

THE ALI Reporter

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ALI's Young Scholars Program



Every other year, The American Law Institute awards the Young Scholars Medal to one or two outstanding early-career law professors whose work has the potential to influence improvements in the law.

The first Young Scholars Medals were awarded in 2011. In total, six young law professors have been recognized, and four have produced conferences around his or her area of scholarship. In keeping with the mission of the ALI, each conference gives one of the medal recipients the opportunity to assemble experts in their field to discuss legal subjects that would benefit from law reform.

Justice Goodwin Liu of the California Supreme Court, Chair of the Young Scholars Medal Selection Committee, believes that the conference is a unique attribute of the Young Scholars Medal. He has stated, "Although other academic fields confer similar awards on young professors, the ALI's award is unique in the legal academy. The ALI's goal is to encourage practical scholarly work and to publicize the work of the honorees through the award by sponsoring a conference on issues related to each honoree's work."



Professor Oren Bar-Gill of Harvard Law School and Professor Omri Ben-Shahar of the University of Chicago Law School

The first conference, "Making Consumer Protection Work: Regulatory Techniques for Enforcing Consumer Protection Law," was held in 2012 by medal recipient Professor Oren Bar-Gill of Harvard Law School and Professor Omri Ben-Shahar of the University of Chicago Law School. The conversation at the event examined topics including disclosure, default rules and safe harbors,

and enforcement, which led to the launch of the Restatement of the Law, Consumer Contracts project, in which professors Bar-Gill and Ben-Shahar are joined by Professor Florencia Marotta-Wurgler of New York University School of Law as Reporters.

THE PRESIDENT'S LETTER

There is something like the feeling of school starting as the ALI moves into Fall. Instead of a list of school supplies, we have a list of our 20 projects. The drafts are coming in from many of our reporters, who have worked over the summer, and we have a full agenda of Project meetings. Although, I just may buy a new notebook and pencils to be sure I am ready for the challenges of the rest of this year.

Many of the drafts are now available on our website for your review and comments. All of the Reporters mention to Ricky, Stephanie and to me how helpful the comments they receive by email have been in moving their thinking along and in helping with the editing as well. The practical advice of our lawyers and judges and the scholarly look at the language by our law school faculty members combine to make the discussions and the work a great deal better.

Please go to (www.ali.org/meetings) where you can find the dates and places of the fall meetings and the available drafts. If you have a chance, you are welcome to join the Members Consultative Groups for any project, and if not I hope that you will review at least one of the drafts and let the Reporters have the benefit of your thinking.

Our Fall Council meeting will start in a little over a week. We will among other things grapple with discussing some principles in the area of the Model Penal Code Sexual Assault project, with the expectation that if we can come to consensus, the language reflecting the hoped for meeting of the minds will follow. There has been a great deal of national discussion about this area, some mentioning the status of our work accurately (we are still in draft form and nothing has been approved by the Council and the Membership) and some not. Here again, I think you will find the comments very informative on all sides of the debate. I put the link here to make it easy for you to find after you sign in as a member - www.ali.org/projects/show/sexual-assault-and-related-offenses.

Our new membership process under the leadership of Judge Yvonne Gonzalez Rogers

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Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations

Upcoming Event

The American Law Institute, together with the Atlanta International Arbitration Society (AtlAS: www.arbitrateatlanta.org) and the State Bar of Georgia, will cosponsor an event on the Restatement of the Law, The U.S. Law of International Commercial Arbitration project. The breakfast meeting, to be held on February 26, 2016, will take place at the new Atlanta Center for International Arbitration and Mediation at Georgia State University College of Law's new building.

The project's lead Reporter, Professor George A. Bermann of Columbia University School of Law, will speak about the project—its current state and its future. The project, now partially complete, has begun to be relied on by U.S. courts. See this issue's Institute in the Courts piece for specific illustrations.

Dorothy Toth Beasley, Life Member of ALI, board member of the Atlanta International Arbitration Society, and former chief judge of the Georgia Court of Appeals, chairs the organizing committee, which includes other members of ALI, AtlAS, and the chairs of the State Bar International Law Section, the Dispute Resolution Section, and the Judicial Procedure and Administration Standing Committee. The ALI members on the committee are James Cecil Nobles, Jr., of James Nobles LLC; Stephanie E. Parker of Jones Day; and Richard Blum Herzog, Jr., of Nelson Mullins Riley & Scarborough LLP.

VIEW ALL UPCOMING MEETINGS AND EVENTS ON PAGE 19.



Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations Reporter Geoffrey P. Miller of New York University School of Law receives comments from project participants.



LEFT
Associate Reporter Claire A. Hill of the University of Minnesota Law School talks with John Ford Savarese and Martin Lipton of Wachtell, Lipton, Rosen & Katz.



George S. Canellos of Milbank and Raymond J. Lohier, Jr., of the U.S. Court of Appeals, Second Circuit, discuss the draft.

THE DIRECTOR'S LETTER BY RICHARD L. REVESZ

The American Law Institute and *The Bluebook*

Linking these two iconic institutions in American law might seem strange at first glance. As we all know, the ALI is the most prominent law reform organization in the United States. Its charter states that it was established “to promote the clarification and simplification of the law.” *The Bluebook: A Uniform System of Citation* is the bane of every law review editor’s existence and the most important force in promoting consistency in legal citations. The ALI focuses on substance; *The Bluebook* on form. So, what possible relevance could the recent publication of the 20th edition of *The Bluebook* have for the ALI?

Through its 19th edition, *The Bluebook* provided that Restatements of the Law and Model Codes should be cited by their title, followed by their year of publication. The relevant rule indicated that the name of the author should be indicated parenthetically, unless the work was authored by the American Bar Association; the American Law Institute; the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC); or a sentencing commission. The apparent rationale was that readers would generally know which works were produced by the ALI (and by the other organizations singled out in *The Bluebook*’s rule).

But how many lawyers can correctly identify the institutional authors of all three of these works: Restatements of the Law, the Model Penal Code, and the Uniform Commercial Code? In case you are hesitating, the correct answers are, respectively, the ALI, the ALI, and the ALI jointly with the ULC. My nonscientific survey of law students indicated that many of them cannot answer this question correctly. And my intuition was that neither can many experienced lawyers.

A quick check of reputable websites confirmed my intuition. For example, a prominent law school website indicates that the purpose of the National Conference of Commissioners on Uniform State Laws “is to discuss and debate which areas of the law require uniformity among the states and territories” and that “[t]he results of these discussions are proposed to the various jurisdictions as either model acts (such as the Model Penal Code) or uniform acts (such as the Uniform Commercial Code). The website of another prominent law school acknowledges that we are responsible for the Model Penal Code but denies us any credit for the UCC.

