



Raymond J. Lohier Jr. of the U.S. Court of Appeals for the Second Circuit and Randolph D. Moss of the U.S. District Court for the District of Columbia (High-Volume Civil Adjudication session)

## January 2025 Council Meeting Update

At its meeting on January 23 and 24, 2025, the Council discussed and approved, in part or in whole, drafts of six projects as listed below. *Complete Council Drafts are available to members in the Projects section of the ALI website; all approvals are subject to the discussion at the meeting and the usual editorial prerogative.*

### COPYRIGHT

The Council discussed Council Draft No. 10, which contains § 6.09, Performing or Displaying a Work “Publicly”; § 8.03, Vicarious Liability for Copyright Infringement; subsection (e) of § 9.01, Remedies for Copyright Infringement; § 9.07, Limitations on Remedies: Safe Harbors for Online Service Providers; § 10.01, Copyright-Protection-and-Management Systems: Generally; § 10.02, Circumvention of Copyright-Protection Systems; § 11.02, Subject-Matter Jurisdiction and Extraterritoriality; § 11.04, Relationship of Federal Courts to Copyright Claims Board; § 11.05, Preemption with Respect to Other Laws; and § 11.06, The Relationship between Copyright Law, Trademark Law, and Unfair-Competition Law.

Section 6.09 deals with the exclusive rights of a copyright owner to “perform” or “display” a copyrighted work “publicly,” and the exclusive right of the owner of a copyright in a sound recording to “perform the copyrighted work publicly by means of a digital audio transmission.” The comments discuss performances and displays that are made “publicly” based on where they occur; performances and displays that are made “publicly” based on their having been “transmitted or otherwise communicated” and whether actual transmission or communication is required under this prong of the definition of “publicly”; and infringement liability for embedding code within a webpage that causes a user’s browser to show copyrighted works stored on a third-party computer or website.

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### THE DIRECTOR’S LETTER BY DIANE P. WOOD

## Shaping the Future of ALI: A Call to Action for Member Nomination

Throughout the fall project season, I was excited again and again to see our Advisers and Members Consultative Group participants engaged in thoughtful, enthusiastic debate on our ongoing projects, including our Restatements of Copyright, Conflict of Laws, and Property, as well as the Principles project on High-Volume Civil Adjudication, to name a few. These areas of law are wide-ranging, and I am always impressed with the care our participating members and Advisers take in reviewing the drafts and providing direction to the Reporters. To accomplish all of this work, we bring together practitioners, judges, and academics with a wide range of subject-matter expertise, experiences, and viewpoints. This breadth of experience among our members and project participants is unique to the ALI process and vital to our projects’ success.

Ensuring that the Institute attracts and retains the top people across all of these dimensions remains an important Institute goal. At our Council meeting in January, the Chair of our Membership Committee, Daniel Rodriguez, reminded members of the ALI Council of the importance of identifying and nominating candidates for membership to the ALI. This is not only the role of the ALI Council, but a responsibility shared by all ALI members. Only with your help can we continue to bring in new voices to the Institute each year.

The Institute needs every ALI member’s contribution to this process to make sure that we identify the right professionals from all

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Council members between sessions

Section 8.03 sets out when an individual may be vicariously liable for third-party direct infringement of a copyright.

Section 9.01, the roadmapping section of Chapter 9, was approved by membership in 2022; subsection (e) is a new addition that summarizes § 9.07. Section 9.07 sets out four statutory limitations on liability, or “safe harbors,” for online service providers and the requirements a service provider must satisfy to qualify for those protections. The comments discuss the requirements for the various safe harbors and the notice-and-takedown process.

Section 10.01 summarizes the Copyright Act’s key prohibitions relating to access controls, rights controls, and copyright-management information, and the remedies available for violations of those prohibitions. Section 10.02 addresses three prohibitions, contained in 17 U.S.C § 1201, relating to technological protection measures. The comments discuss case law on whether liability for the circumvention of an access control (i.e., technological measures used to control access to copyrighted works) requires that the circumvention have a “reasonable relation” to the rights in the copyright-protected work.

The draft’s final four sections come from Chapter 11, Procedural Issues and Relationship to Other Bodies of Law. Section 11.02 sets out the basic rules of original, exclusive federal jurisdiction for claims arising under federal statutory copyright law; Section 11.04 details the relationship of proceedings and determinations of the Copyright Claims Board to civil actions in federal court; Section 11.05 addresses express and implied preemption; and Section 11.06 addresses the relationship between copyright law, trademark law, and unfair-competition law

*Action Taken:* The Council approved the following provisions of Council Draft No. 10: § 8.03; subsection (e) of § 9.01; § 9.07; § 10.01; § 11.02; § 11.04; § 11.05; and § 11.06. The Reporters will revise § 6.09, Performing or Displaying a Work “Publicly,” and § 10.02, Circumvention of Copyright-Protection Systems, for consideration by the Council at a meeting later this winter.

## THE DIRECTOR’S LETTER

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corners of the law. As in any organization, talent identification is key, and we want to make sure that we are bringing in excellent new members who will provide new energy and unique viewpoints to our Institute. The only way this will happen is if our existing members look at their organizations, look back to their law school classes, look around in their communities, and think about who should be an ALI member.

In the past few decades, our Membership Committee and Regional Advisory Groups have done a wonderful job encouraging all members to identify and nominate candidates. This has broadened our membership quite a bit, but there is more that we all can and must do.

ALI has increased the diversity of its members in nearly every category. Nonetheless, we continue to see many nominees hailing from the institutions of their member-proposers. That in itself is fine: our members absolutely should look to this pool for amazing candidates; the ALI will always benefit from the identification of rising stars within your organizations. However, unless we look outside of our immediate colleagues, we run an unacceptable risk of failing to identify incredible legal minds who perhaps are working at a small nonprofit organization, or within the legal department of a company, or at a state or federal court where ALI currently has no members.

This is why I ask you to look across your expanded networks for lawyers and judges who are making a real difference in our world and who would enthusiastically become working members of the Institute, providing their guiding voices to our projects.

If you have not yet participated in our member nomination process, our guideline for membership is simple. We are looking for new members who demonstrate excellence in the law, are of high character, will contribute to the work of the Institute, and are committed to its mission.

The nomination process is outlined on our website at [www.ali.org/membership-faq](http://www.ali.org/membership-faq), and we consider proposals submitted by three deadlines each year: March 15, June 15, and September 15. Our Deputy Director Eleanor Barrett, Membership Director Beth Goldstein, and Membership Department are here to answer your questions and to guide you through the process. And you should not hesitate to contact Dan Rodriguez, chair of the Membership Committee at [daniel.rodriguez@law.northwestern.edu](mailto:daniel.rodriguez@law.northwestern.edu), who is also happy to help in this mission.

As members of The American Law Institute, we have the opportunity and the responsibility to contribute to the Institute’s mission to “promote the clarification and simplification of the law and its better adaptation to social needs and to secure the better administration of justice.” By nominating a terrific candidate for membership, you carry our mission forward, offering another person the opportunity to add to the Institute’s legacy and contribute to its important work.

I hope to see all of you at an upcoming project meeting, either in person or virtually, and I look forward to seeing your nominations for the next generation of ALI members. ■

## CONFLICT OF LAWS

The Council discussed Council Draft No. 10, consisting of Chapter 9, Topic 1, Marriage and Other Domestic Relationships; Chapter 10, Agency; and Chapter 11, Business Organizations.

Chapter 9, Topic 1 contains an Introductory Note and eight sections on marriages and other domestic relationships. The Introductory Note explains that the Restatement carries forward many rules from the Restatement of the Law Second, Conflict of Laws, while accounting for significant developments in family life and family law. The sections of the chapter cover marriage validity; the incidents of marriage; nonmarital domestic relationships; jurisdiction and choice of law for dissolution, judicial separation, annulment, or declaration of invalidity of a marriage or a nonmarital domestic relationship; jurisdiction and choice of law for matters of support and property division incident to annulment, separation, or dissolution; and choice-of-law rules for issues related to marital and nonmarital domestic agreements.

