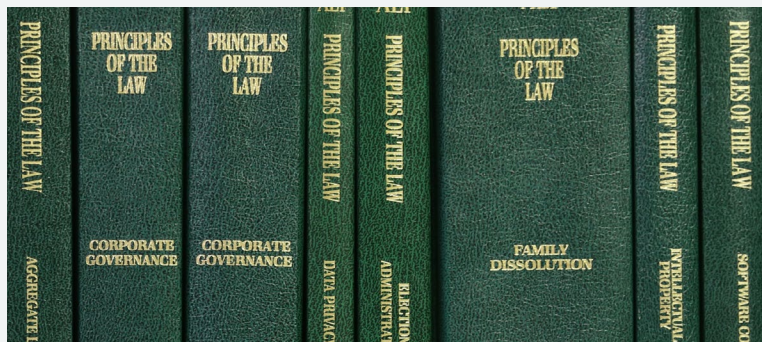


# THE ALI REPORTER

The Quarterly Newsletter of The American Law Institute  
Volume 47 Number 4 Fall 2025



## Now Available: Principles of the Law, Government Ethics

Principles of the Law, Government Ethics, is now available. This is the Institute's first project on this important topic. The project was led by Reporter Richard Briffault of Columbia Law School and Associate Reporter Richard W. Painter of the University of Minnesota Law School.

The Principles offer guidance to government agencies and individuals on the proper standards of conduct that should apply to current and former public employees and officials. The Principles do not address judicial ethics because of the distinct concerns and institutional structure of the judiciary.

**PURCHASE NOW  
AT LEXISNEXIS**

"The ethical standards that ought to govern the behavior of government officials have long been a matter of great public interest," said Reporter Briffault. "The development of the standards and procedures needed to assure that public officials act in the public interest and use public resources for public, not private purposes, has been the focus of criminal codes, ethics laws, executive orders, and legislative rules at all levels of government, federal, state, and local."

Associate Reporter Painter added, "The goal of the Principles of Government Ethics project is to distill a basic set of principles that articulate the values that ought to shape the field and, where possible, to present operational rules that will vindicate those goals in order to provide some guidance to the many governments, particularly at the state and local level, that may be developing ethical standards for the

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

## ALI's Path Forward: Independence, Rigor, Balance

I hope the first few days of autumn are treating you well. Every new season offers us an opportunity to pause and take stock of the work we are doing together at The American Law Institute. It is always striking to me how much we accomplish together, not only through the steady progress of our projects but also in the conversations, debates, and exchanges of ideas that bring them to life. In an era when confidence in institutions is being tested, I take comfort in knowing that our community is one of thoughtful, principled engagement. The work we do together is not only valuable to the legal system but also to our broader society, as we affirm and actively embody the ideals of independence and collaboration.

Our mission has always been clear: to clarify, modernize, and improve the law so that it can better serve justice. This work, whether through Restatements of the Law, Principles of the Law, or Model Codes, remains the foundation of the Institute. These are not abstract exercises. They are projects designed to make the law more coherent, and its application more predictable and fair. They do so by gathering the wisdom of judges, lawyers, and scholars who come to the table with different perspectives but a shared commitment to the rule of law. The Institute's work has weight and authority because it reflects the care and dedication of its members.

Our work succeeds only with your involvement, and the most meaningful

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Supreme Court of Hawai'i  
Adopts Draft § 39 of  
Torts: Remedies

**NOW AVAILABLE: GOVERNMENT ETHICS****Continued from page 1**

first time or revising, refining, and strengthening rules previously adopted.”

The Principles of the Law, Government Ethics consists of the following Chapters:

**Chapter 1.**

Purpose, Scope, and Definitions

**Chapter 2.**

Gifts from and Financial Relationships with Prohibited Sources

**Chapter 3.**

Conflicts of Interest and the Outside Activities of Public Servants

**Chapter 4.**

Election-Related Activities of Public Servants

**Chapter 5.**

Restrictions on Leaving or Entering Public Service

**Chapter 6.**

Disclosure

**Chapter 7.**

Administration and Enforcement of Government Ethics

Reporter Briffault explained, “The initial Chapter lays out the purpose and scope of the project and defines key terms that are used throughout the project. The next five Chapters address the substantive principles of government ethics: Chapter 2 considers the provision of benefits by outsiders to public servants; Chapter 3 addresses financial conflicts of interests and issues arising from the outside activities of public servants; Chapter 4 focuses on the election-related activities of public servants; Chapter 5 examines the so-called ‘revolving door’ problems that arise when public servants leave public service for private employment or enter public service from the private sector; and Chapter 6 addresses disclosure’s role in detecting and deterring conflicts of interest, facilitating enforcement of ethics rules, and promoting public confidence in government. Chapter 7 turns from substantive principles to the equally important topic of the administration and enforcement of ethics rules and requirements.”

“I am very grateful to Professors Briffault and Painter, and to the very dedicated Advisers and Members Consultative Group,” said ALI Director Diane P. Wood. “Thanks to the ALI’s rigorous process of careful research and reasoned debate from a diverse group of project participants representing all sides of the issues raised in this Principles project, I hope that the work provides needed guidance to those who are currently struggling with these issues.”

