



2014 | ANNUAL | THE AMERICAN
2015 | REPORT | LAW INSTITUTE



**THE AMERICAN
LAW INSTITUTE**

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INTRODUCTION TO THE AMERICAN LAW INSTITUTE

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

For more than nine decades, the ALI has gathered the best minds in the American bar—judges, lawyers, and law professors—to accomplish its mission. The courts have come to trust and rely on 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 that are primarily addressed to courts. Restatements of the Law contain clear formulations of common law and its statutory elements or variations and reflect the law as it currently stands or might appropriately be stated by a court.

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

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

There are currently 20 active projects that the ALI is undertaking. For a full list of current projects with short descriptions, please see pages 12-16 of this Annual Report.

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 4,500. 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.

COMPLETED RESTATEMENTS OF THE LAW INCLUDE:

Agency
Conflict of Laws
Contracts
Employment Law
Foreign Relations Law of the United States
Judgments
The Law Governing Lawyers
Property
Restitution and Unjust Enrichment
Suretyship and Guaranty
Torts
Trusts
Unfair Competition

COMPLETED PRINCIPLES OF THE LAW INCLUDE:

Aggregate Litigation
Corporate Governance
Family Dissolution
Software Contracts
Transnational Civil Procedure
Transnational Insolvency
Transnational Intellectual Property

President's Message



This is a very happy year-end report. The impact of the work of the ALI is enormous. This is matched by our ability to attract distinguished scholars, judges, and lawyers to our membership and meetings. For the first time in history we have 20 ongoing projects. We think this is the maximum that the ALI can handle at one time, but it guarantees a great deal of important work

for our members as the Reporters begin to bring drafts to the Council and then to the Annual Meeting. The subjects run from Torts to Nonprofits to projects with international aspects; from Compliance to two challenging projects on the Model Penal Code. On each project our Advisers and Members Consultative Groups are working hard to help the Reporters meet the high standards required of drafts that may become the official work of The American Law Institute. Some of these projects are controversial. But each of them is very much needed to clarify the law in the area. The ALI is the forum in which lawyers and scholars on all sides of every issue meet with judges to review not only the case law and statutes, but to have candid, civil discussions about the impact of whatever we adopt as black letter and commentary. In other areas, like the Model Penal Code, we offer expertise that is valued by state or federal governments.

At the Adviser level and with the MCGs we get the view of many experts from all sides of each topic. When drafts come to the Council, we hear and respond to the thoughtful insights from those judges, lawyers, and professors who may not work in a particular area, but who have deeply important observations and opinions about how the words read or how the result will fall in practical terms. The Council and you, our members, are the final arbiters of the language that each completed project contains. My chances to interact with members of the legal profession from around the world have made me understand how precious and rare this collaborative process among all parts of our profession is.

Of course 20 projects mean a great deal of initiative and work for Director Ricky Revesz. Ricky is now in the terrific second year of his term as Director, with sleeves rolled up and a deeper

understanding of the quality of our members with whom he has now been able to work first hand. The workload is equally great for Deputy Director Stephanie Middleton, and we are lucky to have such dedicated and high-quality people, and such a great staff in Philadelphia moving each of the projects and all of our institutional work along. It probably bears noting, since many of the projects take years to complete, that Restatement of Employment Law is actually published and selling strongly; we are working with judges to make sure that everyone is aware of the quality of our first effort in this area.

I am not sure our founders in 1923 were thinking about cybersecurity and privacy or the enormous impact of nonprofit organizations in our country. But if they were here today I am sure these issues would have been on their list of needed work along with Torts, Contracts, and Property, which are also currently moving along in our joint briefcase.

My hope is that they would also be very proud of our independence. At this point almost all of our projects are self-funded to make sure there is no question about the independence of the work.

We have not raised our nominal dues in many years, but we have been able to expand the reimbursement program that supports participation of those of our members who are in jobs or parts of the profession that do not pay for their travel to our meetings.

But this is only possible with the generous donations of our members. I am proud to note again this year that 100 percent of our amazing Council have made financial contributions to the ALI. I hope as you end this year you will join us and contribute to the ALI. And I also hope that in 2016 you will join us at the Annual Meeting, and if you are not already involved, join one of the Members Consultative Groups either in your field or simply out of interest and service.

The end of any year, in this case The American Law Institute Year, is a time for reflection. In a very short time we will hit our 100th anniversary. As a group I hope we have been good stewards of the brilliant heritage and responsibility passed down from our founders. Joyous, healthy end of this year. I hope to see you in Washington in May 2016 if not before.

A handwritten signature in black ink, which appears to read "Ricky Revesz".

Director's Message



This past year was a very productive one for the ALI. We launched seven important new projects. Two are Restatements in areas that are traditional to us: Conflict of Laws and Property. Two are Restatements in new areas: Children and the Law and Copyright. And three are Principles projects, which are designed primarily to provide guidance to institutions other

than the courts: Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations; Police Investigations; and Sexual and Gender-Based Misconduct on Campus: Procedural Frameworks and Analysis.

I am enormously heartened that the leading academics in the field have agreed to be the Reporters on these projects. All of the individuals I approached accepted when I raised with them the possibility that they might lead an ALI project. And I'm also very pleased that each Reporter has assembled a team of up to seven Associate Reporters. My hope is that these teams will work collaboratively and be able to advance the projects more quickly than the traditional model of a Reporter working on only a chapter at a time and not turning to the next chapter until after the prior one was completed. Now, several Associate Reporters, working closely with the Reporter, will be able to tackle multiple chapters at the same time. One clear benefit of this approach is that we will be able to complete projects before portions started years earlier become obsolete. And, we will also be able to provide guidance at the time at which it will be most useful, as opposed to years later.

Each of the new projects has gotten off to a very good start. They have a full complement of distinguished Advisers representing a variety of diverse perspectives. They also have large Members Consultative Groups—in some cases exceeding 100 members—that reflect the broad interest of our membership in these projects.

In particular, the new projects have brought new constituencies to the ALI's work. For example, the Advisers to the Police Investigations project include five police chiefs or deputy chiefs, one current and one former mayor, and leaders from five civil rights organizations. General counsels and chief compliance officers of major entities contributed to a very productive first meeting of the Compliance project. Turning to our traditional constituencies, the Adviser group for Conflict of Laws includes some of our nation's most distinguished judges, including six members of the federal courts of appeals, four of the state supreme courts, three of the federal district courts, and two of the state courts of appeals. I urge you to take a look at the roster of the Advisers to each of the projects. You can now do this on our website, which was significantly redesigned this past year to make it easier for our Advisers and members to participate in the ALI's substantive work.

We also devoted considerable attention to editing and marketing the Restatement of Employment Law, which had been approved at the 2014 Annual Meeting. During the course of the subsequent year, the Reporters, several Council members, and the ALI staff collaborated effectively to get the text ready for publication, and the Restatement hit the stands in July 2015. Also, in the year leading to publication, we undertook significant efforts to bring attention to the Restatement, through programs at judicial conferences, scholarly seminars at law schools, and articles written by our project participants.

Significant progress was also made on the 13 projects that were in process when I became Director in May 2014. In particular one of them—Model Penal Code: Sentencing—had its last Advisers meeting. It is now slated for final approval in May 2016 assuming that the stars are well aligned. It is likely that three or four additional projects will be approved in May 2017. And we are already considering a number of potential projects to launch once we have space on our plate.

With 20 ongoing projects, the ALI's calendar is very full. On average each project has an Advisers meeting and a Members Consultative Group meeting every year. Since we tend not to have meetings over the summer, almost every week of the academic year has us following the traditional routine of an Advisers meeting on Thursday and a Members Consultative Group meeting on Friday (though sometimes the two groups are merged).

