

THE ALI REPORTER



THE PRESIDENT'S LETTER BY DAVID F. LEVI

The State of the Institute

The following is excerpted from ALI President David F. Levi's opening Remarks at the 2025 Annual Meeting.

This is our 103rd year as an Institute and the beginning of my last year as your President. I thought I would take this opportunity to give you a brief "State of the Institute" talk.

I consider that the state of our Institute is strong. Our ongoing projects are important and consequential. Courts at all levels rely on them as do many others. The work product is of the highest quality. This reflects the superb Reporters that our Director selects and of course their willingness to serve. They are scholars at the top of their fields.

We are proud of our careful, deliberative, and transparent bicameral process. Much of the work of the Institute happens at project meetings where any member of the Institute may sign up and participate. We do not apologize for the time it takes from the initiation of a project to publication. That time reflects the iterative process designed to refine, to catch errors, and to reach consensus or clarify the nature of disagreement.

In a divisive time, we are particularly proud of the civility and high level of our debates and discussions. Through this process we have resolved many of the most difficult issues in the field under consideration. We either find common ground where it exists or we respect the views of the prevailing side where compromise is not possible. In this way, we attempt to model the respect for opposing or differing views that lies at the core of democratic processes and the rule of law.

Our Director chooses Reporters who are not only at the top of their fields but are known for their ability to listen, collaborate, and work toward consensus.

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**THE DIRECTOR'S LETTER
BY DIANE P. WOOD**

On the Copyright Restatement

In recent months, we have received some questions about the Copyright Restatement, its participants, ALI's process, and the project itself. I'd like to address some of the points that have been raised in this letter. This may be familiar to members who attended the Annual Meeting, as I shared some of these thoughts there, at the start of the Copyright project session.

At this year's Annual Meeting, ALI members had the opportunity to review and discuss the final sections in the Tentative Draft of the Copyright project, which we began over a decade ago. We reached that point in the usual way—through meticulous drafting by the Reporters, full and frank exchanges of views among the various advisory bodies, responsive drafting by the Reporters, and finally, first Council approval and then approval by the ALI membership at Annual Meetings.

In a project of this scope—particularly one that breaks new ground in terms of the subject matter it addresses—people of good will inevitably have differences of opinion about both the content of the material being presented and the best way to phrase propositions over which there may be some broad agreement. The ALI has seen this phenomenon countless times over the years. I recall, for instance, the passionate debates over the sex-offense provisions of the Model Penal Code; the debate over whether to withdraw the death-penalty provisions of that Code; disagreements over certain parts of the Liability Insurance Restatement;

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Now Available:
Principles of the Law, Policing

SEE PAGE 17 FOR MORE



THE PRESIDENT'S LETTER

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In my term as President, I have seen two wonderful Directors shepherd the projects forward and have seen how adept they are in finding points of agreement and consensus that we are able to build upon.

No participant in this process will be fully in agreement with every section of any project. That is in the nature of work that draws together and derives strength from many different points of view. But our deliberative process ensures that every issue receives full consideration and that the final product represents the best judgment of the ALI as a whole.

Inevitably some parts of our projects are controversial. This is not a bad thing. It suggests that we are taking on important areas of the law that may require clarification. It further suggests that our members are speaking up and not shying away from hard issues or passively accepting the advice of our Reporters. Sometimes controversy is predictable, but often it is not. For example, I don't think many of us thought that a restatement of liability insurance would be so controversial. On the other hand, many of us predicted that the Principles of Policing project would be quite controversial, but it was not.

We welcome debate. Indeed, some of our best meetings are the ones in which the debates are vigorous and the debaters are well informed, respectful, and articulate. Passion too has its place. Many of the most controversial issues touch on our conceptions of justice and fairness.

On occasion, not often, we do see activity that is not in keeping with our process. Sometimes this activity is by members and project participants, and sometimes by outside groups who attempt to exert influence over us.

Particularly in areas of controversy, we sometimes see attempts to politicize or delegitimize our process and therefore the Institute itself. These efforts follow a certain pattern, that include, for example, unfounded accusations of bias or misconduct against the Reporters, press releases, lobbying of us and others by interest groups, and various other efforts to coerce, threaten, or mischaracterize the Institute. This is distressing when it happens. Fortunately, the members of our Council and of this body recognize this bad conduct when it happens and are undeterred in pursuing the objective of producing the best and most accurate work product of which we are capable.

Nonetheless, we must be vigilant in resisting efforts to politicize our deliberations or mischaracterize our work product. This is one reason we insist that Members and Advisers "leave their clients at the door."

I end by addressing a related issue concerning the pressing political debates and issues of our time, many of which implicate the legal system and the rule of law: Should the Institute take institutional positions on current events outside of its normal processes?

For context, in our long history we have never taken such positions—not during the Depression, the McCarthy period,

the Vietnam War, the Civil Rights Movement, or at any other time. We do not even have a process for doing so in our bylaws.

As I see it, there are two main reasons among several more why we do not take institutional positions.

The first is that the most pressing of the political legal issues facing us are already pending in court and other such issues will land in court soon. It is inevitable that some of these cases will be heard by judges who are members of the ALI. We don't want to do anything that could cause problems for our judicial members, who are so essential to the Institute. Without them, we are not the ALI.

The second reason goes back to something I addressed earlier: The ALI best embodies its support for the rule of law in challenging times through its actual work. We stand up for the rule of law by doing our work of clarifying, simplifying, and otherwise improving the law so that it may best serve the American people. This is how we seek to strengthen the rule of law at the same time that we model civil discourse and democratic values.

There are other ways in which the ALI can be helpful in addressing the issues of our time. As we have in the past, we will facilitate the study of particular issues that are outside of our normal Restatements and Principles projects. For example, the work that we sponsored on the Electoral Count Act and the Insurrection Act are models of what we might do in the future. We should now consider convening additional blue ribbon, bi-partisan working groups to examine other topics, such as the pardon power and the impoundment act. Within our traditional approach, we might consider a principles project on the rule of law itself.

Many of us will find our own path to speaking out or will belong to organizations that are able to do so. We also can take pride in the many accomplishments of our members in defending and supporting the rule of law in the courtroom, in scholarship, in the media and elsewhere.

I realize that not everyone here will agree with me on this question of institutional statements and positions. This is the ALI, after all, and disagreement on this topic is understandable. I certainly respect your views and acknowledge that circumstances could change that would cause us to rethink our position in the future.

I appreciate that we are all volunteers here, contributing time, energy and financial support to something we think is bigger than ourselves and important to our nation's future.

Thank you for all that you do and will do for the ALI and the rule of law. —

THE DIRECTOR'S LETTER

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questions about the justification for, and need for, the Consumer Contracts Restatement; and protracted debate over many parts of the Restatement of the Foreign Relations Law of the United States.

In all these instances, the role first of the Reporters, then of the Council, and finally of the membership, is to reflect faithfully what courts are doing, to choose the best rule when those courts are not speaking with one voice, and to explain carefully through comments and Reporters' Notes the choices that have been made. When we reach the final sections of a project and a "Boskey" motion has been made, members who feel that they cannot subscribe to the project always have the privilege and opportunity to vote "no" on that motion.

That is precisely the way we have proceeded with the Copyright Restatement. There have been regular opportunities for the Advisers and MCG to file comments with the Reporters, and the Reporters have taken on board many of those comments. For example, as the comment filed by Judge Pierre Leval for this year's Annual Meeting recounts, the initial draft of the fair-use provisions caused great concern for many people. They explained their position; the Reporters went back to the drawing board and adopted much of that criticism; and today the fair-use provisions in the view of the Reporters and the Council faithfully reflect the Supreme Court's teachings in this important area. This collaborative effort—a defining feature of the ALI process—happened on many occasions.

You will have read comments submitted for this year's Meeting that criticize the Reporters for disagreeing on occasion with the views of the Copyright Office. That criticism, however, should be seen in the light of the fact that there are many places in the draft where the Reporters rely on, and agree with, that Office's position. Officials of the Copyright Office participated actively as Advisers, from the very outset of the project. An early comment, filed November 9, 2016, began by saying "We welcome the revisions that the Reporters made to the first chapter" to address the Office's concerns." Indeed, in a comment filed

on May 16, 2025, the Office noted, "We have reviewed Tentative Draft No. 6 of the ALI's Restatement of the Law of Copyright and appreciate that there are revisions in this draft responsive to our comments submitted on previous drafts." In short, the Reporters made a great many changes over the years, including at the Annual Meeting itself.

Additionally, there were times when the Reporters did not wait for the Office's intervention. The draft is replete with references to the Office's Compendium of Copyright Office Practices (third edition 2021), which (just by way of example) it cites 14 times in the Comments to section 41 alone (addressing copyright formalities). We saw much the same thing in the Foreign Relations Restatement, where we relied heavily on the State Department's practices and statements, but in some respects the Restatement departed from its views. Once again, the best remedy is transparency: explaining for the benefit of the courts and others who will rely on our work product why, exactly, we came to the position we did, and on what authority we relied.