Our Principles of the Law were not covered by any *Bluebook* rule and were often cited inconsistently, sometimes indicating that the ALI was the institutional author but other times leaving out this information. Since the publication of Principles of Corporate Governance in 1994, Principles projects have become an important component of the ALI’s work. But they lack the longstanding lineage of Restatements and are thus even less likely to be widely associated with the ALI in the absence of an explicit mention in the citation.

The confusion that I describe above impairs the value of our brand and the influence of our work. As a result of the quality of our publications, the ALI has earned a uniquely influential role in American law. But, to the extent that the ALI’s connection to particular projects is not widely acknowledged, the influence of these works is likely to be somewhat diminished.

To correct this problem, and with the collaboration of ALI Council member (and Harvard law professor) Robert Sitkoff, I met with the leadership of *The Bluebook* revisions, just as the 20th edition was close to completion. The result is that we are now explicitly acknowledged as the institutional author of our works. I am very grateful to *The Bluebook*’s editors for their willingness to engage in a dialogue on these issues.

So, what better way to start taking advantage of the new edition of *The Bluebook* than by having the ALI’s members follow its new rule for citing our work? To save you the trouble of having to flip through 560 pages, here are the relevant examples (from pages 131 and 132), which will guide you on the citations of the vast bulk of the ALI’s work:

RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 3
(AM. LAW INST. 1995).

PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION: ANALYSIS
AND RECOMMENDATIONS § 2.07 (AM. LAW INST. 2002).

U.C.C. § 2-314 (AM. LAW INST. & UNIF. LAW COMM’N 1977).

MODEL PENAL CODE § 223.6 note on status of section
(AM. LAW INST., Proposed Official Draft 1962).

As law review editors begin to use *The Bluebook*’s 20th edition, the confusion about the ALI’s role with respect to some of our nation’s most important legal texts will begin to fade. Let’s be among the first to usher in the changes.



Fables In Law *By D. Brock Hornby*

U.S. District Judge D. Brock Hornby of the District of Maine is a member of the ALI Council. He wrote these Fables In Law for publication in The Green Bag. They are reprinted here by permission. Look for additional chapters in upcoming issues of The ALI Reporter.

Chapter 2, Legal Lessons From Field, Forest, and Glen



THE WOODCHUCK WHO GENERATED THE LONG SENTENCE

Snake was prosecuting a charge against two creatures for conspiring to bring red currants

into the Pine Forest. Fox and Woodchuck were defending their respective clients. The evidence was very strong against both defendants. Fox realized that it was so, and persuaded her client to plead guilty and seek a lower sentence as a result of his admission. Woodchuck, on the other hand, persuaded his client that they should pull out all the stops. Woodchuck made every conceivable motion and took his client to trial. In light of all Woodchuck's efforts, his client came to believe that he had a shot at winning an acquittal, but in fact Snake secured a conviction. The resulting sentence was higher than Fox's client received. But Woodchuck thought that he had given his client the best defense possible.

Moral: Sometimes concession is in a client's best interest. A lengthy and complex defense, no matter how assiduously presented, may not be justified.



LENIENCY FOR THE HEDGEHOG

In another case, Snake prosecuted Hedgehog for his misbehavior in distributing a large quantity of

the forbidden red currants and gooseberries to other creatures in the Pine Forest. Hedgehog was convicted. Snake asked Owl to punish Hedgehog severely, particularly given the large quantity found in his den.

Fox defended Hedgehog at sentencing. Fox urged Owl that Snake was overreaching by including in the quantity calculations a large amount of berries that remained undistributed in Hedgehog's den.

Owl said to Fox, "Since Hedgehog distributed the currants and gooseberries in the past, and his den contained a lot more of them than he would consume himself, isn't it reasonable to conclude that he intended them for distribution?" Fox thought this question over, and then replied, "Yes, I suppose that would be a reasonable inference."

Fox then offered other arguments in support of leniency for Hedgehog. Owl listened much more favorably to these other arguments upon realizing that Fox would not press unreasoned positions.

Moral: Conceding a point sometimes lends greater weight to other arguments.



THE OWL'S INSTRUCTIONS

Fox and Snake had completed the evidence in their case before Owl. They met with Owl to discuss what instructions Owl should give to the creatures on the jury as they considered the evidence. Owl had prepared a draft of proposed instructions. Snake, who had not tried many cases, quibbled

over each instruction, seeking minute changes in wording. Fox, an experienced trial lawyer, said on the other hand that the instructions were fine, and Fox proposed no changes. In their closing arguments, Snake argued the law, whereas Fox focused the creatures of the jury on the facts of the case, emphasizing those most favorable to her client. Fox prevailed.

Moral: Experienced lawyers generally win their cases on the facts, rather than the law.



THE FIGHTING FOX

Snake and Fox were opposing counsel in a hotly contested civil case. They could agree on nothing. Owl held hearing after hearing trying to narrow and simplify the

dispute, but Snake and Fox insisted on arguing each issue as if it were make-or-break. Finally, Snake agreed to concede on some unimportant issues, expecting Fox to do the same on others in response. But instead, Fox smelled blood and made even more strident demands. In every case with Fox thereafter, Snake refused to agree to any accommodation.

Moral: There is always someone who does not play fair, but the gambit does not work a second time with the same opponent.



HOW THE OWL GORED THE BOAR

Owl had two sentencings to conduct that Monday. Both involved serious breaches of the Pine Forest rules, where Wild

Boar and Wolverine had each viciously and without reason attacked another creature. There was a large attendance, with denizens of the Forest wanting to see justice rendered. Wild Boar's case came first. Owl ripped into him verbally, refused to entertain any mitigating circumstances, disparaged Wild Boar's character and ridiculed his excuses. The audience was entertained and gratified. For Wolverine, who came next, Owl had lost some of her negative energy. As a result, Owl was more even-tempered, listened to Wolverine's arguments and treated him with more dignity. The audience was more bored.

As it developed, Owl imposed the same sentence on each creature, but Wild Boar went away muttering, and continued to threaten Owl for years thereafter even while confined. Wolverine, on the other hand, accepted his sentence quietly.

Moral: Dignified treatment of a miscreant can aid acceptance of the punishment.



THE THREE VULTURES' DELAYING DEMANDS

Owl was overwhelmed with cases to decide. When she was a younger arbiter, she tried to rule immediately after hearing argument, and the denizens of the Forest went away with a decision. Even though one party naturally was unhappy with the outcome, everyone could get on with their lives. But as Owl's caseload grew and became more complicated, and as the appellate tribunal,

the Three Vultures, increasingly demanded that Owl provide a detailed explanation of each stage of her decision-making, Owl became more and more insecure about ruling immediately. Instead she took her cases under advisement and labored long and hard to generate noteworthy written decisions that the Three Vultures would find difficult to reverse. (They still did reverse!) As a result, weeks and even months passed before Owl issued her decisions, the parties could not proceed to order their affairs, and they certainly could not appeal the legality of a ruling that had not yet been made. So they suffered endless uncertainty and had to continue to pay their advocates to remain always at the ready.