The ALI's success is dependent, to a very large extent, on the intellectual contribution of its members. Week in and week out, significant numbers of members get together and devote sustained attention to a draft, focusing on everything from deep conceptual issues to more technical matters of exposition. Detailed emails and memos—now all posted on our website, on the page for the particular project—precede and follow each meeting.

But we also depend on our members' financial contributions. They will make it possible for us to work on 20 projects at the same time, with larger groups of Reporters to ensure that they get done in a timely way and diverse groups of Advisers designed to ensure that multiple perspectives are represented. This support also lets us undertake projects, such as the three new Principles projects, where the traditional sources of revenue from the sale of books and electronic searches are unlikely to be significant. And, very importantly, your contributions allow us to significantly subsidize the cost of attendance at the Annual Meeting, where our projects get approved. Your sustaining dues, annual gifts, Life Member class gifts, bequests, and other forms of support make an enormous difference to our work and are particularly important as we continue to expand the ALI's ambition.

The American Law Institute

Officers

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Douglas Laycock
1st Vice President

Lee H. Rosenthal
2nd Vice President

Wallace B. Jefferson
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Secretary

Richard L. Revesz
Director

Stephanie A. Middleton
Deputy Director

Council

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Kim J. Askew, K&L Gates, Dallas, TX
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Scott Bales, Arizona Supreme Court, Phoenix, AZ
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Allen D. Black, Fine, Kaplan and Black, Philadelphia, PA
Amelia H. Boss, Drexel University Thomas R. Kline School of Law, Philadelphia, PA
Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein, San Francisco, CA
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Mariano-Florentino Cuéllar, California Supreme Court, San Francisco, CA
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Elizabeth Garrett, Cornell University, Ithaca, NY
Steven S. Gensler, University of Oklahoma College of Law, Norman, OK
Yvonne Gonzalez Rogers, U.S. District Court, Northern District of California, Oakland, CA
Anton G. Hajjar, Murphy Anderson, Washington, DC
Teresa Wilton Harmon, Sidley Austin, Chicago, IL
D. Brock Hornby, U.S. District Court, District of Maine, Portland, ME
William C. Hubbard, Nelson Mullins Riley & Scarborough, Columbia, SC
Samuel Issacharoff, New York University School of Law, New York, NY
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
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
Lance Liebman*, Columbia Law School, New York, NY
Goodwin Liu, California Supreme Court, San Francisco, CA
Raymond J. Lohier, Jr., U.S. Court of Appeals, Second Circuit, New York, NY
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
Judith A. Miller, Chevy Chase, MD
Kathryn A. Oberly, District of Columbia Court of Appeals (retired), Washington, DC
Kathleen M. O'Sullivan, Perkins Coie, Seattle, WA
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 Jordan Burt, 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

**Director Emeritus*

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
Sarah S. Vance, U.S. District Court, Eastern District of Louisiana, New Orleans, LA
Bill Wagner, Wagner McLaughlin, Tampa, FL
Seth P. Waxman, WilmerHale, Washington, DC
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, Bethesda, MD
Michael Boudin, U.S. Court of Appeals, First Circuit, Boston, MA
William M. Burke, Shearman & Sterling (retired), Costa Mesa, CA
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
N. Lee Cooper, Maynard, Cooper & Gale, Birmingham, AL
Roger C. Cramton, Cornell Law School, Ithaca, NY
George H. T. Dudley, Dudley, Topper and Feuerzeig, St. Thomas, U.S. VI
Christine M. Durham, Utah Supreme Court, Salt Lake City, UT
George Clemon Freeman, Jr., Hunton & Williams, Richmond, VA
Conrad K. Harper, Simpson Thacher & Bartlett (retired), New York, NY
Geoffrey C. Hazard, Jr.*, University of California, Hastings College of the Law,
 San Francisco, CA; University of Pennsylvania Law School, Philadelphia, PA
Vester T. Hughes, Jr., K&L Gates, Dallas, TX
Herma Hill Kay, University of California at Berkeley School of Law, Berkeley, CA
Carolyn Dineen King, U.S. Court of Appeals, Fifth Circuit, Houston, TX
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
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
William H. Webster, Milbank, Tweed, Hadley & McCloy, Washington, DC
George Whittenburg, Whittenburg Law Firm, Amarillo, TX
Herbert P. Wilkins, Concord, MA

**Director Emeritus*

***President Emeritus and Chair of the Council Emeritus*

Leadership Changes

Council Elections

At the 92nd Annual Meeting, The American Law Institute's membership elected four new members to its Council.



Ivan K. Fong is Senior Vice President of Legal Affairs and General Counsel at 3M, where he oversees all legal, legal policy, compliance, and government affairs matters for the company. Prior to joining 3M in 2012, Mr. Fong was the General Counsel of the U.S. Department of Homeland Security. Before that, he was Chief Legal Officer and Secretary of Cardinal Health, Inc. He also was

previously Senior Vice President and General Counsel of GE Vendor Financial Services; Chief Privacy Leader and Senior Counsel, Information Technology of GE; and Deputy Associate Attorney General at the U.S. Department of Justice. He also has been a partner with Covington & Burling in Washington, D.C.

He served as a law clerk to Judge Abner J. Mikva of the U.S. Court of Appeals for the District of Columbia Circuit and Justice Sandra Day O'Connor of the Supreme Court of the United States.



Steven S. Gensler is the Associate Dean of Research and Scholarship and the Welcome D. and W. DeVier Pierson Professor of Law at The University of Oklahoma College of Law. He teaches courses on civil procedure, conflict of laws, federal courts, complex litigation, and alternative dispute resolution. He served as a member of the U.S. Judicial Conference Advisory

Committee on Civil Rules from 2005 to 2011, and currently serves as a member of the Local Civil Rules Committee for the Western District of Oklahoma and as the Vice Chair of the Oklahoma Bar Association's Civil Procedure Committee.

Professor Gensler began his legal career as a law clerk to Judge Deannell Reece Tacha on the U.S. Court of Appeals for the Tenth Circuit and to Judge Kathryn H. Vratil on the U.S. District Court for the District of Kansas. He joined the University of Oklahoma law faculty in 2000 after serving two years as a Visiting Assistant Professor at the University of Illinois College of Law.



Samuel Issacharoff is the Bonnie and Richard Reiss Professor of Constitutional Law at New York University School of Law. His research deals with issues in civil procedure, law and economics, constitutional law (particularly with regard to voting rights and electoral systems), and employment law. Professor Issacharoff was the Reporter for the ALI's Principles of the Law of Aggregate Litigation.

After clerking for Judge Arlin M. Adams on the U.S. Court of Appeals for the Third Circuit, he spent the early part of his career as a voting-rights lawyer. He then began his teaching career at the University of Texas in 1989, where he held the Joseph D. Jamail Centennial Chair in Law. In 1999, he moved to Columbia Law School, where he was the Harold R. Medina Professor of Procedural Jurisprudence.



Kathleen (Katie) M. O'Sullivan is a partner and co-chair of the appellate practice at Perkins Coie LLP in Seattle, where she represents clients in a wide range of complex litigation in trial and appellate courts across the country. She is the former Chair of the Washington Commission on Judicial Conduct.

She was a law clerk for Judge Harold Greene on the U.S. District Court for the District of Columbia, and Judge M. Margaret McKeown on the U.S. Court of Appeals for the Ninth Circuit.

Officer Elections

Allen D. Black stepped down as First Vice President after serving for seven years. Before that, he served as Second Vice President for four years. Mr. Black is a founding partner of Fine, Kaplan and Black, a small firm specializing in complex commercial litigation with particular emphasis on plaintiffs' side antitrust litigation.

The ALI Council elected **Douglas Laycock** as its First Vice President. Professor Laycock is the Robert E. Scott Distinguished Professor of Law, Class of 1963 Research Professor in Honor of Graham C. Lilly and Peter W. Low, and Professor of Religious Studies at the University of Virginia School of Law. He was previously ALI's Second Vice President.

