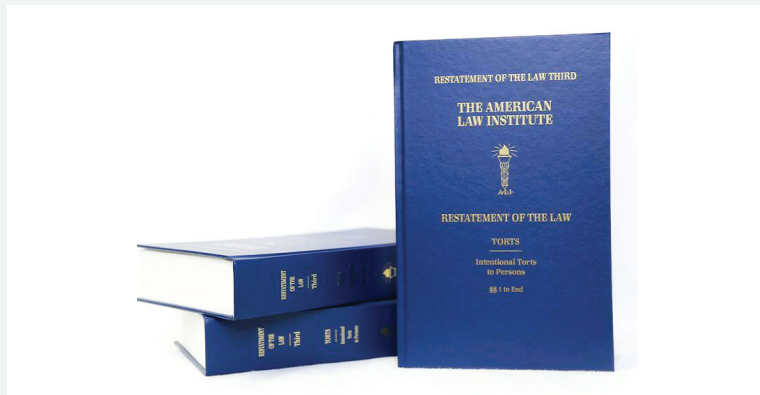


THE ALI REPORTER



Intentional Torts to Persons Is Now Available

This is part of the Restatement Third, Torts, series that, when complete, will supersede Restatement Second, Torts. This volume updates coverage of physical and emotional harm to persons, with a focus on assault, battery, false imprisonment, including provisions on consent, self-defense, and other privileges.

“This Restatement deals with a sub-category of intentional torts,” explained Reporter Kenneth Simons at the time of the project’s final approval at an Annual Meeting. “It focuses on the traditional torts of battery, assault, false imprisonment, and also a newly named tort called ‘purposeful infliction of bodily harm.’ The project also covers transferred intent and different types of consent that preclude liability. We spent quite a bit of time trying to identify the most helpful categories for courts to use when analyzing when consent does or does not exist. We also developed detailed and updated criteria for different defenses, including self-defense, defense of property, and citizen’s arrest.”

“We paid close attention to the Second Restatement, many provisions of which were identical to the First Restatement. But the reality is that there have been significant developments in the law and the fabric of society since 1934,” added Associate Reporter Jonathan Cardi. “For example, the definition of confinement is broader in our draft, making room for confinements by the mere assertion of legal authority. Also, with a more pervasive modern police force, privileges such as the defense of property and citizen’s arrest (along with their sparse and dated case support) were beginning to look a bit long in the tooth.”

PURCHASE NOW AT LEXISNEXIS.

The Quarterly Newsletter of The American Law Institute
Volume 48 Number 3 Summer 2026

THE PRESIDENT’S LETTER BY WALLACE B. JEFFERSON

Strengthening the Institutions We Share

As I write this, our nation has just celebrated the 250th anniversary of the Declaration of Independence.

Milestones invite reflection. They remind us not only of what has been achieved, but also of what must be preserved. The constitutional democracy we inherited has endured wars, political upheaval, economic crises, and profound social change. Its endurance is remarkable but not inevitable. Every generation bears responsibility for strengthening the institutions that make self-government possible.

On the evening of July 4—and in celebration of our wedding anniversary—Renee and I stood on a high bluff overlooking the countryside. In every direction, fireworks appeared on the horizon—dozens of displays from distant towns, neighborhoods, and cultures. Each was a distinct expression of the community gathered beneath it. Yet together they formed a single panorama stretching across the night sky.

The scene struck me as a fitting metaphor.

Ours is a nation of different backgrounds, experiences, beliefs, and aspirations. We often disagree, sometimes passionately. Yet for 250 years we have remained united by an ideal that allows people to resolve their differences through law rather than force, reason rather than coercion. The durability of that framework is among the great achievements of our national life.

Continued on page 3

Also Now Available:
Restatement of the Law, Children and the Law

SEE PAGE 2 FOR MORE



Restatement of the Law, Children and the Law Is Now Available

This Restatement covers issues such as parental rights and state intervention in cases of abuse and neglect; the rights of students and the limits of state authority in public schools; the rights and special protections of youth in both the juvenile and criminal justice systems, from police contact to dispositions and sentencing; and children as legal persons, covering free-speech rights and the authority of minors to consent to certain medical decisions, among other things.

“The law’s treatment of children has become very complex over the past several decades and has been in need of clarification and coherence,” said project Reporter Elizabeth Scott at the time of the project’s final approval at an Annual Meeting. “While traditionally children were assumed to be dependent, vulnerable and incompetent, today they are rights-bearing legal persons for some purposes—but not others. Meanwhile parental rights continue to be robust, but have been subject to growing criticism. And the past generation has seen remarkable reform of the regulation of youth in the justice system after a period of harsh policies in the late 20th century. The challenge we faced in embarking on this Restatement was to find coherence in this evolving area of law and to capture beneficial law reform. With the assistance of a wonderful Adviser group and the ALI Council, we think we have been successful.”