Chapter 10, which contains an Introductory Note and five sections on agency, largely follows the Second Restatement. The Chapter covers the determination of the law that governs the rights and duties among (1) a principal and an agent and (2) a principal and a third party based on acts by an agent. The Introductory Note explains that choice of law for agency relationships requires distinguishing between issues “internal” to the relationship (those between the principal and agent) and those with third parties.

Chapter 11, on business organizations, contains an Introductory Note and 15 sections divided into two topics.

Topic 1 contains sections on corporations. Sections 11.01-11.05 deal with the issues of whether a corporation has been validly formed or dissolved and of the effects of formation and dissolution. Sections 11.06-11.08 deal with the rights and duties among participants in a corporation, i.e., shareholders, officers, and directors. Section 11.06 states the “internal-affairs rule,” the general rule that the internal affairs of a corporation are governed by the law of the state of incorporation; § 11.07 states that the law of the state of incorporation governs certain specified internal affairs involving shareholders; and § 11.08 details an exception to the internal-affairs rule, namely, that, when a corporation has minimal contacts with its state of incorporation and its contacts with another state give that other state a dominant interest in an issue, the law of the other state may govern some internal affairs. Sections 11.09-11.11 cover choice of law for issues involving the rights and obligations of the corporation or its participants with respect to third parties, including “veil piercing,” i.e., liability of corporate shareholders, officers, or directors to third parties.

Topic 2 addresses partnerships and limited liability companies. Sections 11.12 and 11.13 address general partnerships. Sections 11.14 and 11.15 provide rules governing the internal affairs of and veil-piercing

claims involving limited partnerships, limited liability partnerships, limited liability limited partnerships, and limited liability companies.

*Action Taken:* The Council approved Council Draft No. 10 except for § 11.06, on the internal affairs rule for corporations, and § 11.08, Exception to Internal-Affairs Rule. The Reporters will revise §§ 11.06 and 11.08 for consideration by the Council at a future meeting.

## HIGH-VOLUME CIVIL ADJUDICATION

The Council discussed Council Draft No. 2, which contains Chapter 2, General Principles of Procedure in High-Volume Civil Adjudication; Chapter 3, Notice and Service of Process; and Chapter 4, Pleading and Information Exchange. Due to time limitations, the discussion was limited to Chapter 3.

Chapter 3 sets out principles that regulate notice, defined as all efforts to provide information to a party about a case to which the party has been joined. The chapter contains provisions on the general principles that govern notice; the requirement of “reasonable diligence”; the timing of notice; methods of service; the confirmation of service; the content of notice; the obligations of litigants and courts with regard to the provision of notice; court obligations to ensure proper notice; and the principles governing the challenging of service.

*Action Taken:* The Council approved Chapter 3 of Council Draft No. 2.

## PROPERTY



Carolyn B. Kuhl of the Superior Court of California, County of Los Angeles, Property Reporter Henry E. Smith of Harvard Law School, and Associate Reporter Thomas W. Merrill of Columbia Law School

The Council discussed Council Draft No. 11, containing three chapters from Volume 4, Division III on leasing.

Chapter 3, Formalities Required for Creating a Lease Relationship, sets out the applicability of the statute of frauds to leases.

Chapter 11 deals with Transfers of Lessor’s Interest in Leased Property. In the Second Restatement, the material in this chapter and Chapter 12 (Transfers of Lessee’s Interest in Leased Property) was addressed jointly. This Restatement divides the material on transfers by lessors and those by lessees into separate chapters for ease of use, with overlapping issues treated in both chapters. Issues addressed in both chapters include freedom of transfer, effects of transfers on the relationship between the lessor and the lessee, and the ability to enter into mortgage agreements using the leased property or leasehold interest as security. Chapter 12 additionally sets out rules for distinguishing between assignments and subleases.

*Action Taken:* The Council approved Council Draft No. 11.

## TORTS: MISCELLANEOUS PROVISIONS

The Council discussed Council Draft No. 7, which contains provisions on Nondelegable Duties, Governmental Immunities, Firefighter’s Rule Abolished, Special Rule on Vicarious Liability for Sexual Assault, Tortious Interference with a Right to Vote or Hold Office, Prima Facie Tort, Negligence and Intentional Torts Based on the Same Facts, and Liability of Professionals and Those Practicing Skilled Trades.

The Nondelegable Duties material consists of four sections, which provide that, under specified circumstances, nondelegable duties create vicarious liability for actors who delegate work to independent contractors, define the term “independent contractor,” and identify nondelegable duties involving physical and nonphysical harm.

The Governmental Immunities portion of the draft also contains four sections, which address tort claims against, and the immunities of, the federal government, state and local government entities, and the employees of state and local government entities. Among the topics covered is the common-law public-duty doctrine, which limits the tort liability of state or local governmental actors and entities for some actions that implicate discretionary determinations and protective services.



Daniel C. Girard (right) of Girard Sharp comments during the Torts: Miscellaneous Provisions session



Abbe R. Gluck of Yale Law School (High-Volume Civil Adjudication session)

The Firefighter’s Rule Abolished section implements the membership’s determination, made at the 2024 Annual Meeting, to repudiate the firefighter’s rule.

The Special Rule on Vicarious Liability for Sexual Assault provides that an employer may be vicariously liable for a sexual assault committed by an employee when (a) the employment context creates a reasonably foreseeable risk of sexual assault by employees, (b) the employee has been afforded by the employer substantial power, authority, or influence over the victim, or the opportunity to develop a trusting relationship with the victim, that facilitates the assault, (c) the victim is “particularly vulnerable,” and (d) the assault occurs while the employee is engaged in work for the employer.

The Tortious Interference with a Right to Vote or Hold Office section states that an individual is subject to common-law tort liability if the individual, by a consciously wrongful act, intentionally deprives another of, or intentionally and seriously interferes with, another’s lawful right to vote in a public election or to hold public office.

The Prima Facie Tort provision states that the Restatement takes no position on the vitality of the “prima facie tort.” The comments recount the history of Restatement of the Law Second, Torts § 870 and note that some have misinterpreted that section as attempting to set forth the prima facie tort.

The Negligence and Intentional Torts Based on Same Facts section provides that, when the established facts support a claim for assault, battery, or false imprisonment, the plaintiff may not proceed on a negligence claim against the same defendant based on the same set of facts.

Finally, the Liability of Professionals and Those Practicing Skilled Trades provisions address the standard of care for torts claims against professionals and skilled tradespeople and how a cause of action against such individuals for professional negligence proceeds. These sections apply to all professionals, other than lawyers and medical providers, whose services cause noneconomic harm.

*Action Taken:* The Council approved the provisions of Council Draft No. 7 on Nondelegable Duties, Governmental Immunities, Firefighter’s Rule Abolished, Tortious Interference with a Right to Vote or Hold Office, Prima Facie Tort, Negligence and Intentional Torts Based on the Same Facts, and Liability of Professionals and Those Practicing Skilled Trades. The Reporters will revise the Special Rule on Vicarious Liability for Sexual Assault provision for consideration by the Council at a meeting later this winter.

## TORTS: REMEDIES

The Council discussed Council Draft No. 4, containing four sections from Chapter 3, Topic 1, Injunctions, on torts that are also crimes and on preliminary relief. Council also discussed a new Comment *h* to § 43, Availability of Injunctions, which the Reporters drafted in response to feedback received prior to the meeting.

Section 54, Torts That Are Also Crimes, lists the civil remedies that are available when a tort or threatened tort is a crime.

Section 55, Preliminary Injunctions, defines “preliminary injunction” and identifies the factors that courts should consider when determining whether to issue a preliminary injunction and, if so, its scope and terms.