For more than a century, ALI has prided itself on producing impartial, non-partisan, and independent scholarly works that clarify, modernize, and otherwise improve the law. Our iterative and transparent drafting process—which involves the dedicated work of many minds and perspectives over many years, and which requires each draft to be separately approved by our extraordinarily diverse voluntary Council and Membership—further guards against any risk of politicization or the advocacy of special interests. By the time the Council and the membership have both approved a draft, the risk that the Reporters' personal points of view are playing an undue role has been removed through our careful and meticulous review process.

Oftentimes no participant—even our Reporters—walks away from the process fully in agreement with every Section of the publication. But ALI's deliberative process ensures that every issue receives a full airing of viewpoints and that the final product will represent the considered scholarship, experience, and judgment of the ALI as a whole.

Finally, it is worth stating here what our members already know: the Copyright Restatement does not replace statutory language. The Tentative Drafts not only include citations to the statute, but also liberally quote directly from the statute. In Restatement sections that involve statutory material, the black letter quotes the statutory language as much as practicable, and, where the black letter summarizes statutory provisions, the full citation to, and longer quotations from, the relevant statutory language are included in the comments.

In short, there is nothing unusual about the way that the Copyright Restatement has been developed.

I am delighted that the members of The American Law Institute voted to approve the Tentative Draft of the Restatement this year, thus ending the drafting process. I would like to thank the extraordinarily talented team that has brought this Restatement to life, including Reporter Christopher Jon Sprigman of New York University School of Law, and the four outstanding Associate Reporters: Daniel J. Gervais of Vanderbilt University Law School, Lydia Pallas Loren of Lewis & Clark Law School, R. Anthony Reese of the University of California, Irvine School of Law, and Molly S. Van Houweling of the University of California, Berkeley School of Law. I am also deeply grateful to the exceptional Advisers, Liaisons, and Members Consultative Group, whose thoughtful engagement and generous contributions have shaped each stage of the drafts. As always, we hope that judges and other users find this Restatement to be a helpful guide. _

Actions Taken at the Annual Meeting*

The following actions were taken at the 2025 Annual Meeting. In addition to the below, Membership voted to approve the final Sections of two projects, the Restatements of Copyright and Torts: Miscellaneous Provisions.

Property. Council member Carolyn Kuhl joined Reporter Henry E. Smith and Associate Reporter Yun-Chien Chang on the dais. Presented during this session was Tentative Draft No. 6, which includes material from Volume 2, Division I on ejectment, i.e., the action to be put in possession of land to which one has a right to possess; Volume 4, Division II on concurrent ownership, i.e., ownership by two or more people of the same thing at the same time; and Volume 4, Division III on leasing. Membership voted to approve Tentative Draft No. 6.

Conflict of Laws. This session was chaired by Council member Judith A. Miller. Reporter Kermit Roosevelt and Associate Reporter Ann L. Estin presented Tentative Draft No. 5, which includes portions of Chapter 5 and 9, including Rules for Management of Litigation, Witnesses and Evidence, Marriage and Other Domestic Relationships, among others. Membership then voted to approve Tentative Draft No. 5.

Torts: Remedies. Reporters Douglas Laycock and Richard L. Hasen were joined on the dais by Council member Laura Denvir Stith. Tentative Draft No. 4 contained material from Topic 1, Injunctions, of Chapter 3 on Injunctions and Other Forms of Specific Relief, as well as two new Comments to previously approved sections—Comment h to § 43 (Availability of Injunctions) and Comment c to § 44 (Scope of Injunctions). Membership then voted to approve Tentative Draft No. 4.

Two Projects Completed at this Year's Meeting

Restatement of the Law, Copyright is the first Restatement devoted to copyright law and provides guidance to courts in areas in which the governing statute leaves significant scope for discretion in this complex field. Restatements are primarily addressed to courts. They aim at clear formulations of the law and reflect the law as it presently stands or might appropriately be stated by a court. Launched in 2014, the project has been presented in stages at ALI's Annual Meetings over the past five years.

The Reporter for the project is Christopher Jon Sprigman of New York University School of Law. Associate Reporters are Daniel J. Gervais of Vanderbilt University Law School; Lydia Pallas Loren of Lewis & Clark Law School; R. Anthony Reese of University of California, Irvine School of Law; and Molly S. Van Houweling of University of California, Berkeley School of Law.

"The Copyright Act, while comprehensive in some areas, leaves many important questions to be worked out in the courts," added Reporter Sprigman. "This Restatement distills and

organizes how courts have addressed these open questions and offers clear guidance. Copyright law has never stood still—it evolves with the ways we create, share, and build upon culture, knowledge, and information. The Copyright Act provides the scaffolding, but the courts play a central role on many of the most consequential questions in copyright law. What this Restatement does is gather, organize, and clarify the case law that fills in those statutory gaps. We aimed to reflect how judges have actually decided these issues and to present the guidance in a way that is accessible, coherent, and faithful to doctrine. It has been a privilege to work with such a deeply knowledgeable team of Associate Reporters, Advisers, Liaisons, and ALI members, and I believe the final product will serve as an essential secondary source for years to come."

This Restatement offers guidance to courts in areas of copyright law including the boundary between copyrightable expression and uncopyrightable ideas and facts; the scope of exclusive rights; ownership and transfer rules; infringement standards; defenses like fair use and first sale; and available remedies.



ALI Council Member Wallace B. Jefferson, ALI President David F. Levi, ALI Director Diane P. Wood, Reporter Christopher Jon Sprigman, and Associate Reporters Lydia Pallas Loren, R. Anthony Reese, and Molly S. Van Houweling (Not pictured: Associate Reporter Daniel J. Gervais)

Additionally, membership approval of **Restatement of the Law Third, Torts: Miscellaneous Provisions** marks the completion of the drafting phase of a major component of the Institute's decades-long revision of its influential Restatement of Torts.

Torts: Miscellaneous Provisions addresses an eclectic yet important array of tort issues not covered in previous, or other currently ongoing, projects of the Restatement Third of Torts, including vicarious liability, wrongful death and survival actions, parental standards of care, spoliation of evidence, harm before and regarding birth, medical monitoring, statutes of limitations and repose, immunities, interference with the right to vote, and a wide range of additional topics. The project initially included provisions on medical malpractice.

*All approvals by membership at the Annual Meeting are subject to the discussion at the Meeting and usual editorial prerogative.

However, after the Institute determined that this area of tort law was sufficiently complex and voluminous to warrant independent treatment, the Medical Malpractice portion of the project was cordoned off and produced separately as the Restatement of the Law Third, Torts: Medical Malpractice.

The Miscellaneous Provisions project was led by Reporters Nora Freeman Engstrom of Stanford Law School and Michael D. Green of Washington University in St. Louis School of Law, and was launched with the assistance of William C. Powers Jr. of University of Texas at Austin School of Law, who served as a Reporter until his passing in 2019. Associate Reporters for the project are Guy Miller Struve, retired partner of Davis Polk & Wardwell, and Tanya D. Marsh (for Right of Sepulcher) and Mark A. Hall (for Medical Malpractice), both of Wake Forest University School of Law.

In a joint statement, Reporters Freeman Engstrom and Green said:

Our goal was to ensure that vital areas of tort doctrine—those not addressed in other Restatement projects—were given the careful and comprehensive treatment they deserve. This work encompasses legal principles that courts and practitioners encounter regularly, such as vicarious liability and governmental immunities, as well as emerging and evolving doctrines like spoliation and medical monitoring. We are deeply grateful to the many ALI members, Council members, Advisers, and MCG participants who gave their time, ideas, and insights to improve this project. And we must especially acknowledge the foundational contributions of the late Bill Powers, whose brilliance, warmth, and vision helped guide this work from its earliest days. Bill's influence is present on every page, and we are honored to have helped bring his vision to fruition.



Reporter Michael D. Green, Associate Reporter Guy Miller Struve, Reporter Nora Freeman Engstrom, ALI President David F. Levi, ALI Council Member Goodwin Liu, ALI Deputy Director Eleanor Barrett, and ALI Director Diane P. Wood

The American Law Institute would like to thank the Reporters, Advisers, Liaisons, dedicated ALI members, and ALI Council members who gave their time and wisdom to these projects.

The Reporters, subject to oversight by the Director, will now prepare the Institute's official text for publication. At this stage, the Reporters are authorized to correct and update citations and other references, to make editorial and stylistic improvements, and to implement any remaining substantive changes agreed to during discussion with the membership or by motions approved at the Annual Meeting. Until the official text is published, the drafts approved by the membership are the official position of ALI, and may be cited as such.

Get Involved by Joining a Members Consultative Group (MCG)

Join any of our project MCGs to be alerted via email when meetings are scheduled and drafts are posted.

