

DEDICATED TO CLARIFYING AND IMPROVING THE LAW

Chief Justice John G. Roberts, Jr., Will Present the Friendly Medal

Chief Justice John G. Roberts, Jr., will present the Henry J. Friendly Medal at this year's Annual Meeting on Wednesday, May 21. He joins an exciting list of speakers that already included Justices Ruth Bader Ginsburg and Stephen G. Breyer.

The Friendly Medal was established in memory of Second Circuit Judge Henry J. Friendly—one of the greatest judges of his time—and is endowed by his former law clerks. It recognizes contributions to the law in the tradition of Judge Friendly and the Institute and is not limited

to ALI members or those associated with its projects. Chief Justice Roberts clerked for Judge Friendly in 1979-80. The recipients of the Friendly Medal will be announced at the Annual Meeting.

The 17th Chief Justice of the United States, Chief Justice Roberts took his seat on the Supreme Court of the United States on September 29, 2005, following confirmation that day by the Senate. President Bush had initially nominated him as an Associate Justice in July 2005, after Justice Sandra Day O'Connor

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Chief Justice John G. Roberts, Jr.

President's Note

This is the last quarter during which Lance Liebman will serve as our Director. After 15 years, he will switch hats and seats but, importantly, not allegiance. Lance has been nominated for election to the Council, and those elected during our Annual Meeting in May will begin their terms as of the close of the Meeting. While he will speak at our Annual Meeting opening session on Monday, May 19, I wanted him, for the benefit of every member and for the institution, to use this space to give us his observations about the trajectory of The American Law Institute from his first day as Director on May 20, 1999, until today. We will celebrate his work and accomplishments when we meet in Washington, but worth noting are the more than 20 Restatements, Principles, U.C.C. revisions, and other proposed legislation completed during his tenure, a like number of new projects begun, and the enormous change in how lawyers and courts and scholars find and use our work. His intellectual skills are well known and important, but not least of his accomplishments is that he also survived three Presidents of such vastly differing styles as Charles Alan Wright, Michael Traynor, and me, all managed with great good humor and gentle but firm hands, which from time to time corrected at least me in my course. I thank you, Lance, on behalf of the Institute, the law, and all of us.

Roberta Cooper Ramo
President

My Time as Director

And Possible Next Steps for the ALI

By Lance Liebman

It is hard to remember this now, but 16 years ago when the ALI looked at me as a possible Director, I had just finished five invigorating years as Columbia dean and planned to return to full-time teaching and scholarship. At first I was doubtful that I was the right person for the ALI job or that it was the right job for me. A friend (then a friend of only 25 years) who was a distinguished appellate judge said: "Lance, your friends never thought of you as a doctrinalist."

That was right. Nonetheless, Judge Bill Webster, Geoff Hazard, and others talked me into taking the job. A main persuader was Ron Gilson, who was—with our respective spouses—on sabbatical with me at Hebrew University in Jerusalem. Ron made two points. First, he said that his own work as a Reporter on the controversial Corporate Governance project, difficult and challenged as that project was, with some corporate

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lawyers not “leaving their clients at the door,” nonetheless showed him that the ALI could make important contributions to law reform. Second, Ron observed that I, having entered the real world as a law school dean based in New York City, did not have a personality suited for the quiet academic life. He was right on both counts.

I had a year (as my successor, Ricky Revesz, does not have) to transition into the Director position, to continue full-time teaching while attending many of the project meetings, watching Geoff Hazard’s outstanding performance as Director, and asking him lots of questions. Most important, we made a smooth transition for the Hazard agenda. When I look back, I see a project list at that time that is similar to and different from the one I am now handing to Ricky. In 1999, we had several torts projects. (Torts gets by far the most hits on Westlaw and Lexis and thus is the leading contributor to our operating budget.) Ed Halbach, Larry Waggoner, and John Langbein were working on Trusts and Donative Transfers. We were finishing Family Dissolution. Deborah DeMott was just starting on Agency and Andrew Kull on Restitution. We and the Uniform Law Commissioners were struggling with software licensing, with the revised (but never quite successful) Article 2, and with much more successful modernizations of Articles 3 and 4, and (thanks to terrific work by Bill Burke) Article 9. There were immersions in international waters: Enforcement of Foreign Judgments, Transnational Bankruptcy, and Transnational Civil Procedure.

Over the decade and a half that has passed far too quickly—especially as Carol and I went from no grandchildren to four wonderful ones ranging now in age from 7 to 13—we started more than 20 new efforts at law reform, completed some, gave up on some, and are in the early, middle, or late stages on a number of them that Professor Revesz can now “direct.” (An ALI Director does not “direct” anyone. He begs, persuades, encourages, tolerates, and suggests, just as a law school dean does with tenured faculty.)

Important concluded or almost-concluded work is Employment Law, Aggregate Litigation, Nonprofits, Software Contracts, World Trade Law, and Transnational Intellectual Property. In mid-course are International Arbitration, Liability Insurance, Model Penal Code: Sentencing, and Model Penal Code: Sexual Assault. Just starting are Indian Law, Consumer Contracts, Information Privacy, Government Ethics, Election Law, and the two Torts projects of Intentional Torts and Liability for Economic Harm. Potentially the biggest is our only project so far in the Fourth Restatement Series, Foreign Relations Law of the United States. That comprises three projects with three groups of Reporters at the moment: Jurisdiction, Immunities, and Treaties. But a reasonably complete Foreign Relations Law project might well become 10 or more individual subjects and last for quite some time.

Ricky Revesz now faces two questions as he becomes the sixth Director in our 91 years. One question is minor and the other is major. The minor question is whether we were right to split the titles of our projects between the word “Restatement” and the word “Principles.” (Of course, there are also statutory projects.) I allowed “Principles” to grow to about half the agenda, because a number of projects seem to have as their audience legislators and administrators as well as common law judges. When I began, only Corporate Governance and Family Dissolution had been called Principles. We now know two things: that Principles projects receive fewer court citations than Restatements, and that the boundary is not clear. One could easily argue that International Arbitration should be a Principles project and Liability Insurance should be a Restatement, but the opposite is true in each case. Many Restatement projects (see, for example, the treatment of the Rule Against Perpetuities in Donative Transfers) recommend law that currently has no precedential support. Similarly, many Principles projects draw heavily on existing law. There is a strong argument for staying with “Restatement,” the word our founders brilliantly contributed to the legal vocabulary. And the meaning of “Restatement” can continue to draw

on Professor Wechsler’s definition: “a preponderating balance of [court] authority would normally be given weight, ... but it has not been thought to be conclusive. [We should] give weight to all of the considerations that the courts ... deem it right to weigh in theirs.” The question is now handed to a distinguished scholar who comes to the decision with an open mind—and of course to the officers, Council members, and general membership of this highly decentralized organization.