ALI Director Diane P. Wood, Council Member Troy A. McKenzie, Associate Reporters Richard J. Bonnie and Solangel Maldonado, Reporter Elizabeth S. Scott, Associate Reporters Emily Buss and Clare Huntington, and ALI President Emeritus David F. Levi at the 2024 Annual Meeting

**THE RESTATEMENT IS AVAILABLE TO
PURCHASE ON LEXISNEXIS.**

Get Involved by Joining a Members Consultative Group (MCG)

A project’s MCG is made up of ALI members who volunteer to join project discussions at any stage of a project’s life cycle. MCG members are not necessarily experts in the project’s area of law, but provide a vital perspective, as they read the drafts from a generalist’s point of view. MCG participants may provide input by attending project meetings and by submitting written comments.

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

JOIN NOW BY VISITING OUR PROJECTS PAGE AT WWW.ALI.ORG/PROJECTS

THE PRESIDENT'S LETTER

Continued from page 1

The American Law Institute has long played a part in sustaining it.

For more than a century, the Institute has worked to clarify and improve the law, not for its own sake, but in service of a legal system that is coherent, just, and worthy of public trust. Our work is practical, but it is also civic. The rule of law is not self-executing. It depends on institutions and individuals committed to careful analysis, intellectual honesty, and a shared belief that legal questions deserve thoughtful answers.

I begin my term as President with profound gratitude for David Levi. For nine years, David led the Institute with wisdom, grace, intellectual rigor, and an unwavering commitment to its ideals. David demonstrated that disagreement need not produce division. He fostered a culture in which difficult questions could be explored rigorously and respectfully, and in which members could challenge one another's views without questioning one another's motives. At a time when many institutions struggle to maintain public confidence, his example has strengthened this Institute and will continue to guide it in the years ahead.

The legal profession, the judiciary, our law schools, and our institutions of self-government are entering a period of extraordinary change. Artificial intelligence is transforming the way lawyers practice, judges evaluate information, scholars teach, and citizens engage with information. Questions once considered theoretical now require practical answers. Existing legal doctrines will be tested by technologies their drafters could scarcely have imagined.

At the same time, many of our most important public debates unfold against a backdrop of declining confidence in government. Americans increasingly disagree not only about policy outcomes, but also about the institutions through which those disagreements are resolved.

These developments present real challenges. But they also underscore why the American Law Institute matters.

The Institute contributes something beyond its Restatements, Principles, and Model Codes. It shows that thoughtful people acting in good faith can confront difficult issues, learn from one another, and often reach consensus without sacrificing intellectual independence. That example is valuable not only to the legal profession, but to the nation we serve.

I knew the Institute by reputation long before I knew it personally. As a law student, I studied under Charles Alan Wright, whose devotion to ALI left a lasting

impression on me. Later, as a lawyer and judge, I witnessed firsthand the influence of the Institute's work on courts, practitioners, and legal scholarship. But what impressed me most when I became a member was not merely the quality of the scholarship. It was the quality of the engagement.

Like many of you, I discovered that some of the most valuable contributions come not from the most experienced voice in the room, but from the member who asks a probing question, challenges an assumption, or offers an entirely new perspective. Expertise matters at ALI. So does participation. The Institute is strongest when all of its members see themselves as contributors to our shared endeavor.

As our nation begins its next 250 years, I can think of no better way to honor the constitutional project we have inherited than by continuing the work that has defined this Institute since its founding: bringing careful thought to difficult problems, improving the law through collective effort, and demonstrating that reasoned deliberation remains one of democracy's greatest strengths.

Looking across the horizon on Independence Day, watching countless communities celebrate in their own ways beneath bursts of color and light, I was reminded that America's strength has never depended on unanimity or uniformity. It has depended on the ability of a diverse people to sustain a common commitment—to ordered liberty, democratic self-government, and the rule of law.

In our own way, that is what the American Law Institute helps preserve.

Thank you for your membership, your engagement, and your dedication to this remarkable institution. I look forward to listening, learning, and serving alongside you in the years ahead.

Warmly,



Wallace B. Jefferson
President, The American Law Institute

Welcome ALI President Wallace B. Jefferson

At the conclusion of the 2026 Annual Meeting, Wallace B. Jefferson began his service as President of The American Law Institute.

Jefferson brings to the role decades of experience as a judge, advocate, and leader within the legal profession, along with a longstanding commitment to ALI and its work. Elected to ALI membership in 2001 and to the Council in 2011, he served as Treasurer from 2014 to 2023 and has contributed to the Institute's work as an Adviser on multiple projects. As President, he chairs the Executive Committee of the Council and helps guide the direction of the Institute.

Jefferson served on the Supreme Court of Texas from 2001 to 2013, including nearly a decade as Chief Justice. He was the first African American Justice and Chief Justice in the Court's history and is widely recognized for his commitment to access to justice, judicial administration, and strengthening legal institutions. He also served as President of the Conference of Chief Justices and currently is Co-Chair of the Texas Supreme Court and State Appellate Practice at Alexander Dubose & Jefferson.

Throughout his career, he has emphasized careful deliberation, principled leadership, and the importance of institutions that bring people together across perspectives to improve the law and strengthen public trust.

To mark the beginning of his presidency, ALI recently sat down with Jefferson for a wide-ranging conversation reflecting on the experiences that shaped his path to the law and his vision for the Institute. In the interview, Jefferson shares how an early interest in science evolved into a passion for government and public service, reflects on the lasting influence of former ALI President Charles Alan Wright, and discusses his years as an appellate advocate and Chief Justice of Texas.