Moral: Justice delayed is justice denied. Sometimes it is also justice made expensive.

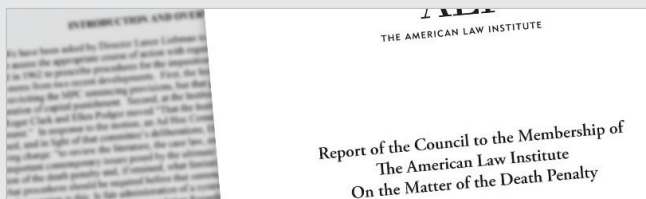


THE FOREST COMMISSION

The Forest creatures appointed a commission to promulgate and revise Forest rules on the proper punishment for particular infractions. The commissioners took their job very seriously and gathered mountains of data on statistical correlations between factors like the nature of the offender's crime and past criminal behavior, on the one hand, and the likelihood that there would be future recidivism, on the other hand. They also gathered data on the costs of confinement and on what punishments Owl and her colleagues imposed and the reasons they gave. They talked about victims' rights, how to protect, how to deter deviant behavior, the need for just punishment and respect for the law, and punishments consistent from creature to creature. Their debates involved statistics, probability, morality and political demands.

Wolf was convicted of violently assaulting Sheep and came into Owl's courtroom to be punished. In determining Wolf's punishment, Owl was obliged to follow the commission's pronouncements, as interpreted by the Three Vultures. But Wolf's mate and Wolf's cubs pleaded desperately for mercy notwithstanding the commission's pronouncements, pointing out that they would be destitute if Wolf could not hunt for them and that they would have to ask the Forest denizens for assistance. The family of Sheep, whom Wolf had attacked, pleaded for harsh punishment, recounting Sheep's veterinary bills and the devastating emotional impact of the attack on Sheep's young lambs. The Magpies, reporting for the Forest Glen Gazette, focused their interest on these emotional pleas. Snake and Fox, respectively advocates for the prosecution and the defense, had to deal with the pronouncements of the commission and the Three Vultures, but they too appealed to the emotional side of the case in arguing to Owl the appropriate punishment. Owl faced an agonizing decision, knowing that the penalty she imposed would not satisfy Sheep and his family or repair their harm; that however much Wolf deserved his punishment, there would be unavoidable collateral damage to his mate and cubs; but that without harsh punishment Wolf and others like him might attack another creature.

Moral: Sentencing policy is abstract and idealistic; sentencing in practice is personal and painful.



Connecticut Strikes Down Death Penalty

In August 2015, three years after Connecticut abolished capital punishment, the Connecticut Supreme Court held that executing inmates presently on the state's death row would violate the constitution of Connecticut, effectively striking down the death penalty in that state. The Court had previously left death sentences intact for inmates already on death row at the time of its 2012 decision. See Public Acts 2012, No. 12-5 (P.A. 12-5).

The Court's August 2015 decision relied heavily on The American Law Institute's report on the death penalty. The 2009 study, *Report to the ALI Concerning Capital Punishment*, was completed by Carol Steiker of Harvard Law School and Jordan Steiker of The University of Texas School of Law. The report ultimately led to The American Law Institute's vote to withdraw the capital punishment provisions in the Model Penal Code.

In support of the decision, the opinion cited declining death penalty use across most jurisdictions, as found in the 2009 study, as well as the conclusions reached by the ALI study:

During the hearings on P.A. 12-5, the legislature heard testimony that, following a two year study commissioned by the American Law Institute, unequivocal conclusions were reached regarding the modern death penalty: "[A] review of the unsuccessful efforts to constitutionally regulate the death penalty, the difficulties that continue to undermine its administration, and the structural and institutional obstacles to curing those ills forms the basis of our recommendation to the [American Law] Institute. The [long-standing] recognition of these underlying defects in the capital justice process, the inability of extensive constitutional regulation to redress those defects, and the immense structural barriers to meaningful improvement all counsel strongly against the Institute's undertaking a law reform project on capital punishment, either in the form of a new draft of § 210.6 or a more extensive set of proposals. Rather, these conditions strongly suggest that the Institute recognize that the preconditions for an adequately administered regime of capital punishment do not currently exist and cannot reasonably be expected to be achieved."

Carol Steiker and Jordan Steiker are currently co-writing a book about the past half-century's experiment with the constitutional regulation of capital punishment in America.

ALI to Celebrate its New Life Members: the Class of 1991

Each year, the American Law Institute recognizes its members who have contributed 25 years of service by granting them Life Member status. Life Members are not required to pay dues or adhere to the Institute's participation requirement, yet continue to enjoy all the rights and privileges of elected membership and remain some of ALI's most involved and devoted members.

In May 2016, the Institute will honor its new Life Members—the Class of 1991—at a special luncheon that will be held during the 2016 Annual Meeting and will include remarks by 1991 Class Member **Larry Kramer**, the current President of The William and Flora Hewlett Foundation and former Dean of Stanford Law School. New Life Members will have the opportunity to commemorate this milestone by making a contribution to the 1991 Life Member Class Gift.

Class members **Donald B. Ayer** of Jones Day; **Linda Sheryl Greene** of University of Wisconsin Law School; **Michael Alexander Kahn** of Crowell & Moring LLP; **John J. "Mike" McKetta** of Graves, Dougherty, Hearon & Moody, PC; and **Henrietta Wright** of Goldberg, Godles, Wiener & Wright LLP have graciously volunteered to serve on the campaign committee and will present the Class Gift to the Institute during the luncheon.

The Class Gift program enters its fifth year having raised nearly \$500,000 to support key aspects of ALI's mission, including the MCG Travel Assistance program and the Judges & Public-Sector Lawyers Expense Reimbursement program, two vital components of the Institute's efforts to minimize financial concerns that inhibit member participation. Earlier this year, 50 members who qualified for the Judges & Public-Sector Lawyers Expense Reimbursement program were approved to receive more than \$50,000 in travel assistance to attend the 92nd Annual Meeting.

The Class Gift program has also provided funding for the Young Scholars Medal and symposium, which raises awareness of the Institute's work while engaging up-and-coming legal academics. Additionally, as the Institute has expanded the breadth of its endeavors, the Class Gift program has helped fund the numerous costs required to maintain the high level of quality that distinguishes ALI's work.

The Institute looks to continue the program's tremendous success with the 1991 Life Member Class Gift campaign, which is now underway.