Second, and much harder, is the matter of what projects to start, no matter what they will be called. We, and especially Ricky, benefit from an issue of the *Brooklyn Law Review* just published that is a collection

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Council Election to Take Place May 19

The ALI Nominating Committee has recommended for the Council's approval a number of candidates to be nominated for election to the Council, for a five-year term, at the Annual Meeting in Washington, DC, on May 19. Although the list of nominees is not final as the *Reporter* goes to press, members will be notified by e-mail as soon as the nominees are approved.

The following current Council members have been nominated for reelection to a five-year term:

- **John H. Beisner**, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, DC
- **Elizabeth J. Cabraser**, Loeff Cabraser Heimann & Bernstein, LLP, San Francisco
- **Geoffrey C. Hazard, Jr.**, University of California, Hastings College of the Law, San Francisco
- **Carolyn B. Lamm**, White & Case LLP, Washington, DC
- **Derek P. Langhauser**, Maine Community College System, South Portland, ME
- **Gerard E. Lynch**, U.S. Court of Appeals, Second Circuit, New York
- **Margaret H. Marshall**, Choate Hall & Stewart, Boston, MA
- **M. Margaret McKeown**, U.S. Court of Appeals, Ninth Circuit, San Diego
- **David W. Rivkin**, Debevoise & Plimpton LLP, New York
- **Elizabeth S. Stong**, U.S. Bankruptcy Court, Eastern District of New York, Brooklyn

Justice **Christine M. Durham** of the Utah Supreme Court, who has served on the Council since 1989, will take Council Emeritus status as of the close of the 2014 Annual Meeting.

In January, the Council reelected the following officers to a three-year term, effective at the end of the 2014 Annual Meeting: **Roberta Cooper Ramo** as President; **Allen D. Black** as First Vice President; and **Douglas Laycock** as Second Vice President. ALI Director Designate **Richard L. Revesz** of New York University School of Law will also take office as Director at the close of the Annual Meeting, when Director **Lance Liebman** completes 15 years of service.



► *Julie R. O'Sullivan of the Georgetown University Law Center was among the participants in "Deterring Corporate Crime: Effective Principles for Corporate Enforcement," a two-day conference cosponsored by the NYU Law Program on Corporate Compliance and Enforcement and The American Law Institute. See more photos and an article on Pages 10-11.*

Q&A

== with ==

Judge Bernice Donald

by Shannon P. Duffy
ALI Director of Communications

Bernice Bouie Donald has been a judge for more than 30 years and since 2011 has served on the U.S. Court of Appeals for the Sixth Circuit. She previously served for 15 years on the U.S. District Court for the Western District of Tennessee. Before that, she was a bankruptcy judge for more than seven years, and a Tennessee state court judge handling criminal cases for six years. Judge Donald was elected to the ALI in 2012 and currently chairs the ALI Regional Advisory Group for Region 15, which includes North Carolina, South Carolina, and Tennessee.

Q—Reading your biography, it’s remarkable how often you’re described as the “first woman” or the “first African American” to serve in various capacities. Was it exciting to be such a trailblazer? And are you optimistic that we will one day be finished with noting these sorts of firsts?

A—It is exciting and humbling to be called a trailblazer. I am always honored to serve as a first, as the “firsts” of many others have inspired me. I am keenly aware that the opportunities of those who come after me may well be enlarged or limited based on the caliber of my own service. This awareness pushes me to serve with honor and distinction.

I also believe, as Dr. King once said, that the arc of the moral universe bends toward justice. Just as I was able to walk through doors that were not open to the generations before me, I trust that the generations after mine will do the same. And I do hope that, one day, the doors of opportunity will have been open to everyone for long enough that each person who enters will have seen people like him- or herself go ahead. In some sense, it is troubling that in the dawn of the 21st century, we are still encountering firsts.

Q—You now sit on a federal appeals court, but you have extensive experience as a judge on other courts, including 15 years on a federal district court and, before that, on a bankruptcy court and a state trial court. In what ways have your prior judicial positions informed the work you do now?

A—My experience has fostered a strong sense of pragmatism. This pragmatism extends beyond a lofty ideological sense of

judicial pragmatism—that is, seeing the Constitution as a living document—and percolates down to a more immediately applicable focus on deciding each case based on applying the law to the facts and parties at hand as fairly, narrowly, and expeditiously as possible.

Also, working on a number of high-volume courts helped me to appreciate the importance of perceived, as well as actual, fairness. People need to understand not only the justice system as an ideal, but also how the various courts and court systems interact and cooperate on the ground.

Q—You have served as faculty on international programs for lawyers and judges from Romania, Turkey, and Brazil, you lectured in Kyrgyzstan, Kazakhstan, and Russia, and you monitored judicial misconduct proceedings in Zimbabwe. What is your sense of how the American judicial system is viewed around the world? Do developing countries look to the United States as a model?

A—The world undoubtedly looks to our judicial system as a model and uses it as a vital resource. The sheer number of requests for judges and lawyers to travel and teach reaffirms the preeminence of the American judicial system, and an independent judiciary and independent bar are important traditions worthy of emulation. Still, our system is not perfect, and I do not assume that our system is the right one for every country or jurisdiction I visit. Traveling and teaching allows us to critically examine our own system and consider what we can learn from other countries.

Q—What’s the most exciting vacation you’ve ever taken? And



Judge Bernice B. Donald, U.S. Court of Appeals for the Sixth Circuit

is there somewhere you haven't been that is on your wish list?

A—I rarely take a true vacation, but I love to travel. I really enjoy opening myself up to other cultures, and my goal is to see the world—something I never thought I would have the chance to do when I was growing up in Mississippi.

I have been lucky enough to visit some of the most beautiful places in North America, South America, Africa, Asia, and Europe. I still haven't been to either Australia or Antarctica, so those continents are very much on my wish list.

Q—Who is your legal hero?

A—I don't have a single legal hero; rather, there are many individuals who deserve that status. First and foremost, I count as my heroes: William H. Hastie, Charles Evans Hughes, Thurgood Marshall, and Constance Baker Motley, along with their compatriots, who valiantly fought the battle for equal justice, equal dignity, equal protection, and equal opportunity.

Chief Justice Earl Warren and the justices who interpreted and applied the law to effectuate the ideals enshrined in our nation's founding documents are also my heroes. Judge Frank Minis Johnson, Jr., who honored his oath of office and demonstrated courage and grace in upholding the rights of minorities at a difficult time in the nation's history, is a hero to me. And Arabella Mansfield, the nation's first female attorney, who blazed a trail for women, and Charlotte E. Ray, the first African American female lawyer in the United States, are heroes of mine.

Finally, I count as heroes the thousands of unsung lawyers and judges who, day in and day out, exhibit an indefatigable commitment to justice, equality, and the rule of law.

Q—You cofounded 4-Life, a skills training and enrichment program designed to teach students to be productive citizens.

What prompted your interest in this?

A—I really became interested in this issue after I conducted the first federal death penalty trial in the Western District of Tennessee. There, I saw just how powerfully access to, interest in, and influence on children at an early age can change the choices they make and outcomes in their lives. That case also really brought home to me the pressures on children of low-income, inner-city life and poverty, especially concentrated communities of poverty. I strongly believe that it is incumbent on those who have achieved some measure of success, or who at the very least have avoided the clutches of the criminal justice system, to reach back, nurture, and guide future generations.