The ALI Council also elected Judge **Lee H. Rosenthal** of the U.S. District Court for the Southern District of Texas as its Second Vice President. Previously Judge Rosenthal served as Chair of the Program Committee, now known as the Projects Committee.

Four Council Members have taken emeritus status.

N. Lee Cooper is a shareholder at Maynard Cooper & Gale and Chairman Emeritus of the firm's Litigation and Arbitration sections. He remains active in several of the firm's litigation practice groups, having litigated or arbitrated many cases in the securities, insurance, products liability, contracts, corporate governance, and employment practice areas over more than 40 years. He served as President of the American Bar Association for the 1996-1997 term and as Chair of the ABA House of Delegates from 1990 to 1992.

Geoffrey C. Hazard, Jr., was the Director of The American Law Institute from 1984 to 1999. He is the Emeritus Thomas E. Miller Distinguished Professor at Hastings College of the Law, as well as Emeritus Professor of Law at the University of Pennsylvania Law School and Sterling Professor of Law Emeritus at Yale Law School, where he was a faculty member from 1970 to 1994. He served as a Reporter for the Restatement Second of Judgments and the ALI/UNIDROIT Principles of Transnational Civil Procedure.

George H. T. Dudley is the founding partner of Dudley, Topper and Feuerzeig, and served as its Managing Partner from 1978 until 2003. His experience is in the fields of banking and finance, corporate law, real property law, and employment law (for management). In the U.S. Virgin Islands and elsewhere in the Caribbean, he has represented a broad spectrum of corporations and individuals in complex banking, corporate, and real estate matters.

Carolyn Dineen King is a federal judge on the U.S. Court of Appeals for the Fifth Circuit. Judge King previously practiced at Fulbright & Jaworski, focusing primarily on corporate and federal securities law. Appointed to the Fifth Circuit in 1979, she was chief judge from 1999 through 2006. In 2000, Chief Justice William H. Rehnquist appointed her to the executive committee of the Judicial Conference of the United States; she chaired the committee from 2002 to 2005. She was Treasurer of the ALI from 2010 to 2013.

Committees

Standing Committees

EXECUTIVE

Chair - Roberta Cooper Ramo - Modrall Sperling
Elizabeth J. Cabraser - Lief Cabraser Heimann & Bernstein, LLP
Paul L. Friedman - U.S. District Court, District of Columbia
Wallace B. Jefferson - Alexander Dubose Jefferson & Townsend LLP
Derek P. Langhauser - Maine Community College System
Douglas Laycock - University of Virginia School of Law
Goodwin Liu - California Supreme Court
Margaret H. Marshall - Choate, Hall & Stewart
Lee H. Rosenthal - U.S. District Court, Southern District of Texas
Gary L. Sasso - Carlton Fields Jordan Burt, P.A.
Larry S. Stewart - Stewart Tilghman Fox Bianchi & Cain, P.A.
Diane P. Wood - U.S. Court of Appeals, Seventh Circuit

AUDIT

Chair - Evan R. Chesler - Cravath, Swaine & Moore LLP
Allen D. Black - Fine, Kaplan and Black, RPC
Amelia H. Boss - Drexel University Thomas R. Kline School of Law
George H. T. Dudley - Dudley, Topper and Feuerzeig, LLP
Anton G. Hajjar - Murphy Anderson PLLC
Sarah S. Vance - U.S. District Court, Eastern District of Louisiana
Bill Wagner - Wagner McLaughlin

AWARDS

Chair - D. Brock Hornby - U.S. District Court, District of Maine
Gerhard Casper - Stanford University
Anton G. Hajjar - Murphy Anderson PLLC
William C. Hubbard - Nelson Mullins Riley & Scarborough, LLP
Margaret H. Marshall - Choate, Hall & Stewart
Roberta Cooper Ramo - Modrall Sperling
Anthony J. Scirica - U.S. Court of Appeals, Third Circuit

CLE PROGRAM AND MARKETING

Chair - Steven O. Weise - Proskauer Rose LLP
Trevor Ackerman - Zoetis
José I. Astigarraga - Astigarraga Davis
John H. Beisner - Skadden, Arps, Slate, Meagher & Flom LLP
Amelia H. Boss - Drexel University Thomas R. Kline School of Law
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

Chair - Judith A. Miller
Susan Frelich Appleton - Washington University School of Law
John H. Beisner - Skadden, Arps, Slate, Meagher & Flom LLP
Allen D. Black - Fine, Kaplan and Black, RPC
Elizabeth J. Cabraser - Lief Cabraser Heimann & Bernstein, LLP
Teresa Wilton Harmon - Sidley Austin 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
Peter A. Winograd - University of New Mexico School of Law

GOVERNANCE

Chair - Susan Frelich Appleton - Washington University School of Law
Amelia H. Boss - Drexel University Thomas R. Kline School of Law
Elizabeth Garrett - Cornell University
Harold Hongju Koh - Yale Law School
Derek P. Langhauser - Maine Community College System
M. Margaret McKeown - U.S. Court of Appeals, Ninth Circuit
Roberta Cooper Ramo - Modrall Sperling
David W. Rivkin - Debevoise & Plimpton LLP
Catherine T. Struve - University of Pennsylvania Law School

INVESTMENT

Chair - John J. McKetta III - Graves, Dougherty, Hearon & Moody, PC
Wallace B. Jefferson - Alexander Dubose Jefferson & Townsend LLP
Mary Kay Kane - University of California, Hastings College of the Law
Carol F. Lee - Taconic Capital Advisors LP
Lori A. Martin - WilmerHale
Kathryn A. Oberly - District of Columbia Court of Appeals (retired)
Vance K. Opperman - Key Investment, Inc.
Harvey S. Perlman - University of Nebraska
Roberta Cooper Ramo - Modrall Sperling

MEMBERSHIP

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

Kenneth S. Abraham - University of Virginia School of Law

Kim J. Askew - K&L Gates LLP

Scott Bales - Arizona Supreme Court

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

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

Teresa Wilton Harmon - Sidley Austin LLP

Wallace B. Jefferson - Alexander Dubose Jefferson & Townsend LLP

Roberta Cooper Ramo - Modrall Sperlberg

Daniel B. Rodriguez - Northwestern University School of Law

Gary L. Sasso - Carlton Fields Jordan Burt, P.A.

Marsha E. Simms - Weil, Gotshal & Manges LLP (retired)

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

NOMINATING

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

Kenneth S. Abraham - University of Virginia School of Law

Mariano-Florentino Cuéllar - California Supreme Court

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

Carolyn B. Lamm - White & Case LLP

Lance Liebman - Columbia Law School

Roberta Cooper Ramo - Modrall Sperlberg

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

Laura Stein - The Clorox Company

PROJECTS

Chair - Goodwin Liu - California Supreme Court

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

Kenneth C. Frazier - Merck & Co., Inc.

Teresa Wilton Harmon - Sidley Austin LLP

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

Douglas Laycock - University of Virginia School of Law

Carol F. Lee - Taconic Capital Advisors LP

David F. Levi - Duke University School of Law

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

Roberta Cooper Ramo - Modrall Sperlberg

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

Robert H. Sitkoff - Harvard Law School

Seth P. Waxman - WilmerHale

Special Committee**ALI YOUNG SCHOLARS MEDAL (2014-2015)**

Chair - Goodwin Liu - California Supreme Court

Katharine T. Bartlett - Duke University School of Law

Rochelle C. Dreyfuss - New York University School of Law

Christine M. Durham - Utah Supreme Court

Jesse M. Furman - U.S. District Court, Southern District of New York

Phoebe A. Haddon - Rutgers University-Camden

Howell E. Jackson - Harvard Law School

George M. Newcombe - Simpson Thacher & Bartlett LLP

Eric A. Posner - University of Chicago Law School

Roberta Cooper Ramo - Modrall Sperlberg

Randall T. Shepard - Indiana University, Robert H. McKinney School of Law

Stuart H. Singer - Boies, Schiller & Flexner LLP

Henry E. Smith - Harvard Law School

Kate Stith - Yale Law School

David R. Stras - Minnesota Supreme Court

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

Current Projects

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.