**PURCHASE NOW AT LEXISNEXIS**

## In Case You Missed It: Stay Connected to ALI’s Work

The American Law Institute remains deeply committed to making its work accessible to the legal community, and this year we expanded our partnerships and invested in innovative tools, ensuring that our work is accessible to legal professionals, students, and scholars wherever they work and learn. From a new printing collaboration with LexisNexis to inclusion on cutting-edge platforms, like Lexis+ AI and West Academic’s Study Aids, our publications are more widely available than ever. Here’s a closer look at this year’s updates.

### FIND OUR WORK ONLINE

Our publications are available electronically on HeinOnline, LexisNexis, West Academic, and Westlaw. A limited number of official texts are also available on Bloomberg Law.

ALI’s 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.

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.

### PRINT PUBLICATIONS AND EBOOKS

We are partnered with LexisNexis for our print publications and traditional ebooks. LexisNexis produces our book Volumes and case citations (including Pocket Parts and Supplements). Titles are available for purchase individually or by subscription. If you would like to renew or discuss your subscription to ALI’s publications, please reach out to your LexisNexis account representative.

Tentative Drafts are available directly from ALI. You may purchase individual drafts on our Publications page, or contact customer service if you’d like to subscribe to receive a complete set after our Annual Meetings.

ALI has always produced work intended to strengthen the legal system and serve the broader profession. By making our publications available across more platforms and formats, we are reinforcing that mission and ensuring our work reaches those who need it most.

## THE DIRECTOR'S LETTER

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way to get involved is by joining an ALI project. If you have not yet joined a project, I urge you to consider doing so. The experience of working through complex questions in dialogue with colleagues from across the profession is one of the most rewarding parts of membership. Every contribution, whether a detailed comment on a draft, a suggestion in a meeting, or a broader point about our institution, drawn from the insight of lived experience, adds to the strength of the final product.

This fall offers an especially rich set of opportunities to take part. We will hold our first meeting on Principles for the Governance of Biometrics, a project that touches on issues of privacy, technology, and individual rights that will only grow in importance in the years to come. At the same time, we continue our longstanding projects in areas like Torts, Property, and Conflict of Laws. These are the steady pillars of ALI's work, shaping doctrine in ways that influence courts and practitioners every day. Alongside them, we are tackling newer topics for the Institute, such as Civil Liability for Artificial Intelligence and High-Volume Civil Adjudication. These projects reflect the reality that the law must evolve alongside the challenges of a rapidly changing world.

In addition to our ongoing projects, we are expanding the ways in which ALI fulfills its mission to preserve and strengthen the rule of law. Over the past several years, the Institute has convened small, bipartisan groups of experts to address urgent issues where clarity and timeliness were sorely needed. These efforts—on the Electoral Count Act, the Insurrection Act, and ethical standards for election administration—showed that ALI can be both deliberate and timely. By convening balanced groups of experts and moving quickly, we were able to provide guidance that proved useful in real-world settings.

The need for this kind of work will only grow. The law will continue to evolve at an extraordinary pace, driven by technological innovation, new demands on our institutions, and political developments. In such a landscape, ALI's independence is one of its greatest strengths. We are not an advocacy organization; we are a convener. Our value lies in bringing together the

best legal minds across ideological, institutional, and professional lines to work through questions with rigor and balance. Institutions that can perform such a role are increasingly rare and increasingly important.

We are exploring ways this approach can extend beyond traditional projects. The recent MDL in Motion conference is one such example (read more about the conference on page 4). With many of our own members leading the conversation, the program took a candid look at the complexities of multidistrict litigation. Programs like this allow us to address difficult issues head on, creating space for constructive debate and helping to chart paths forward for courts, practitioners, and policymakers alike.

Looking ahead, I have tremendous faith that the Institute can bring its expertise to bear on many areas that urgently need thoughtful, unbiased analysis. Artificial intelligence and its implications for liability and accountability, the boundaries of executive power, the independence of the judiciary, aggregate litigation, and regulatory reform are all questions where ALI can make a meaningful difference. By doing so, we not only advance the law but also help shore up the democratic institutions that depend on it.

As I reflect on the work of the past year, what strikes me most is the generosity of our members. Time and again, you give your time, your expertise, and your energy to this work, often on top of already demanding careers. Our Reporters and project participants take on extraordinary responsibilities to guide projects from inception to completion. Council members devote themselves to ensuring that the Institute's work remains rigorous and principled. And our members, whether by joining project meetings, submitting comments, or voting on drafts, bring the collective wisdom of the profession to bear on every question.

Additionally, we have many members who support the Institute financially. Your generosity allows us to take on ambitious projects and to sustain the independence that makes our work possible. Quite simply, ALI could not do what it does without you. If you are able, I hope you will continue to support the Institute in this way in the year ahead.

At its core, ALI has always been about people coming together, bringing their diverse perspectives and experiences to clarify the law and strengthen the rule of law. That spirit is as vital now as it was at our founding. I am grateful to be part of this community and inspired by the dedication I see in so many of you. Together, we are ensuring that the law remains principled, fair, and responsive to the needs of society.

Thank you for your commitment, and for all you do to support this extraordinary institution.

With warm regards,



### JOIN US AT UPCOMING FALL MEETINGS

**October 10**  
**Restatement of the Law Fourth, Property**  
Virtual

**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**  
Philadelphia, PA

**November 13**  
**Principles of the Law, High-Volume Civil Adjudication**  
Philadelphia, PA

**November 14**  
**Restatement of the Law Third, Conflict of Laws**  
Philadelphia, PA

For more information, visit [www.ali.org](http://www.ali.org).



