

2019-2020 ANNUAL REPORT 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 ALI. The Institute’s mission, as set out in its charter, is “to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work.”

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

Publications and Projects

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

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

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

ALI also examines and analyzes legal areas in need of reform. Principles of the Law are primarily addressed to legislatures, administrative agencies, or private actors. They can, however, be addressed to courts when an area is so new that there is little established law. Principles may suggest best practices for these institutions. Statutory projects include the Uniform Commercial Code (in conjunction with the Uniform Law Commission), Model Code of Evidence, and Model Penal Code.

Membership

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

Funding

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



President's Message

I write this letter in late October 2020, in what has proven to be a most difficult and unexpected year in so many ways. A global pandemic has gripped the nation, bringing great loss to so many, shuttering businesses, and keeping us apart from loved ones, friends, and colleagues. In

this year, we also experienced tragedy in the streets, in the grainy and horrifying videos of police killings of black men and women. Like a Shakespearean tragedy, the disruptions in our social order have been mirrored in the much-abused natural world where we have seen devastating natural events, particularly wildfires of unimaginable intensity, and also the pandemic itself, leading to unprecedented destruction. All of these events fall heaviest on the vulnerable as they test us all.

And we are at another crossroad. The presidential election looms in the next week, ending an unusually divisive election cycle and Presidency. When you read this letter, I hope we at least will know the results of this election, and that whatever the outcome, we will take the opportunity to recommit to our democratic experiment in government.

Perhaps it is “fitting and proper,” as the Victorians would say, that very soon we will be heading into the holiday season, beginning with Thanksgiving. After such a stressful year, it is a relief to be thankful and to focus on the gratitude we feel for the many good and noble acts of service and sacrifice by so many in this year and years before. Many of you will likely be making plans for Thanksgiving Day, perhaps gathering around a computer on a digital platform. Of course, it will not be the same, but it will be memorable and we will make the best of it, looking forward to next year when we may be together in person.

I am thankful for The American Law Institute and the community of ALI staff and members who support its work. Despite all of the difficulties of the past year, our staff and members rose to the challenge of carrying on with our important work. The best evidence of this is the success and progress made at our project meetings. After cancelling spring project meetings and the Annual Meeting, we had to adapt quickly and learn new ways of bringing our members, Reporters, and project participants together. Our Zoom meetings, both project and Council meetings, have been very productive. Many members have reported that they feel as engaged, or even more engaged in our process, than in years past. Without the burdens of travel, some of our members have been able to participate more fully than before. Like other institutions, including the courts, we are learning about new ways of doing our work and evaluating whether some of these innovations, now compelled, may be preserved when the virus is no longer a threat. Similarly, we also come to appreciate the importance of the old ways. We do plan to come together again in person as soon as it is safe to do so.

In all other ways, the Institute has moved steadily forward. Our staff is working safely from home and our committees continue to meet virtually. We have elected and welcomed wonderful new members; our project drafts are on schedule; and our

publications and CLE programs are available and in demand. Our financial position is fairly described as strong despite the uncertainties and volatility in the markets.

We have much to be grateful for!

Our work has never been more important. Our projects continue to address some of the most important issues of our time. In order to remove any barrier to access, we have begun to make several of our publications and project drafts, such as Election Administration and Policing, freely available. Our Reporters and project participants have joined us virtually to produce video guides to the project drafts, podcast episodes, and CLE programs to educate the legal community about the best way to use our work. Our members and Reporters recognize the importance of our work, and this is why we continue to attract the top practitioners, academics, and judges into our ranks.

Looking back 100 years ago to the time when the ALI was founded, we can only admire the fortitude of our founders. Although this year has challenged us all, the challenges of that era were greater still. The terrible influenza pandemic of 1918-20 overlapped the last year of a devastating and senseless world war that ultimately dragged the world into another explosion of violence and genocide 20 years later. Yet our founders persevered through these historical cataclysms. They had the faith, which is our faith today, that whatever the challenges, it is a worthwhile and important endeavor for this Institute to attend to the infrastructure of our legal system which, in turn, is a critical part of the rule of law and the infrastructure of democracy. Progress is not easy, and it is often said that “law reform is not for the short-winded.” Yet it is possible to clarify, ameliorate, and even solve some of the issues we address.

I hope you agree that our work is as important and timely as ever. This work is possible only because of the generosity of our members. In addition to charitable donations each year, you give of your time and your intellect and judgment.

Please do consider joining me in making a year-end gift to the ALI.

Thank you for all that you have done and will do for the ALI.

Wishing you and yours a happy season of Thanksgiving and good health as we look forward to a new and better year.

Sincerely,

A handwritten signature in dark ink that reads "David F. Levi". The signature is written in a cursive style with a large initial 'D' and 'L'.



Director's Message

In recent years, I was able to begin this message by telling you about the important projects that we completed at the Annual Meeting. It always makes me happy to reflect on these accomplishments and think about the extraordinary effort by so many people—Reporters, Advisers, Members Consultative Group—that

produced this work as well as about the painstaking review by the Council and members. And I also think about how each of the projects strengthens the rule of law in the United States and furthers an important mission that began almost a century ago.

Alas, this year I cannot follow the usual pattern. The COVID-19 pandemic and the associated economic and racial-justice crises are gripping our country and the world. The last in-person ALI meeting was on March 12 and 13, for our Restatement of the Law Third, Torts: Concluding Provisions, meeting in Philadelphia. The meeting had a special feeling because all of us there had a sense that activities of that sort would come to an end for some period of time—though at the time we did not know for how long. The following week, we cancelled our three remaining spring meetings and shortly thereafter we cancelled the Annual Meeting. But we urged our Reporters to keep working on the drafts and encouraged our members to send their comments after the drafts were posted, which generated a significant amount of useful feedback.

Since then, our work has resumed at its usual intensity. We had one Zoom project meeting over the summer, and we will have a total of 12 additional project meetings and a Council meeting this fall, all conducted remotely. While we greatly miss the wonderful camaraderie of in-person meetings, the remote meetings are very productive and have had more participants than we typically have for our in-person meetings.

In May 2021, we will have an Annual Meeting. While we have not yet decided on its format, our plan is to add an additional day to make up in part for the delays caused by the cancellation of the 2020 Annual Meeting. My hope is that we will thus be able to obtain final approval for up to four of our ongoing 17 projects and be back on track in terms of our schedule for project completions.

During this time of deep national crisis, we should all take pride that several of our projects offer guidance that may contribute positively to the national conversations about several critically important issues. To facilitate this process, we took steps to raise the visibility of our recommendations and to put them in the hands of relevant decisionmakers.

For example, one of the already approved Chapters of Principles of the Law, Policing, concerns the use of force. In the wake of the killing of George Floyd, we made this Chapter, as well as the other approved Chapters, freely available to the public, shared it with police departments, and promoted it on our website, so that it can help guide institutions grappling with this issue. Individuals involved in the project—an extraordinarily impressive group drawn from a diversity of disciplines—have become leading contributors to the national conversation on race and policing that is currently taking place throughout the country. To mention just a few recent examples, Associate Reporter Tracey Meares and Adviser Art Acevedo, the Houston Police Chief, appeared in a segment on the *PBS NewsHour*, and Adviser Sherrilyn Ifill of the NAACP Legal Defense and Educational Fund was featured on *60 Minutes*.

In addition, Reporter Barry Friedman and former U.S. Attorney General Loretta Lynch were tapped by New York Attorney General Letitia James to help guide and support her investigation into NYPD interactions with protestors. Professor Friedman and Chief Acevedo also appeared with Chicago Mayor Lori Lightfoot and Ashley Allison, Executive Vice President of Campaigns and Programs at the Leadership Conference on Civil and Human Rights, in a podcast moderated by our President David F. Levi and produced jointly by the ALI and the Bolch Judicial Institute at Duke Law School as part of the *Coping with COVID* series.

On a different front, when the ALI published Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, little did we know how central the issues of ballot counting and non-precinct voting would become in a landscape altered by the pandemic and how large the issue of a dispute about the outcome loomed in the run-up to the election, which were the two matters on which the project focused. In two separate ALI podcasts in our *Reasonably Speaking* series, Reporter Edward B. Foley and Associate Reporter Steven Huefner, together with other experts, shed light on these issues. And, Professors Foley and Huefner have been active participants in national conversations about these issues.