Current Projects for Which Members May Join the MCG:

Principles of the Law, Civil Liability for Artificial Intelligence
 Restatement of the Law Third, Conflict of Laws
 Restatement of the Law, Constitutional Torts
 Restatement of the Law, Corporate Governance
 Restatement of the Law, Election Litigation
 Restatement of the Law Fourth, The Foreign Relations Law of the United States
 Principles for the Governance of Biometrics
 Principles of the Law, High-Volume Civil Adjudication
 Restatement of the Law Fourth, Property
 Restatement of the Law Third, Torts: Defamation and Privacy
 Restatement of the Law Third, Torts: Remedies

If you have not already done so, please consider joining an ALI project now by visiting our Projects page online.

Lee Rosenthal, Ken Frazier Honored at ALI Annual Meeting

The American Law Institute presented the Distinguished Service Award to Lee H. Rosenthal and the John Minor Wisdom Award to Kenneth C. Frazier at this year's Annual Meeting.

DISTINGUISHED SERVICE AWARD: LEE H. ROSENTHAL

The Distinguished Service Award was presented to Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas, on Monday, May 19, by ALI President David F. Levi. The Award is given from time to time to a member who over many years has played a major role in the Institute, accepting significant burdens as an officer, Council member, committee chair, or project participant and helping keep the Institute on a steady course.



Levi and Rosenthal

When presenting the award, President Levi highlighted Rosenthal's extraordinary contributions to the legal profession, her leadership roles, and her dedication to advancing the law and justice. "She brings a rare blend of wisdom, empathy, and dedication to every endeavor she undertakes, whether in the courtroom, in her leadership roles, or in her service to her community and her family," said Levi in his remarks.

Upon receiving the award, Rosenthal reflected on her experience at ALI, highlighting the significance of the Institute's culture in making her a better teacher.

Rosenthal currently serves as the 1st Vice President of ALI, where she also serves as an Adviser on the Conflict of Laws Restatement and the Constitutional Torts Restatement. She was an Adviser for the project to revise the Model Penal Code sections on sexual assault as well as the Employment Law project, the Aggregate Litigation project, and for the Transnational Rules of Civil Procedure project. In 2007, she was elected to the ALI Council and, from 2011 to 2016, served as Chair of the Program Committee.

Rosenthal was appointed to the United States District Court for the Southern District of Texas, Houston Division in 1992. Before then, she was a partner at Baker & Botts in Houston, Texas, where she tried civil cases and handled appeals in the state and federal courts. She received her undergraduate and law degrees from the University of Chicago and served as law clerk to Chief Judge John R. Brown, United States Court of Appeals for the Fifth Circuit.

In addition to serving as a district court judge for more than 22 years, she has been invited to sit by designation with courts of appeals around the country, including the Second, Third, Fifth, Sixth, Ninth, and Eleventh Circuits. Chief Justice Rehnquist appointed Rosenthal to the Judicial Conference Advisory Committee on Civil Rules in 1996. She served as chair of the Class Actions subcommittee during the development of the 2003 amendments to Rule 23. Chief Justice Rehnquist appointed Rosenthal chair of the Civil Rules Committee in 2003. In 2007, Chief Justice Roberts appointed Rosenthal to chair the Judicial Conference Committee on the Rules of Practice and Procedure, which coordinates and oversees the work of the Advisory Committees for the Civil, Criminal, Evidence, Appellate, and Bankruptcy Rules.

Rosenthal has taught, written, and lectured extensively, concentrating on topics in complex litigation and civil procedure, including class actions and electronic discovery. She has taught Federal Courts at the University of Houston Law Center and lectured or taught recently at Yale, Duke, Cornell, Syracuse, Louisiana State University, and University of Texas law schools. She also teaches a summer class for state, federal, and international judges at Duke University School of Law.

Rosenthal is the 2012 recipient of the Lewis F. Powell, Jr. Award for Professionalism and Ethics given by the American Inns of Court and is a 3-time recipient of the Trial Judge of the Year Award from the Texas Association of Civil Trial and Appellate Specialists. In 2014, she was elected to the American Academy of Arts and Sciences. Rosenthal and her husband have four daughters.

JOHN MINOR WISDOM AWARD: KENNETH C. FRAZIER

The John Minor Wisdom Award was presented to Kenneth C. Frazier by ALI Director Diane P. Wood on Tuesday, May 20. The Wisdom Award is given in specific recognition of an ALI member's contributions to the work of the Institute or a person's outstanding achievement in the area of civil rights and related fields following the example of Judge Wisdom.

"Judge Wisdom embodied a principled commitment to justice, equality, and the rule of law," said Director Wood when presenting the award. "In honoring Ken today, we recognize a legacy that echoes those same ideals, a life devoted not only to professional excellence, but to advancing opportunity, equity, and dignity."

Upon receiving the award, Frazier emphasized the importance of the ALI's mission in the face of current challenges to the legal profession and



Frazier and Wood

the rule of law, and highlighted the responsibility of lawyers to uphold constitutional values and democracy.

Frazier is the former Chairman and CEO of Merck, following his retirement after more than 30 years with the company, including a decade-long tenure as CEO. He is now serving as Chairman of General Catalyst's Health Assurance Initiatives, where he advises on investments and partnerships for companies that are

well-positioned to help transform the healthcare industry through collaborative and responsible innovation.

Frazier was elected to The American Law Institute in 1996 and to its Council in 2003. He is currently serving as an Adviser to ALI's Restatements on Corporate Governance and Election Litigation, and previously served as an Adviser on the recently completed Principles of the Law Policing.

Prior to joining Merck in 1992, Frazier was a Partner with Drinker Biddle & Reath (now Faegre Drinker Biddle & Reath). Upon retiring from Merck, Frazier has devoted himself to organizations dedicated to building greater opportunities for all people. He is the Co-Founder and Co-Chair of OneTen, a coalition of leading organizations committed to upskilling, hiring, and promoting one million Black Americans into family-sustaining jobs.

He serves on the boards of numerous nonprofits, including the National Constitution Center, Cornerstone Christian Academy in Philadelphia, Weill Cornell Medicine, and the

Smithsonian Institution's Advisory Council for the National Museum of African American History & Culture. Additionally, he sits on the boards of Eikon Therapeutics and Paradigm. He is a member of the American Academy of Arts and Sciences, the American Philosophical Society, the American Bar Association, and a Fellow of the College of Physicians of Philadelphia. Frazier is Co-Chair of the Legal Services Corporation's Leaders Council.

Frazier is the recipient of numerous awards and honors, especially in the legal, business, and humanitarian fields. He was named one of the World's Greatest Leaders by *Fortune* magazine and was also named *TIME*'s 100 Most Influential People, twice. He became the first recipient of the Forbes Lifetime Achievement Award for Healthcare and his peers named Frazier *Chief Executive* magazine's CEO of the Year.

Videos of the award presentations are available on the ALI Media Library at media.ali.org.

Updates to ALI Council, Including the Election of Six New Council Members

During Monday's Reports and Business session at the Annual Meeting, the ALI membership approved the election of six ALI Council nominees to a five-year term.

The new Council members are **Stephen John Gageler** of the High Court of Australia, **R. Hewitt Pate** of Chevron Corporation, **Richard L. Revesz** of New York University School of Law, **Robin L. Rosenberg** of the U.S. District Court for the Southern District of Florida, **Amy J. St. Eve** of the U.S. Court of Appeals for the Seventh Circuit, and **Jennifer Zachary** of Merck & Co. Inc. Short biographies of the new Council members can be found on the ALI website.

Additionally, four Council members were reelected by the ALI membership, in each case for a five-year term. They are: Ivan K. Fong of Medtronic PLC, Steven S. Gensler of the University of Oklahoma College of Law, Samuel Issacharoff of New York University School of Law, and Kathleen M. O'Sullivan of Perkins Coie.

The following five Council members took emeritus status at the end of the 2025 Annual Meeting: Yvonne Gonzalez Rogers of the U.S. District Court for the Northern District of California; Anton G. Hajjar, of American Postal Workers Union, AFL-CIO (Retired); Judith A. Miller of Bechtel Group (Retired); Marsha E. Simms of Weil, Gotshal & Manges LLP (Retired), and Catherine T. Struve of the University of Pennsylvania Carey Law School.

The ALI Council has reelected Lee H. Rosenthal as First Vice President, Teresa Wilton Harmon as Second Vice President, and Laura Denvir Stith as Secretary, in each case for a three-year term beginning at the close of the 2025 Annual Meeting.



Gageler



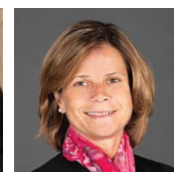
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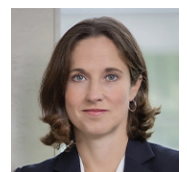
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St. Eve



Zachary

ALI Honors New Life and 50-Year Members at Annual Meeting Luncheon

The American Law Institute celebrated its new Life Members and 50-Year Members—the Classes of 2000 and 1975—at a luncheon held on Tuesday, May 20, during the Annual Meeting in Washington, DC. At the event, the 2000 Class Gift was presented to the Institute by Committee Chair Patrick A. Malone of Patrick A. Malone & Associates, PC.