## Event Recap

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



On September 12, The American Law Institute in partnership with NYU School of Law's Center on Civil Justice, hosted the inaugural *MDL in Motion* conference. Held at NYU Law, the program brought together a distinguished community of judges, practitioners, and academics to examine the forces shaping multidistrict litigation, one of the most dynamic areas of civil procedure today.

From the opening conversations on decision-making by the Judicial Panel on Multidistrict Litigation to candid reflections on the role of special masters, the day highlighted the unique perspectives and challenges that define MDL practice. Kenneth R. Feinberg's conversation with ALI President David F. Levi and ALI Director Diane P. Wood offered an especially memorable look into the human impact of high-stakes litigation.

The conference also celebrated the next generation of leadership. Rising attorneys shared their fresh perspectives on navigating MDL practice, followed by a keynote Q&A with Arthur R. Miller, reflecting on the history and future of MDLs. Panels on case management and reform rounded out the day, exploring practical strategies and the ongoing push to balance efficiency with fairness in complex litigation.

Registrants gathered for a Welcome Reception the night before the event, hosted by Skadden.

This program would not have been possible without the dedication of our organizing committee, chaired by Robert H. Klonoff and co-chaired by Troy A. McKenzie, Samuel Issacharoff, John H. Beisner, and Elizabeth J. Cabraser.

We also extend heartfelt thanks to our faculty, partners at NYU, and generous sponsors who helped bring this vision to life.

Above all, we are grateful to the members and attendees who joined us, both in New York and virtually, for engaging in these important conversations. Your participation and insights make events like this truly meaningful, and we look forward to continuing this dialogue in the years ahead.

## Panels and Speakers

The conversations were made possible by an extraordinary lineup of panels and speakers, highlighted below.

### JPML DECISION-MAKING: BEHIND THE BENCH

**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**, Lewis and Clark Law School



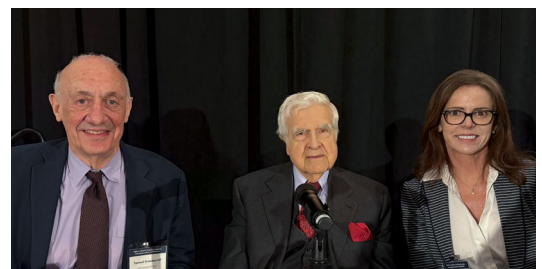
Klonoff, Breyer, Caldwell, Furgeson, and Vance



Wood, Feinberg, and Levi



Beisner, Cabraser, Aminolroaya, DeBrosse, Rydstrom, and Zousmer



Issacharoff, Miller, and Rodgers

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

**Kenneth R. Feinberg**, The Law Offices Of  
Kenneth R. Feinberg

**David F. Levi**, Duke University School of Law

**Diane P. Wood**, University of Chicago Law School

## EMERGING LEADERS IN MDL

**Parvin K. Aminolroaya**, Seeger Weiss

**Diandra “Fu” Debrosse**, DiCello Levitt

**Jessica Bodger Rydstrom**, Williams & Connolly

**Julia Zousmer**, King & Spalding

Moderators: **John H. Beisner**, Skadden

**Elizabeth J. Cabraser**, Lief Cabraser

## KEYNOTE Q&A WITH ARTHUR R. MILLER: MDLS FROM INCEPTION TO TODAY’S MEGA CASES

**Arthur R. Miller**, NYU School of Law

**Samuel Issacharoff**, NYU School of Law

**M. Casey Rodgers**, U.S. District Court for the Northern  
District of Florida



Sutton, Kuhl, Gluck, Orrick, Parker, and Seeger



St. Eve, Lanier, McKenzie, Rave, and Wein

## MDL MANAGEMENT: COORDINATION, EFFICIENCY, AND OVERSIGHT

**Abbe R. Gluck**, Yale Law School

**Max Heerman**, Medtronic

**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

**Christopher A. Seeger**, Seeger Weiss

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

## MDL REFORM: BALANCING EFFICIENCY AND FAIRNESS

**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

## Thank You to Our Generous Sponsors

### PLATINUM



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## Current Challenges Facing the Judiciary

Ten years ago, Duke Law School began publishing *Judicature*. Among the articles published in that first Duke edition was a lecture titled “Grand Challenges, Grand Ideas,” by David F. Levi, then-dean of Duke Law School. He highlighted five key issues of keen concern to the judiciary: access to justice; justice at a reasonable cost; an independent, transparent judiciary; criminal justice reform; and maintaining a sense of purpose.

To celebrate *Judicature*'s first “decade at Duke,” Levi—now dean emeritus of Duke Law School, director emeritus of Duke's Bolch Judicial Institute (which has housed *Judicature* since 2018), and president of The American Law Institute—revisits the theme to examine challenges facing the judiciary today. Through two conversations held in Washington, D.C., in May 2025—one with scholars and one with judges—Levi explores the particular challenge of maintaining an independent, transparent judiciary in the face of an extraordinary expansion of executive power.

Levi first spoke with Bob Bauer, a professor of practice at NYU School of Law who served as White House counsel from 2009 to 2011, and Jack Goldsmith, the Learned Hand Professor of Law at Harvard Law School who served as assistant attorney general in the Office of Legal Counsel from 2003 to 2004. Together, Bauer and Goldsmith co-authored the book *After Trump: Reconstructing the Presidency* (Lawfare Press: 2020).

