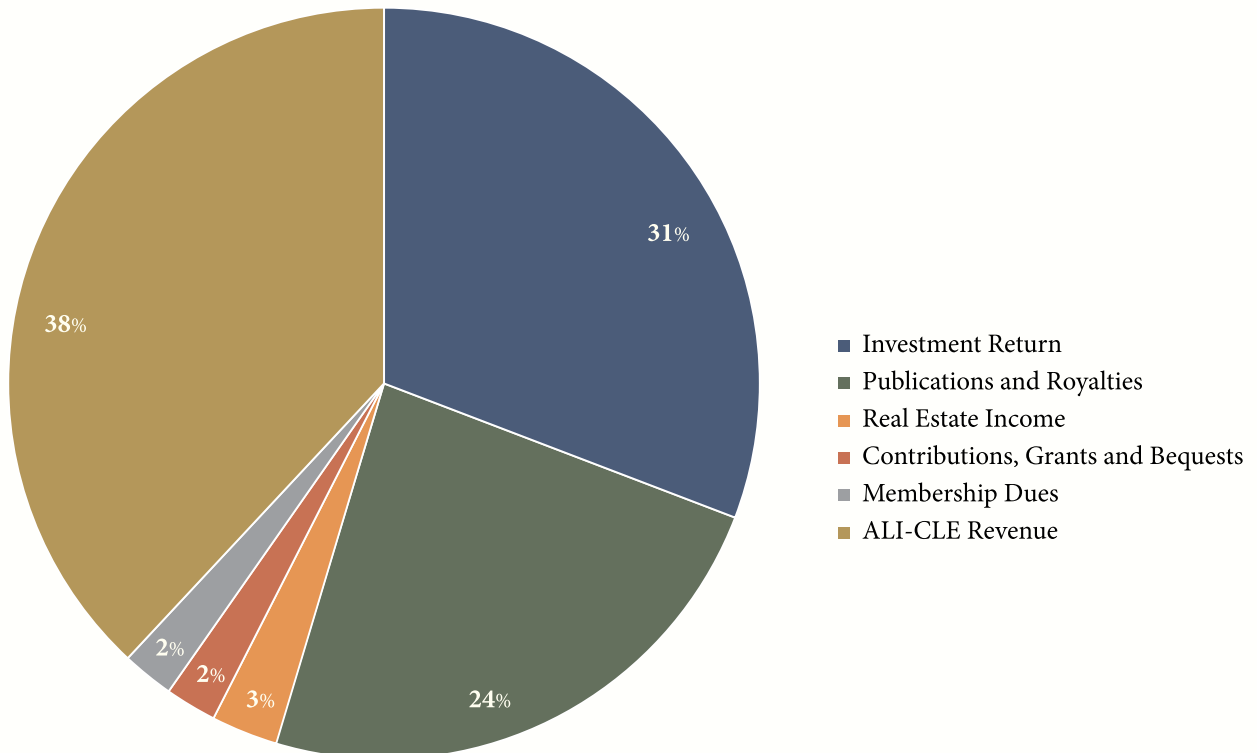
June 30, 2014 and 2013

	2014	2013
UNRESTRICTED		
Publications and royalties	5,103,293	5,222,555
Membership dues	458,927	476,569
Net assets released from restrictions used for operations	1,905,671	1,653,831
Contributions and grants	449,410	367,893
Other income	604,594	563,564
ALI CLE revenue	8,221,237	9,313,832
Total unrestricted operating revenue and other support	16,743,132	17,598,244
Program expenses	9,890,190	9,827,460
General and administrative expenses	4,896,477	4,298,070
Total operating expenses	14,786,667	14,125,530
Increase in unrestricted net assets from operations	1,956,465	3,472,714
Investment return	4,700,742	3,322,432
Bequests	1,500	-
Non-operating expense, net	(1,415,855)	(966,786)
Increase in unrestricted net assets	5,242,852	5,828,360
TEMPORARILY RESTRICTED		
Investment return	\$1,934,901	\$1,558,990
Net assets released from restrictions used for operations	(1,905,671)	(1,653,831)
Contributions	17,475	950
Increase (Decrease) in temporarily restricted net assets	46,705	(93,891)
INCREASE IN NET ASSETS		
	5,289,557	5,734,469
Net assets, at beginning of year	53,920,861	48,186,392
Net assets, at end of year	59,210,418	53,920,861

OPERATING REVENUE AND EXPENSE SINCE 2010



2014 OPERATING AND NON-OPERATING REVENUE BY ACTIVITY



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 remain independent as it continues its mission of clarifying and improving the law. Contributions to the Fund are provided primarily by members of The American Law Institute.

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 allowing the Director to increase the number of Reporters who research and write drafts for our projects, or the number of Adviser meetings. Increasing the stipends paid to Reporters also helps ensure that these positions are filled by the best scholars for our work.

Include All Members In ALI's Work

ALI's members are lawyers of the highest qualifications, but some have chosen service-oriented careers in which compensation lags far behind the private sector. 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. The ALI Fund provides travel assistance funds to ensure that all members can be engaged in ALI's work.

Support The ALI Young Scholars Medal and Symposium

ALI's Young Scholar's 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 important program will continue.

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 carried out in a modern environment, and so that ALI CLE can provide legal education in attractive, comfortable meeting spaces.

Assure That ALI Meets Its Increasing Operating Costs

The ALI Fund allows the Institute to maintain a building reserve fund, in accordance with best practices for nonprofit organizations, that ensures the Institute has the ability to respond to unforeseen operating or maintenance costs and isn't forced to defer needed improvements to its facilities or technology infrastructure.

In addition, the ALI Fund ensures that any reduction in revenue from our print publications will not inhibit ALI's 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.

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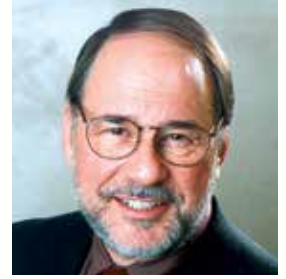
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ALI's new Life members were honored at a luncheon at the 91st Annual Meeting, where Professor Peter A. Winograd of New Mexico School of Law presented the 1989 Life Member Class Gift to the Institute. The campaign, co-chaired by Professor Winograd along with Vance K. Opperman of Key Investment, and Katharine T. Bartlett of Duke School of Law, far exceeded its goal of \$150,000 by raising \$185,891. The gift will help to fund important aspects of the Institute's mission, including the Members Consultative Group Travel Assistance program, the Young Scholars Medal and symposium, the Judges and Public-Sector Lawyers Expense Reimbursement program, and the Institute's ongoing law reform projects.

The Class Gift program will continue with the 1990 Life Member Class, which will be honored at the 2015 Annual Meeting.

The American Law Institute is grateful for every gift that contributed to the success of the 1989 Life Member Class Gift campaign. We appreciate your generosity.

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