Joining Mr. Malone on the Class Gift Committee were Martha E. Chamallas of The Ohio State University Moritz College of Law (Retired), Mary J. Davis of the 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.

Prior to the presentation, ALI President David F. Levi introduced Chief Judge William H. Pryor, Jr. of the U.S. Court of Appeals for the Eleventh Circuit. Chief Judge Pryor spoke about the independence of the federal judiciary and the essential service that federal judges provide to the Institute by paying tribute to Judge John Minor Wisdom, for whom he once clerked, reflecting on the judge's enduring legacy.

Following Judge Pryor's remarks, President Levi returned to the stage to express his appreciation for the Class Gift and to recognize the Life and 50-Year Members in attendance. Representing the 50-Year Members were Charles N. Brower and George W. Liebmann of the Class of 1974. All members of the 1974 Class will receive commemorative medallions in recognition of their half-century of ALI membership.

Mr. Malone then delivered remarks on behalf of the 2000 Class. He reflected on his first experience participating in an Annual Meeting and how it and the discussions that followed left a lasting impression. He spoke of being deeply inspired by the dedication of the project Reporters and others involved—particularly their commitment to excellence, belief in the ideal that laws can be articulated as neutral principles, and their ability to collaborate with patience and civility. These values, he emphasized, are what make ALI's work so impactful.



The 2000 Life Member Class Gift Committee in attendance.

Left to Right: Jane Stapleton of The University of Sydney Law School; Mary J. Davis of University of Kentucky; J. David Rosenberg College of Law; Patrick A. Malone of Patrick A. Malone & Associates, PC (Chair); and Martha E. Chamallas of The Ohio State University, Moritz College of Law (Retired)

Mr. Malone also spoke about the importance of nurturing the Institute to ensure the work continues. He expressed gratitude to his fellow Committee members and the entire 2000 Class before formally presenting the Class Gift, which totaled \$114,559.

The contribution will support key aspects of the Institute's mission, including travel assistance programs, the Early Career Scholars Medal and Conference, and ALI's ongoing legal reform projects.

The Class Gift tradition will continue next year, as the 2001 and 1976 Life Member Classes are honored at ALI's 2026 Annual Meeting in Washington, D.C.



The American Law Institute 2000 Life Member Class, May 20, 2025

The 2000 Life Member Class Gift

The 2000 Life Member Class Gift will be used to fund important aspects of the Institute's mission, including our travel assistance programs, the Early Career Scholars Medal and annual conference, and our many influential law-reform projects.

The American Law Institute celebrates each gift that contributed to the success of this campaign. We deeply appreciate your generosity.

BENJAMIN N. CARDOZO CIRCLE (\$25,000 – \$49,999)

Troy A. Eid, Denver, CO

In memory of William H. Erickson (5-year Pledge)

Patrick A. Malone, Washington, DC

CHARLES ALAN WRIGHT CIRCLE (\$10,000 – \$14,999)

Yvonne Gonzalez Rogers, Oakland, CA

(Pledge)

Jane Stapleton, NSW, Australia

HERBERT WECHSLER CIRCLE (\$5,000 – \$9,999)

William F. Highberger, Los Angeles, CA

SOIA MENTSCHIKOFF CIRCLE (\$2,000 – \$4,999)

Martha E. Chamallas, Brooklyn, NY

Mary J. Davis, Lexington, KY

(10-year Pledge)

Hector De Leon, Austin, TX

Andrew S. Effron, Washington, DC

(5-year Pledge)

Manton M. Grier, St Augustine, FL

In memory of H. Simmons Tate, Jr. (5-year Pledge)

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The ALI Development Office has made every attempt to publish an accurate list of donors for the 2000 Life Member Class Gift campaign. In the event of an error or omission, please contact us at 215-243-1660 or development@ali.org.

This report is produced exclusively for the ALI community. The Institute prohibits the distribution of this booklet to other commercial or philanthropic organizations.

Scenes from the Annual Meeting



ALI welcomed its newest members and first-time Meeting attendees at the Welcome Reception, held Sunday evening before the Annual Meeting kicked off.



Sunday Welcome Dinner hosts Paul J. Fraidenburgh of Pillsbury Winthrop Shaw Pittman and Roopali Hardin Desai of the U.S. Court of Appeals, Ninth Circuit



Angela Foster of the Law Office of Angela Foster, Nash E. Long of Hunton Andrews Kurth, and Tiffany Williams Brewer of Howard University School of Law



Brian Soucek of University of California, Davis School of Law and Brent J. McIntosh of Citigroup Inc.



Benjamin Barros of Stetson University College of Law and Jane Elinor Notz of the Office of the Illinois Attorney General



Rebecca Green and Thomas J. McSweeney of William & Mary Law School



Eric S. Nguyen of the U.S. Senate Committee on Banking, Housing, and Urban Affairs and Ryan Y. Park of McGuireWoods LLP



Karen Michelle Porter of Simpson Thacher & Bartlett, Laura I. Appleman of Willamette University College of Law, and Jennifer D. Oliva of Indiana University, Maurer School of Law



← **Far Left:** J. Maria Glover of Georgetown University Law Center and Robin J. Effron of Brooklyn Law School

Left: Laura Viviana Farber of Hahn & Hahn



Copyright Associate Reporter Lydia Pallas Loren



José F. Anderson of University of Baltimore School of Law



TUESDAY LUNCHEON REMARKS:

William H. Pryor

After the presentation of the 2000 Class Gift, Chief Circuit Judge **William H. Pryor** of the U.S. Court of Appeals, for the Eleventh Circuit spoke on the importance of judicial independence, the legacy of influential judges like John Minor Wisdom, and the ongoing need for mentorship, accountability, and public respect to uphold the integrity of the judiciary.



MONDAY LUNCHEON DISCUSSION:

Reflections from the Bench

This luncheon featured a discussion with former judges of the U.S. Court of Appeals for the District of Columbia Circuit, **Thomas Griffith** of Hunton Andrews Kurth and **David Tatel** of Hogan Lovells. The discussion was moderated by **Kathleen Sullivan** of Quinn Emanuel Urquhart & Sullivan. The former colleagues and longtime friends discussed what it means to be a judge, including the importance of judicial collegiality and restraint, and recounted many memorable moments while in service to the court.



Stewart M. Landefeld of Perkins Coie



Melanie Sloan of Summer Strategies



Martha E. Chamallas of The Ohio State University, Moritz College of Law and Ellen M. Bublick of Arizona State University, Sandra Day O'Connor College of Law



Benjamin D. Geffen of Public Interest Law Center, Brent M. Rosenthal of the Law Office of Brent M. Rosenthal, and J. Brett Busby of the Supreme Court of Texas



Adriane J. Dudley of Dudley Rich; Cynthia E. Nance of University of Arkansas School of Law, Leflar Law Center; Lorelie S. Masters of Hunton Andrews Kurth; and Wendy K. Mariner of Boston University School of Law



Karolyne Hu Cheng Garner of LawProse



Jon B. Streeter of the California Court of Appeal, First Appellate District, Division Four; Travis LeBlanc of Cooley; Seth Grossman of Howard Hughes Medical Institute; and Nina A. Kohn of Syracuse University College of Law



Sarah M. Konsky of University of Chicago Law School

Members and guests gathered at the National Museum of the American Indian for Monday's Members Reception.



Iris Lan of National Aeronautics and Space Administration; Harry Sandick of Patterson Belknap Webb and Tyler; and Benjamin Gruenstein of Cravath, Swaine & Moore



Jane E. Magnus-Stinson of the U.S. District Court, Southern District of Indiana and Alice M. Morical of Faegre Drinker Biddle & Reath



Torts: Medical Malpractice Reporter Mark A. Hall and Torts: Miscellaneous Provisions Reporter Michael D. Green



High-Volume Civil Adjudication Program

David Freeman Engstrom, Reporter for the Principles of High-Volume Civil Adjudication project, was joined by **Nathan L. Hecht** of the Texas Supreme Court (Retired), **Carolyn B. Kuhl** of the Superior Court of California, County of Los Angeles, and **Erika Rickard** of The Pew Charitable Trusts to discuss the challenges posed by the types of high-stakes, small-scale cases. The panelists offered examples of some of the ways that courts across the country are responding to these challenges and previewed some of the Principles that will come before the ALI membership at a later date.



← **Left:** Following the Wisdom presentation, ABA President **William R. Bay** addressed the current challenges of the justice system, the legal profession, and the rule of law.