In addition, several Reporters and Advisers of our Restatement of the Law, Children and the Law, have put together a program, which we are distributing for free, on the particular challenges to children in two distinct areas—child welfare and juvenile justice—brought about by the COVID-19 pandemic. With respect to child welfare, children are now more distanced from potential first reporters of child abuse, such as teachers, child-care providers, and physicians. And, to receive appropriate protections and services in the criminal-justice system children need access to legal representation and quick adjudicatory hearings—goals that have been compromised by widespread court closures and limited calendars.

The financial support of our members—which comes on top of their critically important work on the substance of our projects—plays a key role in making our work possible. While we derive a significant proportion of our revenues from our endowment, the sales of our books, and royalties for the electronic use of our materials, we would have a significant yearly shortfall without the financial contributions of our members. By becoming Sustaining Members, contributing to our Annual Fund, supporting the class gift after 25 years of membership, and through estate planning and bequests, you enable us not only to carry out our projects, but also to engage in a variety of other institutionally compelling activities. With your financial contributions, we help defray travel expenses for members outside of the private sector to be able to attend our meetings, make our work more accessible to institutions that do not have access to standard legal-research materials, and promote the work of the next generation of leading legal scholars. Without your support, both intellectual and financial, we simply would not be able to do our work. I therefore hope that you will keep the ALI in mind as you plan your year-end philanthropic giving. Strengthening the rule of law is a compelling goal, day in and day out, particularly now. The American Law Institute does so much on that score as a result of your substantive and financial commitments!

The American Law Institute

Council

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*President Emeritus and Chair of the Council Emeritus

Annual Meeting Cancellation

The cancellation of the 2020 Annual Meeting is only the second time in ALI history that an Annual Meeting has been cancelled. The first was in 1945, due to World War II. At the time, Director Lewis explained the decision: “It is not that there are no matters of importance which could be taken up at such a meeting; but our war conditions and the statement of James F. Byrnes rightly prohibits any large meeting not directly connected with the war effort.”

At the Annual Meeting each year, ALI members gather to review, discuss, and approve drafts as well as approve ALI leadership changes. So how does the cancellation affect the work and business of the Institute?



The State of the Institute

Each year, ALI’s Annual Meeting includes a session with business reports from ALI leadership. Now more than ever, it is important that our membership remains updated on matters of the Institute, including how our work continues during this time.

That is why, despite the cancellation of this year’s Annual Meeting, ALI has prepared a video on this year’s business reports. This video was released on June 8, 2020.

President **David F. Levi** opens the video with an important statement, as well as an overview of the state of the Institute. He then introduces the executive members and committee chairs as they provide their reports on Institute matters.

The following are listed in the order in which they presented:

Richard L. Revesz, Director
Roberta Cooper Ramo, Immediate Past President and
 100th Anniversary Committee Co-Chair
Stephanie A. Middleton, Deputy Director
Teresa Wilton Harmon, Membership Committee Chair
Wallace B. Jefferson, Treasurer
Steven O. Weise, Investment Committee Chair
Judith A. Miller, Development Committee Chair
Anthony J. Scirica, Nominating Committee Chair

Watch the video now on the ALI website at
www.ali.org/news/state-institute.

Project Drafts

With no Annual Meeting, no draft content could be approved by the membership this year. However, our dedicated members still submitted comments on these drafts, which will guide the Reporters as they improve the drafts for member review at a future Annual Meeting. It is our hope that with the incorporation of members’ comments, we will have an efficient 2021 Annual Meeting.

ALI leadership recognizes that these drafts will still require adequate time on the agenda, so ALI is planning to hold an extended 2021 Annual Meeting. With an additional day on the 2021 agenda, and potentially again in 2022, we hope to make up for lost time.

Leadership Nominations

In January, the Council approved the nomination of three members for election to the ALI Council. These nominations would have been submitted to the membership for approval at the 2020 Annual Meeting. However, because of the cancellation, we will now submit the nominations at the 2021 Annual Meeting. Biographies of the three nominees are set forth below.



Roberto J. Gonzalez, a partner at Paul, Weiss, represents financial institutions and other companies in high-stakes litigation, investigations and advisory matters, spanning the areas of economic sanctions, anti-money laundering, export controls, antitrust, the False Claims Act, consumer financial protection, and cybersecurity and data privacy.

Mr. Gonzalez served in several senior legal positions in the federal government prior to joining Paul, Weiss. As Deputy General Counsel of the Treasury Department, he managed major litigations and congressional investigations and supervised more than 100 lawyers—including at the Department’s Office of Foreign Assets Control (OFAC) and Financial Crimes Enforcement Network (FinCEN)—in the areas of sanctions, anti-money laundering, cybersecurity, and financial regulation. His tenure saw significant developments in the sanctions regimes involving Russia/Ukraine, Iran, Cuba, and malicious cyber activity, as well as landmark sanctions and AML enforcement actions. Previously, he was Principal Deputy General Counsel of the Consumer Financial Protection Bureau (CFPB), where he oversaw the legal review of all enforcement actions, rulemakings, and significant supervisory matters. Before that, he served as Associate White House Counsel and Special Assistant to President Obama, where he counseled on financial reform and homeland-security issues and represented the White House in investigations by Congress and the Financial Crisis Inquiry Commission. He previously served as a law clerk to Justice John Paul Stevens of the Supreme Court of the United States and Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.



Laura Denvir Stith has been a judge on the Missouri Supreme Court since 2001. She was elected by her fellow Supreme Court judges to serve a two-year term as Chief Justice, from July 1, 2007, to June 30, 2009, becoming the second woman to serve as Missouri’s highest-ranking jurist.

Judge Stith graduated magna cum laude from Jackson College for Women (now part of Tufts University), and then from Georgetown University Law Center. She served as a law clerk for the late Judge Robert Seiler of the Missouri Supreme Court and then entered private practice in Kansas City, Missouri, where she was an associate and then partner at Shook, Hardy & Bacon. She served on the Missouri Court of Appeals, Western District, from 1994 to March 2001. On March 7, 2001, then-Governor Bob Holden appointed her to the Missouri Supreme Court, and she was retained by Missouri voters at the November 2002 and 2014 general elections. Judge Stith is a founding director for Lawyers Encouraging Academic Performance (LEAP) in Kansas City. She serves as an Adviser for Restatement of the Law Fourth, Property.



Larry D. Thompson, who joined Finch McCranie LLP as Counsel in July 2015, is the former U.S. Deputy Attorney General (2001–2003). In a distinguished public- and private-sector career over more than three decades, Mr. Thompson

also has prosecuted complex cases as U.S. Attorney for the Northern District of Georgia, directed internal investigations and defended individuals and businesses in special matters as a partner in a major law firm, and served as General Counsel and Senior Vice President of PepsiCo, Inc.

During his tenure as Deputy Attorney General, Mr. Thompson led the Department of Justice’s National Security Coordination Council, as well as the government-wide Corporate Fraud Task Force. In 2000, Congress selected Mr. Thompson to chair the bipartisan Judicial Review Commission on Foreign Asset Control. In 2004, he served as a Senior Fellow with the Brookings Institution in Washington, D.C. Prior to serving as U.S. Deputy Attorney General, Mr. Thompson was a partner with the Atlanta-based law firm of King & Spalding and was co-founder of the firm’s special matters and government investigations practice. He previously served as U.S. Attorney for the Northern District of Georgia from 1982 to 1986. From 1995 to 1998, he served as Independent Counsel for the Department of Housing and Urban Development Investigation.

Most recently, Mr. Thompson served as Senior Vice President for Government Affairs and General Counsel for PepsiCo. He also served as the John A. Sibley Professor of Corporate and Business Law at the University of Georgia, a position he will continue while with Finch McCranie LLP.

Council Members Taking Emeritus Status

This year, three Council members took Emeritus status.



José I. Astigarraga is a partner at Reed Smith. His practice focuses on international arbitration and litigation. He was elected to the ALI in May 1995 and was elected to the Council in 2001. Mr. Astigarraga has accumulated broad experience in international business disputes in his more than 30 years of practice.

Recipient of the “Lawyer of the Americas” award from the University of Miami School of Law’s *Inter-American Law Review* for his outstanding and exemplary service in the field of international law, Mr. Astigarraga has handled business disputes emanating from most countries in Latin America.

The U.S. Government appointed him as one of 10 representatives to the tripartite committee advising the NAFTA Commission on international arbitration and alternative means of resolving private commercial disputes as well as an expert at the Conference on Private International Law of the Organization of American States. His experience goes beyond Latin America—he served as Vice President of the 35-member London Court of International Arbitration, having been appointed to successive five-year terms on the Court.