Restatements

RESTATEMENT OF THE LAW, THE LAW OF AMERICAN INDIANS

This Restatement will cement the foundational principles of American Indian law. Topics 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, CHARITABLE NONPROFIT ORGANIZATIONS

This Restatement clarifies the law governing charities. It addresses 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, Senior Research Fellow, The Hauser Center for Nonprofit

Organizations, John F. Kennedy School of Government, Harvard University, Cambridge, MA

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



Restatement of the Law, Charitable Nonprofit Organizations, project meeting

RESTATEMENT OF THE LAW, CHILDREN AND THE LAW

This Restatement will deal comprehensively with the legal regulation of children, rather than solely with family law matters. It will examine the scope of parental authority; rights and responsibilities of unmarried fathers; duty to rescue and protect children from harm; and state intervention. It also will take on the issues of children in schools; children in the justice system; and children as legal persons.

Reporter:

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

Associate Reporters:

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

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

Martin Guggenheim, New York University School of Law, New York, NY

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

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

RESTATEMENT OF THE LAW THIRD, CONFLICT OF LAWS

This project will reexamine the increasingly important subject of conflict of laws in light of significant legal developments in the field since the influential Restatement Second was published in 1971. Like its predecessors, the new Restatement will cover choice of law, including related issues such as dépeçage and renvoi; judicial jurisdiction; and recognition and enforcement of judgments.

Reporter:

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

Associate Reporters:

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

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

RESTATEMENT OF THE LAW, CONSUMER CONTRACTS

This Restatement 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 with examples from specific statutes and regulations. 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

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

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

RESTATEMENT OF THE LAW, COPYRIGHT

This Restatement will encompass general copyright law, including the subject matter of copyright; the scope of exclusive rights granted by copyright; copyright formalities; rules governing ownership and transfer of copyright; copyright infringement; defenses to copyright infringement; and remedies.

Reporter:

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

Associate Reporters:

Daniel J. Gervais, Vanderbilt University Law School, Nashville, TN

Lydia Pallas Loren, Lewis & Clark Law School, Portland, OR
R. Anthony Reese, University of California, Irvine School of Law, Irvine, CA

Molly S. Van Houweling, University of California, Berkeley School of Law, Berkeley, CA



Restatement of the Law Third, Conflict of Laws, project meeting

RESTATEMENT OF THE LAW FOURTH, THE FOREIGN RELATIONS LAW OF THE UNITED STATES

This Restatement updates the influential Restatement Third of The Foreign Relations Law of the United States, published in 1987. Initial topics for consideration include jurisdiction, the domestic effect of treaties, and sovereign immunity.

Coordinating Reporters:

Sarah H. Cleveland, Columbia University School of Law, New York, NY

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

Reporters – Jurisdiction:

William S. Dodge, University of California, Davis School of Law, Davis, 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

Ingrid Wuerth, Vanderbilt University Law School, Nashville, TN

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, THE U.S. LAW OF INTERNATIONAL COMMERCIAL ARBITRATION

This project restates the U.S. law of international commercial arbitration and covers, among other topics, arbitration agreements; conduct of and the judicial role in international arbitral proceedings in the United States; awards; recourse from and enforcement of international arbitral awards rendered in the United States; the judicial role in international arbitral proceedings abroad; enforcement of international arbitral awards rendered abroad; the preclusive effect of international arbitral awards; and ICSID Convention arbitration.

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, The Pennsylvania State University, Dickinson School of Law, University Park, PA; Queen Mary, University of London, London, England

RESTATEMENT OF THE LAW, LIABILITY INSURANCE

This Restatement covers the law of contracts in the liability insurance context, liability insurance coverage, and the management of insured liabilities.

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 FOURTH, PROPERTY

This new Restatement seeks to bring comprehensiveness and coherence to American property law. Subjects to be covered include the classification of entitlements, possession, accession, and acquisition; ownership powers; protection of and limits on ownership; divided and shared ownership; title and transfer; easements, servitudes, and land use; and public rights and takings.

Reporter:

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

Associate Reporters:

Sara C. Bronin, University of Connecticut School of Law, Hartford, CT

John C.P. Goldberg, Harvard Law School, Cambridge, MA

Daniel B. Kelly, University of Notre Dame Law School, Notre Dame, IN

Brian A. Lee, Brooklyn Law School, Brooklyn, NY

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

Thomas W. Merrill, Columbia University School of Law, New York, NY

Christopher M. Newman, George Mason University School of Law, Arlington, VA



Restatement of the Law, Liability Insurance, project meeting

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

This project is part of ALI's ongoing revision of the Restatement Second of Torts. Portions of the Restatement Second have been superseded by the Restatement Third of Torts: Products Liability, Apportionment of Liability, and Liability for Physical and Emotional Harm.

This Restatement addresses other major avenues of recovery for physical and emotional harm to persons, with a focus on assault, battery, false imprisonment, including chapters on consent, self-defense, and other privileges.

Reporter:

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

Associate Reporter:

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

RESTATEMENT OF THE LAW THIRD, TORTS: LIABILITY FOR ECONOMIC HARM

This project is part of ALI's ongoing revision of the Restatement Second of Torts. Portions of the Restatement Second have been superseded by the Restatement Third of Torts: Products Liability, Apportionment of Liability, and Liability for Physical and Emotional Harm.

This Restatement will cover unintentional infliction of economic loss, including professional negligence, negligent misrepresentation, negligent performance of services, and public nuisance. It also will address fraud, breach of fiduciary duty, interference with contract, unjustifiable litigation, injurious falsehood, interference with the right to possession of chattels, and prima facie tort.

Reporter:

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

Principles

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

This project will address the need for a set of recommended standards and best practices on the law of compliance and risk management. It is expected to have four parts: compliance, enforcement, risk management, and governance.

Reporter:

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

Associate Reporters:

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

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

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

PRINCIPLES OF THE LAW, DATA PRIVACY

This project aims to provide a framework for regulating data privacy and for duties and responsibilities—best practices—for entities that process personal data.

Reporters:

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

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

PRINCIPLES OF THE LAW, ELECTION ADMINISTRATION: NON-PRECINCT VOTING AND RESOLUTION OF BALLOT-COUNTING DISPUTES

This project has two components. The first component concerns the rules for “non-precinct voting”—the casting of ballots by means other than the traditional polling place on election day. The second 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.

Reporter:

Edward B. Foley, Ohio State University, Michael E. Moritz
College of Law, Columbus, OH

Associate Reporter:

Steven F. Huefner, Ohio State University, Michael E. Moritz
College of Law, Columbus, OH



*Principles of the Law,
Government Ethics,
project meeting*

Reporter:

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

Associate Reporters:

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

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

PRINCIPLES OF THE LAW, POLICE INVESTIGATIONS

The American Law Institute is currently considering the scope of the project and the elements of police investigations that will be examined. A preliminary list of topics includes eyewitness identification (building on the National Research Council’s 2014 report), forensic evidence-gathering and preservation of Brady material, search and seizure, and remedies and accountability.

Reporter:

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

Associate Reporters:

Brandon L. Garrett, University of Virginia School of Law,
Charlottesville, VA

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

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

Jeffrey Rosen, The George Washington University Law School,
Washington, DC; President and CEO, National Constitution
Center, Philadelphia, PA

Christopher Slobogin, Vanderbilt University Law School,
Nashville, TN

PRINCIPLES OF THE LAW, 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.