Christine Chambers Goodman of Pepperdine University



WEDNESDAY LUNCHEON DISCUSSION:

Executive Power in the First Months of the Trump Administration

The luncheon featured a conversation, moderated by Director Wood, between **Bob Bauer** and **Jack Goldsmith** on the evolving use of presidential power during the early months of President Trump's second term. With a focus on executive authority, the discussion examined how Trump has exercised his powers compared to his first term, particularly through executive orders and the regulation of key industries. Bauer and Goldsmith explored the potential implications for national security, foreign policy, and domestic governance, while analyzing the dynamic between the executive branch, Congress, and the judiciary.



Michele C. Kane of The Walt Disney Company (Retired)



Annual Dinner Discussion

The Annual Dinner welcomed two university presidents to discuss what colleges and universities are taking on today. Moderated by ALI President David F. Levi, the post-dinner conversation featured **Christopher L. Eisgruber** of Princeton University and **Ellen M. Granberg** of George Washington University. In addition to discussing the crucial role that American universities have played in building the foundation of this nation, the panel discussed some of the issues facing higher education today.



Richard L. Revesz of New York University School of Law and Stephen John Gageler of the High Court of Australia



Corinna Barrett Lain and Wendy Collins Perdue both of University of Richmond School of Law



Timothy W. Burns and Jesse Bair, both of Burns Bair, Sopen B. Shah of Perkins Coie, and David B. Goodwin of Covington & Burling



Jennifer Walker Elrod of the U.S. Court of Appeals, Fifth Circuit



← **Left:** Lolita Buckner Inniss of University of Colorado Law School, Meredith Fuchs of Plaid, and Laura A. Foggan of Crowell & Moring

→ **Right:** Mihailis E. Diamantis of University of Iowa College of Law and Andrew Verstein of University of California, Los Angeles School of Law



Wednesday: Exploring Artificial Intelligence and the Law

The American Law Institute's Wednesday session opened with Director Diane P. Wood introducing featured speaker Andy Song, Director and Special Counsel at Google DeepMind, for a presentation on the evolving landscape of artificial intelligence (AI).



Song

Song delivered an engaging and accessible overview of the rapid advancements in AI technology, including the emergence of multimodal and “thinking” models capable of reasoning, planning, and generating outputs across text, audio, video, and code. He illustrated how AI is driving innovation across sectors—from healthcare and app development to scientific research and national defense—and emphasized its growing ability to exceed human performance on complex tasks, such as PhD-level science and math. He also discussed the surge in AI adoption and global trends before ending by exploring the rapidly changing regulatory landscape, from the EU’s comprehensive AI Act to the U.S.’s state-level efforts.

The second session was a panel convened by Judge Michael Scudder of the U.S. Court of Appeals for the Seventh Circuit. The panel featured leading legal minds actively litigating and advising on AI-related issues: Kannon Shanmugam (Paul Weiss), David Gordon (Sidley Austin), Justin Nelson (Susman Godfrey), and later, Sabastian Niles (Salesforce).

David Gordon opened with an overview of the non-litigation risks most corporate clients are focused on, including, developing AI governance frameworks and managing privacy, consent, and privilege issues—especially around AI-powered meeting transcription tools

Justin Nelson and Kannon Shanmugam then presented opposing sides of high-profile AI copyright litigation. The discussion highlighted the conceptual and legal tension between innovation and intellectual property, especially around the fourth fair use factor (market effect), and the challenge of educating generalist judges on rapidly evolving technology.

Sabastian Niles then joined the panel and added a broader enterprise AI and governance perspective. He stressed the importance of secure, enterprise-grade AI adoption across sectors; building robust guardrails, access controls, and self-regulating frameworks; and developing shared responsibility models akin to cybersecurity, as AI tools become increasingly agentic

The panel concluded with agreement that courts—and society—are only beginning to grapple with the scale, complexity, and implications of AI’s integration into both commercial and legal ecosystems.



Scudder, Nelson, Gordon, Shanmugam, and Niles



Geistfeld and Ramakrishnan

The final session focused on ALI's newly launched Civil Liability for Artificial Intelligence project, led by Reporters Mark Geistfeld and Ketan Ramakrishnan. Professor Geistfeld outlined the project's scope, emphasizing its grounding in traditional tort law and the need to address how evolving AI technologies interact with established legal frameworks. Rather than treating AI as a monolith, the project will examine distinct categories of technology (such as autonomous vehicles, medical devices, and large language models) each of which raises unique liability questions.

Professor Ramakrishnan further explored the legal implications of AI’s dual role as content generator and agent, highlighting the doctrinal challenges of applying existing tort concepts like misuse, malfunction, and foreseeability. He stressed that the project is rooted in current legal materials but anticipates that some areas may require incremental judicial development.

The session concluded with thoughtful audience commentary, including a reminder that many AI-related civil harms, such as bodily injury or economic loss, have criminal law analogs.

Videos from the Annual Meeting are available on the ALI Media Library at media.ali.org.

Upcoming ALI CLE Webcasts

Tariffs and Turmoil: Contract Remedies for Commercial Disruption

Tuesday, August 12, 2025 | 12:00-1:00 p.m. ET

Featuring: Edwin E. Smith of Morgan Lewis and Steven O. Weise of Proskauer Rose

Unexpected global events, shifting economic policies, and volatile trade conditions, such as the imposition of tariffs, can derail even the most carefully negotiated commercial contracts. This program will provide practical guidance for navigating contract disputes caused by unforeseen disruptions, with a focus on the remedies available under UCC Article 2 and strategies for drafting clauses that anticipate impossibility, impracticability, or frustration of purpose.

The programs featured on this page are eligible for complimentary access by 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 **ALICOLL25B**. When they add the course to their cart and apply the code, the price will be reduced to \$49.

Storytelling as an Effective Litigation Strategy

Monday, August 25, 2025 | 12:00-1:15 p.m. ET

Featuring: Randy A. Hertz of NYU School of Law, Melanie Roberts of the Committee for Public Council Services, and Sarah Johnson of The Gault Center

Criminal defense attorneys face complex challenges at every stage of trial—from jury selection and evidentiary disputes to closing arguments. This program, designed for public defenders and criminal defense counsel, provides practical guidance rooted in the *Trial Manual for the Defense of Criminal Cases* to help sharpen your advocacy and elevate your courtroom practice.

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 with your ideas or interest, and we'll be in touch.

Annual Meeting ALI CLE Programs Available This Summer

This year's Annual Meeting included two ALI CLE programs on Sunday, May 18. If you were unable to join us on May 18, these Sunday programs are now scheduled to be replayed on the below dates.

HOW AI IS TRANSFORMING THE PROFESSION

Thursday, July 31, 2025 | 12:00-1:30 p.m. ET

Featuring: Jennifer Leonard of Creative Lawyers (Moderator), Bridget M. McCormack of the American Arbitration Association-International Centre for Dispute Resolution, Angela Tripp of Legal Services Corporation, and Darth Vaughn of Ford Motor Company

As artificial intelligence reshapes the legal industry, attorneys must navigate new challenges in ethics, practice management, and dispute resolution. This session brings together experts from arbitration, legal services, and in-house counsel to explore how AI is already transforming the legal profession.



McCormack, Tripp, Leonard, and Vaughn

CORPORATE COMPLIANCE: A CHANGING LANDSCAPE UNDER THE NEW ADMINISTRATION

Wednesday, August 6, 2025 | 12:00-1:30 p.m. ET

Featuring: Raymond J. Lohier Jr. of the U.S. Court of Appeals for the Second Circuit (Moderator), James A. Fanto of Brooklyn Law School, Kathryn S. Reimann of Citigroup Inc. (Retired), and Douglas R. Richmond of Lockton Companies

As the new administration takes shape, businesses and legal professionals must navigate shifting regulatory priorities, enforcement trends, and compliance challenges. This session brings together experts to explore today's changing compliance landscape, with a focus on the ethical considerations and responsibilities that arise in this environment.



Lohier, Fanto, Reimann, and Richmond

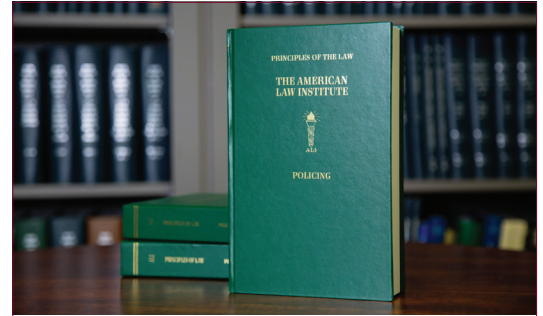
Policing Principles Now Available

Principles of the Law, Policing is now available to purchase on the LexisNexis website. The Policing Principles project began in 2015, and is the Institute's first project in this critical area. Principles are primarily addressed to legislatures, administrative agencies, or private actors.