Amelia H. Boss is the Director of the Business and Entrepreneurship Law Program and the Trustee Professor of Law at Drexel University Thomas R. Kline School of Law, where she teaches courses in commercial law and bankruptcy. She formerly taught at Temple University Beasley School of Law, where she also was the director

of the Institute for International Law and Public Policy. She was elected to the ALI in June 1980 and was elected to the Council in May 2001. Professor Boss is an Adviser on the Restatement Third, Consumer Contracts, and the Principles for a Data Economy projects, and was previously an Adviser on the Principles of the Law of Software Contracts project. She is also a longtime member of the Permanent Editorial Board for the Uniform Commercial Code, served on the UCC Drafting Committees for Articles 1, 2, and 2B, and was a member of ALI Ad Hoc Committees on Articles 2, 2A, and 2B.

She was the first professor and second woman to chair the Business Law Section of the American Bar Association. She has written scores of books, articles, and reports on the UCC, electronic data transfer, leasing transactions, and other topics, appearing in publications including the *Tulane Law Review*, *William & Mary Law Review*, *Journal of Bankruptcy Law and Practice*, and *International Lawyer*.



Roberta Cooper Ramo is a shareholder in the law firm of Modrall Sperling, where she concentrates her practice in the areas of mediation, arbitration, business law, real estate, probate, and estate planning. She has been a member of the Institute since 1991 and was elected to the Council in 1997. She served as ALI’s President

from 2008 to 2017, the Institute’s first woman president, and previously served as First Vice President from 2004 to 2008.

On August 1, 2015, Roberta received the American Bar Association’s highest award, the ABA Medal. Roberta previously served as president of the American Bar Association from 1995 to 1996, the first woman in history to lead the largest nationwide organization of attorneys. In 2011, she was elected into the American Academy of Arts and Sciences, adding her name to a prestigious list of members including George Washington and Albert Einstein, among other notables.

A Fellow of both the American College of Trust and Estate Counsel and the American Bar Foundation, Roberta also has served as a panel member for the American Arbitration Association. In 2013, Roberta was elected Board Chair of Think New Mexico, a nonpartisan think tank, and she serves as a member of the boards of the Santa Fe Opera and Albuquerque Economic Development.

Roberta was appointed by the United States Senate and served as co-chair of a committee to review governance issues of the U.S. Olympic Committee in 2003. She was named an honorary member of the Bar of England and Wales, and of Gray’s Inn in 2000. She served on the Board of Regents for the University of New Mexico from 1989 to 1995, and as President of the Board from 1991 to 1993. She also served on the New Mexico Board of Finance.

The Story of ALI

This year The American Law Institute launched an online timeline that explores the rich history of the Institute from its founding in 1923 to its most recent publications.

Visit the **About** page on ALI's website and click on **History of ALI** to read about all of the Institute's publications, Presidents, and Directors; learn about ALI's involvement in the Statement of Essential Human Rights or discover when the Institute first implemented Members Consultative Groups; and watch videos that explore some of the most influential work of the Institute, including the Model Penal Code; Prudent Investor Rule; Uniform Commercial Code; and Restatement of the Law Second, Foreign Relations Law of the United States.

The Story of ALI

1920s
1940s

1940s
1960s

1960s
1980s

1980s
2000s

2000s
Now

PUBLICATIONS
DIRECTORS
PRESIDENTS

George W. Wickersham

William Draper Lewis

1923

Founding of The American Law Institute

In the early 1920's, a group of prominent American judges, lawyers, and law professors formed "The Committee on the Establishment of a Permanent Organization for the Improvement of the Law," led by *Elihu Root*, George Wickersham, and William Draper Lewis. *The Committee reported to the members of the legal profession* that the "law is unnecessarily uncertain and complex," and as a result, there is a "general dissatisfaction with the administration of justice."

According to the Committee, the law's uncertainty stemmed in part from a lack of agreement on fundamental principles of the common law, while the law's complexity was attributed to the numerous variations within different jurisdictions.


CONTINUE READING →

1928

"A Permanent Organization for the Improvement of the Law"

In 1928, ALI Director William Draper Lewis submitted to the Executive Committee of ALI "*The Future of the Institute: Report No. 1 on Things to be Considered and How We Should Proceed to Consider Them.*" The report makes it clear that Lewis assumed and intended the Institute to be permanent.

In this video, Nathan L. Hecht, Chief Justice of the Texas Supreme Court, explains common law and how it may change over time, necessitating future ALI work.



Nathan L. Hecht

CONTINUE READING →

1931

Tentative Draft Sales Reported

Although the Institute had yet to publish a Restatement, the volume of sales of Tentative Drafts and of the Code of Criminal Procedure reflected that the Institute's work, even in its early stages, was regarded with respect by the legal community.

"The preparation of an adequate Restatement of any Subject is a long and arduous task. There is no short cut."

CONFLICT OF LAWS
TORTS (VOL. 1)
TORTS (VOL. 2)

Restatement of the Law, Conflict of Laws

It took eleven years to complete the Restatement of the Law, Conflict of Laws. The subject presented very special difficulties, mainly due to the fact that the legal importance of the subject had yet to be recognized. In the appointment of Joseph H. Beale, the Institute chose a Reporter who had already devoted more than thirty years to the study and exposition of the subject.

Although many, including Beale, had been teaching this subject matter for several years before ALI took on this project, instruction on the subject had been far from universal. There had not been a general long-continued critical study of this subject as had been given to other principal subjects of common law. Because of this lack of instruction, when confronted with questions of conflict of laws, courts did not bring to their solution an adequate background of knowledge. As a consequence, the opinions accompanying their decisions were not as clear as in other fields of law.

Additionally, conflict of laws necessarily involves every branch of the law. Therefore, accurate expression of its rules involved extended consultation with the Reporters for the other Restatement projects.

REPORTERS
Joseph H. Beale
Herbert F. Goodrich (Administration)

PUBLISHED 1934

PRESIDENT AT PUBLICATION

George W. Wickersham

DIRECTOR AT PUBLICATION

William Draper Lewis

Direct and Participants

Did You Know?

All of the work on the Tentative Drafts, except that covering the Chapter on Administration, was completed in the first part of 1929. The revision of the Tentative Drafts had begun, and the results of these revisions were considered by the Institute at the Annual Meetings in 1929 and 1931. The second revision, as well as the completion of the Chapter on Administration, was submitted to the Annual Meeting in 1934 as a Proposed Final Draft of the subject with a recommendation for its adoption.


Learn more about the Institute's Presidents, Directors, and Publications.

1923

The Uniform Commercial Code (UCC)

The Uniform Commercial Code (UCC) is a comprehensive set of laws governing commercial transactions in the United States. It is a uniform code addressed to legislatures with a view toward legislative enactment and written in prescriptive statutory language. The UCC is a modernization of various statutes relating to commercial transactions including sales, leases, negotiable instruments, bank deposits and collections, funds transfers, letters of credit, bulk sales, documents of title, investment securities, and secured transactions.

Learn how the UCC has promoted safe, predictable, reliable commerce for businesses and consumers throughout the United States in the video below.



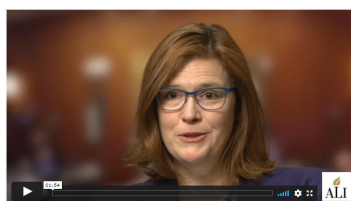
CONTINUE READING →

1962

The Model Penal Code

Although not completed until 1962, the Model Penal Code was the product of a decade of intensive labor by the Institute. Led by Herbert Wechsler, the Model Penal Code project set out to draft a model criminal code that could be adopted by the states. After its publication, 37 states adopted parts of the Code, and several, including New York and New Jersey, adopted nearly all its provisions.

In the video below, Erin E. Murphy from NYU Law and Samuel W. Buel of Duke Law discuss the impact and influence of the Model Penal Code.




CONTINUE READING →

1965

Foreign Relations Second Published

In the video below, Foreign Relations Fourth Reporters Paul H. Stopham and William S. Dodge discuss the history of the Restatement Second of Foreign Relations Law and its role in formulating this area of law.



CONTINUE READING →

Watch videos that explore some of the most influential work of the Institute.