Q—As a member of the ALI, you have agreed to chair the Regional Advisory Group for Region 15, which includes North Carolina, South Carolina, and Tennessee. What will you look for when nominating prospective members of the ALI? And how important is geographic diversity?

A—My goal is to seek out bright and collegial prospective members who have an interest in modernizing and illuminating the law and who support the rich traditions of the ALI. Improving the law is no mean feat, so I would like to see potential members who recognize this challenge, who are excited about it, and who have the time and energy to devote to the hard work it demands.

I am confident we can marshal excellent groups of new members, who are diverse in terms of geography and every dimension of diversity.

Q—Was there a single person in your life—perhaps a teacher, family friend, or close relative—who was a strong influence in your decision to pursue a career in the law?

A—My mother and father were the strongest individual forces

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Foreign Relations Law



◀ Coordinating Reporter Sarah H. Cleveland of Columbia Law School speaking to John B. Bellinger III of Arnold & Porter, a Counselor on the Foreign Relations Law project



▲ From left, ALI Director Lance Liebman; the Coordinating Reporters for *The Restatement Fourth, The Foreign Relations Law of the United States*—Paul B. Stephan of the University of Virginia School of Law and Sarah H. Cleveland of Columbia Law School; and the Reporters on the Treaties section of the project, Curtis A. Bradley of Duke Law School and Edward T. Swaine of George Washington University Law School



▲ An Adviser on the project, Judge Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit



▲ Judge O. Thomas Johnson of the Iran–United States Claims Tribunal in The Hague (left) and Coordinating Reporter Paul B. Stephan of the University of Virginia School of Law at the meeting for *The Restatement Fourth, The Foreign Relations Law of the United States—Treaties*

ALI's New Membership Process Is Now in Effect

by *Stephanie Middleton*
Deputy Director

We have changed the ALI membership process, effective January 2014, but only slightly.

As you know, our members do more than provide financial support to the organization, and our Council is tasked with more than governance. ALI's Council and members, along with our Reporters, produce the work of the ALI. Only when our Council and members have voted to approve a draft is it the "position" of the ALI. Members also identify candidates for membership, and the Council elects members from this group of candidates. We are a membership organization in the truest sense.

To nonmembers, our drafting process and our membership process are a bit mysterious. It is clear, though, that the quality of the former is closely tied to the quality of the latter. We rely on our members to join MCGs, review drafts, and attend the Annual Meeting. We also rely on our members to find other top legal minds who are willing to do ALI work. Members may have the time to participate in our work only at certain times in their careers. Some have expertise in an area in which the ALI has an active project. Others bring the intelligent reading of the nonexpert, who may point out drafting that would not be clear to nonexperts and others who rely on the Restatements.

None of this is new. But the new process has two changes. The first is that the process is now as confidential as possible; we do not send rejection letters because we assume candidates do not know they are being proposed. The second is that we are more intentional in filling out our limited membership of 3,000. If ALI is underrepresented in some states or regions, or needs expertise in a specific area of a current project, the Membership Committee, working with the new Regional Advisory Committees, may focus on the specific needs of the organization at that time. But we still ask our members to nominate candidates who have demonstrated excellence in the law and who will contribute to the work of the Institute. The candidate pool still comes from member nominations.

The ALI website has details and forms, and our Membership Director, Beth Goldstein, would love to hear from you.

Fifty Years Ago at the Annual Meeting...

The American Law Institute held its 41st Annual Meeting at the Mayflower Hotel in Washington, DC, from Wednesday, May 20, to Saturday, May 23, 1964. ALI President **Norris Darrell** presided, and the Meeting was opened by United States Chief Justice **Earl Warren**, who spoke about the problems facing the federal judicial system. **Herbert Wechsler**, in his second year as Director of the Institute, announced that the recently completed **Model Penal Code** had inspired official projects for state penal code revision in California, Connecticut, Indiana, New York, and Pennsylvania. First Vice President **William A. Schnader** reported that 30 American jurisdictions had adopted the **Uniform Commercial Code**, with more states expected to follow in 1965. The Institute's elected membership stood at 1493.



CHIEF JUSTICE
EARL WARREN



SECRETARY OF STATE
DEAN RUSK

David L. Shapiro), dealing with federal jurisdiction based on diversity of citizenship; the **Restatement Second, Conflict of Laws** (Reporter **Willis L.M. Reese**), covering Wrongs and Judgments; the **Restatement Second, Torts** (Reporter **William L. Prosser**), dealing with Strict Liability, Deceit, and a reconsideration of § 402A; and a first Tentative Draft of the **Restatement Second, Contracts** (Reporter **Robert Braucher**).

The principal speaker at the Annual Dinner was Secretary of State **Dean Rusk**, who addressed members about threats to world peace in Laos and Vietnam. A ticket to the Annual Dinner was \$11.00, "not including cocktails but including tips." The Annual Meeting Program regrettably noted: "A reception by the Council of the Institute for members and guests and ladies accompanying them will be held in the East and State Rooms of the Mayflower Hotel on Wednesday afternoon, May 20, at five o'clock. To ease the burden this affair places on the treasury of the Institute, it has become necessary to fix a charge of \$5.00 per person."

On the substantive agenda were drafts for the **Study of the Division of Jurisdiction between State and Federal Courts** (Chief Reporter **Richard Field** and Reporters **Paul Mishkin** and

American Indian Law

► From left, ALI Director Lance Liebman, Matthew L.M. Fletcher of Michigan State University College of Law, the Reporter for Restatement Third, The Law of American Indians, and Associate Reporter Kaighn Smith, Jr., of Drummond Woodsum



▼ American Indian Law project Adviser Mary L. Smith, the former general counsel for the Illinois Department of Insurance and a member of the Cherokee Nation, and Keith M. Harper of Kilpatrick Townsend & Stockton



▲ From left, ALI Director Designate Richard L. Revesz speaking to ALI Director Lance Liebman at the joint Advisers and MCG meeting for Restatement Third, The Law of American Indians



◀ Foreground: Professor Gloria Valencia-Weber of University of New Mexico School of Law (left) and Professor Kristen A. Carpenter of University of Colorado Law School (right). Background: Daniel I.S.J. Rey-Bear of the Nordhaus Law Firm (left) and Judge William A. Fletcher of the U.S. Court of Appeals for the Ninth Circuit (right)

Translations of ALI Work Pave Way for International Influence

By Mona Elkalban
Communications Assistant

The work of The American Law Institute is increasingly influential on the international stage, thanks in part to the efforts of a handful of dedicated translators and publishers who make it possible for the ALI to reach vast new audiences. Most recently, the **Restatement of the Law Third, Agency**, was published in Japanese and **Principles of the Law of Aggregate Litigation** is being published in Spanish. Throughout the years, ALI titles have been translated into additional languages as well, including Ukrainian, Persian, Russian, Chinese, Turkish, Croatian, Greek, and German.



publications into Japanese as well. These include: **Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes** (black-letter text only) in 2009; the **Uniform Commercial Code** (black-letter text only) in 2006; **Restatement of the Law Third, Torts: Products Liability**, in 2000; **Restatement of Security** (Chapter 2 only) in 1999; **Uniform Commercial Code Revised Article 9** in 1999; and **Restatement of the Law Third, Trusts, Prudent Investor Rule**, in 1992.