He also talked to us about the role he believes the ALI can play at this moment: creating space for rigorous debate, welcoming differing viewpoints in good faith, and advancing work that helps clarify and modernize the law in service of the better administration of justice.



Wallace B. Jefferson, David F. Levi, and Diane P. Wood at the 2026 Annual Meeting



We invite you to get to know President Jefferson by watching our recent conversation and hearing directly from him about the experiences, values, and ideas that continue to shape his leadership.

WATCH THE VIDEO HERE.



Celebrating the Presidency of David F. Levi

For the past nine years, David F. Levi has served as President of The American Law Institute with the same qualities that have defined his distinguished career: intellectual curiosity, sound judgment, generosity, and an abiding belief in the value of institutions devoted to the public good.

During his presidency, ALI completed or approved 21 Restatements, Principles, and Model Codes, launched important new projects in developing areas of law, expanded its educational and public outreach, celebrated its Centennial, and strengthened its foundation for the future. These accomplishments are significant in their own right, but together they tell a larger story: an Institute that continued to evolve while remaining true to the values that have guided its work for more than a century.

President Emeritus Levi's stewardship was perhaps most evident during moments of change. As the COVID-19 pandemic disrupted courts, law schools, and legal organizations across the country, ALI adapted quickly to ensure that project work continued without interruption. At the same time, the Institute looked beyond its own work, launching the *Reasonably Speaking* podcast series *Coping with COVID*. The conversations brought together judges, lawyers, academics, and other leaders to share practical advice, thoughtful perspectives, and encouragement at a time when the legal profession was navigating unprecedented challenges. It was a reminder that ALI's role extends beyond producing influential legal works; it also serves as a convener of ideas and a trusted resource for the legal community.

Levi also guided the Institute through its Centennial year, a milestone that celebrated ALI's first hundred years while looking confidently toward its second century. Throughout his tenure, he encouraged the Institute to embrace new ideas and new audiences without losing sight of what has always made ALI distinctive: the willingness of accomplished judges, lawyers, and scholars to engage one another thoughtfully, independently, and in good faith.

Those who have worked with Levi know that he has always viewed the Institute's greatest strength as its members. He consistently encouraged broad participation, welcomed differing viewpoints, and believed that careful deliberation produces stronger results. Under his leadership, ALI not only accomplished an extraordinary body of work, but reinforced the collaborative culture that has long been one of its defining characteristics.

Although his presidency has concluded, Levi's service to the Institute continues. As Chair of the Council, he will remain an important part of ALI's leadership, offering the wisdom, perspective, and steady counsel that have benefited the Institute throughout his presidency.

The American Law Institute thanks President Emeritus David Levi for his remarkable leadership, his dedicated stewardship of the Institute, and his unwavering commitment to its mission.

View a special tribute video featuring reflections from members of the ALI Council honoring David.



David Levi by the Numbers

21

Restatements, Principles, and Model Codes completed, approved, or published during his presidency.

8

new ALI projects launched, including work on artificial intelligence, constitutional torts, election litigation, biometrics, and high-volume civil adjudication.

3

bipartisan working groups convened on issues of national importance:

Electoral Count Act Reform
Ethical Standards for Election Administration
Insurrection Act Reform

32m

campaign funds raised in the Second Century Campaign in support of the Institute's next 100 years.

6

"Coping with COVID" podcast episodes on *Reasonably Speaking*, connecting the legal community through conversations with judges, lawyers, academics, and other leaders during the pandemic.

2

national recognitions of ALI-convened working groups.

PROJECTS COMPLETED:

Restatement of the Law Fourth, The Foreign Relations Law of the United States: Selected Topics in Treaties, Jurisdiction, and Sovereign Immunity

Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes

Restatement of the Law, Liability Insurance

Principles of the Law, Data Privacy

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

Restatement of the Law, Charitable Nonprofit Organizations

Restatement of the Law, The Law of American Indians

Principles of the Law, Compliance and Enforcement for Organizations

Principles for a Data Economy: Data Transactions and Data Rights (Joint Project with the European Law Institute)

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

Principles of the Law, Policing

Principles of the Law, Government Ethics

Restatement of the Law, Consumer Contracts

Model Penal Code: Sexual Assault and Related Offenses

Principles of the Law, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities

Restatement of the Law, Copyright

Model Penal Code: Sentencing

Restatement of the Law, Children and the Law

Restatement of the Law Third, Torts: Medical Malpractice

Restatement of the Law Third, Torts: Concluding Miscellaneous Provisions

Restatement of the Law Third, Torts: Remedies

ONGOING, LAUNCHED:

Restatement of the Law Third, Torts: Defamation and Privacy

Restatement of the Law, Corporate Governance

Restatement of the Law Fourth, The Foreign Relations Law of the United States (Remaining Topics)

Principles of the Law, Civil Liability for Artificial Intelligence

Principles for the Governance of Biometrics (Joint Project with the European Law Institute)

Restatement of the Law, Constitutional Torts

Restatement of the Law, Election Litigation

Principles of the Law, High-Volume Civil Adjudication

In addition to Restatements, Principles, and Model Codes, during Levi's tenure the Institute undertook and completed projects to amend the Uniform Commercial Code, together with the Uniform Law Commission.