Herbert Wechsler

North Daniel

1

1

2

Current Projects

The ALI Drafting Process

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

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

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

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



Principles of the Law, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, project meeting

Restatements

RESTATEMENT OF THE LAW, THE LAW OF AMERICAN INDIANS

This Restatement cements the foundational principles of American Indian law. Significant portions of Chapters on Federal–Tribal Relations, Tribal Authority, State–Tribal Relations, Tribal Economic Development, and Indian Country Criminal Jurisdiction have been approved by the membership. The remaining portions of the project, including Chapter 6 on Natural Resources, have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

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

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

RESTATEMENT OF THE LAW, CHILDREN AND THE LAW

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

Reporter:

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

Associate Reporters:

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

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

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

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

RESTATEMENT OF THE LAW THIRD, CONFLICT OF LAWS

This project reexamines the increasingly important subject of conflict of laws in light of significant legal developments in the field since the influential Restatement Second was published in 1971. The project will include Chapters on Domicile, Judicial Jurisdiction, Recognition and Enforcement of Judgments, and Choice of Law, among others. Portions of several Chapters have been drafted. Chapters 1 (Introduction) and 2 (Domicile) and portions of Chapter 5 (Choice of Law) and Chapter 6 (Torts) have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

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

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

RESTATEMENT OF THE LAW, CONSUMER CONTRACTS

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

Reporters:

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

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

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



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

RESTATEMENT OF THE LAW, COPYRIGHT

This Restatement encompasses general copyright law. Portions of Chapters 1 on Subject Matter and Standards, 2 on Scope of Protection, 3 on Initial Ownership, Transfers, Licenses, Termination of Grants, and Abandonment, 5 on Duration, 6 on Rights and Limitations, and 9 on Remedies have been drafted. The remaining Chapters are expected to include: Formalities, Infringement, Secondary Liability, and Copyright Protection and Management Systems. Portions of Chapters 1, 2, and 3 have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

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

Lydia Pallas Loren, Lewis & Clark Law School, Portland, OR

R. Anthony Reese, University of California, Irvine School of Law,
Irvine, CA

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

RESTATEMENT OF THE LAW, CORPORATE GOVERNANCE

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

Reporter:

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

Associate Reporters:

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

RESTATEMENT OF THE LAW FOURTH, PROPERTY

This Restatement seeks to bring comprehensiveness and coherence to American property law. Subjects to be covered include the classification of entitlements, possession, accession, and acquisition; ownership powers; protection of and limits on ownership; divided and shared ownership; title and transfer; easements, servitudes, and land use; and public rights and takings. Portions of Volumes on The Basics of Property; Interferences with, and Limits on, Ownership and Possession; Powers and Duties Associated with Ownership; Divided and Shared Ownership; Servitudes; and Land Use have been drafted. Portions of Divisions or Chapters on General Definitions, Possession, Trespass to Land, Bailments, Zoning, Planning, and Subdivision have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

Maureen E. Brady, Harvard Law School, Cambridge, MA
Sara C. Bronin, University of Connecticut School of Law, Hartford, CT
Richard R. W. Brooks, New York University School of Law, New York, NY
R. Wilson Freyeremuth, University of Missouri School of Law, Columbia, MO
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
Thomas W. Merrill, Columbia Law School, New York, NY
Christopher M. Newman, George Mason University, Antonin Scalia Law School, Arlington, VA

RESTATEMENT OF THE LAW THIRD, TORTS: CONCLUDING PROVISIONS

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

Reporters:

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

Associate Reporters:

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

RESTATEMENT OF THE LAW THIRD, TORTS: DEFAMATION AND PRIVACY

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

Reporters:

Lyrissa Barnett Lidsky, University of Missouri School of Law, Columbia, MO
Robert C. Post, Yale Law School, New Haven, CT

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

This project is part of the ongoing revision of the Restatement Second of Torts. Continuing the work of the Restatement Third, Torts: Liability for Physical and Emotional Harm, this project addresses other major avenues of recovery for physical and emotional harm to persons, with a focus on assault, battery, and false imprisonment. It also includes Sections on consent, self-defense, and other privileges. Portions of all four Chapters have been drafted. Chapter 1 (Definitions of Intentional Torts to Persons; Transferred Intent) and portions of Chapter 2 (Consent) have been approved by the membership. The remainder of Chapter 2 and material from Chapter 3 (Privileges on Definitions for Privileges; Self-Defense and Defense of Third Persons; Defense of Actor's Interest in Possession of Land and Personal Property; and Arrest and Prevention or Termination of Crime) have been approved by the Council but not yet been presented to the membership for approval.

Reporter:

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

Associate Reporter:

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



Principles for a Data Economy, project meeting



Restatement of the Law Third, Torts: Concluding Provisions, project meeting

RESTATEMENT OF THE LAW THIRD, TORTS: REMEDIES

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

Reporters:

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

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



Principles for a Data Economy, project meeting

Principles

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

This project provides recommendations of best practices for internal and external control within organizations. All six Chapters—Definitions; Subject Matter, Objectives, and Interpretation; Governance; Risk Management; Compliance; and Liability and Enforcement—have been drafted. Chapter 1 (except the definitions relating to Chapters 4 and 6); Chapters 2 and 3; and portions of Chapter 5 have been approved by the membership. The remainder of Chapter 5 on Compliance, as well as the related definitions in Chapter 1, have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

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

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

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

PRINCIPLES FOR A DATA ECONOMY

Conducted jointly with the European Law Institute, this project will study, identify, and collate the existing and potential legal rules applicable to transactions in data as an asset and as a tradeable item and assess the “fit” of those rules with these transactions. Because of the innovative, joint approach of this project, the structure of the project will vary somewhat from the traditional ALI structure. The project aims to develop a set of transnational Principles to provide guidance to parties in the data economy, as well as to courts and legislators worldwide. Because data does not have a “location,” the goal is to have a common set of Principles that would apply wherever the parties happen to be. The Council has approved Principles 1 to 10 and 15 to 22 (now 16 to 23), but the material has not yet been presented to the membership for approval.

Reporters:

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

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

Co-Chairs:

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

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



*Model Penal Code: Sexual Assault and Related Offenses,
Council meeting*



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

PRINCIPLES OF THE LAW, GOVERNMENT ETHICS

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

Reporter:

Richard Briffault, Columbia Law School, New York, NY

Associate Reporter:

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

PRINCIPLES OF THE LAW, POLICING

This project tackles some of the hardest questions, where courts, legislatures, and police are most in need of guidance. The membership has approved Chapters on General Principles, Police Encounters, Use of Force, Eyewitness Identifications, and Police Questioning. Chapters on Policing in the Absence of Individualized Suspicion, Forensic Evidence Gathering, and Policing Databases have been approved by the Council but have not yet been presented to the membership for approval.

Reporter:

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

Associate Reporters:

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

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

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

Maria Ponomarenko, University of Minnesota Law School,
Minneapolis, MN

Christopher Slobogin, Vanderbilt University Law School,
Nashville, TN

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

This project recommends procedural frameworks that universities and colleges should have in place to respond to sexual assault and related student misconduct. All 10 Chapters have been drafted. Topics include notice and clarity of policies; support and interim measures; reporting; inquiries and investigations; informal and formal resolution of complaints; sanctions; processes for appeals; confidentiality, misrepresentation, and retaliation; and interaction between campus processes and the criminal-justice system. Chapters 1-3 were approved by the Council and submitted at the 2018 Annual Meeting, for discussion only. Chapters 4 and 5 and a portion of Chapter 6 have also been approved by the Council.

Reporter:

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

Associate Reporter:

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

Model Codes

MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES

This project is re-examining Article 213 of the Model Penal Code, which has become outdated since its approval in 1962. All portions of this project have been drafted, including provisions on Sexual Assault, Offensive Sexual Contact, Sex Trafficking, and the Affirmative Defense of Explicit Prior Permission, as well as related definitions. The most recent Tentative Draft (No. 4) includes most Sections of the project.

Reporter:

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

Associate Reporter:

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

UNIFORM COMMERCIAL CODE

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

From time to time, the Permanent Editorial Board for the UCC issues PEB Commentaries to provide guidance in interpreting and resolving issues raised by the UCC. Two PEB Commentaries were issued in 2019-2020:

- PEB Commentary No. 21: Use of the Term “Assignment” in Article 9 of the Uniform Commercial Code
- PEB Commentary No. 22: Status of a Disposition Under Section 9-610 of the Uniform Commercial Code If the Transferee Does Not Act in Good Faith

Members interested in any of these projects can access drafts in the Projects section of the ALI website. Those who join a Members Consultative Group and current project participants will be alerted when future meetings are scheduled and when drafts are available.

Publications

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

Beginning with the Restatement of the Law, Contracts, in 1932, the Institute's Restatements of the Law, Principles of the Law, and model codes have earned an unparalleled reputation for excellence and objectivity. As evidence of the respect the courts have customarily accorded ALI publications, the Restatements and Principles of the Law have been cited in published decisions by U.S. courts over 213,000 times through June 2020.