With regard to Spanish translations, the ALI expects that in April 2014 the Spanish translation of **Principles of the Law of Aggregate Litigation**, will be published under the guidance of Dr. Jorge A.

Sanchez Cordero of the Mexican Center of Uniform Laws. Also, in 1999, the ALI provided the Spanish Institute of Comparative Law (IEDC) with a license to translate, publish and sell the Spanish (and German) translations of the black-letter text only of the **Uniform Commercial Code** for distribution in Europe and Central and South America.

By far, the most popularly translated publication is the **ALI/UNIDROIT Principles of Transnational Civil Procedure**. This publication has been translated into Ukrainian, Persian, Russian, Spanish, Chinese, Turkish, Croatian, and Greek. The Spanish version of this publication has been met with the most reported demand. Although there is only one Spanish translation, which was made in 2009 by Dra. Ines de San Martin and reviewed by Dra. Aida Kemelmajer de Carlucci, there are three publishers that publish it in different parts of the Spanish-speaking world:

- In Mexico and Central America—by Instituto de Investigaciones Juridicas (Universidad Nacional Autonoma de Mexico)/ Centro Mexicano de Derecho Uniforme;
- In Andean and Caribbean Countries—by Departamento de Publicaciones, Universidad Externado de Colombia; and
- In the southern countries of Latin America—by Rubinzal Culzoni Editores

The Institute is also working to get this title translated into Albanian and Arabic in the near future.

In early 2014, a translation into Japanese of the **Restatement of the Law Third, Agency**, was completed by Professor Norio Higuchi of the University of Tokyo Faculty of Law. This translation is included as part of *The American Law of Agency and Japanese Law* by Kobundo Publishing Co. in Tokyo. The ALI has additional agreements for translations of other ALI

There are also an abundance of Chinese translations of ALI materials. In October 2013, the ALI reached agreement with Professor Tao Du of Fudan University to translate and publish **Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes** in Chinese, with the purpose of determining which provisions are suitable for reference when formulating model rules for China in this area of the law.

In 2003, the ALI entered an agreement with the China Renmin University Press to translate, publish, and sell the Chinese translation of the **Uniform Commercial Code**. This translation has now been updated and is currently being re-released for sale in China. Other agreements for translations into Chinese are included in ALI's agreement with the Publishing House of Law of China. These publications include the **Model Penal Code; Restatement of the Law Third, Torts: Products Liability; A Concise Restatement of Torts; Principles of Corporate Governance; Restatement of the Law Second, Torts; Restatement of the Law Third, Torts: Apportionment of Liability; Restatement of the Law Second, Conflict of Laws; and Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm.**

Detering Corporate Crime

Top prosecutors, leading judges, prominent white-collar defense attorneys, and eminent scholars gathered April 4-5 for “Detering Corporate Crime: Effective Principles for Corporate Enforcement,” a two-day conference at New York University School of Law. The aim of the conference was to consider “how best to structure criminal and regulatory enforcement policy governing corporate crime, focusing on crimes by publicly held firms.” Among the topics discussed at the conference were “Foreign Corrupt Practices Act: Extending Liability Beyond Borders and Beyond Corporate Veils” and “Private Investigation of Public Wrongs: Self-Reporting and Whistleblowing.”

The conference, cosponsored by the NYU Law Program on Corporate Compliance and Enforcement and The American Law Institute, featured a keynote address by Preet Bharara, the U.S. Attorney for the Southern District of New York. Many of the conference participants were ALI members, including Judge Raymond J. Lohier, Jr., and Judge Gerard E. Lynch, both of the U.S. Court of Appeals for the Second Circuit, Judge John Gleeson of the Eastern District of New York, Scott W. Muller of Davis Polk & Wardwell, Julie O’Sullivan of Georgetown University Law Center, and Judge Jed S. Rakoff of the Southern District of New York.



▲ *Detering Corporate Crime: Effective Principles for Corporate Enforcement, a conference held April 4-5 at the New York University School of Law*



▲ *Keynote Speaker Preet Bharara, U.S. Attorney for the Southern District of New York*



▲ *From left, John F. Savarese of Wachtell, Lipton, Rosen & Katz; Judge Jed S. Rakoff of the Southern District of New York; Bonnie Jonas, Assistant U.S. Attorney and Deputy Chief, Criminal Division, of the Southern District of New York; and Chief Legal Officer Eric Grossman of Morgan Stanley*

ALI Cosponsors Conference with NYU Law

The conference was organized by Professor Jennifer H. Arlen, an ALI member and the Director of NYU Law's Program on Corporate Compliance and Enforcement. Other ALI members participating in the conference included: Samuel W. Buell of Duke University School of Law, and Daniel C. Richman of Columbia Law School.

► From left, Judge Gerard E. Lynch of the U.S. Court of Appeals for the Second Circuit; Mythili Raman, former Acting Assistant Attorney General of the Department of Justice Criminal Division; and Scott W. Muller of Davis Polk & Wardwell



▲ The organizer of the conference, Professor Jennifer H. Arlen of NYU School of Law and Director of the NYU Program on Corporate Compliance and Enforcement



▲ Judge Raymond J. Lohier, Jr., of the U.S. Court of Appeals for the Second Circuit

► Judge John Gleeson of the Eastern District of New York engages in discussion at the NYU School of Law Program on Deterring Corporate Crime: Effective Principles for Corporate Enforcement. To his right is John D. Buretta of Cravath, Swaine & Moore.



The Institute in the Courts: Supreme Court Cites International Commercial Arbitration, Servitudes for the First Time

by Karen Van Gorder
Case Citations Supervisor

The Institute's publications, both old and new, continue to provide valuable guidance to the U.S. Supreme Court, as evidenced by the Court's citations to several ALI publications in recent months, including two that the high court cited for the first time.