For more information about the 1991 Life Member Class Gift campaign, please contact Development Manager Kyle Jakob at 215-243-1660 or kjakob@ali.org. To learn about ALI's other ongoing fundraising initiatives, please visit www.ali.org/support.

Join Us in Congratulating Our New Life Member Class

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Class of 1991 Facts & Figures



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AND ALI DIRECTOR

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ONE U.S. SENATOR

FIVE MEMBERS
HAVE SERVED
AS JUDGES OR
JUSTICES.

TWO
INTERNATIONAL
MEMBERS
FROM LONDON,
ENGLAND AND
DUBLIN, IRELAND



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SCHOOL, THE CLASS'S MOST COMMON
ALMA MATER.



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ONE-HALF ARE
PRACTITIONERS.



NEARLY
ONE-THIRD ARE
ACADEMICS.



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23 DIFFERENT U.S. STATES.

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NEW YORK

14%
CALIFORNIA

12%
TEXAS

11%
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Effective May 2016

Every attempt has been made to publish an accurate list of each member's current company and geographic location. If you wish to update your information, please contact Membership at 215-243-1623 or membership@ali.org.

Seattle Members Reception

On July 23, 2015, ALI held its first members reception in Seattle, WA. Thanks to our host Davis Wright Tremaine LLP, in particular ALI member Marvin (Monty) L. Gray, Jr., and Marketing Events Coordinator Yvonne Usher, ALI members from the Seattle area had an opportunity to meet or reconnect with old friends.

Mr. Gray welcomed the group and introduced the newest ALI members. In addition to serving as an Adviser on the recently published Restatement of the Law, Employment Law, and as an MCG member on two other ALI projects, Mr. Gray is also the Chair of the Regional Advisory Group covering Idaho, Montana, Oregon, and Washington. He spoke to the gathered members on the importance of identifying and nominating candidates for membership, and encouraging diversity with regard to age, gender, race, ethnicity, expertise, geography, and type of practice.

Mr. Gray also asked ALI member David John Burman of Perkins Coie to say a few words. Mr. Burman spoke of his contribution to ALI and encouraged the members to participate in ongoing projects and attend the Annual Meeting.



Reception host and Davis Wright Tremaine LLP partner Marvin (Monty) L. Gray, Jr., talks with Gregory Alan Hicks, senior associate dean for global advancement and professor of law at the University of Washington School of Law.



Five new members attended the reception: Mary Yu, a justice on the Washington State Supreme Court; Michael David Hintze, Chief Privacy Counsel at Microsoft; Kellye Y. Testy, Dean of the University of Washington School of Law; Steve Y. Koh, partner at Perkins Coie LLP; and Peter A. Winn, Assistant U.S. Attorney at the U.S. Department of Justice.



James F. Williams, partner at Perkins Coie LLP and Susan Lu Lyon-Hintze, privacy and data-security attorney at Hintze Law



Michael David Hintze, Steve Y. Koh, and David John Burman, partner at Perkins Coie LLP

Institute in the Courts: Current Projects Garnering Attention

WHILE STILL IN DRAFT FORM, TWO OF THE INSTITUTE'S ONGOING PROJECTS—RESTATEMENT OF THE LAW, THE U.S. LAW OF INTERNATIONAL COMMERCIAL ARBITRATION, AND RESTATEMENT OF THE LAW THIRD, TORTS: LIABILITY FOR ECONOMIC HARM—HAVE BEEN GETTING SIGNIFICANT ATTENTION IN STATE AND FEDERAL COURTS.

There has been a growing interest in the Institute's **Restatement of the Law Third, Torts: Liability for Economic Harm**. Drafted under the guidance of Reporter Ward Farnsworth, it was recently cited in *In re Trevino*, 535 B.R. 110 (July 31, 2015). In that case, the Southern District of Texas Bankruptcy Court held, among other things, that negligent-misrepresentation claims brought by Chapter 13 debtors against a mortgage lender did not sound in contract, because they were based on an independent duty imposed by the common law, and thus were not subject to the economic-loss doctrine. In making its decision, the Court looked to § 3 of Restatement Third, Torts: Liability for Economic Harm, as an authoritative statement of the economic-loss doctrine. The Court noted that "The Restatement provides as a general rule that 'there is no liability in tort for economic loss caused by negligence in the performance or negotiation of a contract between the parties.'"

Twenty-three prior cases have also cited Restatement of the Law Third, Torts: Liability for Economic Harm; they are:

- *Sullivan v. Pulte Home Corp.*, 354 P.3d 424 (July 28, 2015)
- *UMG Recordings, Inc. v. Global Eagle Entertainment, Inc.*, 2015 WL 4606077 (June 22, 2015)
- *Glassford v. Dufresne & Associates, P.C.*, 2015 WL 3634591 (June 12, 2015)
- *Global State Investment USA, Inc. v. LAS Properties, LLC*, 2015 WL 1943370 (Apr. 29, 2015)
- *Blankenship v. Westfield Ins. Co.*, 2015 WL 2338619 (May 13, 2015)
- *Dan Ryan Builders, Inc. v. Crystal Ridge Dev., Inc.*, 783 F.3d 976 (Apr. 20, 2015)
- *Walsh v. Cluba*, 117 A.3d 798 (Feb. 13, 2015)
- *Maricopa County v. Office Depot, Inc.*, 2014 WL 6611562 (Nov. 21, 2014)
- *JH Kelly, LLC v. Tianwei New Energy Holdings Co., Ltd.*, 68 F.Supp.3d 1194 (Nov. 10, 2014)
- *In re Rural/Metro Corp. Stockholders Litigation*, 102 A.3d 205 (Oct. 10, 2014)
- *Red Equipment Pte Ltd. v. BSE Tech, LLC*, 2014 WL 4662246 (Sept. 18, 2014)
- *LAN/STV v. Martin K. Eby Const. Co.*, 435 S.W.3d 234 (June 20, 2014)
- *Waste Management of Texas, Inc. v. Texas Disposal Systems Landfill, Inc.*, 434 S.W.3d 142 (May 9, 2014)
- *In re Greenbelt Property Management, LLC*, 2013 WL 7876159 (Dec. 19, 2013)
- *Lyon Financial Services, Inc. v. Illinois Paper & Copier Co.*, 732 F.3d 755 (Oct. 9, 2013)
- *Sullivan v. Pulte Home Corp.*, 306 P.3d 1 (July 31, 2013)
- *Baker v. Goldman Sachs & Co.*, 949 F.Supp.2d 298 (June 11, 2013)
- *Tiara Condo. Ass'n, Inc. v. Marsh & McLennan Companies, Inc.*, 714 F.3d 1253 (Apr. 16, 2013)
- *Whitecap Investment Corp. v. Putnam Lumber & Export Company*, 2013 WL 1155241 (Mar. 21, 2013)
- *Tiara Condominium Ass'n, Inc. v. Marsh & McLennan Companies, Inc.*, 110 So.3d 399 (Mar. 7, 2013)
- *Doe v. Boland*, 698 F.3d 877 (Nov. 9, 2012)
- *In re MF Global Inc.*, 478 B.R. 611 (Oct. 2, 2012)
- *Sharyland Water Supply Corp. v. City of Alton*, 354 S.W.3d 407 (Oct. 21, 2011)

TO JOIN THE MEMBERS CONSULTATIVE GROUP FOR THESE OR OTHER ONGOING PROJECTS, OR FOR MORE INFORMATION, VISIT THE PROJECTS PAGE ON THE ALI WEBSITE AT WWW.ALI.ORG/PROJECTS.