In the State Supreme Courts

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

BARCLAY V. CASTRUCCIO 230 A.3D 80 (MD. 2020)

Court of Appeals of Maryland, adopting **Restatement Third, Torts: Liability for Economic Harm** § 19

PARKINSON V. BEVIS 448 P.3D 1027 (IDAHO 2019)

Supreme Court of Idaho, adopting **Restatement Third, The Law Governing Lawyers** § 37, Comment *d*

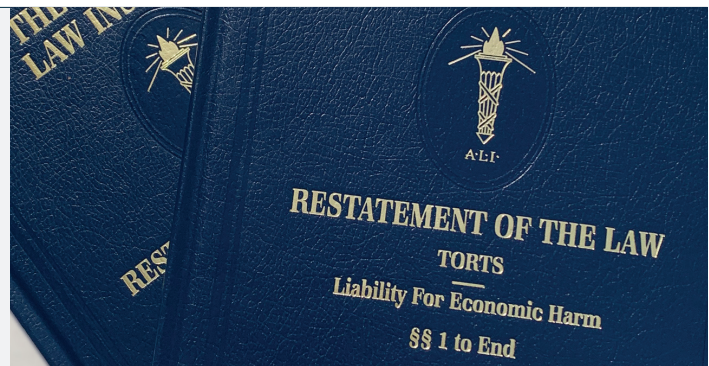
SAUNDERS V. BRINER 221 A.3D 1 (CONN. 2019)

Supreme Court of Connecticut, adopting the approach set forth in **Principles of the Law, Corporate Governance: Analysis and Recommendations** § 7.01(d)

Recent Publication: Restatement of the Law Third, Torts: Liability for Economic Harm

The official text of Restatement of the Law Third, Torts: Liability for Economic Harm, is now available, completing the fourth installment of the Restatement Third of Torts. This Restatement, for which Dean Ward Farnsworth of the University of Texas at Austin School of Law served as Reporter, covers four principal areas of tort law: unintentional infliction of economic loss, liability for fraud, interference with economic interests, and misuse of legal procedure.

Recovery in tort for economic loss has been a growth area in American law over the last few decades. There has been a lot of judicial commentary on when it ought to be possible to recover in tort for a pure economic loss. In an effort to produce a comprehensive treatise on this developing area of law, this Restatement tackles issues that arise at the line between tort and contract. It establishes rules for determining if recovery in tort is available when two parties may have had a contract or could have made a contract but did not.



In addition to updating the economic torts covered in the Restatement Second, this Restatement addresses some topics not covered in prior Restatements and captures the best insights of judicial and scholarly commentary on the topic while staying true to developments in case law. For example, the expression “Economic-Loss Rule” was not used very often in the 1970s, when the Restatement Second of Torts was completed, but is now a regularly used phrase. For that reason, this Restatement includes new Sections on the economic-loss rule outside the area of products liability, exceptions to the economic-loss rule, bad-faith breach of contract as a tort, and the application of principles of comparative responsibility to economic torts.

VISIT WWW.ALI.ORG TO ORDER NOW.

In the U.S. Supreme Court

During its October 2019 Term, the Supreme Court of the United States cited the work of The American Law Institute in 12 cases:

ATLANTIC RICHFIELD CO. V. CHRISTIAN 140 S. CT. 1335 (APR. 20, 2020)

Majority quoting **Restatement Second, Torts** § 929 and Comment *b* thereto

BABB V. WILKIE 140 S. CT. 1168 (APR. 6, 2020)

Majority quoting **Restatement Third, Torts: Liability for Physical and Emotional Harm** § 29 and **Restatement of Torts** § 431, Comment *a*; dissent quoting *University of Tex. Southwestern Medical Center v. Nassar*, 570 U.S. 338 (2013), which quoted and/or cited **Restatement of Torts** §§ 9, 279 and Comment *c* thereto, 280, 281(c), and 431, Comment *a* (general cites)

CITGO ASPHALT REFINING CO. V. FRESCATI SHIPPING CO., LTD. 140 S. CT. 1081 (MAR. 30, 2020)

Majority quoting the Introductory Note to Chapter 11 of **Restatement Second, Contracts**; dissent citing **Restatement Second, Contracts** §§ 205, 219, Comment *a*, 220, and 222(2)

HERNÁNDEZ V. MESA 140 S. CT. 735 (FEB. 25, 2020)

Dissent quoting **Restatement Third, The Foreign Relations Law of the United States** § 402(1)(a) and **Restatement Second, Conflict of Laws** § 145, Comment *e*

JUNE MEDICAL SERVICES L.L.C. V. RUSSO 140 S. CT. 2103 (JUNE 29, 2020)

Dissent citing **Restatement Second, Torts** §§ 440 and 442A

KAHLER V. KANSAS 140 S. CT. 1021 (MAR. 23, 2020)

Majority citing **Model Penal Code** § 4.01(2); dissent citing **Model Penal Code** § 4.01 and quoting the Explanatory Note to § 4.01

LIU V. SECURITIES AND EXCHANGE COMMISSION 140 S. CT. 1936 (JUNE 22, 2020)

Majority quoting **Restatement Third, Restitution and Unjust Enrichment** § 51, Comment *a*, and citing § 51, Comment *b*; dissent quoting **Restatement Third, Restitution and Unjust Enrichment** § 51(4) and **Restatement of Restitution** §§ 160 and 161

LUCKY BRAND DUNGAREES, INC. V. MARCEL FASHIONS GROUP, INC. 140 S. CT. 1589 (MAY 14, 2020)

Majority quoting **Restatement Second, Judgments** § 22(2)(b) and § 24, Comments *b* and *f*

UNITED STATES PATENT AND TRADEMARK OFFICE V. BOOKING.COM B. V. 140 S. CT. 2298 (JUNE 30, 2020)

Majority citing **Restatement Third, Unfair Competition** § 15

RAMOS V. LOUISIANA 140 S. CT. 1390 (APR. 20, 2020)

Concurrence citing **Code of Criminal Procedure** § 355; dissent citing **Code of Criminal Procedure** § 355 and Commentary thereto

THOLE V. U.S. BANK N.A. 140 S. CT. 1615 (JUNE 1, 2020)

Dissent quoting **Restatement of Contracts** § 328 and Comment *a* thereto; quoting **Restatement Third, Restitution and Unjust Enrichment** § 1 and Comment *a* thereto, and § 3, Comment *a*; citing and quoting **Restatement Second, Trusts** § 74, Comment *a*, and §§ 199 and 205, and citing § 2; citing and quoting **Restatement Third, Trusts** § 94, Comment *d*(1)

UNITED STATES FOREST SERVICE V. COWPASTURE RIVER PRESERVATION ASS'N

140 S. CT. 1837 (JUNE 15, 2020)

Majority citing **Restatement of Property** § 450

Reasonably Speaking

The American Law Institute released the second season of its podcast, *Reasonably Speaking*. This season, ALI partnered with the Bolch Judicial Institute of Duke Law School on several episodes in the *Coping with COVID* series, which examines the impact of the COVID-19 pandemic on the legal system. The *Coping with COVID* episodes are hosted by ALI President David F. Levi.

Season Two Episodes

Absentee Balloting: Preparing for the November Election

Edward B. Foley, The Ohio State University Moritz College of Law

Justin Levitt, Loyola Marymount University Loyola Law School

Lisa Marshall Manheim, University of Washington School of Law

Moderated by: **Steven F. Huefner**, The Ohio State University Moritz College of Law

ALI Oral History Series: Ken Frazier

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

Interviewed by: **Alfred W. Putnam Jr.**, Faegre Drinker Biddle & Reath

Robert L. Wilkins v. Maryland State Police

Robert L. Wilkins, U.S. Court of Appeals for the District of Columbia Circuit

Interviewed by: **Paul L. Friedman**, U.S. District Court for the District of Columbia

Medical Malpractice in the Restatement Third of Torts

Mark A. Hall, Wake Forest University School of Law

Laura Sigman, M.D., J.D., Children's National Health System

Shanin Specter, Kline & Specter

Moderated by: **Michael D. Green**, Wake Forest University School of Law

Disgorgement or Accounting for Profits? An Analysis of Liu v. SEC

Andrew Kull, University of Texas at Austin School of Law

Caprice L. Roberts, The George Washington University Law School

Moderated by: **Douglas Laycock**, University of Virginia School of Law

Faithless Electors: SCOTUS Decisions and Implications for November

Edward B. Foley, The Ohio State University Moritz College of Law

Kate Shaw, Cardozo School of Law

Franita Tolson, University of Southern California (USC) Gould School of Law

Moderated by: **Steven F. Huefner**, The Ohio State University Moritz College of Law



"Absentee Balloting: Preparing for the November Election" participants (clockwise from top left) Steven F. Huefner, Justin Levitt, Edward B. Foley, and Lisa Marshall Manheim



"Leading through Uncertainty - Perspectives from the Private Sector" participants (clockwise from top left) Malini Moorthy, Katherine Adams, David F. Levi, Kenneth C. Frazier, Ivan K. Fong

Reasonably Speaking Season Two Is Here. Listen Now.