Section 56, Balance of Hardships and Irreparable Harm at the Preliminary-Injunction Stage, explains in depth how the preliminary-injunction factors identified in § 55 relate to one another and what counts as a relevant showing under each of them.

Section 57, Temporary Restraining Orders, defines “temporary restraining orders” (TROs); contains the rule that governs the expiration date for TROs; explains that, while the criteria for granting or denying preliminary injunctions apply to TROs, the focus is on the risk of irreparable harm to the plaintiff that will occur before the preliminary-injunction hearing can be held; and details when a TRO may be granted ex parte.

Comment *h*, on the public interest, to § 43, Availability of Injunctions, notes that some courts include the public interest as a criterion for granting or withholding a permanent injunction.

*Action Taken:* The Council approved Council Draft No. 4. The Council also approved a new Comment *h*, on the public interest, to § 43, Availability of Injunctions. ■

## UPCOMING PROJECT MEETINGS

### March 7: Principles of the Law, Civil Liability for Artificial Intelligence

Philadelphia, PA

### March 13: Restatement of the Law, Constitutional Torts

Philadelphia, PA

### March 14: Restatement of the Law Third, Torts: Defamation and Privacy

Philadelphia, PA

### April 4: Restatement of the Law, Election Litigation

Philadelphia, PA

# SAVE THE DATE

## 2025 ALI Annual Meeting

May 18: Sunday Programs

May 19-21: Projects and Events

The Ritz-Carlton

1150 22nd St NW, Washington, DC 20037

### Projects on the Agenda

#### Monday, May 19

Property

Torts: Miscellaneous Provisions

#### Tuesday, May 20

Conflict of Laws

Torts: Remedies

Copyright

Special Program on High-Volume Civil Adjudication

#### Wednesday, May 21

Special Program on Civil Liability for Artificial Intelligence



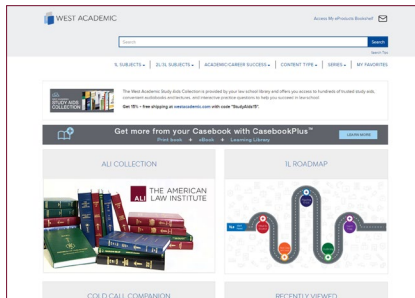
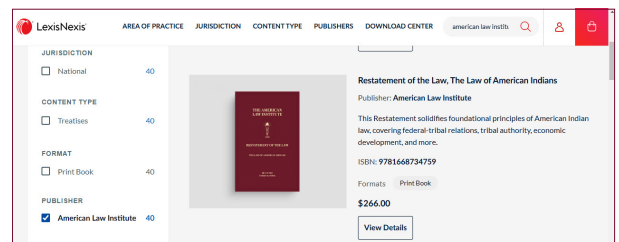
# ALI Publication Update

## What's new?

The American Law Institute continues to expand access to its publications, ensuring legal professionals and students can rely on ALI's trusted resources across a variety of platforms. With exciting new partnerships and enhanced tools, ALI's work is more accessible than ever. From a new printing collaboration with LexisNexis to the inclusion of ALI publications on cutting-edge platforms like Lexis+ AI and West Academic's Study Aids, these updates reflect our commitment to supporting the legal community with innovative and reliable resources. Here's a closer look at what's new this year.

## Print Publications and eBooks

LexisNexis continues to be a leader in legal publications, particularly print publications. Several titles will soon be available from LexisNexis, with all of our Official Texts transferring to LexisNexis by mid-year. We're particularly excited about offering our titles as eBooks. We'll share an update on the status of the eBooks soon. Titles will be available for purchase individually. LexisNexis also is now accepting orders for subscriptions to all ALI Restatement and Principles publications.

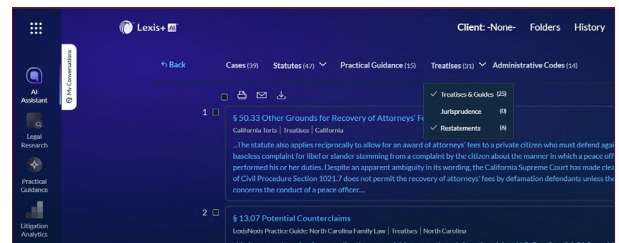


## eBook Library – Law School Access

American Law Institute materials are now available as part of West Academic's Study Aid & Reference Collection. This subscription service allows law librarians, faculty, and students to access a comprehensive library of ALI work product, including Tentative Drafts for ongoing projects, in a user-friendly eReader format.

## AI-Powered Electronic Research

Lexis+ AI is a comprehensive legal research, drafting, and insights tool—with the added power of a generative AI assistant—that helps legal professionals accelerate their work. ALI publications are now included in the research platform.



**Our work also remains available on Hein Online, Westlaw, and LexisNexis subscription services.**

# ALI to Celebrate its New Life and 50-Year Members: The Classes of 2000 and 1975

In May 2025, The American Law Institute will welcome a new class of Life Members—the Class of 2000. Each year, ALI members who have contributed 25 years of service to the Institute are granted Life Member status. Life Members are no longer required to pay dues or adhere to the Institute's participation requirement, but they continue to enjoy all the rights and privileges of elected membership.

The Class of 2000, together with ALI's new 50-year members (Class of 1975), will be honored at a special luncheon on Tuesday, May 20 during the 2025 Annual Meeting in Washington, DC. Class of 2000 Member Judge William H. Pryor, Jr., of the U.S. Court of Appeals, Eleventh Circuit, will be the luncheon speaker. Members of the Class are given the opportunity to commemorate this quarter-century milestone by donating to the 2000 Life Member Class Gift.

The 2000 Life Member Class Gift Campaign is now underway. Everyone is invited to participate in the campaign by making a gift in honor of the Classes of 2000 and 1975, or in recognition of a specific class member. For more information, please visit [www.ali.org/classgift](http://www.ali.org/classgift) or contact the Development office at 215-243-1666 or [development@ali.org](mailto:development@ali.org).

Now in its 14th year, the Class Gift program has raised more than \$2 million to support key aspects of ALI's mission, including the MCG Travel Assistance program and the Judges and Public-Sector Lawyers Expense Reimbursement program—two vital components of the Institute's efforts to minimize financial barriers to member participation.

The Class Gift also provides funding for the Early Career Scholars Medal and annual conference program, which raises awareness of the Institute's work while engaging up-and-coming legal academics. Additionally, the program

helps cover some of the costs associated with maintaining the high level of quality that distinguishes the Institute's work.

Class members **Patrick A. Malone**, of Patrick Malone & Associates, PC; **Martha E. Chamallas**, of The Ohio State University, Moritz College of Law; **Mary J. Davis**, of University of Kentucky, J. David Rosenberg College of Law; **Troy A. Eid**, of Greenberg Traurig, LLP; and **Jane Stapleton**, of The University of Sydney Law School have graciously volunteered to serve on the 2000 Life Member Class Committee and will present the Class Gift to the Institute during the luncheon.