Specific topics will include lobbying, gifts and other things of value given to public officials, conflicts of interest involving the private activities of public officials, the political uses of public office, and administration and enforcement mechanisms.

“THE INTELLECTUAL FUN OF THE INSTITUTE IS BEING PART OF AN ENTERPRISE IN WHICH YOU FEEL YOU PARTICIPATE IN SHAPING THE LAW IN WAYS WHICH HAVE AN IMPACT ON JUDGES, ON LAWYERS, ON ACADEMICS, ON LEGISLATURES, ON SOCIETY. AND THAT’S VERY SATISFYING.”

ROBERT H. MUNDHEIM
SHEARMAN &
STERLING LLP
2015 ANNUAL
MEETING REMARKS

Model Codes

MODEL PENAL CODE: SENTENCING

This project revisits the sentencing provisions of the Model Penal Code 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.

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: Sentencing project meeting

MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES

This project is re-examining Article 213 of the Model Penal Code, which was ahead of its time when approved by 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

Special Project

PROJECT ON SEXUAL AND GENDER-BASED MISCONDUCT ON CAMPUS: PROCEDURAL FRAMEWORKS AND ANALYSIS

A partial list of issues to be considered includes reporting procedures; confidentiality; relationships with police and local criminal justice; interim measures and support for complainants; investigation and adjudication; the role of lawyers; the creation and maintenance of records; sanctions or remedies; and appeals. The project will also examine informal resolutions, as well as the nature of hearings.

Reporter:

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

Associate Reporter:

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

ALI CLE

The American Law Institute Continuing Legal Education creates and hosts in-person courses and live webcasts as well as on-demand audio and video seminars. These seminars offer CLE credit, helping legal professionals meet their education and training needs. Not only does ALI CLE offer CLE credits in a wide variety of substantive areas of law, courses are also available for legal professionals looking to grow or refine their knowledge in topics outside of the law, including in general business and marketing skills. ALI CLE's recently upgraded technology makes it easy for busy professionals to find courses that accommodate any schedule. Offering courses as standalone programs, or in packages (known as "learning tracks"), ALI CLE targets the specific needs of its customers.

The ALI CLE catalogue of topics is ever-changing as our staff continually surveys the legal marketplace, evaluating topic trends and consumer needs. Through extensive research, they create top-line, engaging programs in areas of law that are presently of interest to the legal community.

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.

The ALI CLE subscription service, LawPass, is a subscription service providing access to American Law Institute CLE in-person programs, webinars, on-demand programs, materials, and forms. This service is available to solo practitioners, law firms, and in-house legal departments. ALI members are given complimentary access to LawPass content.

Built upon a legal-education program that launched in 1947, designed to meet the needs of returning WWII lawyer-veterans, ALI CLE looks forward to continuing to educate the legal community throughout the United States.

Course Spotlight

For the first time this year, ALI CLE offered a complimentary seminar. The course, "Finding Support and Satisfaction in Pro Bono Work," provided ALI CLE the opportunity to give back to the legal community while encouraging other practicing attorneys to do the same.

Funding for legal aid is becoming more difficult to access. Throughout the legal community there continues to be an increased recognition of the importance of pro bono legal assistance for those who cannot afford an attorney. Some states now require attorneys to participate in pro bono work.

The diverse panel of pro bono organizers and volunteers discuss common challenges lawyers face when approaching pro bono work as well as the value of getting involved in structured pro bono programs. The panel believes that pro bono work should be viewed not only as an obligation, but also as an opportunity. In addition to feeling good about giving back to the community, pro bono work enhances the reputation of lawyers among their peers and the judiciary, and provides an opportunity for young attorneys to improve their skills and network with more seasoned lawyers.

The course offering was a success, and remains available through the ALI CLE website (ali-cle.org), as well as through LawPass. ALI CLE is building on this initial course with a low-cost program addressing ethics issues for pro bono lawyers. The course should be available in 2016.

PRO BONO PROGRAM FACULTY



Jill Friedman
Associate Dean for Pro Bono and Public Interest
Rutgers Law School, Camden and Newark



Eve Biskind Klothen
Former Assistant Dean for Pro Bono and Public Interest Programs
Rutgers University School of Law - Camden



Wali W. Rushdan, II
Fox Rothschild LLP



Rashida T. West
Director of Pro Bono and Public Interest Programs
Drexel University, Thomas R. Kline School of Law

Publications

RECENT PUBLICATIONS

Restatement of the Law,
Employment Law

Restatement Second, Torts
§§ 504-587, Appendix Volume

“As an appellate advocate, I was always very partial to relying on the Restatements and the Model Codes, along with any widely respected treatise, because I understood the esteem in which they are held by judges. And now that I’m a judge, my law clerks would confirm that I’m very keen to make sure I know of any relevant Restatement, Model Code, or treatise commentary and discussion when examining the cases that now appear before me.”

SRI SRINIVASAN

U.S. COURT OF APPEALS
FOR THE DISTRICT OF
COLUMBIA CIRCUIT

2015 ANNUAL
MEETING REMARKS

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

Beginning with the Restatement of 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 nearly 200,000 times through June 2015.

ALI in the Courts

In the U.S. Supreme Court

During its October 2014 Term, the U.S. Supreme Court cited the work of The American Law Institute in 11 cases:

Glossip v. Gross

Dissent citing Report of the Council to the Membership on the Matter of the Death Penalty, 135 S.Ct. 2726 (June 29, 2015)

Zivotofsky v. Kerry

Majority citing Restatement Third, The Foreign Relations Law of the United States §§ 203 and 204; dissent citing Restatement Second, Foreign Relations Law of the United States § 104, 135 S.Ct. 2076 (June 8, 2015)

Elonis v. United States

Majority citing Model Penal Code § 2.02(2)(d); concurrence/dissent citing Model Penal Code §§ 2.02(2)(c) and 2.02(2)(d), 135 S.Ct. 2001 (June 1, 2015)

Commil USA, LLC v. Cisco Systems, Inc.

Majority citing Restatement Second, Torts §§ 164 and 766, 135 S.Ct. 1920 (May 26, 2015)

Tibble et al. v. Edison International et al.

Majority citing Restatement Third, Trusts § 90, 135 S.Ct. 1823 (May 18, 2015)

B&B Hardware, Inc. v. Hargis Industries, Inc.

Majority citing Restatement Third, Unfair Competition § 9 and Restatement Second, Judgments §§ 11, 27, 28, and 83; dissent citing Restatement of Judgments, Scope Note, and Restatement Second, Judgments §§ 4 and 7, 135 S.Ct. 1293 (March 24, 2015)

Omnicare, Inc. v. Laborers Dist. Council Constr. Industry Pension Fund

Majority citing Restatement Second, Contracts § 168 and Restatement Second, Torts § 539; concurrence citing Restatement of Torts §§ 525, 526, 527, 539, 542, 545, and 552 and Restatement of Contracts § 474, 135 S.Ct. 1318 (March 24, 2015)

Yates v. United States

Majority and dissent citing Model Penal Code § 241.7, 135 S.Ct. 1074 (February 25, 2015)

Kansas v. Nebraska

Majority citing Restatement Third, Restitution and Unjust Enrichment §§ 39, 50, and 51; concurrences/dissents citing Restatement of Conflict of Laws, Introduction, Restatement Second, Contracts §§ 152, 155, 347, and 352, and Restatement Third, Restitution and Unjust Enrichment § 39, 135 S.Ct. 1042 (February 24, 2015)

Christeson v. Roper

Per Curiam opinion citing Restatement Third, The Law Governing Lawyers § 125, 135 S.Ct. 891 (January 20, 2015)

Jennings v. Stephens

Majority citing Restatement Third, The Foreign Relations Law of the United States §§ 481-482 and Restatement Second, Judgments § 27; dissent citing Restatement Second, Judgments §§ 18 and 19, 135 S.Ct. 793 (January 14, 2015)

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:

Birchwood Land Co., Inc. v. Krizan

Vermont Supreme Court, adopting Restatement Third, Restitution and Unjust Enrichment §§ 26 and 30, 2015 VT 37, 115 A.3d 1009 (Vt. 2015)

Basic Energy Services, L.P. v. Petroleum Resource Management, Corp.