In 2022, when passing the spending package that included updates to ECA, ALI and the bipartisan group were recognized.

In 2026, the Election Assistance Commission Audit Standards highlighted ALI's Ethical Standards for Election Administration in its voluntary National Standards for Election Audits – A Practical Guide.

Actions Taken at the Annual Meeting*

The following actions were taken at the 2026 Annual Meeting. In addition to the below, Membership voted to approve the final Sections of the Restatements of the Law Third, Torts: Remedies. Read more about this project on page 8.

MONDAY, MAY 18

Conflict of Laws. Council member Jeffrey S. Sutton joined Reporter Kermit Roosevelt and Associate Reporters Ann Estin, Laura Little, and Christopher Whytock to present Tentative Draft No. 6, which contains material from Chapter 7, Topic 4 (Trusts), Chapter 8 (Contracts), Chapter 10 (Agency), and Chapter 11 (Business Organizations). Membership voted to approve the draft.

High-Volume Civil Adjudication. Reporter David Freeman Engstrom and Associate Reporter David Marcus were joined by Council member Goodwin Liu. This project session occurred on Monday and Tuesday. Tentative Draft No. 1 contained four Chapters from Part II on Procedure and Case Management in High-Volume Civil Adjudication: Chapter 3 on Notice and Service of Process; Chapter 4 on Pleading and Information Exchange; Chapter 5 on Hearings; and Chapter 7 on Entry and Enforcement of Judgments. Members voted to approve Chapters 3 and 4 on Monday and Chapters 5 and 7 on Tuesday.

TUESDAY, MAY 19

Corporate Governance. Council member Judith A. Miller joined Reporter Edward B. Rock and Associate Reporters Elisabeth de Fontenay and Marcel Kahan for the presentation of Tentative Draft No. 3. The draft contained two definitions from Chapter 1, as well as Sections from Chapter 3 on Corporate Structure: Functions and Powers of Directors, Officers, and Shareholders; Chapter 4 on Duty of Care and the Business Judgment Rule, and Chapter 5 on Duty of Loyalty. The membership voted to approve all Sections except § 4.05 of Tentative Draft No. 1, which will be revised and brought back to the membership at a future Annual Meeting.

Property. Council member Carolyn B. Kuhl joined Reporter Henry E. Smith and Associate Reporters Yun-chien Chang, R. Wilson Freyermuth, and Thomas W. Merrill to present Tentative Draft No. 7, which included material from three areas: Concurrent Ownership, Leasing, and Mortgages on Real Property. The membership voted to approve the draft.

WEDNESDAY, MAY 20

Torts: Defamation and Privacy. Council member Raymond J. Lohier Jr. joined Reporters Lyrissa Lidsky and Robert C. Post for the presentation of Tentative Draft No. 1. The draft contained Chapter 1 on Invasions of Interest in Reputation, covering five Topics: Elements of a Cause of Action for Defamation (§ 1); Publication of a Defamatory Statement (§§ 2-5); Defamatory Communications (§§ 6-10); Applicability of Defamatory Communication to Plaintiff (§§ 11-13); and The Fault of the Defendant (§ 14). Membership voted to approve the draft.

The Foreign Relations Law of the United States. Reporters Curtis A. Bradley, William S. Dodge, and Oona A. Hathaway were joined by Council member Samuel Issacharoff to present Tentative Draft No. 1, which contained the Introductory Note and §§ 321-326 from Chapter 2 on Executive Agreements and Nonbinding Instruments, and §§ 471-474 from Chapter 7 on Privileges and Immunities of Foreign Officials and Diplomatic and Consular Premises. Membership voted to approve the draft.

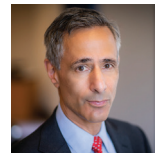
Updates to ALI Council

During Monday's Reports and Business session at the Annual Meeting, ALI membership elected three new members to its Council, which determines projects and activities to be undertaken by the ALI and approves the work as representing the position of the Institute.

The new Council members are **David J. Barron** of the U.S. Court of Appeals for the First Circuit, **William D. Savitt** of Wachtell, Lipton, Rosen & Katz, and **Beth A. Wilkinson** of Wilkinson Stekloff LLP.



Barron



Savitt



Wilkinson

Additionally, the following Council members were reelected for another Council term: John B. Bellinger III of Arnold & Porter; Roberto Jose Gonzalez of Paul, Weiss, Rifkind, Wharton & Garrison LLP; Wallace B. Jefferson, Alexander Dubose & Jefferson LLP; Patricia Ann Millett of the U.S. Court of Appeals for the District of Columbia Circuit; Janet Napolitano of the University of California, Berkeley, Goldman School of Public Policy; Eric A. Posner of the University of Chicago Law School; Virginia A. Seitz of Sidley Austin LLP; Laura Denvir Stith of the Supreme Court of Missouri (Retired); and Larry D. Thompson of Finch McCranie LLP.