## 2000 LIFE MEMBER CLASS

**Linda Auerbach Allderdice**, Los Angeles, CA; Holland & Knight LLP  
**Neil S. Andrews**, Cambridge, England; University of Cambridge, Clare College  
**Tom Baker**, Philadelphia, PA; University of Pennsylvania Carey Law School  
**Marsha S. Berzon**, San Francisco, CA; U.S. Court of Appeals, Ninth Circuit  
**Mary S. Bilder**, Newton, MA; Boston College Law School  
**Victoria B. Bjorklund**, New York, NY; Simpson Thacher & Bartlett LLP (Retired)  
**Paul A. Brand**, Oxford, England; All Souls College  
**Lord Brennan**, London, England; Matrix Chambers  
**Mark E. Budnitz**, Atlanta, GA; Georgia State University College of Law  
**Martha E. Chamallas**, Columbus, OH; The Ohio State University, Moritz College of Law  
**Nina Cortell**, Dallas, TX; Haynes and Boone, LLP  
**Kathianne Knaup Crane**, St. Louis, MO

**Beverly Winslow Cutler**, Palmer, AK; Alaska Superior Court, Third Judicial District  
**Georges-Albert Dal**, Brussels, Belgium; DALDEWOLF  
**Mary J. Davis**, Lexington, KY; University of Kentucky, J. David Rosenberg College of Law  
**Hector De Leon**, Austin, TX; De Leon Washburn PC  
**Michael DeMarco**, Boston, MA; K&L Gates LLP  
**David A. Demers**, St. Petersburg, FL; Florida Circuit Court, Sixth Judicial Circuit  
**Deborah W. Denno**, New York, NY; Fordham University School of Law  
**James Donato**, San Francisco, CA; U.S. District Court, Northern District of California  
**Andrew S. Effron**, Washington, DC; U.S. Court of Appeals for the Armed Forces  
**Walter A. Effross**, Washington, DC; American University, Washington College of Law  
**Troy A. Eid**, Denver, CO; Greenberg Traurig, LLP

**Luis G. Fortuño**, Washington, DC; Reed Smith LLP  
**Eric M. Freedman**, Hempstead, NY; Hofstra University School of Law  
**Leslie Espinoza Garvey**, Cambridge, MA  
**Charles Gardner Geyh**, Bloomington, IN; Indiana University, Maurer School of Law  
**Donald G. Gifford**, Baltimore, MD; University of Maryland, Francis King Carey School of Law  
**Lord Gill**, Edinburgh, Scotland; Scottish Court of Session (Retired)  
**Yvonne Gonzalez Rogers**, Oakland, CA; U.S. District Court, Northern District of California  
**Manton M. Grier**, St. Augustine, FL; Haynsworth Sinkler Boyd, PA (Retired)  
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**Robert E. Hirshon**, South Portland, ME; University of Michigan Law School

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- Barry G. Kaiman**, Indian Wells, CA; Lewis Brisbois Bisgaard & Smith LLP (Retired)
- Michael Edward Keasler**, Austin, TX; Texas Court of Criminal Appeals (Retired)
- Daniel L. Keating**, St. Louis, MO; Washington University School of Law
- Pauline T. Kim**, St. Louis, MO; Washington University School of Law
- Just. Michael D. Kirby**, Sydney, Australia
- Thomas C. Kohler**, Boston, MA; Boston College Law School
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- Jeffrey D. Kovar**, Washington, DC; U.S. Department of State
- Lewis S. Kurlantzick**, Hartford, CT; University of Connecticut School of Law
- Stephen P. Lamb**, Wilmington, DE; Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Donald C. Langevoort**, Washington, DC; Georgetown University Law Center
- Jeffrey S. Levinger**, Dallas, TX; Levinger, PC
- Denise Posse Lindberg**, Draper, UT; Utah District Court, Third Judicial District (Retired)
- Graydon D. Luthey, Jr.**, Tulsa, UT; GableGotwals
- Patrick A. Malone**, Washington, DC; Patrick Malone & Associates, PC
- Jerome M. Marcus**, Merion Station, PA; Marcus & Marcus
- John R. Marks, III**, Tallahassee, FL; Marks & Marks LLC
- Elizabeth Phillips Marsh**, Glen Allen, VA; Quinnipiac University School of Law (Retired)
- R. Donald Mastry**, St. Petersburg, FL; Trenam Law
- Barbara Mendel Mayden**, Nashville, TN; Young Mayden LLC (Retired)
- Marvin C. McWilliams, Jr.**, Columbia, SC; University of South Carolina School of Law
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- Maurice H. Mendelson**, London, England; Blackstone Chambers Barristers
- Susan Oki Mollway**, Honolulu, HI; U.S. District Court, District of Hawaii
- Lawrence W. Newman**, New York, NY; Baker McKenzie
- David Nimmer**, Los Angeles, CA; Irell & Manella LLP
- Charles R.T. O'Kelley**, Seattle, WA; Seattle University School of Law
- Harriet O'Neill**, Austin, TX; Law Offices of Harriet O'Neill
- Claire Osborn-Wright**, Miami Gardens, FL; St. Thomas University, Benjamin L. Crump College of Law
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- LeRoy Pernell**, Orlando, FL; Florida A&M University College of Law
- Cheryl B. Preston**, Provo, UT; Brigham Young University, J. Reuben Clark Law School
- William H. Pryor**, Birmingham, AL; U.S. Court of Appeals, Eleventh Circuit
- Marie T. Reilly**, University Park, PA; Penn State Law
- Sir Bruce Robertson**, Wellington, New Zealand; New Zealand Court of Appeals (Retired)
- John M. Rogers**, Lexington, KY; U.S. Court of Appeals, Sixth Circuit
- Irma S. Russell**, Shawnee Mission, KS; University of Missouri-Kansas City School of Law
- D. Brooks Smith**, Duncansville, PA; U.S. Court of Appeals, Third Circuit
- Jane Stapleton**, NSW, Australia; The University of Sydney Law School
- Timothy M. Tymkovich**, Denver, CO; U.S. Court of Appeals, Tenth Circuit
- Mary Kay Vyskocil**, New York, NY; District Court, Southern District of New York
- R. David Whitaker**, Chicago, IL; DLA Piper US LLP
- Michael A. Wolff**, St. Louis, MO; Saint Louis University School of Law
- Margaret Y. K. Woo**, Boston, MA; Northeastern University School of Law
- James A. Wynn, Jr.**, Richmond, VA; U.S. Court of Appeals, Fourth Circuit
- Lee Yeakel**, Austin, TX; King & Spalding LLP
- James J. Brosnahan**, San Francisco, CA; Morrison & Foerster LLP
- Charles N. Brower**, Chevy Chase, MD; International Court of Justice, Iran-United States Claims Tribunal
- Albert L. Clovis**, Columbus, OH; The Ohio State University, Moritz College of Law (Retired)
- Edward H. Cooper**, Ann Arbor, MI; University of Michigan Law School
- Daniel Robert Coquillette**, Newton, MA; Boston College Law School
- Sidney Smith Eagles**, Raleigh, NC; Fox Rothschild LLP (Retired)
- John M. Ferren**, Washington, DC; District of Columbia Court of Appeals (Retired)
- Harold Bolton Finn, III**, Stamford, CT; Finn Dixon & Herling LLP
- Donald H.J. Hermann**, Chicago, IL; DePaul University College of Law
- Stephen E. Lee**, Phoenix, AZ; Jennings, Strouss & Salmon, PLC (Retired)
- Pierre N. Leval**, New York, NY; U.S. Court of Appeals, Second Circuit
- Michael E. Libonati**, Philadelphia, PA; Temple University Beasley School of Law (Retired)
- George W. Liebmann**, Baltimore, MD
- Donald M. Maclay**, Media, PA
- Helen E. Marmoll**, Haymarket, VA
- Jere D. McGaffey**, Milwaukee, WI; Foley & Lardner LLP
- Mark A. Michelson**, Boston, Choate Hall & Stewart LLP (Retired)
- Larry I. Palmer**, Richmond, VA; William & Mary Law School (Retired)
- Michael E. Patterson**, Tucson, AZ
- Lawrence T. Perera**, Boston, MA; Hemenway & Barnes LLP (Retired)
- Frank T. Read**, Houston, TX; South Texas College of Law Houston
- Stefan F. Tucker**, Washington, DC; Venable LLP (Retired)
- Lawrence R. Uhlick**, Washington, DC; BBVA Compass Banchares, Inc. (Retired)
- Paul G. Ulrich**, Chandler, AZ
- Gwynne H. Wales**, Stratford, CT; White & Case LLP (Retired)
- Ronald Frederick Waterman**, Helena, MT
- Richard E. Wiley**, Washington, DC; Wiley Rein LL (Retired)
- Philip S. Winterer**, Keene, NY; Debevoise & Plimpton LLP (Retired)
- William G. Young**, Needham, MA; U.S. District Court, District of Massachusetts

### NEW 50-YEAR MEMBERS

- Floyd Abrams**, New York, NY; Cahill Gordon & Reinder
- John A. Barrett**, Houston, TX; Norton Rose Fulbright US LLP (Retired)
- Joseph W. Bellacosa**, Ridgefield, CT; New York State Court of Appeals (Retired)
- Arthur E. Bonfield**, Iowa City, IA; University of Iowa College of Law



# ALI's New Website

Last month, The American Law Institute launched a new website, which not only provides an upgraded design to better support ALI members on your ongoing project work, but also includes enhanced functionality, like a more advanced member directory. Although we upgraded several features, the site navigation remains the same. We hope you'll take a moment to review what's new and visit the site.