Wyoming Supreme Court, adopting Restatement Second, Torts § 411, 2015 WY 22, 343 P.3d 783 (Wyo. 2015)

Lynch v. Town of Pelham

New Hampshire Supreme Court, adopting Restatement Third, Property (Servitudes) § 8.1, 167 N.H. 14, 104 A.3d 1047 (N.H. 2014)

Graves v. North Eastern Services, Inc.

Utah Supreme Court, adopting Restatement Second, Torts § 317, 2015 UT 28, 345 P.3d 619 (Utah, 2015)

Skaskiw v. Vermont Agency of Agriculture

Vermont Supreme Court, adopting Restatement Second, Torts § 598A, 2014 VT 133, 112 A.3d 1277 (Vt. 2014)

Havilah Real Property Services, LLC v. VLK, LLC

District of Columbia Court of Appeals, adopting Restatement Second, Torts § 774A, 108 A.3d 334 (D.C. App. 2015)

Publication of the Restatement of the Law, Employment Law

The Restatement of the Law, Employment Law, was published in July 2015. Charting new territory for the ALI, this project clarifies employment law. The new Restatement provides clear rules and concise analysis on issues specific to the employment relationship, including contracts, termination, compensation, benefits, tort liability, wrongful discharge in violation of public policy, defamation, wrongful interference, misrepresentation, autonomy, privacy, employee obligations, restrictive covenants, and remedies.

Professor Samuel Estreicher of New York University School of Law served as the Chief Reporter on the project. Michael C. Harper of Boston University School of Law, Stewart J. Schwab, Dean Emeritus of Cornell Law School, and Matthew T. Bodie of Saint Louis University School of Law served as Reporters.

The Restatement of the Law, Employment Law, is the product of a careful and deliberative process that spanned nearly a decade and involved hundreds of individuals. 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 votes were required to approve each section of the project.



The team of Reporters who worked on Restatement of the Law, Employment Law, at the 2014 Annual Meeting: (from left) Chief Reporter Samuel Estreicher, and Reporters Michael C. Harper, Stewart J. Schwab, and Matthew T. Bodie

Membership

2016 Membership Proposal Deadlines

March 15

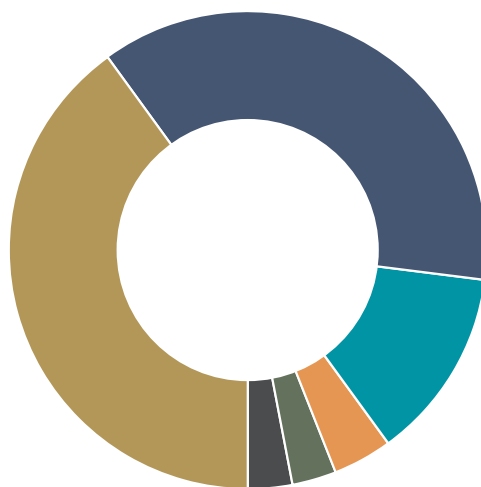
June 15

September 15

The American Law Institute's distinguished membership reflects the full spectrum of legal professions and perspectives. Practitioners, judges, in-house counsel, academics, and government and public-sector lawyers from all areas of the United States and many foreign countries make invaluable contributions to ALI's law-reform efforts by donating their time and expertise in numerous areas of the law.

Current ALI members initiate the process for electing new members by submitting **confidential** proposals for review by the Membership Committee. Proposals for prospective members include a nomination by a current member with detailed supporting letters from two additional members. ALI's elected membership is limited to 3,000 individuals, and as such, the committee seeks to recommend to the Council only those candidates who have demonstrated exceptional professional achievement, outstanding personal character, and an avid interest in law reform.

During the 2014–2015 fiscal year, 158 top-tier legal professionals proudly accepted the nomination and joined ALI's membership ranks, increasing the elected membership to 2,774. The Institute celebrated these new members at the 2015 Annual Meeting with two special events designed to welcome them to the ALI community and educate them about opportunities to participate in the Institute's many projects. As of June 30, 2015, ALI membership also included over 1,500 Life members (a status achieved after 25 years of service to the Institute), more than 230 ex officio members, and two honorary members. While ex officio members are generally considered members only during the time they hold a specific office or position, the Chief Justice of the United States and Associate Justices of the Supreme Court of the United States are ex officio members for life.



Members by Category

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

- PRACTICING ATTORNEYS 40%
- ACADEMICS 37%
- JUDGES 13%
- CORPORATE 4%
- GOVERNMENT 3%
- NONPROFIT 3%

“Since we moved to a confidential membership process, the Membership Committee and staff have been proactive in working with the membership and the 16 Regional Advisory Groups to maintain balance among our primary groups of members. They have done an excellent job of identifying and nominating eminent judges, practitioners, and academics in their respective states and regions. The candidates, in turn, have enthusiastically accepted the nominations and are eager to assist in our mission to clarify, modernize, and otherwise improve the law. We are honored to welcome them.”

YVONNE GONZALEZ ROGERS

**U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
CHAIR, ALI MEMBERSHIP COMMITTEE**

158 New Members MAY 2014-2015



50
ACADEMICS
31%



42
FIRMS
26%



39
JUDGES
25%



27
OTHER
18%



New members elected in October 2014, January 2015, and April 2015 who attended the 92nd Annual Meeting

Distinguished Service Award

The ALI's Distinguished Service Award is given from time to time to an ALI 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. This year, ALI Director Emeritus Lance Liebman presented the award to ALI Council emeritus Robert H. Mundheim.

Elected to the ALI in 1969, Mr. Mundheim served on ALI's Council for 27 years, taking emeritus status in 2012. As chair of the Special Committee on Governance, he oversaw a critically important time of transition as ALI revamped its Bylaws and Council Rules to mandate term limits. Mr. Mundheim is an Adviser for the Restatement of the Law, Charitable Nonprofit Organizations, and Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations; he also participates in the Members Consultative Group for Principles of the Law, Government Ethics. He was formerly an Adviser and Consultant on Principles of Corporate Governance (1994) and an Adviser on the Restatement of the Law Third, The Law Governing Lawyers (2000).

Mr. Mundheim, currently Of Counsel to Shearman & Sterling in New York, has had a stellar career in the business world, in government service, and in academia. Before joining Shearman & Sterling, he was executive vice president and general counsel at Salomon Smith Barney Holdings Inc. As general counsel to the U.S. Treasury Department during the Carter Administration, he played a major role in negotiations to free American hostages held by the Iranian government. From 1982 to 1989 he served as dean of the University of Pennsylvania Law School, where he had taught since 1965.

In accepting the award, Mr. Mundheim reflected on his 46 years as an ALI member and praised the award's previous recipients, noting that he was "enormously proud and grateful" to be included among them.



The Young Scholars Program



Professor Elizabeth Chamblee Burch, Justice Goodwin Liu, and Professor Michael N. Simkovic

Every other year, The American Law Institute awards the Young Scholars Medal to one or two outstanding early-career law professors whose work has the potential to influence improvements in the law. At the 92nd Annual Meeting, Elizabeth Chamblee Burch of the University of Georgia School of Law and Michael N. Simkovic of Seton Hall University School of Law received their medals, presented by the Young Scholars Medal Selection Committee Chair, Justice Goodwin Liu of the California Supreme Court.