Directly following that discussion, the focus turned to the experiences of judges themselves. Lee Rosenthal, U.S. district judge for the Southern District of Texas, and Diane Wood, retired chief judge of the U.S. Court of Appeals for the Seventh Circuit, director of The American Law Institute, and senior lecturer at the University of Chicago Law School, joined Levi to share their insights.

Their conversations, edited for clarity and length, are found on the *Judicature* website.

## Law and the American Experiment: Inaugural St. John's Seminar Series in Santa Fe

In July, The American Law Institute partnered with the Bolch Judicial Institute of Duke Law and St. John's College to launch the inaugural seminar series *Law and the American Experiment: From Unalienable Rights to a New Birth of Freedom*. Held on the Santa Fe campus of St. John's College, the four-day program brought together judges, lawyers, and scholars to grapple with a central question of American democracy: *What did the Declaration of Independence mean by “All men are created equal”?*

Through close readings of foundational texts and sustained discussion, participants examined the enduring tension between liberty and law and reflected on how history continues to shape the U.S. Supreme Court's jurisprudence today.



Seminar participants: New Mexico Supreme Court Chief Justice David K. Thomson, Kim Askew of DLA Piper, and Diane Joyce Humetewa of the U.S. District Court, District of Arizona

### TOPIC 1: THE FOUNDING VISION AND EARLY CHALLENGES

The seminar opened with America's revolutionary ideals and the immediate challenges they faced. St. John's tutors Krishnan Venkatesh and Leah Lasell led participants through the rough draft and final Declaration of Independence and other writings from the period. The conversations focused on theories of natural rights and liberty that animated the founding generation and on the ways those ideals were contested from the start.

As former Duke University President Richard Brodhead noted that tracing the intellectual roots of these texts provided “a sense of the organic development of thought that inspired our nation's founders.” Participants were asked to think as originalist judges might, reading both the words and the surrounding historical context.

### TOPIC 2: THE CONSTITUTION AND THE TEST OF SLAVERY

Discussion then turned to the most profound test of the founding vision: slavery. Readings included presidential addresses, defenses of civil disobedience, and Supreme Court cases such as *Dred Scott v. Sandford* (1857).

Reflecting on these materials, ALI President and Duke Law Dean Emeritus David Levi observed that “the country's founding ideals came under terrible



stress as the country struggled with the problem of slavery that could only be, it turned out, solved by the most violent war in our history.” Yet the post-war amendments that followed reaffirmed the Declaration’s promise of equal dignity—“the story of America,” Levi said.

Judge Kimberly Mueller, soon to lead the Bolch Judicial Institute, added: “They felt so strongly about finding true freedom from oppression and developing an alternative to a monarchy.”

### TOPIC 3: A NEW BIRTH OF FREEDOM AND ITS AFTERMATH

On the third day, attention turned to the aftermath of the Civil War and Lincoln’s call for “a new birth of freedom.” Readings included the Reconstruction Amendments, Supreme Court cases, and related documents that showed both the expansion and retreat of civil rights in the decades that followed.

The group explored how constitutional text and historical context intersect in the interpretation of equal protection and due process, and how later rulings, including *Brown v. Board of Education* (1954) and *Cooper v. Aaron* (1958), sought to fulfill the promise of the amendments.

New Mexico Supreme Court Justice David Thomson reminded participants why these discussions matter: “There’s an attraction to going back to the core concepts we founded our democracy on, basic concepts of philosophy and natural rights.”

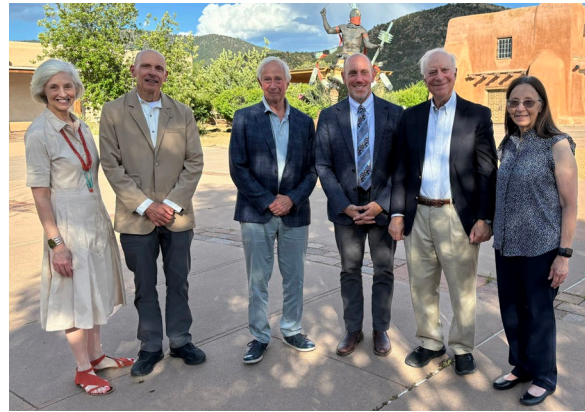
### TOPIC 4: JUDICIAL INDEPENDENCE, PRESIDENTIAL POWER, AND NATURAL LAW

The final day centered on constitutional questions that continue to shape public debate: the role of the judiciary, the reach of presidential power, and the grounding of natural rights. Drawing on lessons from the earlier sessions, Duke Law Professor Jedediah Purdy and others placed these questions in conversation with current legal and political challenges.

The discussions underscored that constitutional principles are not fixed. Each generation must examine them anew, and the seminar’s format of sustained, respectful dialogue reinforced the importance of both listening and speaking with care.

By week’s end, participants left with renewed perspective and sharpened skills—not only in interpreting history but in practicing civic dialogue. “It’s important to be articulate, but it’s also important to be a good listener,” Levi reflected. “These are skills, or even virtues, at the root of what makes a democracy possible. These are the attributes of citizenship. And each one of our organizations, from a slightly different angle, is dedicated to those things.”