"The goal of the project is to set out a series of principles, or best practices, for policing in the United States," said project Reporter Barry Friedman. "We assembled these principles by gathering the knowledge and guidance from a wide range of stakeholders, speaking to all of the various sides of the questions we wanted to tackle. Our hope is that legislative bodies would think that these principles provide a good benchmark for sound policing, and that policing police agencies will feel they could and would adopt these practices and policies."

These Principles already are having an impact in the world. Those that have been have already been approved by the ALI's membership have been shared with legislators and additional policymakers. Some of the concepts in the Principles—around things like democratic governance, pretextual stops, use of force, and the like—already are being written into law. Said Friedman, "[t]he Reporters all are active in efforts to spread the word further, and these efforts will increase now that the project is completed."

The first Principles to be approved by ALI's membership were the Use of Force Principles approved at the 2017 Annual Meeting. Reporter Friedman, through the NYU Policing Project (of which he is the director), worked closely with the Camden County Police Department to establish a revised use of force policy, built largely from the ALI Principles. And the Policing Project has developed a model use of force statute, which is available on its website, and has been the basis for conversations with many legislators.



PURCHASE NOW AT LEXISNEXIS.

Friedman explained, "Like the Use of Force Principles found in the ALI project, Camden's revised use of force policy goes beyond the Supreme Court's minimal constitutional principles regarding use of force—that an officer may only use force that a reasonable officer would when facing similar circumstances—to clearly state that officers must do everything possible to respect and preserve the sanctity of all human life, avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public."

State Court Adopts Restatement of the Law Third, Torts: Economic Harm § 19

Courts continue to look to the Restatement of the Law Third, Torts, for guidance on evolving matters of tort law. Recently, Vermont's highest court adopted a provision of the Restatement of the Law Third, Torts: Economic Harm.

In *Dewdney v. Duncan*, 2025 WL 1479261 (Vt., May 23, 2025), the Supreme Court of Vermont recognized the tort of intentional interference with expectation of inheritance (II EI) and adopted the definition of II EI set forth in Restatement of the Law Third, Torts: Economic Harm § 19. In that case, the adult daughters of Anna Dewdney, the author and illustrator of the popular *Llama Llama* series of children's books, brought a claim for II EI against the author's romantic partner. The daughters alleged that the parties were beneficiaries of an inter vivos trust

created by the author to receive the royalty income from her books, that the author and the romantic partner had a fraught relationship, and that the romantic partner pressured the author to increase his distribution from the trust at the daughters' expense. The trial court granted summary judgment for the defendant, ruling that II EI was a cognizable cause of action in Vermont, but that the plaintiffs were required to first seek a remedy in the probate division.

The Supreme Court of Vermont affirmed the trial court's decision, adopting the approach taken by Restatement of the Law Third, Torts: Economic Harm § 19. The court explained that II EI as set forth under § 19 was analogous to preestablished torts of interference and

was a natural extension of Vermont's case law dealing with tortious interference. It further reasoned that the Restatement Third's definition of II EI, with its probate-exhaustion requirement, was the appropriate definition to adopt in contrast to the plaintiffs' request to adopt the definition set forth in Restatement of the Law Second, Torts § 774B. The probate-exhaustion rule, explained the court, limited tort claims to avoid interference with ongoing probate proceedings while also preventing parties from circumventing the probate courts and litigating what were clearly probate issues before the general trial courts. Thus, the court concluded, the trial court was correct in holding that the plaintiffs were barred from bringing their II EI claim in the civil division because they had not first pursued it in the probate division.

First Biometrics Project Meeting Scheduled

Members Consultative Group Now Open to Join

Last year, The American Law Institute and European Law Institute (ELI) launched Principles for the Governance of Biometrics. The first project meeting is scheduled on **October 23, 2025**.

Members who are interested in joining the Members Consultative Group can do so by logging into the ALI website and **visiting the project page**.

Project Description:

Biometric data, which includes information extracted from the human body through technological means, is increasingly being used for purposes beyond medical treatment. This project will investigate the underlying technologies and socio-technical systems through which biometric data is collected and processed, as well as the legal, political, technological, and economic context in which these technologies are being developed and used.

Project Meeting Updates

Election Litigation, April 4

Reporters and project participants gathered in Philadelphia for this project's first meeting. Reporters Lisa Marshall Manheim and Derek T. Muller, along with Associate Reporter Rebecca Green presented Preliminary Draft No. 1, which featured topics covered in Chapter 1, General Provisions, including The Nature of an Election (§§ 1.01-1.03), The Right to Vote (§§ 1.04, 1.05), The Process of Elections (§§ 1.06-1.11), and Presumptive Rules Governing Election Disputes (§§ 1.12-1.15).

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.



← **Left:** Reporter Lisa Marshall Manheim of University of Washington School of Law, Abha Khanna of Elias Law Group, and Justin Levitt of Loyola Law School

MEETINGS AND EVENTS CALENDAR AT-A-GLANCE

Below is a list of upcoming meetings and events. For more information, visit www.ali.org.

September 12

MDL in Motion: Evolving Practices, Emerging Leaders, and Reform

New York, NY and Virtual

October 10

Restatement of the Law Fourth, Property

Philadelphia, PA

October 16-17

Council Meeting

Philadelphia, PA

October 23

Principles for the Governance of Biometrics

Philadelphia, PA

October 24

Principles of the Law, Civil Liability for Artificial Intelligence

Philadelphia, PA

November 7

Restatement of the Law Third, Torts: Remedies

Virtual

November 13

Principles of the Law, High-Volume Civil Adjudication

Philadelphia, PA

November 14

Restatement of the Law Third, Conflict of Laws

Philadelphia, PA



MDL in Motion: Evolving Practices, Emerging Leaders, and Reform

September 12, 2025 | 9:00 a.m. - 4:00 p.m. Eastern
NYU School of Law, New York, NY

Welcome Reception: Thursday, September 11, 6:30 – 8:30 p.m.,
sponsored by Skadden

The American Law Institute, in partnership with ALI CLE and the Center on Civil Justice at NYU School of Law, is thrilled to announce the inaugural **MDL in Motion: Evolving Practices, Emerging Leaders, and Reform**, taking place September 12 at NYU School of Law and available via live webcast.

The planning chairs for this program have designed a conference intended to bring together the people and perspectives shaping the future of multidistrict litigation. Multidistrict litigation remains one of the most dynamic and scrutinized areas of civil procedure. Join us for an in-depth exploration of its developing framework. This inaugural program offers high-level perspectives on the critical issues shaping MDL today, from judicial decision-making and special master roles to emerging leadership and reform efforts.

Registration is open. All registrants are invited to attend a Welcome Reception on Thursday, September 11. Whether you join us in New York or participate virtually, your registration includes complimentary access to the on-demand recording and course materials following the program.

ALI members receive a discounted rate for this course: \$499 for the live webcast, \$699 for the in-person course. To take advantage of this benefit, use the code **CH203ALI** at checkout. Discounted rates for NYC hotel accommodations are available on the ALI CLE website.

We hope you'll join us for this important conversation exploring the next chapter of multidistrict litigation.

ALI members receive a discounted rate for this course.
\$499 for live webcast,
\$699 for in-person course

To take advantage of this benefit, use the code **CH203ALI** at checkout.

Agenda

JPML DECISION-MAKING: BEHIND THE BENCH

Ever wondered how the Judicial Panel on Multidistrict Litigation decides which cases get centralized and where they go? In this panel, MDL judges will offer a behind-the-scenes look at the factors influencing JPML rulings, from case volume to legal strategy and judicial discretion.

Charles R. Breyer, U.S. District Court for the Northern District of California

Karen K. Caldwell, U.S. District Court for the Eastern District of Kentucky and Chair of the Judicial Panel on Multidistrict Litigation

W. Royal Furgeson Jr., U.S. District Court for the Northern District of Texas (Ret.)

Sarah S. Vance, U.S. District Court for the Eastern District of Louisiana

Moderator: **Robert H. Klonoff**

MORE



THE ROLE OF THE SPECIAL MASTER: Q&A WITH KENNETH R. FEINBERG

Renowned for administering high-profile compensation funds, **Kenneth R. Feinberg** shares insights into the unique role of the Special Master in resolving complex disputes. In this conversation with ALI President **David F. Levi** and ALI Director **Diane P. Wood**, he will discuss the challenges, discretion, and impact of Special Masters in high-stakes litigation.

EMERGING LEADERS IN MDL

As multidistrict litigation continues to evolve, a new generation of attorneys is shaping its future. This panel highlights rising leaders in MDL, exploring their perspectives on strategy, innovation, and the challenges of navigating complex litigation.