Professor Burch's research focuses on class actions and large-scale, non-class aggregation. She is noted for her interdisciplinary approach to procedure and often draws from fields that bear on collective action and group decisionmaking, including social psychology, behavioral law, and economics, as well as political philosophy. Professor Burch is currently planning her conference, "The Future of Aggregate Litigation," to be held in New York in April 2016.

Professor Simkovic's scholarship centers on bankruptcy, corporate finance, secured transactions, and taxation. His article on mortgage securitization market structure is one of the most widely read pieces of research about the causes of the subprime mortgage crisis. It won the American College of Consumer Financial Services writing award, and influenced the Government Accountability Office's framework for housing-finance reform.

The American Law Institute will continue to award the Young Scholars Medal to exemplary early-career law professors. It is through the continued support of ALI's members and donors that the Institute is able to continue this platform to identify new areas for legal reform.

Financial Report

Condensed Consolidated Statements of Financial Position

JUNE 30, 2015 AND 2014

| | 2015 | 2014 |
|--|-------------------|-------------------|
| ASSETS | | |
| Cash | 1,007,533 | 1,125,074 |
| Receivables and other assets | 2,522,795 | 2,341,181 |
| Investments, at fair value | 56,122,883 | 57,622,271 |
| Land, buildings, and equipment, net | 2,997,412 | 2,865,319 |
| Total Assets | 62,650,623 | 63,953,845 |
| LIABILITIES AND NET ASSETS | | |
| LIABILITIES | | |
| Accounts payable and accrued expenses | 1,387,426 | 1,515,757 |
| Deferred revenue | 1,023,704 | 999,076 |
| Postretirement health benefit obligation | 2,269,086 | 2,228,594 |
| Total Liabilities | 4,680,216 | 4,743,427 |
| NET ASSETS | | |
| Unrestricted | | |
| ALI | 44,360,964 | 43,521,906 |
| Noncontrolling Interest in ALIP | 460,607 | 411,346 |
| Total unrestricted | 44,821,571 | 43,933,252 |
| Temporarily restricted | 12,709,465 | 14,837,795 |
| Permanently restricted | 439,371 | 439,371 |
| Total Net Assets | 57,970,407 | 59,210,418 |
| Total Liabilities and Net Assets | 62,650,623 | 63,953,845 |

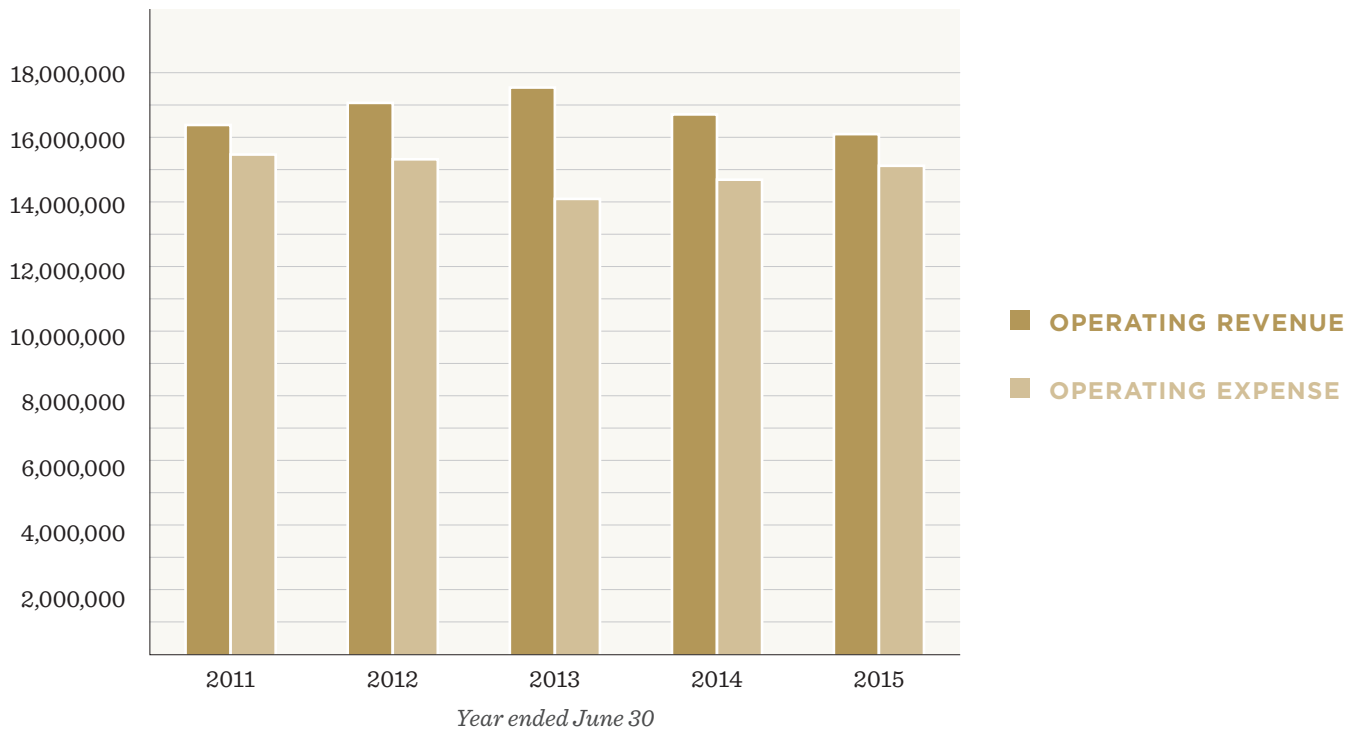
The condensed consolidated financial statements for The American Law Institute include all accounts and activities of the Funds of the Treasurer and ALI CLE. In addition, they reflect the accounts and activities of The American Law Institute Publishers (ALIP).