The inaugural seminar showed that returning to first principles through close reading and conversation is not only an academic exercise. It is a vital practice for the continued health of American democracy. ■



Incoming Bolch Judicial Institute Director Kimberly J. Mueller, Bolch Judicial Institute Director Paul Grimm, Duke University President Emeritus Richard Brodhead, St. John President Walter Sterling, ALI President David F. Levi, and ALI Director Diane P. Wood



# Supreme Court of Hawai'i Adopts Draft § 39 of the Restatement of the Law Third, Torts: Remedies

In *Guieb v. Guieb*, 571 P.3d 382 (Haw. 2025), the Supreme Court of Hawai'i adopted a new standard for recovering punitive damages based on draft § 39 of the Restatement of the Law Third, Torts: Remedies (Tentative Draft No. 3, 2024), as well as the definitions of "intent" and "recklessness" from Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm §§ 1 and 2.

The case arose from a dispute between two brothers who formed a corporation to open and operate several muffler-repair shops. The elder brother sued the younger brother, accusing him of using the corporation for his sole benefit and of using his separate, personal companies to, among other things, "steal" the corporation's trade name and its most profitable muffler shop. After the trial court granted the younger brother's motion for judgment as a matter of law on the issue of punitive damages, the jury returned a verdict in favor of the elder brother and awarded him damages for fraudulent nondisclosure, unjust enrichment, and trade-name infringement. The court of appeals reversed the trial court's grant of judgment as a matter of law, explaining that there was sufficient evidence to send the punitive-damages question to the jury.

The Supreme Court of Hawai'i affirmed in relevant part, adopting draft § 39 of the Restatement of the Law Third, Torts: Remedies § 39 (Tentative Draft No. 3, 2024), in holding that, in order to recover punitive damages, a plaintiff had to establish recoverable tort liability and to establish by clear and convincing evidence that the defendant intended to harm the plaintiff or others, recklessly disregarded a substantial risk of harm to the plaintiff or others, or otherwise acted in an outrageous or malicious manner. The court concluded that, under this standard, the elder brother presented sufficient evidence for the jury to decide whether the younger brother acted with the state of mind to justify punitive damages when he "stole" the corporation's muffler shop, took employees from the corporation for his personal companies, reduced the elder brother's salary, and made the corporation pay advertising costs that benefited his personal companies.

Noting that it had previously departed from Restatement of the Law Second, Torts § 908, which recommended that punitive damages be awarded only if the defendant's conduct

reflected an intent to harm or reckless indifference, in favor of permitting juries to award punitive damages in actions for negligence or strict liability based on a wrongdoer's aggravated conduct, the court reasoned that draft § 39 of the Restatement of the Law Third, Torts: Remedies, sensibly evolved Hawai'i's punitive-damages law by acknowledging the social loss caused by outrageous or malicious conduct, even if the tortfeasor did not act with intent or recklessness. The court explained that the new standard, which shed outdated mental-state concepts, complemented the revised definitions for "intent" and "recklessness" in Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm §§ 1 and 2, and adopted those definitions as well.

The court concluded that the "Restatement of the Law Third, Torts: Remedies aligns with and enhances" Hawai'i's case law, and "offers a streamlined approach and refines the complicated standard" that previously guided the state's courts.

The Institute has already published four parts of the Torts Third Restatement series, in Volumes that each focus on specific areas—Products Liability; Apportionment of Liability; Liability for Physical and Emotional Harm; and Liability for Economic Harm. Final approvals have also been secured for Volumes on Intentional Torts, Medical Malpractice, and Miscellaneous Provisions, which are currently being prepared for publication.

In addition, work is progressing steadily on torts-related provisions within the Property Restatement, as well as on separate projects addressing Remedies and Defamation and Privacy.

The remaining portions of the Remedies project are on track to be presented to ALI membership for approval at the 2026 ALI Annual Meeting, potentially marking its completion.

Once these efforts are completed, the ALI will have created a body of work that fully supersedes the Restatement Second of Torts.

## 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) 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).**



# Notes About Members and Colleagues

**Dwyer Arce** of Kutak Rock has been selected to receive the 2025 Award of Special Merit from the Nebraska State Bar Association. The award recognizes his work on the Rules Subcommittee of the Nebraska Supreme Court Committee on Practice and Procedure, which led efforts over four years to revise the Rules of Discovery and Rules of Pleading in Civil Cases. Arce will be honored at the Nebraska State Bar Association Annual Meeting on October 7.

**Rose Cuison-Villazor** of Rutgers Law School has received the 2025 Daniel K. Inouye Trailblazer Award, the highest honor of the National Asian Pacific American Bar Association (NAPABA). Cuison-Villazor will be honored at the NAPABA Convention in Denver, Colorado, on November 6-8.

**Ashley S. Deeks** of UVA School of Law discussed her new book *The Double Black Box: National Security, Artificial Intelligence, and the Struggle for Democratic Accountability* at a faculty panel hosted by the LawTech Center on September 4. A former White House associate counsel, Deeks examined the challenges of ensuring oversight when AI is used in national security decision-making.

**Jack Goldsmith** of Harvard Law School was joined by **Aditya Bamzai** of the University of Virginia School of Law on Goldsmith's Substack *Executive Functions* for the episode "Can President Trump Lawfully Fire Fed Governor Lisa Cook?" The discussion explored the president's constitutional removal power, whether the statutory "for cause" standard was met, the relevance of Cook's pre-Fed actions, due process considerations, and the potential availability of reinstatement as a remedy.