In a dissenting opinion to *BG Group, PLC v. Republic of Argentina*, 134 S.Ct. 1198, March 05, 2014 (No. 12-138), Chief Justice Roberts looked to a draft of ALI's ongoing project, **Restatement of the Law Third, The U.S. Law of International Commercial Arbitration** (Tentative Draft No. 2, 2012). In that case, the United Kingdom and Argentina entered into an investment treaty that contained a dispute-resolution provision allowing one of the contracting nations and an investor from the other nation to "submit a dispute to the decision of the competent tribunal of the Contracting Party in whose territory that investment was made," and, if that tribunal did not give a final decision within 18 months, to seek arbitration for their claims. After a British company that had an interest in an Argentine enterprise objected to certain changes in Argentine law that it believed violated its interests under the treaty, it sought arbitration in the United States under the dispute-resolution provision, contending that Argentina, in enacting its new laws, had engaged in conduct that excused it from first seeking resolution of its dispute in an Argentine court. After the arbitrators awarded damages to the British company, the U.S. District Court for the District of Columbia denied Argentina's petition to vacate or modify the award and confirmed the award, but the Court of Appeals reversed. Reversing, Justice Breyer, writing for the majority, concluded that an arbitrator's decision interpreting a treaty provision was entitled to deference, and, in this case, the "arbitrators' jurisdictional determinations [were] lawful." In his dissent, Chief Justice Roberts argued that "[b]ecause an arbitrator's authority depends on the consent of the parties, the arbitrator should not as a rule be able to decide for himself whether the parties have in fact consented," and cited **§ 4-12 of the Restatement** for the proposition that "a court determines de novo...the existence of the arbitration agreement."

The Restatement Third of Property (Servitudes), has also received its first citations from the Court. In *Marvin M. Brandt Revocable*

Trust v. U.S., 134 S.Ct. 1257, March 10, 2014 (No. 12-1173), the United States sought to quiet title to an abandoned railroad right-of-way that crossed over private property. Chief Justice Roberts, writing for the majority, relied on various Restatement provisions in holding that the right-of-way was an easement that terminated following its abandonment, giving the owners of the servient estate full title to that strip of land. The court employed the definition of "easement" found in **Restatement Third, Property (Servitudes) § 1.2** to support its argument and quoted other language in that section and in **§ 7.4** to support the proposition that "if the beneficiary of the easement abandons it, the easement disappears." In rejecting the government's argument that the 1875 Act that created the right-of-way "granted the railroads something more than an easement, reserving an implied reversionary interest in that something more to the United States," the Court relied on the definition of "reversionary interest" found in **§ 154 of the original Restatement of Property**, and concluded that the government did not reserve to itself any such interest when it conveyed the servient estate, in fee simple, to the current owners. In a dissenting opinion, Justice Sotomayor contended that, when the government granted the right-of-way to the railroad, it only granted a defeasible fee, as defined by **§ 16 of the Restatement of Property**, which included an "implied condition of reverter" to the government.

In addition to these first-time citations, the Court has recently relied on ALI publications in several other opinions, including: citations to **Chapter 35 of the original Restatement of Torts** and **§ 870 of Restatement Second of Torts** in *Lexmark Intern., Inc. v. Static Control Components, Inc.*, 2014 WL 1168967, March 25, 2014 (No. 12-873); to **Restatement of Torts § 431, Model Penal Code § 2.03**, and excerpts from the **39th Annual Meeting Proceedings** in *Burrage v. United States*, 134 S.Ct. 881, January 27, 2014 (No. 12-7515); to **§§ 577 and 558 of Restatement Second of Torts** in *Walden v. Fiore*, 134 S.Ct. 1115, February 25, 2014 (No. 12-574); to **§ 28 of Restatement Second of Judgments** in *Medtronic, Inc. v. Mirowski Family Ventures, LLC*, 134 S.Ct. 843, January 22, 2014 (No. 12-1128); and to **Model Penal Code § 2.06** in *Rosemond v. U.S.*, 134 S.Ct. 1240, March 05, 2014 (No. 12-895).

ALI is now on YouTube!

www.youtube.com/user/AmericanLawInstitute



Handler Foundation Provides Grant for Work on Foreign Relations Restatement

The American Law Institute has received a generous grant of \$25,000 from the Milton and Miriam Handler Foundation to help fund its work on the Restatement Fourth, The Foreign Relations Law of the United States. The project, which is the first to be designated part of the Restatement Fourth series, focuses on important new areas of foreign relations law that have emerged since the publication of the Restatement Third of Foreign Relations Law in 1987.

“Many of these developments are in great need of clarification,” said ALI Director Lance Liebman. “Our comprehensive drafting process will help yield that clarity and ensure that the Fourth Restatement provides valuable guidance to the United States government, as well as foreign nations and academics.”

Begun in 2012, the Restatement project has three initial areas of focus: Jurisdiction, Treaties, and Sovereign Immunity, each with its own team of Reporters and Advisers. Professors Sarah H. Cleveland of Columbia Law School and Paul B. Stephan of the University of Virginia School of Law serve as Coordinating

Reporters for the entire project. The first Tentative Draft for the portion on Jurisdiction will be considered by ALI’s membership on May 19 at the Annual Meeting in Washington, DC.

Established by the late Columbia Law School professor Milton Handler, the Handler Foundation has previously made annual grants to assist the Institute’s recently completed project on world trade law. It has also funded a portion of the work on the ALI’s ongoing project on Principles of Election Law.

Professor Handler, who died in 1998, was the only person with whom ALI Director Lance Liebman had the opportunity to talk about the founding meetings of the Institute in the early 1920s. Although he never became an ALI member, Handler attended at least one of the summer meetings at the Maine home of the first Director, William Draper Lewis of the University of Pennsylvania, and talked to Lance about taking a walk on a mountain with Justice Cardozo as they discussed what this new organization should attempt to do.

Coming Soon...

The launch of will give members their own private social network

You asked and we listened.

Many ALI members have expressed an interest in an improved online member directory, either to learn more about the members they are working with on ALI projects or to make connections with members who share an interest or may be a good resource.

Now the Institute is nearly ready to launch a section of our website to provide “private social networking”—a way of creating a more vibrant and connected community for a private membership organization like ALI in a secure, nonpublic venue. We have now tailored the software to create a site that will fit the needs of ALI.

We’re calling it **ALIconnect**.

Members will each have a Member Profile page and the power to control privacy settings that determine how much information is available to other members. There’s already a strong degree of privacy built in since the entire website is “members only,” and therefore limited to ALI members, project participants, and ALI staff. We will start off with the privacy settings set high, allowing each person to decide whether to opt in to sharing more information with other members.

Using our existing member database, we will “pre-populate” the Member Profile page for you with some of the most basic information such as name, employer, date of election to ALI, and any ALI projects for which you are an Adviser or in the MCG. But you will have the option to add much more if you desire, such as a photo, a biography, even links to articles you have written. The software includes a nifty tool that allows you to import all of the information on your LinkedIn profile.

In the coming weeks, we will be testing the design of the **ALIconnect** site, and we expect to launch this fall. Stay tuned for more details either by e-mail or in the Summer issue of the Reporter.

Liability Insurance



◀ From left, ALI Director Lance Liebman, along with Tom Baker of the University of Pennsylvania School of Law, who serves as the Reporter for Principles of the Law of Liability Insurance, and Associate Reporter Kyle D. Logue of the University of Michigan Law School

▼ Professor Michelle Boardman of George Mason University School of Law



▲ Kim M. Brunner, Executive Vice President and Chief Legal Officer of State Farm Insurance Companies, makes a comment during the Advisers meeting for Principles of the Law of Liability Insurance



► Veronica M. Bates of Hermes Sargent Bates speaking to John J. (Mike) McKetta III of Graves, Dougherty, Hearon & Moody during the Members Consultative Group meeting for Principles of the Law of Liability Insurance



Notes About Members and Colleagues

• ALI Council member **Amelia H. Boss**, a professor at Drexel University School of Law in Philadelphia, PA, and **Stephen T. Whelan**, a partner in the New York City office of Blank Rome, are coauthors of the third edition of *The ABCs of the UCC—Article 2A: Leases* (American Bar Association 2013).