Courts also have looked with interest to **Restatement of the Law, The U.S. Law of International Commercial Arbitration**, a subject that the ALI is undertaking for the first time. This project, headed by Reporter George A. Bermann, was recently cited in support of a holding by the U.S. Court of Appeals for the District of Columbia Circuit. In *Belize Social Development Ltd. v. Government of Belize*, 794 F.3d 99 (July 21, 2015), the Court affirmed the district court's confirmation of an arbitration

award in favor of a telecommunications company against the nation of Belize. In rejecting Belize's argument that the court lacked subject-matter jurisdiction because Belize was entitled to sovereign immunity under the Foreign Sovereign Immunities Act, the Court concluded that the arbitration exception to the FSIA applied. The Court relied on the definition of "commercial" found in § 1-1 of the Restatement in holding that the agreement at issue was commercial in nature, governed by the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and fell within the FSIA's arbitration exception.

Previously, Chief Justice Roberts cited the Restatement in his dissent to *BG Group, PLC v. Republic of Argentina*, 134 S.Ct. 1198 (Mar. 5, 2014). The Restatement also was cited in four other federal court opinions:

- *Clientron Corp. v. Devon IT, Inc.*, 35 F.Supp.3d 665 (Aug. 8, 2014)
- *Gonsalvez v. Celebrity Cruises, Inc.*, 935 F.Supp.2d 1325 (Mar. 13, 2013)
- *Commissions Import Export S.A. v. Republic of the Congo*, 757 F.3d 321 (July 11, 2014)
- *Figueiredo Ferraz E Engenharia de Projeto Ltda. v. Republic of Peru*, 665 F.3d 384 (Dec. 14, 2011)

In light of growing interest in the project, the New York International Arbitration Center will host *Restatement of the U.S. Law of International Commercial Arbitration: a Bench-Bar Dialogue*, on October 20, 2015. Professor Bermann and John Pierce, Head of International Arbitration in the New York office of Wilmer Cutler Pickering Hale and Dorr LLP, will discuss the Restatement and its role in the evolving field of international commercial arbitration.

Torts: Liability for Economic Harm



Project participants on Restatement of the Law Third, Torts: Liability for Economic Harm



LEFT

Andrew Kull of the University of Texas School of Law and Reporter on Restatement of the Law Third, Restitution and Unjust Enrichment, and Steven O. Weise of Proskauer Rose LLP

RIGHT

W. Jonathan Cardi of Wake Forest University School of Law and new Associate Reporter on Restatement of the Law Third, Torts: Intentional Torts to Persons, with ALI Deputy Director Stephanie A. Middleton



Member Spotlight

Q&A with Ellen Pryor



Professor Ellen S. Pryor is the Associate Dean for Academic Affairs at UNT Dallas College of Law. Professor Pryor was elected to The American Law Institute in 1998 and formerly served as Associate Reporter on Restatement of the Law Third, Torts: Intentional Torts to Persons and on Chapter 10 of the now complete Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm.

You have been extremely active in ALI projects, serving as an Associate Reporter on two torts projects and participating as an MCG member on several others. Why is participation so important to you?

The explanation is the people I was lucky enough to have as my mentors. My Constitutional Law professor in my first year was Charles Alan Wright. He was kind, helpful and supportive throughout my career as a student and while I was a young professor. When I was elected to the ALI, he sent me a nice note, even though many years had passed since I had last talked to him. When I attended my first Annual Meeting, Bill Powers and Mike Green were presenting on Apportionment. Bill was my first-year Torts professor. In addition to being a fantastic teacher he has been a friend and mentor from the first days of my career. With these two as my mentors and models, I never could have envisioned anything but active participation.

What was your first impression of working on an ALI project?

My first experience was working as an Adviser on what became Restatement of Torts, Third: Liability for Physical and Emotional Harm. It was fantastic and intense, and I loved the conversations and gatherings with the advisers. I remember receiving a letter from then-Director Geoffrey Hazard inviting me to serve as an Adviser to the project. I couldn't believe that I was being asked to join this project, and I was a little bit insecure about whether I could make a contribution. When I arrived in Philadelphia, it was near dinnertime, and Gary Schwartz (the first reporter on that project) was in the lobby heading out for dinner by himself. He asked me to join him. I did not know him well, but I admired every word he had written on tort law. He

was so welcoming, as was another adviser whom I had never met but whose Oxford book on disability I had read several times. This was Jane Stapleton, with whom I've now had the great pleasure of spending many hours discussing torts, law, theology and more.

What have you found to be the most challenging part of the ALI process?

The most challenging parts are the first big steps in starting a project—envisioning the pieces and the outline of a new segment of Torts, making every word count, and making every word do the right work in conveying a complex topic. Finally, speaking on my feet and answering questions cogently has never been my strength; thus, the most anxiety-producing aspect of the process is presenting on a draft at the Annual Meeting!

And the most rewarding?

There are so many! Right at the top is working with a Co-Reporter such as Ken Simons, and with Mike Green, who was such a great help to me on the Chapter I drafted on liability of those who retain independent contractors. Another amazing experience is presenting to the Council. The first time I presented to the Council I was so nervous that I could barely sleep the night before. But the several hours I spent the next morning, presenting and then visiting over lunch, were one of the greatest professional experiences of my life. I was so struck with how nice and supportive they all were, and how unpretentious everyone was, even though they were all such stars in the legal profession.

You joined UNT Dallas College of Law as Professor of Law and Associate Dean for Academic Affairs in January 2013, and were instrumental in opening the school and welcoming the inaugural class. Why was it important to you to be a part of this innovative law school?

At the risk of sounding ponderous, this was something I felt called to do. I was not planning to leave SMU. I was involved not just in the law school but also activities and initiatives across the campus, which I greatly enjoyed. But over the previous few years I had become more dissatisfied with the traditional teaching and learning model, and had tried new approaches to

teaching upper-level classes. Of course, an extensive national dialogue about legal education was emerging as well. When I was contacted about this and realized that the UNT leadership was interested in a different type of school, I felt a call to take this leap.