**Richard L. Hasen** of UCLA School of Law weighed in on NPR in the segment "An Election Law Expert Weighs In on Trump's Effort to Reshape Our Democracy," offering his expertise on efforts to change U.S. election laws, the Court's evolving doctrine, and how those changes may impact democracy.

**Alexis Hoag-Fordjour** of Brooklyn Law School, **Pamela S. Karlan** of Stanford Law School, and **Shoba Sivaprasad Wadhia** of Penn State Dickinson Law were featured speakers at the American Constitution Society's Annual National Supreme Court Preview on September 17. The panel weighed in on major issues—presidential power, voting rights, immigration, criminal justice, and constitutional liberties—at the start of the upcoming Supreme Court term.

**Robert H. Klonoff** of Lewis & Clark Law School has been named the recipient of the Oregon State Bar Award of Merit, the bar's highest honor. The award recognizes individuals who have made significant contributions to the bench, bar, and community while exemplifying the highest standards of professionalism. Klonoff will be honored at the Celebrating Oregon Lawyers event on October 22 in Portland.

**Nina Kohn** of Syracuse University College of Law, recently named a Distinguished Professor, has been featured in Syracuse University News for helping shape model laws to better serve older adults and individuals with cognitive disabilities. She has twice served as a reporter for the Uniform Law Commission, helping draft acts on guardianship and health-care decision-making that have already been adopted in several states.

**Richard L. Revesz** of NYU School of Law and ALI Director Emeritus authored a critique in *Slate* arguing that the EPA's proposal to revoke its 2009 endangerment finding and roll back greenhouse gas regulations would be the agency's most damaging climate action to date—legally, scientifically, and economically.

## Welcome Ben Ginsberg, Director of Development

We are pleased to announce that Ben Ginsberg has joined The American Law Institute as our new Director of Development. Ben brings extensive experience in fundraising and advancement, with a proven record of building strong donor relationships and



supporting institutional growth. Most recently, he served as Director of Development at the University of Pittsburgh School of Law, where he led strategies to expand alumni engagement and philanthropic support. He previously worked as a Major Gifts Officer at the University of Pennsylvania's Weitzman School of Design.

Ben holds a J.D. from Temple University, an M.A. in City Planning from the University of Massachusetts, Amherst, and a B.A. in Political Science & Communication from the University of Pittsburgh. His broad academic and professional background will help advance ALI's development strategy and strengthening our connections with members and the legal community.

Ben lives outside of Philadelphia with his family and their Rhodesian Ridgeback. He is a proud Pitt Panther, an avid Philadelphia sports fan, and outside of work, he enjoys running, saltwater fishing, and stand-up paddleboarding.

We are excited to welcome Ben to ALI and look forward to the contributions he will make to our mission.

**Sarah E. Ricks** of Rutgers Law School has received the Legal Writing Scholarship Grant for her forthcoming *UCLA Law Review* article, "Suppressing Constitutional Law: Qualified Immunity and Non-precedential Opinions." The grant, co-sponsored by the Association of Legal Writing Directors, the Legal Writing Institute, and LexisNexis, recognizes outstanding legal scholarship and communication.

**Jeffrey Rosen**, President & CEO of the National Constitution Center, is launching a new 12-part podcast series titled *Pursuit: The Founders' Guide to Happiness*, which debuted on September 8. Produced with PRX and inspired by his bestselling book *The Pursuit of Happiness*, the series explores how the Founders' understanding of personal virtue and growth shaped the common good.

“Not In Our Wildest Dreams,” a documentary produced by Missouri Humanities, highlights the evolution of the Missouri Supreme Court and the stories of the women who have served on its bench—from Ann Covington, the first female justice in 1989, to the Court’s milestone female majority in 2023. The film features Judges **Mary Rhodes Russell** and **Laura Stith**, and underscores how merit-based judicial selection has fostered trusted, civic courts in Missouri.

**Stephen E. Sachs** of Harvard Law School spoke at Dartmouth College on August 5, at an event hosted by the university’s chapter of the Federalist Society. His talk focused on the Supreme Court’s decision in *Trump v. CASA, Inc.* and its implications for birthright citizenship, as well as broader constitutional issues such as the limits of nationwide injunctions.

**Collins J. Seitz Jr.**, Chief Justice of the Delaware Supreme Court, has been elected president of the Conference of Chief Justices and chair of the National Center for State Courts’ Board of Directors for a one-year term through July 2026.

**Catherine Sharkey** of NYU School of Law has been awarded the 2026 Prosser Award by the AALS Section on Torts and Compensation Systems, the lifetime achievement honor in the field of tort law. Sharkey is widely recognized for her scholarship on liability insurance, punitive damages, and the regulation of health and safety risk, among other topics.

**Michael Traynor**, former President of ALI, published an essay titled “Liberty, Law, and Democracy: Are There Grounds for Realistic Optimism?” in which he reflects on the strains that democracy faces today, including political polarization and institutional dysfunction in all three branches, and argues that there is still reason for cautious hope. He highlights resilience rooted in civic traditions and individual action, suggesting five concrete steps people can take to strengthen democracy: improving civic education, demanding accountability, fostering open debate, participating in elections and local governance, and rejecting simplistic solutions.

**G. Edward White** of UVA School of Law has published *Robert H. Jackson: A Life in Judgment* (Oxford University Press, 2025), a major new biography of the U.S. Supreme Court Justice and chief prosecutor at the Nuremberg trials. The book offers a fresh portrait of Jackson’s pivotal role in constitutional law, the New Deal, and the development of international criminal law.