• Professor **Gerhard Casper**, the President Emeritus of Stanford University, an emeritus member of the Institute's Council, and the recipient this year of ALI's Distinguished Service Award, has authored a new book, *The Winds of Freedom—Addressing Challenges to the University* (Yale University Press 2014), which addresses the controversial issues currently debated on college campuses and in America's highest courts.

• The American College of Commercial Finance Lawyers has presented its 2014 Homer Kripke Lifetime Achievement Award to Professor **Neil B. Cohen** of Brooklyn Law School. Professor Cohen will receive ALI's John Minor Wisdom Award for outstanding membership contributions during the Institute's Annual Meeting in May.

• On February 25, **James Donato**, a litigation partner in the San Francisco office of Shearman & Sterling specializing in antitrust and class-action cases, was confirmed by the U.S. Senate to the U.S. District Court for the Northern District of California.



• On March 11, **JoAnne A. Epps**, the dean of Temple University's Beasley School of Law, received the Philadelphia Bar Association's 2014 Justice Sonia Sotomayor Diversity Award, at the Association's quarterly

meeting and luncheon. The award honors "an individual or entity that has demonstrated a strong commitment, and has made a substantial contribution, to diversity and promoting full and equal participation and inclusion in the legal profession."



• On April 11, at the Spring Meeting of the ABA Business Law Section in Los Angeles, Judge **Jean FitzSimon**, a U.S. bankruptcy judge for the Eastern District of Pennsylvania, received the Jean Allard Glass Cutter Award, presented annually to an exceptional woman business lawyer who has made significant contributions to the profession and to the Business Law Section.

• Professor **Alfredo Garcia** of the St. Thomas University School of Law in Miami Gardens, FL, who served as dean of the School of Law from January 2007 until August 2010, has been reappointed as dean. The first Cuban-born dean of an ABA-approved law school, he will replace Dean **Douglas E. Ray**, who will become a member of the faculty next year.

• In January, **Lynne Z. Gold-Bikin** of Norristown, PA, a senior partner in the Family Law Practice Group of Weber Gallagher Simpson Stapleton Fires & Newby, received the Eric Turner Memorial Award at the Pennsylvania Bar Association's Family Law Section winter meeting in Philadelphia. The award honors a lawyer who is dedicated to the practice of family law and who serves as a mentor and teacher to fellow lawyers.

• Venable partner **James J. Hanks, Jr.**, and the late Dean of Stanford

Law School, Bayless Manning, published the Fourth Edition of *Legal Capital*, a classic exposition of the origin and evolution of the rules governing shareholders' contributions to a corporation's capital and the corporation's payment of dividends and other distributions to shareholders. Published by Foundation Press, the Fourth Edition adds important new historical material and updates and reviews the statutes and recent case law in the U.S. and other countries.

• On April 6, ALI Council member **D. Brock Hornby**, judge of the U.S. District Court for the District of Maine, received the Morton A. Brody Distinguished Judicial Service Award, which is presented biennially by Colby College to a judge who embodies the qualities of integrity, compassion, humanity, and judicial craftsmanship exhibited by the late Judge Brody. The award was last conferred in 2012 to former Texas Chief Justice **Wallace B. Jefferson**, also a member of ALI's Council.



• ALI Council member **William C. Hubbard**, a partner in the Columbia, SC, office of Nelson Mullins Riley & Scarborough, the president-elect of the American Bar Association and chair of the board of directors for The World Justice Project, has been named by NBSC, a division of Synovus Bank, to its South Carolina board of directors.



• Delaware Supreme Court Justice **Jack B. Jacobs** has notified Governor Jack Markell that he plans to step down from the bench on July 4. He has served on the Supreme Court for 11 years and was a vice chancellor on the Delaware Court of Chancery for 18 years.

• On April 9, ALI Director **Lance Liebman** moderated a panel discussing the Institute's current project, the Restatement Fourth, The Foreign Relations Law of the United States, at the 2014 meeting of the American Society of International Law in Washington, DC. Coordinating Reporters **Sarah H. Cleveland** of Columbia Law School and **Paul B. Stephan** of the University of Virginia Law School served as panel members with George Nolte of Humboldt University in Berlin.

• After 19 years as a trial and appellate judge, **Albert J. Matricciani, Jr.**, has retired from the Court of Special Appeals of Maryland and has returned, as senior counsel, to the Baltimore office of Whiteford Taylor & Preston, where he will chair the firm's dispute resolution practice group.

• **Gerald A. McHugh, Jr.**, a partner at Raynes McCarty in Philadelphia and an Adviser for Restatement Third, Torts: Intentional Torts to Persons, has been confirmed by the Senate to be a judge on the U.S. District Court for the Eastern District of Pennsylvania.



• On March 28, **Arthur R. Miller**, a professor at New York University School of Law, gave the keynote address at the 18th annual Willard H. Pedrick Lecture at Arizona State University's

Sandra Day O'Connor College of Law in Tempe. He also moderated a panel discussion titled "Revisiting the Rules: Celebrating 75 Years of the Federal Rules of Civil Procedure." Panelists included three ALI Council members: **John H. Beisner**, a partner in the Washington, DC, office of Skadden, Arps, Slate, Meagher & Flom; **Elizabeth J. Cabraser**, a partner in the San Francisco office of Lief Cabraser Heimann & Bernstein; and **Myles V. Lynk**, a professor at ASU College of Law, who is a Visiting Fellow for the spring semester at the University of Cambridge, England. Judge **Shira A. Scheindlin** of the U.S. District Court for the Southern District of New York also served as a panelist.

• Professor **Catherine A. Rogers** of Penn State University's Dickinson School of Law in State College, PA, who serves as an Associate Reporter for Restatement Third, The U.S. Law of International Commercial Arbitration, has been appointed by the ICC (International Chamber of Commerce) Palestine to the nine-member Court of Arbitration of the newly launched Jerusalem Arbitration Centre. The JAC is a joint initiative of the ICC Palestine and the ICC Israel to resolve commercial disputes between Palestinians and Israelis. Professor Rogers's forthcoming book, *Ethics in International Arbitration*, will be published in 2014 by Oxford University Press.



• On March 6, during a ceremony in Tampa hosted by the Florida Council on Economic Education, ALI Council member **Gary L. Sasso**, president and chief executive officer of Carlton Fields Jordan Burt, was inducted into the Tampa Bay Business Hall of Fame.