You have stated that one goal of UNT Dallas is to “widen access to legal education for those who could be superb lawyers but do not otherwise have access.” Have you begun to see a realization of that goal in your first two classes of law students?

Most emphatically, yes. The idea seemed odd to everyone: how could there be limited access at a time when, some would argue, there are too many law school seats given factors such as structural changes in the profession and the “value” or return on investment of a law degree? Yet cost, location, and lack of flexibility limit the options for many candidates. And the LSAT is a factor in more than one way. LSAT scores affect not just who gets in, but the receipt and amount of merit scholarships in the form of discounted tuition—a cross-subsidy from one segment of entering law students to another. We took a holistic approach and encouraged interviews as well. And we decided that a core value was to provide our program at the lowest cost possible consistent with meeting our educational goals. This would open access, and reduce students’ debt load. We had between 600 and 700 applicants, both years, for an entering class of about 150 (85 in the day section, 65 in the evening section). Our student body has an average age of 33, with more than 45 percent students of color. For many of them, law school has been a dream they could not realistically attempt. In both our full-time and part-time divisions we have veterans, social workers, accountants, real estate agents, police officers and government workers.

The core educational goal of UNT Dallas is to provide an education aimed at developing “practice-related competencies.” How does that affect a student’s course work? In what way does this philosophy better prepare UNT graduates to be successful lawyers?

We have had the great advantage of being able to build on extensive work by many legal educators about how to move towards a competency-based model of legal education. So we did not originate this idea. But we had the rare chance to build an educational program with this goal in mind. So we used a “backward-design” approach to the entire J.D. program. What knowledge, skills and abilities should a student have when he or she graduates? We identify these “program-level” competencies and build backwards from them. Then we identify the learning outcomes for each course and map those course-level outcomes with the overall competencies. And we regularly assess our students in relation to those outcomes. This may sound like a lot of “edu-speak.” But here’s what it means for students. First, our students have a lot of required courses. As to knowledge areas, we require courses on core knowledge areas. Thus, requirements include Administrative Law, Family Law, Business Associations, Evidence and many more. As to skills, we have the foundational legal research and writing, but we

also require a 3-hour course in Interviewing and Counseling, a 3-hour course in Negotiation, a 1-hour course in Principles of Accounting and Finance for Lawyers, and a 2-hour class in Effective Oral Communication (courtroom to boardroom).

We also ensure that skills are threaded through all upper-level courses by requiring what we call “segments.” A segment is a project or assignment, or activity that is similar in scope to something that a lawyer might do in practice. So, in addition to required courses, students need 8 writing segments (in addition to the 1L year of legal writing), 8 research segments, and 10 skills segments. In all our courses students receive multiple assessments with feedback. In 1L courses, for instance, they receive regular quizzes and a midterm as well as a final. On all their writing assignments and essays, students receive feedback in the form of rubrics. Likewise, on all their skill performance assignments, we use rubrics for feedback.

Who is your legal hero?

Merrill Hartman. When I started law practice in Dallas, Merrill was a big-firm partner who left his firm to move into providing affordable family law representation, and he also created the “evening legal clinic” program that continues to thrive in North Texas. He had a brilliant and creative mind and a hopeful spirit; he inspired hundreds of young lawyers in this region to improve access to justice. He died of Parkinson’s-related complications about four years ago.



Of what accomplishment are you most proud?

As a legal scholar, I am proudest of having had the chance to serve as a Reporter on an ALI project. To me, there is no greater honor or responsibility. In an overall professional way, I am proudest of my early work in the legal clinic program in Dallas.

Hopefully, you found some time to relax this summer. What do you do to unwind?

Reading! Hiking (or just walking)! And a new passion: genealogy!

Notes About Members and Colleagues



ALI President Roberta Cooper Ramo, receives the ABA Medal.

The Philadelphia Bar Association's Business Law Section is recognizing **Amelia H. Boss**, trustee professor at Drexel University Thomas R. Kline School of Law, on October 22, for the Giants of the Business Bar award.

Paulette Brown, a partner in the Morristown, NJ, office of Locke Lord LLP, has been elected President of the American Bar Association.

The following members have been recognized as 2015 Lifetime Achievers by *The American Lawyer*: **Michael A. Cardozo** of Proskauer Rose, **Drew S. Days III** of Yale Law School, **Robert A. Helman** of Mayer Brown, and **Robert Pitofsky** of Georgetown University Law Center. In addition, *The American Lawyer* named **Martin Lipton** and **Herbert M. Wachtell**, both of Wachtell, Lipton, Rosen & Katz, as 2015 Law Firm Distinguished Leaders.

Roger S. Clark of Rutgers School of Law–Camden has been honored with a book of essays on international law, crime, and justice written by 41 global contributors. The book, which was inspired by Professor Clark's lifetime of advocating for international justice, is titled *For the Sake of Present and Future Generations* (Brill/Nijhoff 2015).

Avelino V. Cruz, President of the ASEAN Law Association of the Philippines, was unanimously elected President for a term of three years of the region-wide 10-country ASEAN Law Association.

John K. DiMugno of the Insurance Research Group in Cameron Park, CA, and **Dennis J. Wall** of the Insurance Claims and Issues Group, Inc., in Winter Springs, FL, who both serve on the Members Consultative Group for the Restatement of the Law, Liability Insurance, collectively wrote and co-presented a webinar titled "Liability Insurance Law from American Law Institute Principles to Restatement" for Thomson Reuters West Legal Ed Center about key issues in the ALI project.

Bryan K. Fair, the Thomas E. Skinner Professor of Law at the University of Alabama, presented "Equal Justice Under Law: A Constitutional Look Back and Ahead" at the annual Constitution Day Lecture on September 17 at the College of Wooster in Ohio.

In a recent article published in *The Washington Post*, Cornell University President **Elizabeth Garrett** examines higher education and discusses what she believes is the faculty's responsibilities to their students and the institution's responsibilities to the public.

Three ALI members spoke on the future of legal services at the ABA's House of Delegates meeting on August 3. The members are **Phoebe A. Haddon**, chancellor of Rutgers University–Camden, who served as moderator, Presiding Judge **Carolyn B. Kuhl** of the Los Angeles Superior Court, and Chief Justice **Barbara Madsen** of the Washington Supreme Court.

John H. Langbein of Yale Law School and **Lawrence W. Waggoner** of the University of Michigan Law School coauthored the article "Correcting the Record Regarding the Restatement of Property's Slayer Rule in the *Brooklyn Law Review's* Symposium Issue on Restatements," 80 *Brook. L. Rev.* 1015 (2015). Professor Waggoner also authored "How the ALI's Restatement Third of Property is Influencing the Law of Trusts and Estates," 80 *Brook. L. Rev.* 1019 (2015).