Condensed Consolidated Statements of Activities

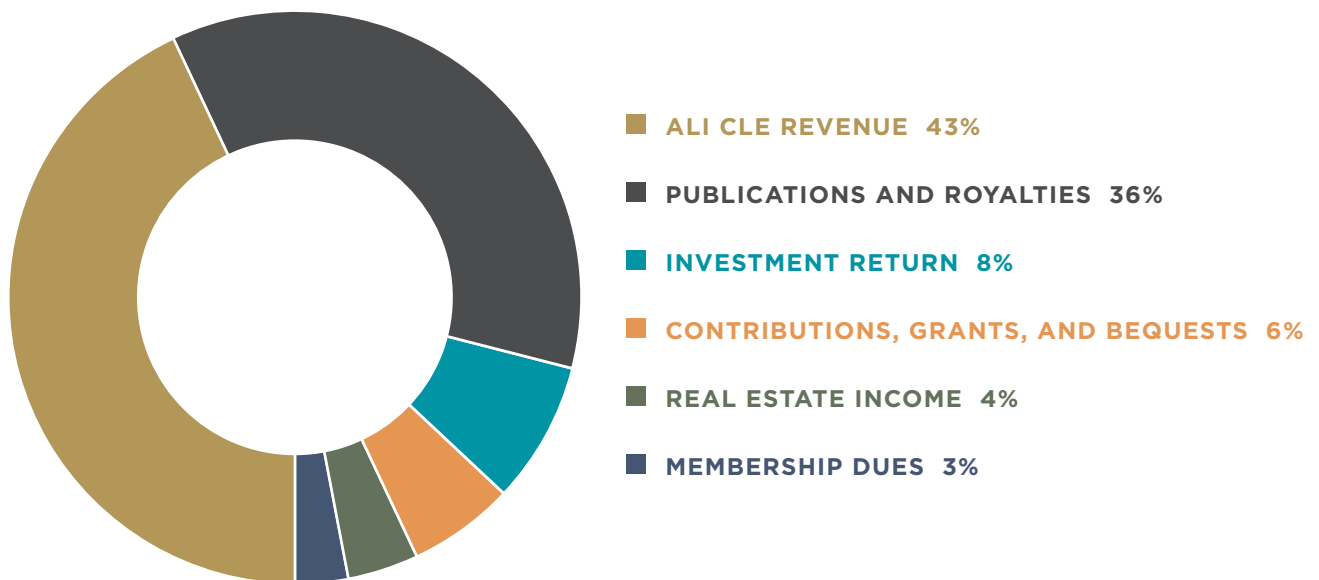
JUNE 30, 2015 AND 2014

| | 2015 | 2014 |
|---|--------------------|-------------------|
| UNRESTRICTED | | |
| Publications and royalties | 5,475,141 | 5,103,293 |
| Membership dues | 481,600 | 458,927 |
| Net assets released from restrictions used for operations | 2,498,237 | 1,905,671 |
| Contributions and grants | 471,859 | 449,410 |
| Other income | 565,162 | 604,594 |
| ALI CLE revenue | 6,585,630 | 8,221,237 |
| Total unrestricted operating revenue and other support | 16,077,629 | 16,743,132 |
| Program expenses | 10,361,624 | 9,890,190 |
| General and administrative expenses | 4,832,927 | 4,896,477 |
| Total operating expenses | 15,194,551 | 14,786,667 |
| Increase in unrestricted net assets from operations | 883,078 | 1,956,465 |
| Investment return | 949,814 | 4,700,742 |
| Bequests | 365,413 | 1,500 |
| Non-operating expense, net | (1,309,986) | (1,415,855) |
| Increase in unrestricted net assets | 888,319 | 5,242,852 |
| TEMPORARILY RESTRICTED | | |
| Investment return | 339,907 | 1,934,901 |
| Net assets released from restrictions used for operations | (2,498,237) | (1,905,671) |
| Contributions | 30,000 | 17,475 |
| (Decrease) Increase in temporarily restricted net assets | (2,128,330) | 46,705 |
| (DECREASE) INCREASE IN NET ASSETS | (1,240,011) | 5,289,557 |
| Net assets, at beginning of year | 59,210,418 | 53,920,861 |
| Net assets, at end of year | 57,970,407 | 59,210,418 |

Operating Revenue and Expense since 2011



2015 Operating and Non-operating Revenue by Activity



Annual Giving Report

“THE LAW IS THE BEDROCK OF COMMERCE AND THE BEDROCK OF THE BUSINESS COMMUNITY. AND I CAN’T THINK OF AN ORGANIZATION THAT HAS MADE A MORE SIGNIFICANT CONTRIBUTION TO SEEING THAT THIS SYSTEM FUNCTIONS PROPERLY THAN THIS ORGANIZATION.”

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2015 ANNUAL
MEETING REMARKS

Contributions to The American Law Institute provide a key source of support that allows ALI to remain independent as it continues its mission of clarifying and improving the law. By becoming a Sustaining Member, joining a Giving Circle, or making a planned gift or general contribution, ALI members help guarantee that the Institute is prepared for a second century of law reform.

Contributions to The American Law Institute help us:



Maximize Project Efficiency and Attract Top Talent

ALI pays stipends to top-tier law professors best suited to produce its project drafts, and also pays for the research assistants who support them. Contributions provide important funding that will allow the Director to increase the number of Reporters in order to expedite project completion times while maintaining the high level of quality the Institute is known for.



Reduce Barriers to Participation

ALI’s members are lawyers of the highest qualifications. 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. ALI’s travel assistance programs, which are supported by the generosity of our members as well as select foundations, provide opportunities for the full spectrum of our membership to participate in the Institute’s work regardless of financial means.



Secure the Institute’s Future

Following best practices in nonprofit management, ALI is establishing a Capital Projects Fund that will allow us to properly maintain our equipment, technology, and infrastructure. In addition, contributions to the Institute ensure that any reduction in revenue from print publications will not inhibit ALI’s work.



Raise Awareness of ALI’s Work and Engage the Next Generation

ALI’s Young Scholars Medal and annual symposia support practical legal scholarship and raise awareness of the Institute’s mission while engaging the next generation of eminent legal minds. Contributions to the Institute provide funding that will ensure this important program continues.



Produce Works Important to the Public Interest

The Institute believes its mission should be driven by focusing on areas of law that are most in need of clarification, regardless of financial return. The current legal landscape includes a number of topics that are ripe for review, but the resulting publication may not generate revenue to cover the costs of the project in the way ALI’s Restatements do. Projects on these topics—including Police Investigations; Sexual and Gender-Based Misconduct on Campus; and Sentencing—are nonetheless of great importance. Gifts to the Institute provide funding necessary for it to engage in such works that benefit the public interest.

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

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The John Minor Wisdom Award is given from time to time to an ALI member who has rendered extraordinary service to the Institute, but is not a project Reporter, an officer, or a member of Council. The award was established by The American Law Institute in 1990 in honor of the legendary Judge Wisdom, a longtime ALI Council member and Presidential Medal of Freedom recipient who was renowned for his landmark decisions ordering and implementing desegregation in the wake of the Supreme Court's historic ruling in *Brown v. Board of Education*.

During the 2014–2015 fiscal year, Judge Wisdom's former clerks began an initiative to ensure his memory will be securely perpetuated within the Institute for the foreseeable future. To date, \$15,000 of the clerks' \$50,000 goal has been reached. The funds raised will be used to pay for an appropriate award gift and the recipient's travel expenses to accept the award in the years it is presented, as well as to support an ALI project to gather and preserve materials relating to the Judge.

WE THANK THE FOLLOWING DONORS FOR THEIR GENEROUS CONTRIBUTIONS TO THE JOHN MINOR WISDOM AWARD FUND.

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The 1990 Life Member Class Gift



Class of 1990 Co-Chairs Lovida H. Coleman, Jr., Andrew D. Hendry, Ronald L. Olson, and Jay L. Westbrook

ALI's new Life members were honored at a luncheon at the 92nd Annual Meeting, where Andrew D. Hendry of Colgate-Palmolive Corp. and Ronald L. Olson of Munger, Tolles & Olson LLP presented the 1990 Life Member Class Gift to the Institute. The campaign, co-chaired by Mr. Hendry and Mr. Olson along with Jay L. Westbrook of University of Texas School of Law, and Lovida H. Coleman, Jr., concluded with 67 percent of the Class participating to raise \$125,226. The gift will help 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 1991 Life Member Class, which will be honored at the 2016 Annual Meeting.

The American Law Institute is grateful to everyone who contributed to the 1990 Life Member Class Gift campaign. We appreciate your generosity.



FROM LEFT, TOP: John A. Spanogle, Jr., J. E. Gallegos, Kenneth S. Abraham, John Michael Clear, Thomas R. Phillips, John A. Nadas, Martin D. Begleiter, Jack B. Jacobs, Vance K. Opperman, Ronald William Meister; MIDDLE: Richard W. Wright, W. Amon Burton, Robert A. Goodin, Charles W. Petty, Jr., Catherine Kessedjian, Thomas Carlton Arthur, Bernard D. Reams, Jr., Daniel O. Bernstine; BOTTOM: Ronald L. Olson, Gita F. Rothschild, Larry W. Sonsini, Geoffrey C. Hazard, Jr. (50-Year Member), Diane P. Wood, Joan E. Steinman, Andrew D. Hendry



Larry W. Sonsini speaking at the Life Member Luncheon.

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The financial support of The American Law Institute's members and those who care about its mission is crucial to ensuring that the Institute maintains its independence. Although ALI members volunteer their time and expertise to our unique drafting process, this important work could not be produced without a reliable source of funding for the many costs incurred in carrying out our projects.

Charitable contributions to the Institute help to ensure that ALI's work continues uncompromised. We thank the following individuals and foundations for their generosity.

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The ALI enjoys the support of many longtime Sustaining members. They are the backbone of our organization. It is with tremendous pride that we recognize the individuals who were Sustaining members for the 2014–2015 fiscal year.

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