• Professor **Brian D. Shannon** of the Texas Tech University School of Law in Lubbock has been reelected, through September 2016, as president of the 1A Faculty Athletics Representatives association. The mission of the 1A FAR is to advocate for effective interaction and balance between an institution's academic mission and its intercollegiate athletics program. Professor Shannon also recently received the 2013 Chancellor's Council Distinguished Teaching Award.

• Judge **Elizabeth S. Stong** of the U.S. Bankruptcy Court for the Eastern District of New York, a member of ALI's Council, has been elected as a member of the European Law Institute and has been designated an advisor to the ELI's project on Rescue of Business in Insolvency Law. Headquartered in Vienna, Austria, the ELI is an independent nonprofit organization established to initiate, conduct, and facilitate research, make recommendations, and provide practical guidance in the field of European legal development.



• **Stephan Wilske**, a partner at Gleiss Lutz in Stuttgart, Germany, and lecturer at the Universities of Hannover and Heidelberg, has coedited with Günther J. Horvath (Freshfields, Vienna) the book *Guerrilla Tactics in International Arbitration* (Wolters Kluwer 2013).



Chief Justice John G. Roberts, Jr., Will Present the Friendly Medal

continued from page 1

announced her retirement, but later chose him to succeed the late William H. Rehnquist as Chief Justice.

Considered one of the most talented Supreme Court advocates of his time, Chief Justice Roberts argued 39 cases before the Court during his tenure as a government attorney and private practitioner. A native of Buffalo, New York, he graduated *summa cum laude* from Harvard University, after only three years, and *magna cum laude* from Harvard Law School, where he was managing editor of the *Harvard Law Review*.

After clerking for Judge Friendly, he went on to clerk for then-Associate Justice William H. Rehnquist on the U.S. Supreme Court. He then became Special Assistant to Attorney General William French Smith and served in the White House Counsel's Office as Associate Counsel to President Ronald Reagan.

In 1986, Chief Justice Roberts joined the Washington, DC, law firm of Hogan & Hartson and focused on appellate litigation. He left the firm from 1989 to 1993 to work as the Justice Department's Principal Deputy Solicitor General, and then rejoined Hogan & Hartson as a partner. In 2003, he was appointed to the U.S. Court of Appeals for the District of Columbia Circuit where he served just 26 months before his elevation to the Supreme Court. He has been a member of The American Law Institute since 1990 and previously spoke at the 2006 Annual Meeting.

My Time as Director

continued from page 2

of articles about what areas of law are appropriate for ALI consideration and what areas are not. This issue is the product of a conference at Brooklyn Law School last year led by Professor Anita Bernstein. In a concluding contribution, I wrote that, to be taken up by the Institute, "a subject of law must be substantial enough to need several years of intellectual effort to distill it into principles. It must be worthy of review by Advisers...It must support interesting and constructive debate by the ALI Council and at annual meetings. And finally, it must be capable of being debated without descending into political dust-ups. The goal is work that benefits lawyers and judges, whether or not they are persuaded by every sentence."

Subjects in the Brooklyn articles that are recommended for action are children and the law, child sex abuse, copyright law, health law, and two subjects on which we are working: election law and privacy law.

Subjects that get a negative conclusion are environmental law, religion, legal issues concerning gays and lesbians, and statutory interpretation.

Subjects discussed with pluses and minuses include property law, tax law, and (a brilliant concept) "the law of place."

In sum, Professor Revesz has taken on a fascinating assignment with a tremendous range of options for influential legal work. I have said for years that this is a job for someone who is eclectic or superficial or both. I am both. (Note that I frequently spend eight hours in front of a meeting concerning a serious subject of law about which I know very little.) I am sure Ricky is eclectic.

Q&A with Judge Bernice Donald *continued from page 5*

that moved me toward a sense of outrage in the face of injustice. Growing up in Mississippi, the universe of career possibilities was quite limited for me. Counselors and teachers did not appear to have the law on their radar. All of them encouraged me to do my best academically, but it was a drive to fight injustice that moved me to the law.

Q—Justice Sandra Day O'Connor famously said that she believed "a wise old man and a wise old woman will reach the same conclusion in deciding cases." Do you agree? How has diversity, and specifically the increasing presence of women on the courts, changed the judiciary?

A—Both wise old men and wise old

women who adhere to their duties as judges will do their utmost to decide each case fairly, based on their understandings of the law and facts. I agree that a wise old man and a wise old woman would probably reach the same conclusion, but because of their differing life experiences, I expect that they might take different paths to reach that same destination.

We all interpret the law through the lenses of our own lives. Life experience brings clarity to certain sets of facts and helps us to interpret the law in a manner that is consistent not only with its letter and spirit but also with our own innate senses of justice and fairness. Bringing a diverse set of perspectives to bear on a given case may lead to divergent reasons for the same outcome or even divergent

outcomes altogether. But unanimity and justice are not synonymous. Our country is better for the many perspectives that have shaped the laws by which we are governed.

Q—Do you cook? If so, what is your specialty?

A—Although I do cook, I would not consider myself a good cook. I cook out of necessity. Because I do not have a great passion for cooking, I do not have a specialty. That said, several of my clerks this year have said that they are not particularly fond of beets, so I have promised to cook them some beets that are so good they will change their mind. As hobbies go, I prefer reading, music, and dancing.

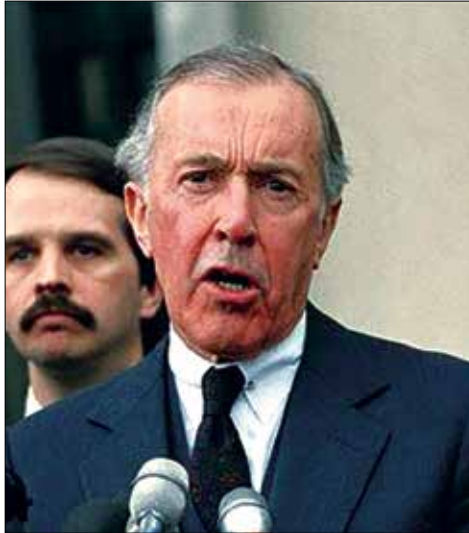
Lawrence Walsh, Iran-Contra Prosecutor and Longtime ALI Council Member, Dies at Age 102

Emeritus Council member Lawrence E. Walsh, a former federal judge and Wall Street lawyer who came out of retirement to serve as the independent counsel investigating the Iran-Contra matter from 1986 to 1994, died on March 19 in his home in Oklahoma City following a brief illness. He was 102.

Lawrence Edward Walsh was born in Port Maitland, Nova Scotia, Canada, on January 8, 1912. He grew up in Flushing, Queens, New York, where he attended Flushing High School. His father died when he was 14, and he worked his way through college and law school as a merchant seaman during the summers. He graduated from Columbia College in 1932 and from Columbia Law School in 1935.

Judge Walsh began his career as a prosecutor in the office of New York County District Attorney Thomas E. Dewey. After Dewey was elected governor, Judge Walsh served first as assistant counsel to the governor and then as counsel to the governor. He later held posts as counsel to the New York State Public Service Commission and general counsel and executive director of the Waterfront Commission of New York Harbor.