On September 21, **Douglas Laycock** of the University of Virginia School of Law and **Robin Fretwell Wilson** of the University of Illinois College of Law each presented on a panel at the "American Faith: The Origin and Meaning of Religious Liberty" program held at the National Constitution Center.

J. Thomas Oldham of the University of Houston Law Center will be hosted



Jeannie Suk, Stephen J. Schulhofer, and Michelle J. Anderson participate in debate.

In Memoriam

by the University of Sydney and the Australian National University in Canberra as a Fulbright Senior Scholar in November and December 2015.

In August, ALI President **Roberta Cooper Ramo**, the first woman to serve as president of the American Bar Association, was awarded the ABA's highest honor, the ABA Medal, at the General Assembly of the ABA Annual Meeting in Chicago.

Kermit Roosevelt III, a professor at the University of Pennsylvania Law School and the Reporter on the Restatement of the Law Third, Conflict of Laws project, has published *Allegiance: A Novel* (Regan Arts 2015).

Model Penal Code: Sexual Assault and Related Offenses Reporter **Stephen J. Schulhofer** of New York University School of Law and two of the project's Advisers, **Michelle J. Anderson** of City University of New York School of Law and **Jeannie Suk** of Harvard Law School, participated in a debate discussing whether universities are equipped for enforcing policies in response to sexual-assault violence, or whether the criminal-court system is better suited for the task.

Judge **Richard B. Walker**, an Adviser on ALI's Model Penal Code: Sentencing project, has been appointed as a senior judge on the Kansas Court of Appeals.

Don R. Willett, justice on the Texas Supreme Court, was named "Tweeter Laureate of #Texas" and also appeared in several publications discussing judges' ethical use of social media. He was also honored for exceptional legal writing by *The Green Bag*.

ELECTED MEMBERS

Beverly Ray Burlingame, Dallas, TX; **Jacqueline R. Griffin**, Daytona Beach, FL

LIFE MEMBERS

Robert A. Behrman, Greeley, CO; **Donald L. Calvin**, New York, NY; **Richard D. Cudahy**, Chicago, IL; **Lawrence J. Franck**, Ridgeland, MS; **Michael J. Zimmer**, Evanston, IL

Election Law



John Hardin Young of Sandler Reiff Lamb Rosenstein & Birkenstock, P.C., and Henry L. Chambers, Jr., of University of Richmond School of Law



Principles of the Law, Election Law Associate Reporter Steven F. Huefner of Ohio State University, Moritz College of Law; ALI Director Richard L. Revesz; and project Reporter Edward B. Foley, Ohio State University, Moritz College of Law

RIGHT

Richard Briffault of Columbia University School of Law and Reporter on Principles of the Law, Government Ethics

FAR RIGHT

Kevin J. Hamilton of Perkins Coie LLP



ALI'S YOUNG SCHOLARS PROGRAM CONTINUED FROM PAGE 1

In 2013, Professor Jeanne C. Fromer of New York University School of Law organized the event “Bringing Together Copyright and Patent Law in Court.” The conference set out to examine the ideal judicial structure for an optimal dialogue between copyright and patent law, and predicted that “in the not distant future, a number of contemporary issues plaguing copyright law due to the Internet’s divorce of manufacture from content are making their way to patent law, most notably with regard to 3D printing and synthetic biology.” Professor Fromer is now serving as an Adviser on the new Restatement of the Law, Copyright project.

Professor Adam J. Levitin of Georgetown University Law Center examined finance regulation at the 2014 event “The Ten Trillion Dollar Question: Reforming Housing Finance Regulation.” The conference opened a dialogue about how to rebuild a housing finance system that serves all stakeholders: consumers, investors, and the public, and aimed to bridge three related regulatory policy discussions that often proceed in parallel: the institutional reform of the housing finance market; investor protection in housing markets; and consumer-protection reforms in mortgage lending.

Earlier this year, Professor Amy B. Monahan of the University of Minnesota Law School organized a conference that asked the question “Can Law Solve the Public Pension Problem?” Professor Monahan structured the conference to take a more proactive approach by examining whether law can be used effectively to prevent pension underfunding from occurring. As the scale of public-pension underfunding becomes clearer, incremental legal reforms that this conference helped surface may help cities and states better handle this debt, such as through improved public-accounting standards and uniform reporting of unfunded liabilities.

THE FIRST OF THE 2015 MEDAL RECIPIENTS, PROFESSOR ELIZABETH CHAMBLEE BURCH OF THE UNIVERSITY OF GEORGIA SCHOOL OF LAW, IS PLANNING “THE FUTURE OF AGGREGATE LITIGATION” TO BE HELD IN NEW YORK IN APRIL 2016.

The first of the 2015 Medal recipients, Professor Elizabeth Chamblee Burch of the University of Georgia School of Law, is planning “The Future of Aggregate Litigation” to be held in New York in April 2016. The conference will focus on the shifting landscape of aggregate litigation. Courts and scholars are now grappling with questions about appropriate fora outside of Article III courts; how to coordinate litigants and resolve principal-agent problems without Rule 23’s judicial quality-control measures; how to square individuals’ participation opportunities with group decisionmaking; and what the future holds for aggregate litigation. Accordingly, the conference discussion is structured around four panels: (1) Aggregate Litigation Outside of Article III Courts; (2) Judicial Power and its Limits in Multidistrict Litigation; (3) Individuals Within the Aggregate; and (4) The Future of Group Litigation.

In 2017, Professor Michael Simkovic of Seton Hall University School of Law will host an event around his area of scholarship and legal research, the intersection of law and finance.



Professor Jeanne C. Fromer of New York University School of Law

The American Law Institute will continue to award the Young Scholars Medal to exemplary early-career law professors. It is through the continued support of ALI’s members and donors that the Institute is able to continue this platform to identify new areas for legal reform. We will be seeking the next round of nominations from law-school deans or their designees in late 2016. The winning professors will receive a \$5,000 prize, will speak at an upcoming ALI Annual Meeting, and will plan a conference devoted to identifying legal subjects that would benefit from law reform.