The Council elected David F. Levi as Chair of the Council and reelected Ivan K. Fong as Treasurer, in each case for a three-year term beginning at the close of the 2026 Annual Meeting.

The following Council members took emeritus status at the end of the 2026 Annual Meeting: Gary L. Sasso of Carlton Fields and Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit.

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

Torts: Remedies Completed at this Year's Meeting

At its 2026 Annual Meeting, members of The American Law Institute approved Restatement of the Law Third, Torts: Remedies, marking the completion of the drafting phase of a major component of the Institute's decades-long effort to reflect the development of tort law across American courts.

Launched in 2019, the Torts: Remedies Restatement addresses the principles governing the relief available after liability is established in a tort action. Organized around categories of remedies and types of harm, the project provides guidance on the recovery and measurement of damages, restitution of a wrongdoer's profits, injunctions against threatened or continuing torts, and other forms of specific relief. Damages topics covered include general rules for measuring compensatory, nominal, and punitive damages, and compensation for specific harms such as lost wages or lost profits, medical expenses, pain and suffering, emotional distress, and damage to property.

Among other developments, the Restatement eliminates reliance on race- and sex-based assumptions in calculating personal injury damages such as future lost earnings and medical expenses. It also proposes a rule to explain and rationalize the longstanding judicial practice of compensating dignitary harm whether or not there is any more direct evidence of damages.

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. This project has been developed over several years and presented to the membership in stages, with substantial portions approved at Annual Meetings from 2022 through 2025, culminating in final approval this year.

Unlike earlier Restatements of Torts, which treated remedies as a relatively brief concluding topic, this project reflects a more comprehensive and integrated approach. Remedies are addressed in greater depth and detail, recognizing their central role in determining the real-world consequences of tort liability and in shaping how courts administer relief.

The project was led by Reporters Richard L. Hasen of the University of California, Los Angeles School of Law and Douglas Laycock of the University of Texas (Emeritus) and the University of Virginia (Emeritus).

"Remedies are where the law meets real-world outcomes," said Reporter Hasen. "For litigants, the central question is often not simply whether liability exists, but what relief follows. This Restatement brings together the core principles governing damages, injunctions, and other remedies, reflecting both the broad areas of agreement across jurisdictions and the nuances that courts confront in practice."



ALI President Emeritus David F. Levi, Reporters Richard L. Hasen and Douglas Laycock, and ALI Director Diane P. Wood

"This project reflects a significant evolution in how remedies are treated within the Restatement framework," continued Reporter Laycock. "For the first time, remedies are addressed in a dedicated volume, allowing for more detailed analysis and clearer articulation of the governing principles. We have sought to present the law in a way that is analytically precise and useful to courts and practitioners."

The Restatement also addresses areas of disagreement among courts, including issues such as the measurement of damages in complex contexts and the standards governing punitive damages, while aiming to clarify doctrine and provide a more consistent analytical framework. Already the Hawaii Supreme Court has adopted this Restatement's approach to the standards for awarding punitive damages.

"The completion of Torts: Remedies represents a major milestone in the Institute's work on the Third Restatement of Torts," said ALI Director Diane P. Wood. "This project brings clarity and coherence to an area of law that is essential to the administration of justice. By addressing the full range of tort-law remedies—from compensatory damages to injunctions and restitution—it provides courts with a comprehensive and carefully reasoned framework for determining how legal rights are ultimately enforced. That coherence is especially important in an era when many tort disputes span multiple jurisdictions and courts increasingly confront complex remedial questions."

The Torts: Remedies project is one of the final components in the Institute's multi-decade effort to produce a complete Third Restatement of Torts. Together with other completed and ongoing projects, it contributes to a body of work that will ultimately supersede the Restatement Second of Torts in its entirety.

Following approval by the membership, the Reporters, subject to the oversight of the Director, will prepare the official text for publication. At this stage, they will incorporate editorial revisions, update citations, and incorporate any changes approved during the Annual Meeting. Until the official volume is published, the approved Tentative Drafts represent the position of The American Law Institute and may be cited as such.

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

King, Lohier, Wilkinson, and Wood Honored at ALI Annual Meeting

At this year's Annual Meeting, The American Law Institute presented the Distinguished Service Award to Raymond J. Lohier Jr., the John Minor Wisdom Award to Carolyn Dineen King, and the Henry J. Friendly Medal to J. Harvie Wilkinson III and Diane P. Wood.

JOHN MINOR WISDOM AWARD: CAROLYN DINEEN KING

The John Minor Wisdom Award was presented to Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit by Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas on Monday, May 18. 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.

In presenting the award, Rosenthal reflected on King's extraordinary judicial career, describing her as "the real deal," "a genuine path breaker," and "a true pioneer." She highlighted King's decades of leadership on the Fifth Circuit, her service to ALI, and her unwavering commitment to fairness, observing that King "continues to decide each case on the merits without ideology or ire."

Accepting the award, King reflected on the opportunities created by the Civil Rights Act and the role government played in expanding opportunities for women in the legal profession. She expressed gratitude for the progress that made her own career possible and encouraged continued commitment to equal opportunity and public service.

