



MICHAEL TRAYNOR

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President, The American Law Institute

2000-2008

Michael Traynor steps down as ALI President on May 21 after eight extraordinary years of leadership. No one in the Institute's 85 years has contributed more to our accomplishments.

Each of us has had the opportunity to work closely with Mike, and for each of us the relationship has been rich, intimately collaborative, and educational. Mike knows so much about law, the responsibilities of lawyers, and the contributions that the ALI can make to justice in the United States and in the world. He is dignified and informal at the same time. He is fair to everyone and insists that all be heard. He has led challenging reforms and improvements in the ALI that have been accomplished without division or opposition. He is loved and respected, a rare combination.

Michael Traynor studied economics at Berkeley as an undergraduate and then law at Harvard. He served as a deputy attorney general in California before joining the law firm now known as Cooley Godward Kronish. Mike has been at Cooley for 45 years, engaged in a national litigation practice that has included major assignments concerning intellectual property, the First Amendment, and internal corporate investigations. He is a Fellow of the American Academy of Arts and Sciences, was awarded an honorary degree by the University of South Carolina, and has received the outstanding lawyer award, named for the great John Frank, from the U.S. Court of Appeals for the Ninth Circuit.

But these worldly distinctions, and there are many more, do not capture Mike or his leadership of the Institute. He saw that we needed younger members and younger Council members. He knew that our work must become more international. He realized that we had to help the nation and the legal system address deep challenges. He also knew that the ALI's strengths are its members, even the senior ones, and its extraordinary process, which assures care, accuracy, and an appropriate response to all voices. He is committed and gets things done, but he also truly respects those who disagree or who need more time to see what he knows.

An important dimension of Mike's leadership has been his interpretation of the relationships among law, politics, and policy. The Institute's enterprise is firmly anchored in there being an intelligible distinction between law and politics. Many observers and critics, across the whole social spectrum, consider the distinction unintelligible and illusory. Hence it is said: "All law is politics." Law is certainly politics in important ways, but it is also essential to see the distinction between law and politics, even if that distinction is incomplete and uneven. A modern democracy must seek objectivity, fairness, and justice in resolving community disputes, and that demands a deep appreciation of the difference between law and politics. Mike's approach to the Institute's work demonstrates that he has that appreciation.

In between "law" and "politics" is a zone that can be called "policy." Our predecessor Herbert Wechsler referred to this zone in intentionally opaque language when he declared that the Institute in its Restatements need not simply identify and then clarify the legal doctrine pronounced by a majority of state courts. Professor Wechsler said that we must seek instead to take into account "all of the considerations that the courts, under a proper view of the judicial function, deem it right to weigh in theirs." Many of those "considerations" are "policy," the moral ideas that responsible actors should consider when deciding whether or when to alter a traditional legal norm. Of course, the same is true when the Institute attempts to formulate model legislation and, more recently, its "principles of law," the two main branches of our work in addition to Restatements. Mike is a leading example of a responsible individual who recognizes that established law needs regular reconsideration in light of contemporary moral norms and social conditions.

For each of us, working with Mike has been a personal and professional joy. We are delighted that he will serve as Chair of the ALI Council and we look forward to pursuing law reform with him for many more years.

GEOFFREY C. HAZARD, JR.
Director, 1984-1999

LANCE LIEBMAN
Director, 1999-