YOUNG SCHOLARS MEDAL RECIPIENTS

2015

Elizabeth Chamblee Burch

University of Georgia School of Law

Michael Simkovic

Seton Hall University School of Law

2013

Adam J. Levitin

Georgetown Law Center

Amy B. Monahan

University of Minnesota Law School

2011

Oren Bar-Gill

Harvard Law School (formerly New York University School of Law)

Jeanne C. Fromer,

New York University School of Law

THE PRESIDENT'S LETTER CONTINUED FROM PAGE 1

seems to be a success on all fronts. Members have been nominating candidates as before, and our Regional Advisory Groups are working hard to add members in those areas in which we either had few or no members and those in which most of the members were no longer in practice or on the Bench. Because we have had such great attendance at our Annual Meeting by those whom we notify before the end of January, we have slightly moved the membership nomination deadlines to allow us to notify everyone who has been nominated and approved before the end of January. Starting in 2016 the new deadlines for nominations to be in the hands of the Membership Committee are March 15th, June 15th and September 15th. If you have any questions at all about the process please email or call Beth Goldstein, the super staff person in charge of our membership process, at bgoldstein@ali.org or 215-243-1666. We are in the happy position of finding enthusiastic response when we call those potential new members who have been approved by the Council. Also, as you look over a year's worth of new members they are from all over the United States. With each class, we strive to elect a diverse group that is evenly balanced between legal scholars, judges, and lawyers in practice.

I hope that you have or will take the time to go to our new website (www.ali.org). It has become a daily stop for me because of the flow of important and interesting legal information not just about our projects, but more broadly about all manner of legal subjects that our members participate in. If you want to know more about the Privacy project there is a terrific 3 minute video in which our reporters explain what they are trying to accomplish. Our First Vice President Doug Laycock recently took part in a riveting panel about religious liberty at the National Constitution Center, and that too is on the website. Like so many advances in social media and technology, it will allow you to become a part of the ALI in a way that was simply not possible until recently.

Just now, there are hundreds of hot air balloons in my window, from one with butterflies to a very large pig with sun glasses. (I will have to figure that one out.) Other than explaining the pig balloon, let me know your thoughts about how we can improve and just how you are doing.

Roberta

Roberta Cooper Ramo
President

Website Tour: Project Pages

Did you know that you can find all of the information about ALI's current projects on the Projects page of the new website? Logged-in project participants and members can access all areas of an individual project page, including:

- Project status chart – showing portions of the project drafted or approved
- Drafts
- Comments
- List of project participants

Project Participants should click on the project name to open the full project details.

REVIEW ALL OF ALI'S CURRENT PROJECTS AND SIGN UP FOR A MEMBERS CONSULTATIVE GROUP TODAY BY VISITING WWW.ALI.ORG/PROJECTS.

Charitable Nonprofit Organizations



From left, Lloyd Mayer of Notre Dame Law School, Mary Beckman of the Massachusetts Attorney General's Office, Restatement of the Law, Charitable Nonprofit Organizations Reporter Jill R. Horwitz, Suzanna McDowell of Steptoe & Johnson LLP, project Reporter Marion R. Fremont-Smith, Sean Delany of Lawyers Alliance for New York, Kelly Finkelstein-Schwartz, research assistant to Professor Jill R. Horwitz, Bonnie Brier of New York University, Putnam Barber of The Nancy Bell Evans Center on Nonprofits and Philanthropy, and Jill Manny of the National Center on Philanthropy and the Law, New York University School of Law



Victoria Bjorklund of Simpson Thacher & Bartlett LLP and Mary Beckman of the Massachusetts Attorney General's Office



Joel Dobris of University of California, Davis School of Law, and Thomas Gallanis of University of Iowa College of Law



Lloyd Mayer of Notre Dame Law School

New Membership-Proposal Deadlines

BEGINNING IN 2016, THE DEADLINES FOR MEMBERSHIP PROPOSALS WILL BE MARCH 15, JUNE 15, AND SEPTEMBER 15.

We are making this change to help ensure that all elected members in a class year are notified of their election with ample time to make arrangements to attend the new-member events at the Annual Meeting.

Annual Meeting attendance of new members has averaged 50 percent over the past few years. Under the old deadlines, attendance by the January nominees, who were notified of

election in late March/early April, was significantly lower than that of other groups. Under the new deadlines, the September nominees will be notified of their election by December, well before our Annual Meeting.

For more detailed information on ALI's membership process or to propose a new member now, visit www.ali.org/members. You must be signed in to the site to access members-only content.

Please contact the Membership Department at membership@ali.org if you have any questions about your candidates or the membership-proposal process.

Meetings and Events Calendar At-A-Glance

(for more information, visit www.ali.org)

Below is a list of upcoming meetings and events. This schedule may change, so please do not make travel arrangements until you receive an email notice that registration is open.

2015

October 22 (JOINT)

Restatement of the Law Third, Conflict of Laws
Philadelphia

October 29 (Advisers)

October 30 (MCG)

Restatement of the Law, Liability Insurance
Philadelphia

November 13 (JOINT)

Restatement of the Law, Consumer Contracts
Philadelphia

November 19 (Advisers)

November 20 (MCG)

Project on Sexual and Gender-Based Misconduct on Campus:
Procedural Frameworks and Analysis
New York

December 3 (Advisers)

December 4 (MCG)

Restatement of the Law, Copyright
Philadelphia

December 17 (JOINT)

Principles of the Law, Data Privacy
Philadelphia

2016

January 21–22

2016 JANUARY COUNCIL MEETING
Philadelphia

February 5 (JOINT)

Restatement of the Law, The U.S. Law of International
Commercial Arbitration
Philadelphia

February 23

Members Reception
Location to be determined
Dallas, TX

February 25 (JOINT)

Restatement of the Law, The Law of American Indians
Philadelphia

February 26

Discussion of ALI's U.S. Law of International Commercial
Arbitration Project
Co-Sponsors: Atlanta International Arbitration Society and the
State Bar of Georgia
Atlanta, GA

March 1

Members Reception
Hosted by Astigarraga Davis and José I. Astigarraga
Miami, FL

March 2

Members Reception
Hosted by Carlton Fields Jorden Burt, P.A., and President and
Chief Executive Officer Gary L. Sasso
Tampa, FL

March 3 (Advisers)

March 4 (MCG)

Restatement of the Law, Children and the Law
Philadelphia

March 24 (JOINT)

Principles of the Law, Government Ethics
Philadelphia

March 31 (Advisers)

Principles of the Law, Police Investigations
Philadelphia

Saturday, April 2

Foreign Advisers, Reporters, and Counselors Meeting
Restatement of the Law Fourth, The Foreign Relations Law of the
United States
*At the close of the American Society of International Law
Annual Meeting*
Washington, DC

April 8 (JOINT)

Restatement of the Law Third, Torts: Intentional Torts to Persons
Philadelphia

April 19

Members Reception
Hosted by The University of Vermont and
President E. Thomas Sullivan
Burlington, VT

April 20

Members Reception
Hosted by Choate, Hall & Stewart LLP and Chairman
John A. Nadas
Boston, MA

May 16–18

2016 ANNUAL MEETING
Washington, DC

Thursday, October 20

Friday, October 21

2016 OCTOBER COUNCIL MEETING
New York



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