Born in Syracuse, New York, King was raised in a family deeply shaped by the law and by a strong sense of determination. Both of her parents were lawyers who reached the profession by unconventional paths. Her father attended Syracuse University College of Law directly from high school at a time when college was financially out of reach, later becoming a respected trial lawyer and leading the trial section at Bond, Schoeneck & King. Her mother first earned a master's degree from Columbia University before pursuing journalism and eventually enrolling in Syracuse Law School after overcoming early resistance to women entering the legal profession. Their perseverance and commitment to the law created a household where curiosity, resilience, and public service were deeply valued.

After she graduated from Smith College, summa cum laude, with a Bachelor of Arts—at a time when many women were expected to leave school primarily prepared for marriage—King chose a different path. Encouraged by her father's insistence that she always be able to support herself, she charted a course toward a professional life defined by independence, intellectual engagement, and determination. She attended Yale Law School, where she earned her Bachelor of Laws, and practiced law in Texas from 1962 to 1979, focusing primarily on corporate and federal securities law.



Lee H. Rosenthal, Carolyn Dineen King, and David F. Levi

In 1979, President Jimmy Carter nominated King to a newly authorized seat on the U.S. Court of Appeals for the Fifth Circuit. She served as Chief Judge from 1999 to 2006, the first woman to do so. In 2000, Chief Justice William H. Rehnquist appointed her to the Executive Committee of the Judicial Conference of the United States, the governing body of the federal court system. King served as chair of the committee from 2002 to 2005, becoming the first woman to hold that position. During her tenure as chair, she led the development of a major cost containment strategy to enable the federal courts to cope with shrinking appropriations. In 2013, she assumed senior status.

King was elected to The American Law Institute in 1982 and to its Council in 1992. She has played a significant leadership role within the Institute, including serving as Treasurer from 2010 to 2013 and as chair of the Membership Committee. She has also contributed as a U.S. Adviser to ALI's Transnational Insolvency Project and as an Adviser to the Restatement of the Law Third, Torts: Products Liability.

In addition to her work on the bench and with ALI, a commitment to nonprofit service has been an integral part of King's life since she was 13 years old. She has been active in numerous human services, educational, and health-related organizations in Houston, Texas. Her many honors include the Smith College Medal, the American Bar Association's Margaret Brent Award, the American College of Bankruptcy Distinguished Service Award, and the federal judiciary's highest honor, the Edward J. Devitt Distinguished Service to Justice Award, which she received in 2007.

DISTINGUISHED SERVICE AWARD: RAYMOND J. LOHIER JR.

The Distinguished Service Award was presented to Raymond J. Lohier Jr. of the U.S. Court of Appeals for the Second Circuit, on Tuesday, May 19, by Gerard E. Lynch of the U.S. Court of Appeals for the Second Circuit. 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.

In presenting the award, Lynch reflected on Lohier's longstanding contributions to the Institute, observing that "He never speaks unless he has something to say. And when he speaks, he is listened to, because his comments are always thoughtful, prudent, insightful, and helpful." Lynch noted that Lohier brings to ALI "the same dedication and seriousness about the law that he brings to his work as a judge."

Upon receiving the award, Lohier reflected on the values that have shaped his career and his experience at ALI, emphasizing the importance of respectful dialogue and principled disagreement, "What I love about the ALI is that at its core it understands that the ability to listen and to disagree respectfully is foundational to the rule of law, to our profession, and to our democratic system."

Elected to ALI in 2013 and to its Council in 2014, Lohier has contributed extensively to several of the Institute's major projects, including serving as an Adviser to the Restatement of the Law, Employment Law; Principles of the Law, Compliance and Enforcement for Organizations; and Principles of the Law, Policing. He currently serves as an Adviser to the Restatement of the Law, Corporate Governance.

Born in Montreal, Canada, he graduated from Harvard College in 1988 and received his J.D. from New York University School of Law in 1991. While at NYU, he served as Editor-in-Chief of the Annual Survey of American Law and received the Vanderbilt Medal, the law school's highest honor.

His broad range of legal experience spans both private practice and public service. Following law school, Lohier clerked for Robert P. Patterson Jr. of the U.S. District Court for the Southern District of New York. He worked as an associate at Cleary, Gottlieb, Steen & Hamilton's New York office from 1993 to 1997. From 1997 to 2000, he was a senior trial attorney at the Civil Rights Division of the U.S. Department of Justice.

In 2000, Lohier joined the U.S. Attorney's Office for the Southern District of New York, where he served in several leadership roles, including chief and deputy chief of the office's Narcotics Unit and later deputy chief and chief of the Securities and Commodities Fraud Task Force. In that role, he led investigations and prosecutions involving major financial crimes, including securities fraud, insider trading, Ponzi schemes, and commodities fraud. He was responsible for overseeing several high-profile financial crimes cases, including the Bernard Madoff prosecutions, as well as the investigation and prosecution of Marc Dreier.