Season Two of ALI's podcast is now available on the ALI website, as well as any podcast platform. *Reasonably Speaking* features interviews with legal experts on some of the most important legal topics of our time. Each episode takes listeners through the law in action, beyond courtrooms and casebooks, examining the relationship between our laws and our society.

reasonably
Speaking

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Coping with COVID Series

The Plague of Excessive Force - Working Together to Find a Cure

Art Acevedo, Chief of Police of the Houston Police Department

Ashley Allison, The Leadership Conference on Civil and Human Rights

Barry Friedman, NYU School of Law

Lori E. Lightfoot, Mayor of the City of Chicago



“The Plague of Excessive Force - Working Together to Find a Cure” participants (clockwise from top left) David F. Levi, Barry Friedman, Lori E. Lightfoot, Ashley Allison, Art Acevedo

How Courts Are Addressing Racial Disparities in the Administration of Justice

Cheri Beasley, North Carolina Supreme Court

Charles R. Breyer, United States District Court for the Northern District of California

Goodwin Liu, California Supreme Court

Raymond J. Lohier Jr., United States Court of Appeals for the Second Circuit

Leading through Uncertainty - Perspectives from the Private Sector

Katherine Adams, General Counsel and Senior Vice President of Legal and Global Security at Apple Inc.

Kenneth C. Frazier, Chairman and CEO of Merck & Co., Inc.

Ivan K. Fong, Senior Vice President, General Counsel and Secretary for 3M

Malini Moorthy, Vice President and Chief Deputy General Counsel of Medtronic

How Courts Are Preserving Access to Justice

Diane P. Wood, Chief Judge of the U.S. Court of Appeals for the Seventh Circuit

Lee H. Rosenthal, Chief Judge of the U.S. District Court for the Southern District of Texas

Nathan L. Hecht, Chief Justice of the Texas Supreme Court

Bridget Mary McCormack, Chief Justice of the Michigan Supreme Court

Legal Services Organizations on the Frontlines

Ronald S. Flagg, President, General Counsel and V.P. for Legal Affairs, Legal Services Corporation

Lynn A. Jennings, Vice President for Grants Management, Legal Services Corporation

Yvonne Maria Jimenez, Executive Director, Neighborhood Legal Services of Los Angeles County

Raun J. Rasmussen, Executive Director, Legal Services NYC

Laura Tuggle, Executive Director, Southeast Louisiana Legal Services

How Law Schools Are Educating Students and Fostering Community

Kerry Abrams, James B. Duke and Benjamin N. Duke Dean and Professor of Law, Duke University School of Law

Vikram D. Amar, Dean and Iwan Foundation Professor of Law, University of Illinois College of Law

Heather Gerken, Dean and Sol & Lillian Goldman Professor of Law, Yale Law School

John F. Manning, Morgan and Helen Chu Dean and Professor of Law, Harvard Law School

Jenny S. Martinez, Dean and Richard E. Lang Professor of Law, Stanford Law School

Jennifer L. Mnookin, Dean, Ralph and Shirley Shapiro Professor of Law, UCLA School of Law

Administering Jury Trials, Mediations, and Complex Litigation

Karen K. Caldwell, U.S. District Court for the Eastern District of Kentucky

Sherri R. Carter, Superior Court of California, County of Los Angeles

Mark A. Drummond, Civil Jury Project at NYU School of Law, 8th Judicial Circuit of Illinois (Retired)

Robin L. Rosenberg, U.S. District Court for the Southern District of Florida

Samuel A. Thumma, Arizona Court of Appeals, Division One

Vaughn R. Walker, U.S. District Court for the Northern District of California (Retired)

When Is it Safe to Work?

Kim J. Askew, Partner, DLA Piper

Patrick S. Casey, Senior Counsel, Sidley Austin

Samuel Estreicher, Dwight D. Opperman Professor of Law and Director, Center for Labor and Employment Law, NYU School of Law; Chief Reporter, Restatement of the Law, Employment Law

Cynthia Estlund, Catherine A. Rein Professor of Law, NYU School of Law

Anton G. Hajjar, Former General Counsel, American Postal Workers Union, AFL-CIO

Membership

The Membership Committee and the Council are committed to fostering a membership that will reflect the broad diversity of the legal profession in the United States and abroad, including with regard to (but not limited to) age, gender, race, ethnicity, expertise, geographic region, viewpoints, and type and size of practice or other professional work. The overall goal is to ensure a membership that will keep the Institute a vibrant, relevant, and distinguished membership organization as it carries out its mission throughout the 21st century. Candidates for elected membership must have demonstrated exceptional professional achievement, outstanding personal character, and an avid interest in law reform.

During the 2019–2020 fiscal year, 155 distinguished legal professionals were elected upon accepting the nomination and committing to participate in our work. Members make invaluable contributions to our law-reform efforts by donating their time and expertise in numerous areas of the law. As of June 30, 2020, ALI membership included 2,802 elected members, 1,630 life members (a status achieved after 25 years of service to the Institute), 246 ex officio members, and two honorary members. While ex officio members are generally considered members only during the time they hold a specific office or position, the Chief Justice and Associate Justices of the Supreme Court of the United States are ex officio members for life.

CURRENT MEMBERSHIP	
Elected Members	2,802
Life Members	1,630
Ex Officio Members	246
Honorary Members	2
Total ALI Membership	4,680

MEMBERS BY CATEGORY

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



- **37%** ATTORNEYS IN PRIVATE PRACTICE
- **37%** ACADEMICS
- **14%** JUDGES
- **12%** CORPORATE, GOVERNMENT, AND NONPROFIT ATTORNEYS

155 NEW MEMBERS



- **46** 30% ACADEMICS
- **44** 28% ATTORNEYS IN PRIVATE PRACTICE
- **37** 24% JUDGES
- **28** 18% CORPORATE, GOVERNMENT, AND NONPROFIT ATTORNEYS

American Law Institute Continuing Legal Education (ALI CLE)

As for any other enterprise, 2020 marked a sharp departure from business as usual for American Law Institute Continuing Legal Education (ALI CLE). A strong start to FY19-20—with revenues at their highest levels since at least 2008 for *Eminent Domain and Land Valuation Litigation*, *Life Insurance Company Products*, *Accountants' Liability*, *Modern Real Estate Transactions*, and *Environmental Law* (notably celebrating its 50th anniversary in February 2020)—changed in just six weeks to leaving the in-person model and devising wholly new program formats and communications strategies. Through diligent work across multiple departments, we were able to quickly convert virtually all of our upcoming in-person courses to multiday webcast formats and communicate those changes to registrants, whose practices had suddenly veered from the office to working from home.

In the face of these challenges, in the spring and summer of 2020 ALI CLE presented five cancelled in-person courses as multiday course webcasts and presented over 90 additional stand-alone webcasts. These programs—especially the converted course webcasts—were made possible through the dedication of the ALI CLE staff, all working and meeting remotely. Offering all-virtual formats for our converted courses required new multimedia technologies, internal system changes, creative marketing approaches, reworked program agendas, expanded faculty training, and novel pricing structures. In addition, we systematically reviewed all of our existing course hotel contracts and renegotiated them individually to release our obligations through December 2020.

In its initial response to the pandemic, starting in March 2020 ALI CLE offered frequent webcasts addressing COVID-related issues in such areas as insurance coverage; employee benefits; construction contracts;

remote work ethics; contract performance; PPP compliance; taxation under the CARES Act; managing others remotely; e-signatures and remote notarization; and business continuity planning. As lawyers' needs evolved in the new normal, our COVID-related programming changed with them to include webcasts on business reopenings and return-to-work issues; employer liability; commercial real estate bankruptcies; remote litigation and pre-litigation techniques; force majeure and contracting strategies; business interruption claims; corporate governance; and fundraising during a pandemic. At the same time, we continued to provide substantive, skills, and ethics programming across a wide range of practice areas.