## What hasn't changed?

### LOGGING IN

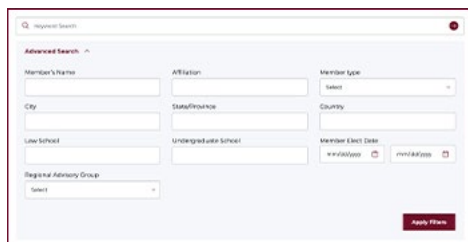
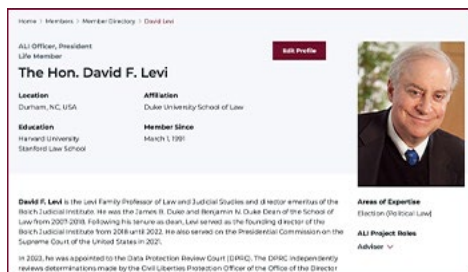
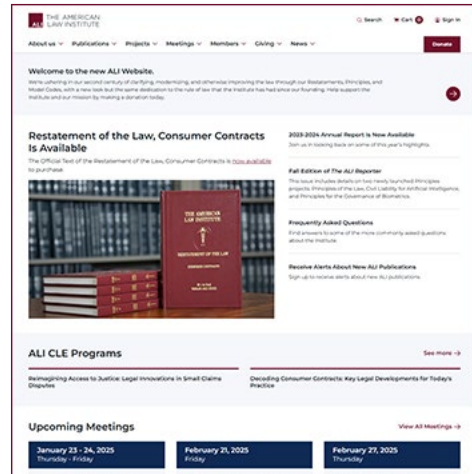
Your login information has not changed. ALI members must be logged into the site to access many of the sites features listed below. If you do not remember your ALI login, simply reset your password the first time you visit the site. Email membership@ali.org if you have an issue resetting your password.

### PROJECT AND MEETING ACCESS

ALI members may still join a project's Members Consultative Group, access project drafts, add a comment, or submit a motion through the project pages. All project participants can see upcoming meeting details and RSVP through the Meetings page. Members, please note that several project meetings are scheduled this spring; we'd love for you to join us.

### MEMBER ACCOUNT MANAGEMENT

Once logged into the site, ALI members can see everything through the myALI dashboard, including dues statements, recent activity on projects, and a quick link to edit online profiles.



## What's New?

### REDESIGNED MEMBER PROFILES

All members are able to edit their online ALI profiles, including adding a short biography and photo, as well as electing to show or hide their contact information from other logged in members. Once logged in, you may access all of your ALI account information, including editing your profile, through the MyALI link at the top of the site. We encourage all of our members to sign into the site soon and verify your information, including electing whether or not to allow other members to see your contact information.

### MEMBER DIRECTORY

An enhanced member directory, allowing for more detailed searching across our membership.

**Instructions on navigating ALI's website, including updating your member profile and adding a photo to your profile can be found here.**

# Project Meeting Updates

## COPYRIGHT, OCTOBER 31

Preliminary Draft No. 10 features ten Sections, including: the final Section from Chapter 6 on Copyright Rights and Limitations (§ 6.09), the final Section from Chapter 8 on Secondary Liability (§ 8.03), the final Section from Chapter 9 on Remedies for Copyright Infringement (§ 9.07), the final two Sections from Chapter 10 on Copyright-Protection-and-Management Systems (§§ 10.01-10.02), and the final four Sections from Chapter 11 on Procedural Issues and Relationship to Other Bodies of Law (§§ 11.02, 11.04-11.06).

With this draft, all of the 83 planned Sections of the Restatement of the Law, Copyright, have been presented to the Advisers and Members Consultative Group.

## HIGH-VOLUME CIVIL ADJUDICATION, NOVEMBER 7

At its second project meeting, project participants discussed the contents in Preliminary Draft No. 2, which included Sections from five Chapters in Part II, Procedure and Case Management in High-Volume Civil Adjudication—Chapter 2 on General Principles of Procedure in High-Volume Civil Adjudication (§§ 2.01-2.05); Chapter 4 on Pleading and Information Exchange (§ 4.05); Chapter 5 on Hearings (§§ 5.01-5.08); Chapter 6 on Settlement (§§ 6.01-6.08); and Chapter 7 on Entry and Enforcement of Judgments (§§ 7.01-7.07).

## CONFLICT OF LAWS, NOVEMBER 8

Preliminary Draft No. 9 comprises a projected Table of Contents; new material from Chapter 7, Topic 4 (Trusts); revised material from Chapter 8 (Contracts); new and revised material from Chapter 11 (Families); new material from Chapter 12 (Agency); and new and revised material from Chapter 13 (Corporations).

## TORTS: REMEDIES, NOVEMBER 15

Preliminary Draft No. 5 contains material from Chapter 3 on Injunctions and Other Forms of Specific Relief (§§ 54-57)—one Section on torts that are also crimes, and three closely integrated Sections on preliminary relief.

## FOREIGN RELATIONS LAW OF THE UNITED STATES, FEBRUARY 21

Preliminary Draft No. 2 includes revised Sections from PD No. 1, as well as five new Sections: §§ 101, 102, 104, and 105 concern the general powers of Congress, the executive branch, and the States in foreign affairs, and § 327 addresses the suspension, termination, and withdrawal from executive agreements. The draft also included an updated Projected Table of Contents.

## CORPORATE GOVERNANCE, FEBRUARY 27

Preliminary Draft No. 6 comprises materials from Chapter 1 on Definitions (§§ 1.15, 1.44, 1.50); Chapter 3 on Corporate Structure: Functions and Powers of Directors, Officers, and Shareholders (§§ 3.01, 3.02); Chapter 5 on Duty of Loyalty (§§ 5.03, 5.12, 5.13); and Chapter 7 on Remedies (Introductory Note; §§ 7.01-7.06).



Joy V. Cunningham of the Supreme Court of Illinois (Conflict of Laws)

### IN CASE YOU MISSED IT: PRINCIPLES OF THE LAW, CIVIL LIABILITY FOR ARTIFICIAL INTELLIGENCE MCG IS OPEN

ALI members are invited to join the Members Consultative Group (MCG) for the Principles of the Law, Civil Liability for Artificial Intelligence project. MCG participants do not need to be experts in AI law; their role is crucial because they provide feedback from the perspective of the project's intended audience.

This project aims to establish principles—rooted in common-law tort doctrines—for assigning responsibility when artificial intelligence systems cause harm. By doing so, it seeks to offer guidance to courts, regulators, and technologists, helping them navigate the legal implications of AI and bring clarity to key decision-making processes.

The project is led by Reporter Professor Mark Geistfeld of New York University School of Law and Associate Reporter Professor Ketan Ramakrishnan of Yale Law School.

Each year, ALI projects typically hold a full-day meeting where Reporters, Advisers, and MCG participants engage in a deep discussion of the drafts.

The first meeting for this project is scheduled for Friday, March 7, 2025, from 9:00 a.m. to 4:00 p.m. in Philadelphia, with a virtual participation option available.