In 2010, Lohier was unanimously confirmed to the U.S. Court of Appeals for the Second Circuit, where he serves today. He was appointed by John G. Roberts, Jr., Chief Justice of the



Gerard E. Lynch, David F. Levi, Raymond J. Lohier Jr., and Diane P. Wood

United States, to chair the Supreme Court Fellows Commission, which oversees the program committed to offering fellows an opportunity to broaden their understanding of the judicial system through exposure to federal court administration.

Lohier is a member of the Federal Bar Council Inns of Court, serves on the New York University School of Law Board of Trustees, and is an adjunct professor of law at New York University School of Law. He is also a recipient of the New York University Alumni Association's Eugene J. Keogh Award for Distinguished Public Service.

HENRY J. FRIENDLY MEDAL: J. HARVIE WILKINSON III AND DIANE P. WOOD

J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit and ALI Director Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit (Retired) were presented the Henry J. Friendly Medal on Wednesday, May 20, by Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit.

The medal was established in memory of Judge Henry J. Friendly, who was a member of the Council of The American Law Institute and a distinguished judge of the United States Court of Appeals for the Second Circuit. It recognizes contributions to the law in the tradition of Judge Friendly and the Institute. It is not limited to ALI members or those associated with its projects. It is awarded on a periodic basis as appropriate.

In presenting the medal, Leval praised Wood and Wilkinson as "crown jewels of the judiciary," recognizing their decades of service, intellectual leadership, and devotion to the rule of law. Although the two jurists have often approached difficult legal questions from different perspectives, Leval observed that they share "an increasingly rare and treasured quality, a disposition to disagree agreeably, civilly, and constructively" in pursuit of principled judicial decision-making.

Accepting the medal, Wood and Wilkinson reflected on their careers on the federal bench, the importance of judicial collegiality, and the responsibilities of appellate judges in maintaining public confidence in the courts. Their remarks underscored the value of thoughtful deliberation, intellectual humility, and respectful engagement across differing judicial philosophies.

James Harvie Wilkinson III serves on the U.S. Court of Appeals for the Fourth Circuit. Born in 1944 in New York, New York, he was nominated by President Ronald Reagan in 1984 to a seat vacated by Judge John Decker Butzner, Jr., and served as chief judge from 1996 to 2003. During his tenure, he was a member of the Judicial Conference of the United States and served on the Board of the Federal Judicial Center. He was elected to ALI in 1987.

Wilkinson earned his B.A. from Yale University and his J.D. from the University of Virginia School of Law. Following service in the U.S. Army, he clerked for Justice Lewis F. Powell Jr. of the Supreme Court of the United States. His career has included roles as a faculty member at the University of Virginia School of Law, editorial page editor of the *Norfolk Virginian-Pilot*, Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice, and a candidate for the U.S. House of Representatives from Virginia.

He has authored several books, including: *Harry Byrd and the Changing Face of Virginia Politics* (1968); *Serving Justice: A Supreme Court Clerk's View* (1974); *From Brown to Bakke: The Supreme Court and School Integration* (1979); *One Nation Indivisible: How Ethnic Separatism Threatens America* (1997); and *Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance* (2012). His memoir, *All Failing Faiths: Reflections on the Promise and Failure of the 1960s*, was published in 2017.

Diane P. Wood was appointed to the U.S. Court of Appeals for the Seventh Circuit in 1995, serving as its chief judge from 2013 to 2020. Prior to joining the court, she taught at the University of Chicago Law School, and she continues to teach there as a senior lecturer in law. She also served for two years as deputy assistant attorney general in the Antitrust Division of the U.S. Department of Justice.



Diane P. Wood, Pierre N. Leval, and J. Harvie Wilkinson III

Elected to ALI in 1990 and to the ALI Council in 2003, Wood has been an influential and active participant in the Institute's work and its leadership. She assumed the role of ALI Director in May 2023, the first woman to hold this position. She has served as an Adviser to Restatement of the Law, The Law of American Indians; Restatement of the Law Fourth, The Foreign Relations Law of the United States – Jurisdiction; Legal and Economic Principles of World Trade Law; Principles of the Law of Aggregate Litigation; and as U.S. Adviser to Transnational Rules of Civil Procedure. She also served on the Members Consultative Group for Complex Litigation: Statutory Recommendations and Analysis.

She received her B.A. and J.D. from the University of Texas at Austin. After law school, she clerked for Judge Irving L. Goldberg of the U.S. Court of Appeals for the Fifth Circuit and for Associate Justice Harry A. Blackmun of the Supreme Court of the United States.

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 2001 and 1976—at a luncheon held on Tuesday, May 19 during the Annual Meeting in Washington, DC. The Class Gift was presented to the Institute by 2001 Class Committee Chair, Hon. Barbara M. G. Lynn, U.S. District Court, Northern District of Texas (ret.) and Lynn Pinker Hurst & Schwegmann LLP. Also serving on the Committee were Ian C. Ballon, Greenberg Traurig, LLP, Michael E. Flowers, Steptoe & Johnson PLLC, James Paul George, Texas A&M University School of Law, Hon. Wallace B. Jefferson, Alexander Dubose & Jefferson LLP, and Ellen Relkin, Weitz & Luxenberg P.C.