From 1954 to 1957, Judge Walsh was a U.S. district judge in the Southern District of New York, appointed by President Eisenhower. From 1957 to 1960 he served in the Eisenhower Administration as the deputy attorney general in the U.S. Department of Justice, charged with overseeing the continued desegregation of public schools. He was a principal draftsman of the Civil Rights Act of 1960, which provided for the appointment of referees to help African Americans register to vote.



In 1961, Judge Walsh joined the New York City law firm of Davis Polk & Wardwell as a senior partner. In 1969, Judge Walsh served as deputy head of the United States delegation to the Paris peace talks on Vietnam, with the rank of ambassador. Judge Walsh retired from Davis Polk in 1982 and moved to his wife's home town, Oklahoma City, where he was of counsel to the law firm of Crowe & Dunlevy.

In 1986, at age 74, Judge Walsh was appointed to investigate the Iran-Contra matter. As independent counsel, he and his office brought indictments against Oliver North, John Poindexter, Caspar Weinberger, and other defendants, only to see some convictions overturned on appeal and other defendants pardoned by President George H. W. Bush. He later wrote a book about his experiences,

Firewall: The Iran/Contra Conspiracy and Cover-Up. He also wrote an autobiography titled *The Gift of Insecurity*.

In addition to his long and varied career in both the public and private sectors, Judge Walsh was a leader in the legal profession, serving as president of the American Bar Association (1975-1976) and the New York State Bar Association (1966-1967). Elected to The American Law Institute in 1959, Judge Walsh became a member of the Council in 1963, serving for 34 years before taking emeritus status in 1997.

Judge Walsh is survived by five children, four grandchildren, and two great-grandchildren. His wife of 47 years, Mary Porter Walsh, died in 2012.

ALI Celebrates New 50-Year Members

The Institute expresses its thanks and congratulations to the following members, who have attained 50 years of membership in The American Law Institute as of May 2014:

Ernest C. Friesen, Jr.
Thomas B. Lemann
Donald C. Lubick
Roswell B. Perkins
Roy L. Steinheimer, Jr.

Aurora, CO
New Orleans, LA
Chevy Chase, MD
New York, NY
Lexington, VA

Those 50-year members who are planning to attend the Annual Meeting will be recognized at the lunch for new life and new 50-year members on Tuesday, May 20, at The Ritz-Carlton in Washington, DC. All 50-year members will receive a special medallion, inscribed with the Institute's seal, as a token of ALI's appreciation for their many years of service.

New Members Elected

On April 9, the Council elected the following 61 persons:

Catherine M. Amirfar, New York, NY
Mary Ellen Barbera, Rockville, MD
Vicki Lynn Been, New York, NY
Rebecca White Berch, Phoenix, AZ
Tani Cantil-Sakauye, San Francisco, CA
Ronald D. Castille, Philadelphia, PA
Victoria A. Cundiff, New York, NY
Joy V. Cunningham, Chicago, IL
Kathleen A. DeLaney, Indianapolis, IN
Harold E. Eaton, Jr., Woodstock, VT
Dana A. Fabe, Anchorage, AK
Meir Feder, New York, NY
Jean K. FitzSimon, Philadelphia, PA
Brian E. Frosh, Annapolis, MD
Gregory G. Garre, Washington, DC
Michael G. Heavican, Lincoln, NE
Beryl A. Howell, Washington, DC
Marilyn L. Huff, San Diego, CA
Roderick L. Ireland, Boston, MA
Bernette J. Johnson, New Orleans, LA
Dixie Lynn Johnson, Washington, DC
Nelly N. Khouzam, Tampa, FL
Marilyn S. Kite, Cheyenne, WY
Thomas A. Lambert, Columbia, MO
Bill Lann Lee, Oakland, CA
Adam J. Levitin, Washington, DC
Wilma A. Lewis, St. Thomas, VI
Jonathan Lippman, New York, NY
Barbara Madsen, Olympia, WA
Joseph Michael Matthews, Coral Gables, FL
David McGowan, San Diego, CA

Jami W. McKeon, Philadelphia, PA
Sundaresh Menon, Singapore
Patricia Ann Millett, Washington, DC
Alan K. Mills, Indianapolis, IN
John D. Minton, Jr., Frankfort, KY
Bernard Murphy, Melbourne, Australia
Maureen O'Connor, Columbus, OH
Sarah Parker, Raleigh, NC
Robert H. Pemberton, Austin, TX
Cornelia T.L. Pillard, Washington, DC
Deborah T. Poritz, Princeton, NJ
Eric A. Posner, Chicago, IL
Paul L. Reiber, Chittenden, VT
Joel R. Reidenberg, New York, NY
L. Felipe Restrepo, Philadelphia, PA
Kim Marie Rivera, Denver, CO
Robert D. Rucker, Indianapolis, IN
Karen Patton Seymour, New York, NY
Jane Sherburne, New York, NY
Paul A. Suttell, Providence, RI
Evan M. Tager, Washington, DC
Jean H. Toal, Columbia, SC
Amy Totenberg, Atlanta, GA
Daniel E. Troy, Chevy Chase, MD
Gerald W. VandeWalle, Bismarck, ND
Eric T. Washington, Washington, DC
James F. Williams, Seattle, WA
Kathleen M. Williams, Miami, FL
Lauren E. Willis, Los Angeles, CA
Evan A. Young, Austin, TX

In Memoriam

Elected Members

Andrew E. Taslitz, Washington, DC; **Richard J. Urowsky**, New York, NY

Life Members

Joan E. Baker, Cleveland, OH; **Hugo L. Black, Jr.**, Coral Gables, FL; **James R. Browning**, San Francisco, CA;
Marvin Cherner, Birmingham, AL; **John J. Curtin, Jr.**, Boston, MA; **Frederick N. Egler**, Pittsburgh, PA;
Elise B. Heinz, Arlington, VA; **Roland S. Homet, Jr.**, Alexandria, VA; **Harry A. Inman**, Chevy Chase, MD;
Howard H. Karman, Casa Grande, AZ; **George H. Kidder**, Boston, MA; **Richard H. Kuh**, New York, NY;
Peter K. Leisure, New York, NY; **William T. Lifland**, New York, NY; **Arthur W. Machen, Jr.**, Towson, MD;
Diane Stokes Mackey, Little Rock, AR; **Keith Miller**, Omaha, NE; **Maurice N. Nessen**, New York, NY;
Joseph Richard Nolan, Boston, MA; **Mark O'Neill**, Cleveland, OH; **William J. Ostrowski**, Buffalo, NY;
Peter Gallaudet Powers, Washington, DC; **Patrick J. Rohan**, Jamaica, NY; **Howard M. Rossen**, Cleveland, OH; **John T. Sapienza**, Silver Spring, MD; **David Sive**, Montclair, NJ; **Thomas E. Stanton, Jr.**, Belvedere Tiburon, CA; **Randolph W. Thrower**, Atlanta, GA; **Lawrence E. Walsh**, Nichols Hills, OK



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