**Submissions as of September 19. 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).**

## NEW MEMBERS ELECTED

In July, the Institute announced the election of the following individuals:

**David J. Barron**, Boston, MA  
**Christine Pedigo Bartholomew**, Buffalo, NY  
**Alexander A. Boni-Saenz**, Minneapolis, MN  
**Wendy Chang**, Los Angeles, CA  
**Kirti Datla**, Washington, DC  
**Don S. De Amicis**, Washington, DC  
**Nicholas C. Deets**, Indianapolis, IN  
**Tara M. Desautels**, San Francisco, CA  
**Dov Fox**, San Diego, CA  
**Bradley N. Garcia**, Washington, DC  
**Paul J. Geller**, Boca Raton, FL  
**Jared Genser**, Washington, DC  
**Alex L. Groden**, Chicago, IL  
**Adam A. Grogg**, Washington, DC  
**Emily C. Guenin-Hodson**, Wabash, IN  
**Diane J. Humetewa**, Phoenix, AZ  
**Jeremy D. Kernodle**, Tyler, TX  
**M. Kendra Klump**, Indianapolis, IN  
**Caroline D. Krass**, McLean, VA  
**W. Mark Lanier**, Houston, TX  
**Carolyn N. Lerner**, Washington, DC  
**Jason L. Lichtman**, New York, NY  
**David Lloyd-Jones**, London, England  
**Robert Luther, III**, Arlington, VA

**Milan Markovic**, Fort Worth, TX  
**Christopher J. Meade**, New York, NY  
**Eric D. Miller**, Seattle, WA  
**Paul B. Miller**, Notre Dame, IN  
**David W. Opderbeck**, Newark, NJ  
**Tracy Hresko Pearl**, Norman, OK  
**Amy M. Pepke**, Houston, TX  
**Sarah E. Pitlyk**, Saint Louis, MO  
**P. Casey Pitts**, San Jose, CA  
**Doris L. Pryor**, Chicago, IL  
**Jedediah Purdy**, Durham, NC  
**Marc Rotenberg**, Washington, DC  
**Michael David Sant’Ambrogio**, East Lansing, MI  
**Sarah O. Schrup**, Chicago, IL  
**Michael Y. Scudder, Jr.**, Chicago, IL  
**Collins J. Seitz, Jr.**, Wilmington, DE  
**Donna Shestowsky**, Davis, CA  
**Michael H. Simon**, Portland, OR  
**Jocelyn Simonson**, Brooklyn, NY  
**Sabita J. Soneji**, Oakland, CA  
**Gelvina Rodriguez Stevenson**, Philadelphia, PA  
**Sarah L. Swan**, Newark, NJ  
**Danny Tobey**, Dallas, TX  
**Liza Vertinsky**, Baltimore, MD

In October, the Institute announced the election of the following individuals:

**Victoria A. Arroyo**, Washington, DC  
**James J. Bilsborrow**, New York, NY  
**Yun-chien Chang**, Ithaca, NY  
**David A. Gordon**, Chicago, IL  
**Trina Jones**, Durham, NC  
**Rayna E. Kessler**, New York, NY  
**Steven Langer**, Valparaiso, IN  
**Ethan J. Leib**, New York, NY  
**Elizabeth Byer Leonard**, Midland, TX  
**Brendan S. Maher**, Fort Worth, TX  
**Annika K. Martin**, New York, NY  
**Justin A. Nelson**, Houston, TX  
**Sabastian V. Niles**, New York, NY  
**Jacqueline C. Romero**, Philadelphia, PA  
**Amanda Marie Rose**, Nashville, TN  
**Katheryn Russell-Brown**, Boston, MA  
**James P. Spica**, Southfield, MI  
**Andrea Tosato**, Dallas, TX  
**Mark C. Weidemaier**, Chapel Hill, NC  
**Katharine G. Young**, Newton Center, MA

## ALI MEMBERS JOIN SPEAKER LINEUP AT BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

The William & Mary Property Rights Project has announced the lineup for the upcoming Brigham-Kanner Property Rights Conference, and this year's event will feature several ALI members among its speakers. The annual conference, to be held on October 23-24, continues its tradition of bringing together leading scholars, jurists, and practitioners to explore critical developments in property rights law.

The conference honors the legacy of Toby Prince Brigham and Gideon Kanner, whose careers were dedicated to advancing private property rights. The event is recognized for its dynamic panel discussions, cross-disciplinary dialogue, and audience engagement, along with the presentation of the Brigham-Kanner Property Rights Prize.

This year, the following ALI members will participate:

**Jonathan Adler**, Cabell Research Professor and Tazewell Taylor Professor of Law, William & Mary Law School

**Vicki Been**, Judge Edward Weinfeld Professor of Law and Co-Director of the Furman Center for Real Estate & Urban Policy at NYU School of Law

**David L. Callies**, Benjamin A. Kudo Professor of Law, Emeritus, at the University of Hawaii's Richardson School of Law

**Donald J. Kochan**, Professor of Law and Executive Director of the Law & Economics Center at Scalia Law School, George Mason University

**Julia D. Mahoney**, John S. Battle Professor of Law at the University of Virginia School of Law

**Thomas W. Merrill**, Charles Evans Hughes Professor of Law at Columbia Law School

**James Y. Stern**, Professor of Law and Director, Property Rights Project, William & Mary Law School

**Robert H. Thomas**, Joseph T. Waldo Visiting Chair in Property Rights Law at William & Mary Law School and Director of Property Rights Litigation at the Pacific Legal Foundation

For more information about the conference, including registration details and the full agenda, please visit the William & Mary Law School website.