We are currently working with ALI on two Project webcasts. The first, *Children and the Law: Protecting the Vulnerable in a Time of Crisis*, is scheduled to be held October 27, 2020, led by Elizabeth Scott, Kristin Henning, Clare Huntington, and Marsha Levick. The second, *Ethical Considerations in International Commercial and Investor-State Arbitrations*, led by Catherine Rogers, George Bermann, Jack Coe, and Christopher Drahozal, is currently slated for December 2020. In addition, this past summer we separately promoted ALI's outstanding podcast series, *Coping with COVID*, to all of the lawyers ALI CLE serves.

In the coming year, ALI CLE will see the return of *Legal Issues in Museum Administration*, cosponsored with the Smithsonian, as a virtual event in March 2021, as the first of our many in-person courses to be presented as multiday webcasts through Summer 2021. Depending on the circumstances, we plan to recommence in-person conferences in Fall 2021. The nimbleness and new tools we have gained in 2020 will continue to serve us well, regardless of the situation, in the new year and beyond.



Paula T. Edgar, L. Song Richardson, and Jonathan A. Segal present *Understanding and Addressing Unconscious Bias in the Legal Profession* on September 25, 2020.

In Memoriam: Ruth Bader Ginsburg



Supreme Court of the United States Associate Justice Ruth Bader Ginsburg, the second woman appointed to the Court and a trailblazing advocate for gender equality, died on September 18, 2020.

“Our nation has lost a justice of historic stature,” Chief Justice of the United States John

Roberts said. “We at the Supreme Court have lost a cherished colleague. Today we mourn but with confidence that future generations will remember Ruth Bader Ginsburg as we knew her, a tireless and resolute champion of justice.”

At ALI’s 2018 Annual Meeting, Chief Justice Roberts presented ALI’s Henry J. Friendly medal to Justice Ginsburg. On the occasion of the award, ALI President David F. Levi remarked, “Justice Ginsburg embodies the thoughtfulness, dedication, and analytical power of Judge Friendly. She has made remarkable contributions to the law over the course of her long and distinguished career on the bench and before that as an advocate and law professor. Her work to advance the status and treatment of women is justly celebrated and is a lasting influence on the law and the legal system.”

A legal and cultural icon, Justice Ginsburg was a central figure of the legal fight for women’s rights in the 1970s. Prior to her appointment on the United States Court of Appeals for the District of Columbia Circuit in 1980, she was a leader in the courts and co-founded the Women’s Rights Project of the American Civil Liberties Union. Her victories opened doors for women throughout the United States, and made her an icon, a status that she maintained through the end of her life.

Justice Ginsburg maintained a sense of humor and humility about her fame. Upon receiving the Friendly Medal, she remarked, “A word about the notoriety I have recently attracted. It is amazing that at my advanced age, 85, so many people want to take a picture with me. T-shirts, tote bags, bibs, mugs, closet fresheners, coloring books, even tattoos bear my name and face. The tumblr that started it all was launched by a second-year student at N.Y.U. Law School. She detected a certain resemblance between the rapper, the Notorious B.I.G., and me: We were both born and bred in Brooklyn, New York. I suppose young people latched onto me because they yearn for something advancing society’s welfare to believe possible. And I fit that bill because I had the good fortune to be alive and a lawyer when society was prepared to accord equal citizenship stature to women. Helping to propel that change was enormously satisfying.”

Justice Ginsburg served on ALI’s Council from 1978 to 1993. ALI’s Immediate Past President Roberta Cooper Ramo, Justice Ginsburg’s longtime friend, sat on stage with Justice Ginsburg at the 2017 Annual Meeting to discuss

topics ranging from the Equal Rights Amendment and the importance of dissenting opinions to the opera. Justice Ginsburg told a story that demonstrated her continuing role in the fight for equal rights. When Ms. Ramo asked her “what is the meaning of a decision to read a dissent from the bench, which both you and your colleagues do rarely, but from time to time?” Justice Ginsburg responded: “Perhaps three times a year, not more. You will read a dissent from the bench if you think not only did the Court get it wrong, its error was egregious.

That’s why I read the Lilly Ledbetter dissent from the bench. When one writes that kind of dissent, an immediate audience is in mind, and that audience is Congress. For example, in the 1970s, the Supreme Court held, both under Title VII and under the equal-protection principle, that discrimination on the basis of pregnancy is not discrimination on the basis of sex. Congress, in short order, passed a bill that was the soul of simplicity, it simply said: Discrimination on the basis of pregnancy is discrimination on the basis of sex. In the Lilly Ledbetter dissent, my last line was: The ball is now in Congress’ court to correct the error into which my colleagues have fallen. That bill, too, like the Pregnancy Discrimination Act, passed with overwhelming majorities in both houses.”

On Justice Ginsburg’s influence and legacy, Ms. Ramo said, “Justice Ginsburg loved the law, the ideals of justice, the American democracy, opera, and The American Law Institute. She saw us as lawyers and judges at the peak, working together from very different starting points, listening respectfully to come to consensus to make the law work better for Americans. Her legacy must live in how all of us live our lives as lawyers, as judges, and as American citizens. We must cherish not her fame, but her ideals. And I know as she did, that The American Law Institute will do just that.”

Justice Ginsburg was born in Brooklyn, New York, March 15, 1933. She received her B.A. from Cornell University, attended Harvard Law School, and received her LL.B. from Columbia



Chief Justice Roberts presents the Henry J. Friendly medal to Associate Justice Ginsburg

Law School. She served as a law clerk to the Honorable Edmund L. Palmieri, Judge of the United States District Court for the Southern District of New York, from 1959 to 1961. From 1961 to 1963, she was a research associate and then associate director of the Columbia Law School Project on International Procedure. She was a Professor of Law at Rutgers University School of Law from 1963 to 1972, and Columbia Law School from 1972 to 1980, and a fellow at the Center for Advanced Study in the Behavioral Sciences in Stanford, California from 1977 to 1978. In 1971, she co-founded the Women's Rights Project of the American Civil Liberties Union, and served as the ACLU's General Counsel from 1973 to 1980, and on the National Board of Directors from 1974 to 1980. She served on the Board and Executive Committee of the American Bar Foundation from 1979 to 1989, on the Board of Editors of the *American Bar Association Journal* from 1972

to 1978, and on the Council of The American Law Institute from 1978 to 1993. She was appointed a Judge of the United States Court of Appeals for the District of Columbia Circuit in 1980. President Clinton nominated her as an Associate Justice of the Supreme Court, and she took her seat August 10, 1993.

Everyone at The American Law Institute who had the privilege to work with or learn from Justice Ginsburg extends our deepest condolences to her daughter, ALI member Jane Ginsburg, other family, friends, and colleagues.

In Memoriam: Hans A. Linde

Hans A. Linde died of natural causes on August 31. He was 96. A member of the Institute since 1977 and of the ALI Council from 1982 to 2008, Justice Linde is considered one of the greatest jurists of the last century.

Following his World War II Army service, Justice Linde graduated from Reed College and then the University of California, Berkeley School of Law. He clerked for Justice William O. Douglas in the Supreme Court of the United States. He was a lawyer in the Office of the Legal Adviser to the Department of State before serving as legislative assistant to Oregon Senator Richard L. Neuberger. In addition to work in government, he was a professor of law at the University of Oregon for more than 18 years and served as Associate Justice on the Oregon Supreme Court from 1977 to 1990.

In the early 1970s, Justice Linde published articles urging lawyers to bring civil-rights cases in state courts and to make arguments grounded in the provisions of state constitutions. Jeffrey S. Sutton of the U.S. Court of Appeals for the Sixth

Circuit explores Justice Linde's influence on the court in his book, *51 Imperfect Solutions: States and the Making of American Constitutional Law* (Oxford University Press 2018).

Justice Linde will be remembered for his wide-ranging scholarly and judicial work, commitment to education, and dedication to upholding the rule of law.

In a memorial presented to the ALI Council, Edward H. Cooper said:

Lawyer-Professor-Justice Linde earned distinction in all that he did by excellence in learning, understanding, creativity, and original insights. He expressed the fruits of these qualities clearly and, when needed, forcefully. He will long be remembered, as he is now, for two particular themes. He was at the forefront in urging that the protection of individual liberties is too important to be left to a single constitution. The states have constitutions too, constitutions that may depart from the United States Constitution in only one direction—the greater protection of rights that may not always be found in the national document. He also provided constant reminders that constitutions and legislative bodies, not courts, are the primary sources of law, reminders that provide important balance to the common tendency to look to the courts first. It is no paradox, however, that his judicial opinions—reportedly crafted on a manual typewriter—were models that commanded nationwide attention and respect.