*Interested members are encouraged to join by logging in to the ALI website and visiting the Projects section of the ALI website. Those who join a Members Consultative Group and current project participants will be alerted when future meetings are scheduled and when drafts are available.*

**FIRST PROJECT MEETING | MARCH 7, 2025**  
9:00 a.m. to 4:00 p.m.  
Philadelphia (virtual option available)

# Upcoming ALI CLE Webcasts on the Institute's Work

We are pleased to offer live CLE programs focused on the work of ALI. These webcasts will feature discussions led by ALI members, providing an opportunity to engage with current legal topics and gain valuable insights from experts in the field. We invite you to join us for these informative sessions.

## ESSENTIALS OF INTERNATIONAL ARBITRATION LAW: CONTRACTS, COURTS, AND AWARDS

Tuesday, March 18, 2025 | 12:00 – 1:00 pm ET

Featuring: Reporters for Restatement of the Law, the U.S. Law of International Commercial and Investor-State Arbitration **George A. Bermann** of Columbia Law School, **Jack J. Coe Jr.** of Pepperdine Caruso School of Law, **Christopher R. Drahozal** of University of Kansas School of Law, and **Catherine A. Rogers** of Università Bocconi

International arbitration is a cornerstone of global dispute resolution, yet its complexities demand specialized expertise. Designed both for attorneys entering the field and for seasoned practitioners seeking fresh insights, this webcast offers a comprehensive primer on the U.S. law of international commercial arbitration. Join our panel for expert guidance on international arbitration agreements, the role of judicial oversight in arbitration, and the enforcement of arbitral awards, as well as the principles that shape arbitration in the United States under the Restatement.

## LAND USE LAW RESTATED: ZONING IN A DECENTRALIZED SYSTEM

Wednesday, April 16, 2025 | 12:00 – 1:00 pm ET

Featuring: **Sara Bronin** of Cornell Law School and Associate Reporter for Restatement of the Law Fourth, Property

In 2024, American Law Institute members endorsed including, for the first time, a volume on land use in the Restatement of the Law Fourth, Property. In this webinar, the primary author of that volume, Sara Bronin, will describe why land use law in general, and zoning law in particular, lends itself to black-letter restatement. Drawing from her recent book, *Key to the City: How Zoning Shapes Our World*, Bronin will offer a brief legal history of zoning, including its highly decentralized nature. She will demonstrate how the National Zoning Atlas (NZA)—an ambitious project to digitize and democratize regulatory characteristics of the approximately 30,000 local jurisdictions with zoning in the United States—reveals the homogeneity of zoning codes, despite their decentralization. She will also summarize the NZA's findings about the processes required to approve housing projects, in light of the “standard approval” and “special approval” terms used in the land use volume.

**Registration for ALI CLE programs is free for ALI members—just add the course to your cart and apply the code ALIWEB to adjust the price to zero.**

If you would like to share these programs with friends and colleagues, use the coupon code **ALICOLL25A**. When they add the course to their cart and apply the code, the price will be reduced to \$49.

## ALI CLE Programs Available On-Demand

The below selection of ALI CLE programs is now available on-demand, offering a unique opportunity to engage with the work and insights of Institute. Whether you're seeking to enhance your expertise or stay current on the latest developments in the legal field, our on-demand courses provide flexible access to cutting-edge content curated by ALI members.

### AMERICAN INDIAN LAW DEVELOPMENTS

Featuring: **Matthew L.M. Fletcher** of Michigan Law School and Reporter for Restatement of the Law, The Law of American Indians

From the early 19th century to today, U.S. Supreme Court decisions have profoundly shaped the lives and rights of American Indian communities. This program explores how key rulings have influenced tribal sovereignty, land rights, treaty obligations, and cultural preservation. It also examines the growing relevance of American Indian law in areas like environmental law and civil rights, providing essential insights into the legal challenges Tribal communities face.

### BUSINESS ON NATIVE LANDS: TRIBAL JURISDICTION OVER NON-MEMBER ENTERPRISES

Featuring: **Matthew L.M. Fletcher** of Michigan Law School and Reporter for Restatement of the Law, The Law of American Indians

Tribal jurisdiction over non-member business activities remains a pivotal issue as courts continue to define the limits of tribal authority. This program examines recent case law developments shaping the regulatory and adjudicative power of tribes over non-member enterprises. Participants will explore foundational legal principles, key federal and state court opinions, and practical implications for businesses operating on tribal lands or engaging with tribal governments. The course also highlights the evolving interplay between tribal sovereignty, economic development, and regulatory frameworks, providing critical insights for legal practitioners, businesses, and government entities navigating this complex area of law.

## DECODING CONSUMER CONTRACTS: KEY LEGAL DEVELOPMENTS FOR TODAY'S PRACTICE

Featuring: **Omri Ben-Shahar** of the University of Chicago Law School and **Florecia Marotta-Wurgler** of NYU School of Law, both Associate Reporters for Restatement of the Law, Consumer Contracts, and **Steven O. Weise** of Proskauer Rose, project Adviser

Consumer contracts shape everyday transactions but present unique challenges due to the imbalance between businesses and consumers. This program explores the practical aspects of consumer contract law, guided by the Restatement of the Law, Consumer Contracts. Learn actionable approaches for addressing issues related to reasonable notice and contract terms through illustrations and commentary.

## LEGAL INSIGHTS AND TAKEAWAYS FROM THE 2024 ELECTION

This program explores the latest developments in election law, including the changing landscape of the voting process, election certification, election system reform (such as ranked choice voting and open primaries), gerrymandering, campaign finance, recount procedures, and election litigation.

Featuring: **Steven F. Huefner** of Ohio State University Moritz College of Law and Associate Reporter for Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, and **Anthony J. Gaughan** of Drake University Law School

## REIMAGINING ACCESS TO JUSTICE: LEGAL INNOVATIONS IN SMALL CLAIMS DISPUTES

Featuring: **Victoria S. Sahani** of Boston University School of Law (moderator), **John Beisner** of Skadden, Maria Glover of Georgetown Law Center, **Paul W. Grimm** of Duke University School of Law, and **Travis Lenkner** of Burford Capital

Small claimants often face significant challenges in pursuing justice, with traditional resources, like legal aid and pro bono services, falling short for smaller disputes. This program explores both conventional and emerging legal pathways designed to level the playing field for individuals with limited resources. Speakers discuss key developments in litigation and arbitration, including mass arbitration, multidistrict litigation, and third-party litigation funding.

**STAY UP TO DATE ON THE LATEST PROGRAMS AT [WWW.ALI.ORG/ALI-CLE](http://WWW.ALI.ORG/ALI-CLE).**

We would love to hear from you regarding future CLE topics. If you have suggestions or are interested in participating as a speaker in an upcoming session, please let us know. Your insights and expertise are invaluable in shaping the content of our programs. Simply email [communications@ali.org](mailto:communications@ali.org) with your ideas or interest, and we'll be in touch.

## When Was the Last Time You Heard from ALI?

It is important to all of us at ALI that we stay in touch with our members and project participants. Our primary method of doing so is email.

You should be receiving emails about our project meetings, draft notifications, administrative notifications, and other news items of interest.

To ensure that you receive our electronic communications, please add our domain ([ali.org](http://ali.org)) to your spam filter's whitelist, also called the approved or safe-sender list. Doing so will ensure proper delivery of emails to your inbox. Because all spam filters are different, you may need to contact your technology team or service-provider helpdesk for assistance in accessing your spam settings.

**Did your email address change recently?** If so, please be sure to update your member profile at [www.ali.org](http://www.ali.org).

## The Institute in the Courts: State Supreme Courts Adopt Contracts 2d Sections

The supreme courts of Arizona and Minnesota have adopted provisions of the Restatement of the Law Second, Contracts, dealing with the doctrine of frustration of purpose in considering the enforceability of a plea deal in a criminal case and deciding a conflict over a commercial lease arising out of the COVID-19 pandemic.