Parvin K. Aminolroaya, Seeger Weiss

Diandra “Fu” Debrosse, DiCello Levitt

Jessica Bodger Rydstrom, Williams & Connolly

Ashley M. Simonsen, Covington

Moderators: **John H. Beisner** and **Elizabeth J. Cabraser**

ORGANIZING TEAM

Planning Chair:

Robert H. Klonoff

Lewis and Clark Law School

Co-Chairs:

Troy A. McKenzie

NYU School of Law

Samuel Issacharoff

NYU School of Law

John H. Beisner

Skadden

Elizabeth J. Cabraser

Lieff Cabraser

KEYNOTE Q&A: MDLS FROM INCEPTION TO OPIOIDS

In this keynote conversation, **Arthur R. Miller** of NYU School of Law sits down with **Samuel Issacharoff** of NYU School of Law and **M. Casey Rodgers** of the U.S. District Court, Northern District of Florida to trace the evolution of multidistrict litigation—from its origins to its central role in the opioid crisis. This dynamic discussion will examine how MDLs have shaped the modern legal landscape, the challenges they continue to present, and what the future may hold for mass litigation.

MDL MANAGEMENT: COORDINATION, EFFICIENCY, AND OVERSIGHT

Effective management is key to ensuring that multidistrict litigation runs smoothly and efficiently. This panel will explore best practices for case organization, judicial oversight, and coordination among parties to navigate the complexities of large-scale litigation.

Abbe R. Gluck, Yale Law School

Ivan K. Fong, Medtronic (tentative)

Carolyn B. Kuhl, Superior Court of California for the County of Los Angeles, Complex Litigation Division

William H. Orrick, U.S. District Court for the Northern District of California

Stephanie E. Parker, Jones Day (tentative)

Christopher A. Seeger, Seeger Weiss

Moderator: **Jeffrey S. Sutton**, U.S. Court of Appeals for the Sixth Circuit

MDL REFORM: BALANCING EFFICIENCY AND FAIRNESS

As multidistrict litigation continues to grow in scope and complexity, calls for reform are gaining momentum. This panel will examine proposed changes to MDL procedures, their potential impact on plaintiffs and defendants, and the future of mass litigation.

W. Mark Lanier, The Lanier Law Firm

Troy A. McKenzie, NYU School of Law

D. Theodore Rave, University of Texas School of Law

Aviva Wein, Johnson & Johnson

Moderator: **Amy St. Eve**, U.S. Court of Appeals for the Seventh Circuit

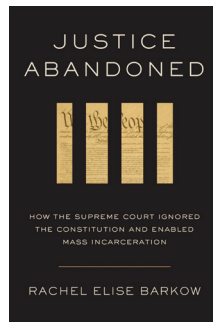
Register today at www.ali-cle.org

ALI members receive a discounted rate for this course using code **CH203ALI** at checkout.

Notes About Members and Colleagues

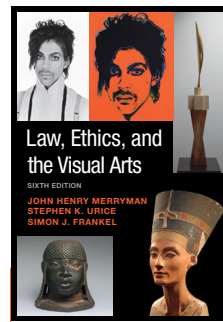
The Brennan Center for Justice and the National Constitution Center presented a symposium exploring how the Articles of Confederation shaped the U.S. Constitution. **Aditya Bamzai** of the University of Virginia School of Law, **Kermit Roosevelt III** of University of Pennsylvania Carey Law School, and **Jeffrey Rosen** of the National Constitution Center participated in discussions examining the legacy of the Articles of Confederation, the founding debates over federal power, and the lasting influence of these debates on constitutional interpretation today.

In Justice Abandoned: How the Supreme Court Ignored the Constitution and Enabled Mass Incarceration, **Rachel E. Barkow** of NYU School of Law examines the role that the nation's highest court bears in for America's mass incarceration crisis, tracing how six pivotal Supreme Court decisions have undermined constitutional protections, empowered coercive plea deals, and fueled racial disparities—while offering a compelling case for why the Court's own originalist principles demand a reversal of these damaging precedents.



Ashely Deeks of the University of Virginia School of Law will serve as the next vice dean of the University of Virginia School of Law, effective July 1.

Diane V. DeVasto has been selected as one of five recipients of the 2025 Texas Bar Foundation's Outstanding 50-Year Lawyer Award. This award honors attorneys whose careers have spanned five decades or more and who have demonstrated unwavering dedication to justice and the principles of the legal profession. DeVasto has served as a presiding judge for the trial courts of Texas. Upon judicial retirement, she joined the Potter Minton law firm in Tyler where she spent 13 years as a litigator in federal and state courts. She now serves as a mediator in various matters.



Simon J. Frankel co-authored the sixth edition of *Law, Ethics, and the Visual Arts* (Cambridge University Press 2025), the leading teaching text on legal issues related to visual art. The new edition offers readers a rich exploration of the legal and ethical challenges shaping today's visual arts landscape.

Early Career Scholars Medal Conference

David Pozen, Charles Keller Beekman Professor of Law and 2019 co-recipient of ALI's Early Career Scholars Medal hosted a series on panels this June. Pozen teaches and writes about constitutional law and information law, among other topics. Much of his constitutional scholarship identifies situations in which public law practices are not working as desired and tries to help legal actors understand them better and respond in more candid and constructive ways.

In addition to Pozen, the conference featured the following participants:

Tabatha Abu El-Haj, Drexel University, Thomas R. Kline School of Law
Amna Akbar, The Ohio State University Moritz College of Law
Lila Corwin Berman, New York University, History Department
Dana Brakman, Reiser Brooklyn Law School
John Miles Branch, Northwestern University, History Department
Rakim Brooks, Freedom Together Foundation
Richard Brooks, New York University School of Law
Steven Dean, Boston University School of Law
Claire Dunning, University of Maryland School of Public Policy
Megan Ming Francis, University of Washington, Department of Political Science
Lily Geismer, Claremont McKenna College, History Department
Tom Glaisyer, Democracy Fund
Kristin Anne Goss, Duke, Sanford School of Public Policy
Aaron Horvath, Stanford University, Department of Sociology
Ray Madoff, Boston College Law School
K. Sabeel Rahman, Cornell Law School
Benjamin Soskis, Urban Institute
Greg Wilson, The Ohio State University, John Glenn College of Public Affairs
John Fabian Witt, Yale Law School



David Pozen of Columbia Law School



Megan Ming Francis of University of Washington

Kem Thompson Frost, retired Chief Justice of Texas's Fourteenth Court of Appeals, has received the 2025 Justice Ruby Kless Sondock Award from Houston Bar Association. The award honors "a woman lawyer or judge for exceptional achievement and leadership in the law." It is given annually to a nominee who has "demonstrated, by conduct and character, a record of exceptional service as a role model, mentor, and advocate in the legal profession and a lifelong commitment to professionalism."

Heather Gerken has been named the next president of the Ford Foundation. She has served as dean of Yale Law School for the past eight years, where she championed need-based financial aid, support for veterans and low-income students, and broader access to legal education.

Robert E. Harrington of Robinson, Bradshaw & Hinson was installed as the 131st president of the North Carolina Bar Association in June. He will also serve as president of the North Carolina Bar Foundation. **Paul Martin Newby** of the Supreme Court of North Carolina administered the oath of office. Harrington, who co-chairs Robinson Bradshaw's Litigation Department, has had a distinguished 30-year legal career and is widely recognized for his leadership in both the legal profession and the broader Charlotte community.



Robert Harrington, Sharon Harrington, and Chief Justice Paul Newby

Sherrilyn Ifill of Howard Law School and **Pamela S. Karlan** of Stanford Law School joined Laurence H. Tribe for the first installment of a new online event series hosted by *The New York Review of Books* and moderated by Fintan O'Toole. The conversation, titled "Corruption and the Rule of Law During the Second Trump Administration," explored the challenges facing constitutional governance and democratic institutions in the current political climate.

On a recent episode of *Stanford Legal*, co-host Professor **Pam Karlan** spoke with her Stanford Law School colleague **David Sklansky**, a former federal prosecutor and an expert on criminal justice, about recent developments that arguably are testing traditional safeguards—both within the Department of Justice and across the legal profession.



In Memoriam: Allen D. Black

Allen D. Black, longtime ALI Council member and distinguished Philadelphia lawyer, passed away on June 19 at the age of 82. ALI members will surely remember Allen as the presenter of the Boskey motion at Annual Meetings for nearly a decade. We will all remember him for his tireless service to the Institute and its mission, and for his brilliance, principled dedication to the rule of law and law reform, and collegiality.

Allen was elected to the ALI in February 1976 and to the Council in May 1994. He also served as ALI First Vice President. In his nearly 50 years of service to the Institute, he sat on numerous committees, served as an Adviser on the Restatements of Liability Insurance and Agency (Third), and was a member of the Members Consultative Groups for the Restatements of Corporate Governance, Unfair Competition, and The Law Governing Lawyers.

He was a founding partner of Fine, Kaplan and Black, a Philadelphia law firm specializing in complex commercial litigation with particular expertise in representing plaintiffs in antitrust matters. Allen played a leading role in landmark cases, including the Corrugated Container Antitrust Litigation, and was widely recognized as one of the very top antitrust lawyers in the country.