Teacher Linde reached audiences far broader than those who were privileged to be his students in law school classes. Those who have been taught by him directly in other settings know that teaching was inextricably intertwined with all that he did, certainly all that he did in the law. Surely he must have begun teaching the law as a first-year student in Berkeley, continuing in all of his other callings in the law.

Those who had the privilege of working directly with Hans will share all of this high praise. My own good fortune was to work with him in Council for two full decades. Working together in person provided the final and crowning element of effective teaching. We all liked him. Liking translates to loving memory, where his voice will continue to be heard in many forums for many years.



Justice Hans Linde receives an award from the Oregon Law Commission in 2015.
Courtesy of Willamette University

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Goodwin Liu - California Supreme Court
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Stephanie E. Parker - Jones Day
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Lee H. Rosenthal - U.S. District Court, Southern District of Texas

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Chair - Goodwin Liu - California Supreme Court
Allison H. Eid - U.S. Court of Appeals, Tenth Circuit
Yvonne Gonzalez Rogers - U.S. District Court, Northern District of California
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Carol F. Lee - Taconic Capital Advisors L.P.
David F. Levi - Duke University School of Law
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Condensed Consolidated Statements of Activities

FOR THE YEARS ENDED JUNE 30, 2020 AND 2019

NET ASSETS WITHOUT DONOR RESTRICTIONS	2020	2019
Publications and program revenue	\$9,727,042	\$10,339,691
Membership dues and other income	1,057,818	1,170,761
Contributions and grants	472,024	632,664
Investment spending policy income	2,671,002	2,142,322
Net assets released from purpose restrictions	445,021	2,099,185
Total operating revenue and other support	14,372,907	16,384,623
Program expenses	9,196,675	10,224,085
General and administrative expenses	3,778,543	3,569,152
Total operating expenses	12,975,218	13,793,237
Change in net assets from operations	1,397,689	2,591,386
Investment return, net of spending policy	(314,144)	1,068,167
Bequests	251,068	-
Contributions	-	315,214
Interest expense	(2,644)	-
Non-operating expense, net	(909,515)	(855,562)
Change in net assets without donor restrictions	422,454	3,119,205
NET ASSETS WITH DONOR RESTRICTIONS		
Investment return	\$176,682	\$430,329
Net assets released from purpose restrictions	(445,021)	(2,099,185)
Contributions and grants	1,053,050	98,861
Change in net assets with donor restrictions	784,711	(1,569,995)
CHANGE IN NET ASSETS	\$1,207,165	\$1,549,210
Net assets, at beginning of year	71,674,822	70,125,612
Net assets, at end of year	\$72,881,987	\$71,674,822

Condensed Consolidated Statements of Financial Position

AS OF JUNE 30, 2020 AND 2019

ASSETS	2020	2019
Cash	\$2,337,801	\$1,376,381
Receivables and other assets	3,130,894	2,744,085
Investments, at fair value	69,640,926	68,718,114
Land, buildings, and equipment, net	2,486,801	2,573,402
Total Assets	\$77,596,422	\$75,411,982
LIABILITIES AND NET ASSETS		
LIABILITIES		
Accounts payable and accrued expenses	\$857,235	\$1,164,770
Note payable	1,286,556	-
Deferred revenue	759,586	808,187
Postretirement health benefit obligation	1,811,058	1,764,203
Total Liabilities	4,714,435	3,737,160
NET ASSETS		
Without donor restrictions		
ALI	65,642,430	65,258,621
Noncontrolling interest in ALIP	342,182	303,537
Total net assets without donor restriction	65,984,612	65,562,158
With donor restrictions	6,897,375	6,112,664
Total Net Assets	72,881,987	71,674,822
Total Liabilities and Net Assets	\$77,596,422	\$75,411,982

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Annual Giving Report

Contributions to The American Law Institute provide a key source of support that allows us to remain independent as we continue our mission of clarifying and improving the law. By becoming a Sustaining Member, joining a Giving Circle, or making a general contribution, you 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 QUICKLY

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

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

ALI's Early Career Scholars Medal and annual conference 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 to ensure that this important program continues.

PRODUCE, PROMOTE, AND DISTRIBUTE WORKS IMPORTANT TO THE PUBLIC INTEREST

The Institute's mission is 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 publications may not generate revenue to cover the costs of the projects in the way ALI's Restatements do. The Institute also provides free public access to works that can be applied to addressing pressing legal and policy issues being faced in times of crisis. Projects on these topics—including Policing; Election Administration; and Data Privacy—are of great importance. Gifts to the Institute provide funding necessary to produce, promote, and distribute such works that benefit the public interest.

SECURE THE INSTITUTE'S FUTURE

Contributions to the Institute allow us to properly maintain our equipment, technology, and infrastructure, and ensure that any reduction in revenue from print publications will not inhibit ALI's work.

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 generous contributions, provide opportunities for the full spectrum of our membership to participate in the Institute's work regardless of financial means. Your gift will also allow ALI to implement technological updates necessary to conduct virtual meetings so that we can continue to advance our work remotely during the COVID pandemic and beyond.

To inquire about making a donation, please contact Kyle Jakob, Senior Development Manager, at 215-243-1660 or kjakob@ali.org.

To make a gift online, please visit www.ali.org/support.

The 1995 Life Member Class Gift

Each year, the members of ALI's new Life Member Class generously present a Class Gift to the Institute at a special luncheon held in their honor during the Annual Meeting. Due to the cancellation of the 2020 Annual Meeting, the 1995 Class Gift will be presented, together with the 1996 Class Gift, at the 2021 Annual Meeting, and the campaign will continue throughout the 2020–2021 fiscal year.

H. Rodgin Cohen of Sullivan & Cromwell LLP serves as Chair of the 1995 Class Committee, which includes José I. Astigarraga of Reed Smith LLP; John G. Cameron, Jr., of Dickinson Wright PLLC; José A. Cárdenas of Arizona State University, Office of General Counsel; Pamela S. Karlan of Stanford Law School; and The Hon. Kathryn A. Oberly, formerly of the District of Columbia Court of Appeals (retired). For additional information, or to donate to the 1995 Class Gift, please visit www.ali.org/95classgift.

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The Institute expresses its deep appreciation of longtime ALI member Vester T. Hughes, Jr., who was 88 at the time of his passing in January 2017. The estate of Mr. Hughes generously contributed two major gifts totaling \$1.25 million to ALI: an outright gift made in honor of

Mr. Hughes, and the establishment of the Vester T. Hughes, Jr. Endowment honoring The American Law Institute. These extraordinary gifts, facilitated by his good friend and law-firm partner Kim J. Askew, will help to carry on Mr. Hughes's legacy and his deep commitment to the Institute.

Mr. Hughes graduated, *cum laude*, from Harvard Law School in 1952 and was editor of the *Harvard Law Review*. After serving in the Army during the Korean War, Mr. Hughes entered private practice in Dallas in 1955 as an associate at what would become Jackson Walker. He remained there until 1976, when he joined the firm that would later bear his name, Hughes & Luce LLP. In 2008, Hughes & Luce merged with K&L Gates LLP.

Over the years, Mr. Hughes built an expertise in tax law that spanned many industries, including aviation, oil and natural gas, and timber. He was also a recognized authority on several aspects of federal taxation, including income, estate, gift, and excise, both individual and corporate. He testified before Congress and argued two cases before the Supreme Court of the United States.

Mr. Hughes was a great friend of The American Law Institute. A dedicated member for 58 years, he served on ALI's Council and its Executive Committee, and in the mid-1980s, as co-chair of the Institute's first capital campaign. He also worked on several of ALI's important law-reform projects, including the Federal Income Tax Project, for which he served on the Tax Advisory Group. Mr. Hughes's impact on the Institute is remarkable.

Through this generous support from Mr. Hughes's estate, ALI will be better positioned to reexamine and update its existing publications to address growth and change in the law, respond quickly to new areas of law that are at the forefront of legal discourse or are rapidly developing, and work with organizations in other countries to create transnational legal principles that will facilitate cooperation and harmonization across borders. As a result, courts, practitioners, and society will be able to rely on the Institute's guidance on critical legal issues for decades to come.

ALI is immensely grateful to the estate of Mr. Hughes, and to all members who have generously named the Institute as a beneficiary in their estate plans. Planned gifts such as this allow members to make a significant impact in furthering the ALI's law-reform work, without affecting their current assets. If you are interested in learning more about including The American Law Institute in your estate plans, please contact Senior Development Manager Kyle Jakob at 215-243-1660, or kjakob@ali.org.

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Financial support provided by The American Law Institute's members and those who care about its mission is crucial to ensuring that the Institute maintains its independence as we produce work that protects and promotes the rule of law. 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.

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