In *State v. Williams*, 553 P.3d 161 (Ariz. 2024), a criminal defendant with seven prior felony convictions, including a 2004 Arizona conviction for use or possession of marijuana, was charged with 14 additional felonies, including two counts of sex trafficking. The defendant agreed to plead guilty to the two counts of sex trafficking in exchange for a “slightly aggravated” term of 12 years of incarceration based on his repeat-offender status; in addition, the state agreed to dismiss the remaining 12 counts, as well as any allegations of prior felonies, other than the marijuana conviction.

After the trial court accepted the plea agreement and sentenced the defendant according to its terms, Arizona voters adopted Proposition 207, which authorized the expungement of adult convictions for the possession or use of small amounts of marijuana. The defendant obtained an order vacating and expunging his marijuana conviction and subsequently filed a petition for post-conviction relief, claiming that his sex-trafficking conviction and sentence were invalid because the marijuana conviction was no longer a valid prior offense for purposes of enhancing his sentence under the plea agreement. After the trial court dismissed the defendant’s petition, the court of appeals reversed, vacated the plea agreement, reinstated the original charges against the defendant, and remanded, finding that the plea agreement was void under the doctrine of frustration of purpose.

On appeal, the Supreme Court of Arizona vacated in part, holding that, while the court of appeals properly concluded that the defendant was entitled to post-conviction relief, it erred in vacating the plea agreement. The court adopted the frustration-of-purpose test set forth in the Restatement of the Law Second, Contracts § 265, Comments *a* and *b*, in concluding that, while the defendant’s guilty plea as a repeat offender was void, the plea agreement was not necessarily invalidated as a result; rather, the plea agreement was potentially voidable. Reasoning that the stipulated 12-year sentence was a principal purpose of the plea agreement for both parties, the court explained that, if the trial court resentenced the defendant to more or less than the originally agreed-upon 12 years of imprisonment, the plea agreement could be invalidated at the election of the frustrated party.

The Supreme Court of Minnesota also considered issues related to the doctrine of frustration of purpose in *Fitness International, LLC v. City Center Ventures, LLC*, 9 N.W.3d 526 (Minn. 2024). The commercial tenant in that case, which operated a health club and fitness center on leased property, sued its landlord, seeking to recover rent for a three-and-a-half-month period during which the health club and fitness center was not legally allowed to operate due to state-government orders issued in response to the COVID-19 pandemic. The tenant alleged that its payment of rent was excused under the doctrine of frustration of purpose, and that the landlord breached the lease by refusing to abate its rent during the mandatory-closure period. The trial court granted summary judgment for the landlord and the court of appeals affirmed, observing that the doctrine of frustration of purpose was generally used by a defendant as an affirmative defense, rather than by a plaintiff to establish a claim for breach of contract. In any event, the court found that the purpose of the lease had not been substantially frustrated, because the mandatory closures did not prohibit all permitted uses of the leased property.

On appeal, the Supreme Court of Minnesota affirmed on different grounds. The court began by clarifying that the applicable analytical framework for the tenant’s claim under Minnesota law was the doctrine of *temporary* frustration of purpose, because the tenant was only seeking to be excused from a portion of its performance, rather than for all of its remaining lease obligations. The court noted that, “the approaches outlined in the Restatement Second of Contracts §§ 265, 269 are appropriate frameworks to analyze a claim of permanent or temporary frustration of purpose, respectively.”

The court explained that, according to § 269, temporary frustration of purpose only suspended the asserting party’s duty, rather than discharging all remaining duties to perform; once the temporary frustration ended, full performance was required unless performance would be “materially more burdensome than had there been no . . . frustration.” Because the tenant failed to show that paying rent after the closure period would have been materially more burdensome than paying during the closure period—in fact, the tenant had already paid the rent for the closure period when it was due—the tenant’s obligation to pay rent was not discharged.

# Notes About Members and Colleagues

## Consumer Contracts Symposium

On January 25, 2025, Harvard Law School hosted a symposium on the recently published Restatement of the Law, Consumer Contracts. The day-long event featured the following speakers and topics:

The Keynote Address “The Role of ‘Totality of the Circumstances’ in the Restatement of the Law, Consumer Contracts” was delivered by Steve Weise of Proskauer Rose.

The first session was chaired by Rory Van Loo of Harvard Law and featured speakers David Hoffman of Penn Law on “Consumers’ Unreasonable Expectations” and Daniel Schwarcz of Minnesota Law School on “The Challenges of a Subject Matter Neutral Approach to Consumer Contract Law.”

The second session was chaired by Henry Smith of Harvard Law and featured panelists Tess Wilkinson-Ryan of Penn Law on “The Psychology of Misleading and Disclaiming,” Rebecca Stone of UCLA Law on “A Duty to Set Terms in Good Faith,” and Adam Levitin of Georgetown Law on “The Death of Consumer Contract.”

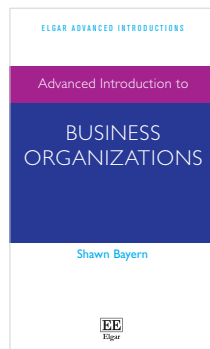
The third session was chaired by Randy Kennedy of Harvard Law and featured speakers Patricia McCoy of Boston College Law on “Inflection Points in the Development of the Restatement of the Law, Consumer Contracts;” Ian Ayres of Yale Law and Greg Klass of Georgetown Law on “How to Use the Restatement of Consumer Contracts: A Guide for Judges;” and project Reporters Oren Bar-Gill of Harvard Law, Omri Ben-Shahar of University of Chicago Law, and Florencia Marotta-Wurgler of NYU Law on “A Companion Guide to the Restatement of Consumer Contracts.”



Consumer Contracts Reporters Omri Ben-Shahar, Oren Bar-Gill, and Florencia Marotta-Wurgler with ALI Director Diane Wood and Steve Weise

**Elizabeth A. Andersen** has been appointed the next Executive Director of the Basel Institute on Governance, effective March 2025, leading the institute’s efforts in advancing anti-corruption, compliance, and good governance worldwide.

**Shawn J. Bayern** of FSU College of Law has authored *Advanced Introduction to Business Organizations* (Edward Elgar Publishing 2024). The book provides a focused exploration of agency law, partnerships, LLCs, and a general survey of corporate law.

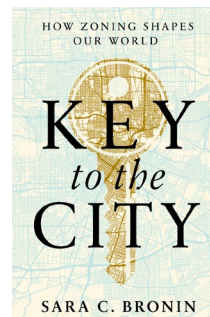


## NEW MEMBERS ELECTED

On December 17th, the Council elected the following 32 persons.

**John D. Bessler**, Minneapolis, MN  
**Ishan K. Bhabha**, Washington, DC  
**Chesa Boudin**, Berkeley, CA  
**H. Thomas Byron, III**, Washington, DC  
**Edward K. Cheng**, Nashville, TN  
**Nathan Cortez**, Dallas, TX  
**Alexis E. Danneman**, Phoenix, AZ  
**Robin J. Efron**, Brooklyn, NY  
**Angela Foster**, North Brunswick, NJ  
**Gregory H. Fox**, Detroit, MI  
**Michael D. Gilbert**, Charlottesville, VA  
**Matthew J. Ginsburg**, Washington, DC  
**Sara Sternberg Greene**, Durham, NC  
**Yaniv Heled**, Atlanta, GA  
**Melanie C. Kalmanson**, Tampa, FL  
**Henry C. Kevane**, San Francisco, CA  
**Rakesh Kilaru**, Washington, DC  
**Sapna Kumar**, Minneapolis, MN  
**Daniel Laguardia**, San Francisco, CA  
**Nash E. Long**, Charlotte, NC  
**Jane E. Magnus-Stinson**, Indianapolis, IN  
**Brent J. McIntosh**, Bethesda, MD  
**Thomas J. McSweeney**, Williamsburg, VA  
**Joshua Meltzer**, Oakland, CA  
**Aaron L. Nielson**, Austin, TX  
**Mariela Olivares**, Washington, DC  
**Tatiana Sainati**, Washington, DC  
**James C. Schulwolf**, Hartford, CT  
**Daiquiri J. Steele**, Tuscaloosa, AL  
**Margaret L. Taylor**, Washington, DC  
**Donald B. Tobin**, Baltimore, MD  
**Erica Y. Williams**, Washington, DC

**Sara C. Bronin** of Cornell University has authored *Key to the City: How Zoning Shapes Our World* (W. W. Norton 2024). The book explores how zoning codes shape our communities and how reforming them can create more equitable, sustainable, and vibrant cities.