Before founding the firm, Allen served as a trial attorney in the Civil Rights Division of the U.S. Department of Justice and spent three years as appellate defense counsel in the U.S. Navy's Judge Advocate General's Corps during the Vietnam War.

A firm believer in the importance of legal education, Allen served on the faculties of the University of North Dakota Law School, Rutgers Law School-Camden, Temple University Beasley School of Law, and the University of Pennsylvania Law School.

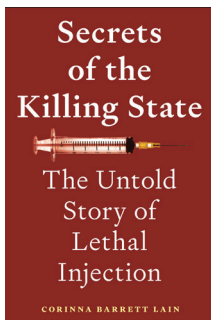
Allen was also a dedicated civic leader. He served on the Bucks County Airport Authority for two decades, chairing the board from 1999 to 2010. He was active in environmental and local history efforts, including as chairman of Delaware Canal 21 and as a member of the advisory board of the Friends of the Delaware Canal.

He graduated from Princeton University and the University of Pennsylvania Law School *magna cum laude*, where he was Comment Editor of the *Law Review* and a member of the Order of the Coif. After law school, Allen clerked for Judge John Minor Wisdom on the U.S. Court of Appeals for the Fifth Circuit in New Orleans—an experience that would shape his future path. It was Judge Wisdom who introduced Allen to the ALI.

Beyond his legal and civic work, Allen was known for his thoughtful mentoring, quiet integrity, and profound kindness. ALI owes him a deep debt of gratitude for his decades of leadership and service. We will miss him dearly.

After presenting his 160th and final argument before the U.S. Supreme Court, **Edwin S. Kneedler**, the longest-serving deputy solicitor general in modern history, received a rare and emotional tribute: a standing ovation from the justices and audience alike.

Harold Hongju Koh of Yale Law School and former Legal Adviser to the U.S. Department of State delivered a lecture on May 5 at Humboldt University in Berlin titled “How the National Security Constitution Evolved and What To Do about It?” Drawing from his new book, *The National Security Constitution in the 21st Century*, Koh examined the shift in U.S. national security law from a “shared powers” framework to one of increasing “executive unilateralism.”



Corinna Barrett Lain of the University of Richmond School of Law has authored *Secrets of the Killing State: The Untold Story of Lethal Injection* (NYU Press, April 2025). In this groundbreaking work, Lain exposes the hidden realities behind lethal injection, a method of execution shrouded in secrecy by state governments.

Debra H. Lehrmann of the Supreme Court of Texas has been selected as the recipient of the 2025 Samuel Pessarra Outstanding Jurist Award, presented by the Texas Bar Foundation. The award honors an active or retired federal or state judge who has demonstrated exceptional competency, efficiency, and integrity. Established in 1995, the award commemorates Samuel Pessarra, a Baylor Law graduate and former president of the Brazoria County Bar Association.

John G. Levi, chair of the Legal Services Corporation and partner at Sidley Austin in Chicago, received the 2025 Award for Professional Excellence from the Harvard Law School Center on the Legal Profession. The award honors Levi's lifelong dedication to pro bono service and expanding access to justice. **Martha Minow**, the 300th Anniversary University Professor at Harvard University, moderated a discussion with Levi about his career and the motivations behind his enduring commitment to public service.

Jeffrey S. Levinger of Levinger PC has been selected as the recipient of the 2025 Gregory S. Coleman Outstanding Appellate Lawyer Award, presented by the Texas Bar Foundation. The award honors appellate attorneys who exemplify the highest standards of practice while demonstrating a commitment to pro bono service, mentorship, and integrity. Established in memory of Gregory S. Coleman, the award recognizes individuals whose professional excellence is matched by their dedication to serving others and upholding the ideals of the legal profession.

The American Bar Association interviewed **John Bruce Lewis** as part of its “Voice of Experience” series.

In Memoriam: Herbert P. Wilkins



The legal community mourns the loss of former Massachusetts Supreme Judicial Court Chief Justice Herbert P. Wilkins, who passed away on May 27. A distinguished jurist and devoted public servant, Wilkins' career left an enduring mark on the judiciary in Massachusetts. An emeritus member of ALI's Council, Justice Wilkins was elected to The American Law Institute in 1967 and to its Council in 1981.

“The Justices of the Supreme Judicial Court are saddened by the passing of Chief Justice Herbert P. Wilkins who died on May 27,” read an official statement issued by the court. “Appointed in 1972, Justice Wilkins served on the Supreme Judicial Court with great distinction for almost three decades. He was appointed Chief Justice in 1996 and served in that role until his retirement in 1999. As a jurist, he was known for his incisive rulings and meticulous attention to detail. His respectful and polite demeanor on and off the bench earned him the respect and admiration of all who worked with him. The people of the Commonwealth are fortunate that a person of his intellect, dignity and commitment to justice was willing to devote his talents in their service. The Justices and staff of the Supreme Judicial Court offer their deep condolences to the Wilkins family.”

Wilkins was appointed to the state's highest court by Governor Francis W. Sargent in 1972 and went on to serve for nearly four decades, ascending to the role of Chief Justice in 1996 by appointment of Governor William F. Weld. His contributions extended beyond the courtroom; he chaired the SJC Rules Committee and played a pivotal role in the establishment of the Board of Bar Overseers and the Rules of Professional Conduct, reforms that have had a lasting influence on legal ethics and accountability in the Commonwealth.

Before joining the bench, Wilkins practiced law with the Boston firm of Palmer & Dodge, where he rose from associate to partner over the course of nearly two decades. He also served as town counsel for Acton and Concord and was a member of the Concord Board of Selectmen, acting as its chairman from 1960 to 1966.

Even after retiring from the judiciary in 1999, Wilkins remained committed to the development of future legal minds, serving as a visiting professor at Boston College Law School for 15 years.

His dedication to public service ran deep in his family. His father, Raymond S. Wilkins, also served as Chief Justice of the Supreme Judicial Court from 1956 to 1970. His son, Douglas H. Wilkins, continued the family legacy as a judge on the Superior Court from 2010 until 2023.

Chief Justice Herbert P. Wilkins will be remembered not only for his judicial acumen but also for his humility, civility, and profound sense of justice. His legacy will endure in the institutions he helped shape and in the many lives he touched through his service.

California Supreme Court Justice **Goodwin Liu** delivered the 2025 University of San Diego School of Law 68th commencement address on May 17.

Myles V. Lynk of the Sandra Day O'Connor College of Law at Arizona State University received the 2025 Michael Franck Professional Responsibility Award, the American Bar Association's highest honor in the field of professional responsibility. Presented by the ABA Center for Professional Responsibility at the 50th ABA National Conference on Professional Responsibility, the award recognizes individuals whose careers in legal ethics, disciplinary enforcement, and professionalism reflect an exceptional commitment to improving the legal profession.

In its 70th Anniversary issue (Vol. 68, Issue 1), *Howard Law Journal* has published **Stephen Lee Saltonstall**'s article "Lemuel Shaw Reconsidered: Race and Reasonable Doubt." Lemuel Shaw, Chief Justice of the Massachusetts Supreme Judicial Court from 1830 to 1860, is regarded as one of the most influential state court judges in American legal history. In his article, Saltonstall reexamines Shaw's record, particularly in the areas of racial discrimination and the burden of proof in criminal cases.

Kannon K. Shanmugam of Paul Weiss has been elected to the Harvard Corporation, the university's highest governing board, effective July 1. Shanmugam leads the Paul Weiss' Supreme Court and appellate litigation practice and has argued 39 cases before the U.S. Supreme Court.

Submissions as of July 1. If you would like to share any recent events or publications in the next ALI newsletter, please email us at communications@ali.org.

In Memoriam

ELECTED MEMBERS

Steve Charnovitz, Washington, DC; **Maury B. Poscover**, University City, MO

LIFE MEMBERS

Allen D. Black, Philadelphia, PA; **Mark R. Killenbeck**, Fayetteville, AR; **Herbert P. Wilkins**, Concord, MA; **Judith T. Younger**, Minneapolis, MN

ALI Members Elected to American Academy of Arts & Sciences

In April 2025, the American Academy of Arts & Sciences announced the election of its newest members—leaders who have distinguished themselves across academia, the arts, industry, public policy, research, and science.

"These new members' accomplishments speak volumes about the human capacity for discovery, creativity, leadership, and persistence. They are a stellar testament to the power of knowledge to broaden our horizons and deepen our understanding," said Academy President Laurie L. Patton in the Academy's press release.

The following ALI members were elected to the Academy's Class III, Social and Behavioral Sciences, Section 4 – Law:

Deborah N. Archer, New York University School of Law

Oona A. Hathaway, Yale Law School

Elaine R. Jones, NAACP Legal Defense and Educational Fund

Kenneth W. Mack, Harvard Law School

Daniel B. Rodriguez, Northwestern Pritzker School of Law

Kevin K. Washburn, University of Iowa College of Law

Induction ceremonies will take place in Cambridge, Massachusetts, in October 2025.



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