## Your Perspective Matters: Join a Members Consultative Group

The American Law Institute's work depends on the active participation of our members. Members Consultative Groups (MCGs) are the foundation of how we refine and strengthen our drafts. Without your engagement, our projects cannot achieve the breadth and balance that make them so valuable to the legal community.

We need you. By joining an MCG, you contribute directly to ALI's mission—whether by reviewing drafts, attending project meetings, or submitting comments. No expertise in the subject area is required. In fact, perspectives from nonexperts are essential to ensuring our work is accessible and practical.

Your involvement ensures ALI projects continue to reflect a wide range of experience and insight.

Get involved today: 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.

### 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  
Principles for the Governance of Biometrics  
Principles of the Law, High-Volume Civil Adjudication  
Restatement of the Law Fourth, Property  
Restatement of the Law Fourth, The Foreign Relations Law of the United States  
Restatement of the Law Third, Torts: Defamation and Privacy  
Restatement of the Law Third, Torts: Remedies



## In Memoriam: William H. Webster



Former FBI and CIA Director William H. Webster died on passed away on August 8. He was 101.

A retired partner at Milbank, Tweed, Hadley & McCloy in Washington, DC, and chair of the Homeland Security Advisory Council from 2006 to 2020, Judge Webster was the only person to serve as director of both the CIA and the FBI. He was an active member of The American Law Institute for more than five decades and served on its Council for 31 years.

Born on March 6, 1924, in St. Louis, Missouri, Judge Webster graduated from Amherst College and received his law degree

from Washington University Law School in St. Louis. He served as a lieutenant in the United States Navy in World War II and again in the Korean War. He was a practicing attorney with a St. Louis law firm from 1949 to 1959, and then served as United States Attorney for the Eastern District of Missouri from 1960 to 1961.

In 1970, Judge Webster was appointed to the United States District Court for the Eastern District of Missouri; in 1973, he was elevated to the United States Court of Appeals for the Eighth Circuit. He resigned on February 23, 1978, to become director of the FBI. As FBI director, he oversaw the successful prosecution of some of New York's biggest mafia families. He served for nearly a decade before being sworn in as director of Central Intelligence on May 26, 1987. In this position, he headed the Intelligence Community (all foreign intelligence agencies of the United States) and directed the CIA until September 1, 1991. Following his departure from the CIA, he joined the law firm of Milbank, Tweed, Hadley & McCloy in Washington, DC, specializing in arbitration, mediation, and internal investigation.

During his service on the bench, Judge Webster was chairman of the Judicial Conference Advisory Committee on Criminal Rules and a member of the Ad Hoc Committee on Habeas Corpus and the Committee on Court Administration.

Judge Webster became a member of the ALI in 1960. Elected to the ALI Council in 1978, he served for 25 years as chair of the Nominating Committee, which recommends candidates for ALI's Council and officer positions, and was a member of the Executive Committee for 20 years. Judge Webster also served on the Awards Committee and the Special Committee on Strategic Communications. He was an Adviser to the Council for the Institute's Principles of Corporate Governance: Analysis and Recommendations.



William H. Webster Accepts Friendly Medal

In July 1991, Judge Webster was presented the CIA's Distinguished Intelligence Medal. Later that year, he was awarded the National Security Medal and the Presidential Medal of Freedom, the highest civilian award in the United States. In 2013, he was the recipient of the ALI's most prestigious award, the Henry J. Friendly Medal, recognizing contributions to the law in the tradition of the late Judge Friendly and The American Law Institute. A video of his remarks is available at [media.ali.org](https://media.ali.org).

### IN MEMORIAM

#### ELECTED MEMBERS

**Melvin Katz**, New York, NY

#### LIFE MEMBERS

**David Albenda**, New York, NY; **Joseph R. Bankoff**, Atlanta, GA; **Babette B. Barton**, Nevada City, CA; **Michael A. Cardozo**, New York, NY; **Roger J. Dennis**, Philadelphia, PA; **William D. Dolan, III**, Falls Church, VA; **Richard H. Fallon, Jr.**, Cambridge, MA; **Henry L. Feuerzeig**, St. Thomas, VI; **John J. Kircher**, Milwaukee, WI; **John Henry Lewin, Jr.**, Baltimore, MD; **Milton R. Schroeder**, Paradise Valley, AZ; **Victor E. Schwartz**, Washington, DC; **Colin C. Tait**, Montpelier, VT; **William H. Webster**, Washington, DC; **June M. Weisberger**, Madison, WI; **James Patrick White**, Indianapolis, IN

Judge Webster's life was defined by service—service to his country, to the law, and to the ideals of justice and integrity. His steady wisdom, unwavering moral compass, and deep humility left an indelible impression on all who knew him. In his decades with the Institute, he was a voice of reason, a source of quiet strength, and a mentor to many. We will remember not only his towering achievements but also the warmth of his friendship, his gracious spirit, and the example he set for us all. His legacy will continue to inspire generations of lawyers, judges, and public servants.



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