**Robert S. Chang** is the inaugural holder of the Sylvia Mendez Presidential Chair for Civil Rights at UC Irvine School of Law. He is also the recipient of the 2024 Daniel K. Inouye Trailblazer Award, the National Asian Pacific American Bar Association's highest honor recognizing lifetime achievement.

**Danielle M. Conway** of Penn State Dickinson Law is the 2025 president-elect of the Association of American Law Schools (AALS). As president-elect, Conway will support the incoming president and the broader AALS community, developing a thematic vision for her term later this year.

**Melissa Hart** of the Colorado Supreme Court delivered the 29th annual IJA Brennan Lecture on State Courts and Social Justice at NYU School of Law, which explored structural changes to legal education. Welcoming remarks were provided by **Troy A.**

**McKenzie** and **Samuel Estreicher** of NYU School of Law, followed by an introduction by **Travis Lenkner** of Burford Capital.

**Pamela S. Karlan** of Stanford Law School delivered the McCorkle Lecture titled "Unaccountable" at the University of Virginia School of Law. In her lecture, she argued that the structure of the U.S. Constitution and a series of Supreme Court decisions have undercut governmental accountability. She was introduced by **Leslie Kendrick** of UVA School of Law.



Pamela S. Karlan delivers the McCorkle Lecture  
Credit: Julia Davis/UVA Law

**George Liebmann** of Liebmann & Shively has authored *The Age of Biden* (2025), a collection of more than 100 op-eds and letters on public affairs written during the Biden administration. The book also includes an appreciation of Thomas Jefferson's contributions to American governance. It serves as a sequel to *Vox Clamantis In Deserto* (2021), which examined the four preceding administrations.

**Myles V. Lynk**, Dean and Emeritus Professor at the ASU Emeritus College, Sandra Day O'Connor College of Law, is the recipient of the 2025 ABF Outstanding Service Award. Presented annually by the American Bar Foundation Fellows, the award honors individuals who exemplify the highest principles of the legal profession and public service. Lynk was recognized at the 69th Annual ABF Fellows Awards Banquet on February 1, 2025.

## Richard Revesz Profile Published in POLITICO

*E&E News* by *POLITICO* recently published a profile of ALI Director Emeritus Richard Revesz, as he returns to NYU Law from two years of service as the head of the Office of Information and Regulatory Affairs (OIRA). In the article "Meet the man who changed Biden's regs game" (requires a subscription login), Revesz discusses his vision for OIRA. While he acknowledged that OIRA was once viewed as an enemy of regulations, he emphasized that its true purpose is "to make sure that regulations go out into the world with the best analytical grounding and that they provide the highest net benefits to the American people."

To that end, during his time at OIRA, he pushed agencies to strengthen the regulations they sent for review, fostering an approach that prioritized greater participation from the public in the regulatory process. For instance, he personally recorded a video in Spanish explaining OIRA's review meetings, and some training sessions were even translated into Spanish and Mandarin to increase outreach.

Revesz's leadership also focused on reducing the "time tax" citizens face when interacting with government services. By simplifying paperwork, he aimed to make processes like accessing tax credits and health insurance more efficient and less burdensome for the public.

Perhaps the most significant accomplishment of his tenure was his overhaul of Circular A-4, a critical document that guides agencies in calculating the costs and benefits of their regulations.

*From the article:*

Revesz believed the document, which had not been changed in two decades, was "showing its age." After public comments and peer review, the new guidance gave greater weight to benefits, helping to solidify more pioneering regulations.

Yet the reworked Circular A-4 is now under threat. Russell Vought, whom President-elect Donald Trump has picked again to head OMB, which includes OIRA, said in his own Project 2025 chapter that the new guidance should be tossed and replaced with a process to create less burdensome rules.

Revesz warned that could bring legal risks. This administration's extensive review for the revised document was meant to protect it, grounding a scientific and economic basis behind its decision-making.

"If a subsequent administration wants to depart from the best understanding, the regulations that rely on their new circular are definitely going to get challenged on the grounds that they rely on shoddy science and economics," Revesz said.

Revesz's work at OIRA was not only about improving regulations but also about streamlining processes within the office itself. He noticed delays in publishing certain regulations, such as one concerning methane emissions, and took steps to eliminate bottlenecks, ensuring timely releases.

As his tenure at OIRA concluded on January 20, 2025, he will be returning to NYU Law, where as a longtime faculty member, former dean, and founder of the Institute for Policy Integrity, he will continue to mentor future leaders. Revesz remains optimistic about the potential for civil servants to continue making meaningful contributions, regardless of political shifts.

**Valerie M. Nannery** has authored *Recovery for Wrongful Death 5th* (Clark Boardman Callaghan 2025). This treatise provides a comprehensive analysis of wrongful death claims, offering legal practitioners valuable insights into litigation strategies and developments in the field.

**Sudha N. Setty**, dean of the City University of New York School of Law, has been named president and chief executive officer of the Law School Admission Council, effective July 1, 2025. She is the first South Asian-American woman to serve as dean of an ABA-accredited law school—currently holding that position at CUNY School of Law—and previously served as dean of Western New England University School of Law.

**Christopher S. Yoo** of the University of Pennsylvania Carey Law School joined panelists from the European Law Institute (ELI) and the Global Partnership on Artificial Intelligence (GPAI) for the GPAI-ELI Webinar on Co-Generated Data Principles. The session brought together experts to explore the legal and policy implications of co-generated data in digital ecosystems. The discussion builds on a two-year collaboration between ELI and GPAI analyzing legal frameworks in the EU, US, and Japan, particularly in the areas of copyright and data protection.

**Submissions as of February 27. If you would like to share any recent events or publications in the next ALI newsletter, please email us at [communications@ali.org](mailto:communications@ali.org).**

## In Memoriam

### ELECTED MEMBERS

**Diane F. Bosse**, Buffalo, NY

### LIFE MEMBERS

**Dorothy Toth Beasley**, Atlanta, GA; **Thomas Buergenthal**, Washington, DC; **William T. Coleman III**, Penn Valley, PA; **Dan B. Dobbs**, Tucson, AZ; **Gordon L. Doerfer**, Needham, MA; **John M. Flackett**, Newton, MA; **Donald Wayne Glazer**, Newton, MA; **Neil S. Hecht**, Boston, MA; **Robert A. Helman**, Chicago, IL; **James W. Jones**, Reston, VA; **John Martin Jones, Jr.**, Cockeysville, MD; **Howard G. Krane**, Chicago, IL; **Simeon M. Kriesberg**, Washington, DC; **Leonard P. Novello**, New York, NY; **James D. Pruett**, Gadsden, AL; **David Baruch Simpson**, New York, NY; **Walter J. Taggart**, Villanova, PA; **Harvey L. Zuckman**, Washington, DC

## MEETINGS AND EVENTS CALENDAR AT-A-GLANCE

Below is a list of upcoming meetings and events. For more information, visit [www.ali.org](http://www.ali.org).

### 2025

#### March 7

**Principles of the Law, Civil Liability for Artificial Intelligence**  
Philadelphia, PA

#### March 13

**Restatement of the Law, Constitutional Torts**  
Philadelphia, PA

#### March 14

**Restatement of the Law Third, Torts: Defamation and Privacy**  
Philadelphia, PA

#### April 4

**Restatement of the Law, Election Litigation**  
Philadelphia, PA

#### May 18-21

**2025 Annual Meeting**  
Washington, DC

#### October 16-17

**Council Meeting**  
Philadelphia, PA



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