Before the 2001 Class Gift presentation, President Levi introduced Wallace Jefferson, who spoke about his first time in Washington, D.C. in 1996 to argue before the United States Supreme Court. In preparation for his argument, Jefferson conducted a moot with his former law professor Charles Alan

Wright, who was the ALI president at the time. Jefferson further discussed his family history along with that of Texas. He stressed the need to preserve, protect, and defend the rule of law. Jefferson highlighted that in America, disagreement does not require rupture, and difference need not turn to contempt. He concluded by offering his hope that the nation could follow the ALI model that argues fiercely, listens respectfully, and moves forward together.

Following Wallace Jefferson's remarks, ALI President David F. Levi took the stage to express his gratitude for the Class Gift and to acknowledge the new Life and 50-year members in attendance. Representing the 50-Year Members were Brian Allen Grosman, K.C. and Robert L. McCurley, Jr. of the Class of 1976. All members of the Class of 1976 will receive medallions honoring their 50 years as members of the Institute.

Judge Lynn then delivered remarks on behalf of the 2001 Class. She reflected on how meaningful ALI has been to the Class and to the law. She spoke about how the ALI's core mission—to clarify, modernize, and improve the law—is more significant today than it has ever been. Judge Lynn concluded her remarks stressing how proud she was of her Life Classmate and new ALI President, Wallace Jefferson.

The Class Gift will help fund important aspects of the Institute's mission, including ALI's travel assistance programs, the Early Career Scholars Medal and annual conference, and our many influential law-reform projects. The Class Gift program will continue with the 2002 and 1977 Life Member Classes, which will be honored at ALI's 2027 Annual Meeting next May in Houston, Texas.



The 2001 Life Member Class Gift Committee in attendance

Left to Right: Michael E. Flowers of Steptoe & Johnson PLLC; Ellen Relkin of Weitz & Luxenberg P.C., Hon. Barbara M. G. Lynn (ret.) of Lynn Pinker Hurst & Schwegmann LLP (Chair); and Wallace B. Jefferson of Alexander Dubose & Jefferson LLP

The 2001 Life Member Class Gift

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

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The American Law Institute 1976 and 2001 Life Member Classes, May 19, 2026

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 Alfred C. Yen, Concord, MA

Annual Meeting Sunday Programs

This year's Sunday programs explored two issues shaping the future of the law. A live recording of *Divided Argument* explored the Supreme Court's evolving approach to executive authority, while a panel of judges, practicing lawyers, and legal technology leaders examined the opportunities and ethical considerations surrounding the use of artificial intelligence in courts and legal practice.

AI IN CHAMBERS AND LEGAL PRACTICE

Anna Blackburne-Rigsby of the District of Columbia Court of Appeals, **Xavier Rodriguez** of the U.S. District Court for the Western District of Texas, **Ed Walters** of Clio, and **Jeffrey L. Huelskamp** of Winston & Strawn examined the rapidly expanding role of artificial intelligence in judicial chambers and legal practice.

The panel explored practical applications of generative AI, including legal research, drafting, document review, litigation support, and court administration, while emphasizing that lawyers and judges remain responsible for exercising independent professional judgment. Blackburne-Rigsby discussed the District of Columbia Courts' framework for evaluating AI technologies, highlighting the importance of governance, transparency, data security, and public confidence as courts integrate emerging technologies. Rodriguez shared examples of AI-assisted workflows developed in his chambers, demonstrating how carefully implemented tools can improve efficiency while underscoring the need for human oversight and rigorous verification.

The discussion also addressed the ethical considerations surrounding AI, including competence, confidentiality, bias, supervision, and the risks posed by hallucinated citations and emerging agentic AI systems. Panelists agreed that while artificial intelligence has the potential to transform both legal practice and court administration, its successful adoption depends on thoughtful implementation, ongoing education, and a continued commitment to professional responsibility.



Xavier Rodriguez, Anna Blackburne-Rigsby, Jeffrey L. Huelskamp, Ed Walters, and ALI Deputy Director Eleanor Barrett

DIVIDED ARGUMENT PODCAST EXPLORES EXECUTIVE AUTHORITY AND THE SUPREME COURT

The Annual Meeting opened its Sunday programming with a live recording of *Divided Argument*, the constitutional law podcast hosted by **William Baude** of the University of Chicago Law School and **Daniel Epps** of Washington University School of Law. They were joined by **Pamela S. Karlan** of Stanford Law School, who moderated the discussion.

The conversation examined the Supreme Court's evolving approach to executive authority through the lens of the Court's recent decisions, emergency docket, election litigation, and separation-of-powers jurisprudence. Drawing on recent cases and constitutional history, the speakers explored the Court's treatment of voting rights, nationwide injunctions, judicial review, and the respective roles of Congress, the presidency, and the judiciary in shaping constitutional governance.

Throughout the discussion, the panelists reflected on the practical implications of the Court's recent decisions while offering differing perspectives on constitutional interpretation and the institutional role of the Supreme Court.

Listen to the full episode.



William Baude, Daniel Epps, and Pamela S. Karlan

Scenes from the 2026 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 Christine Chambers Goodman of Pepperdine University, Caruso School of Law; Daniel Mack Traynor of the U.S. District Court, District of North Dakota; and Benjamin Gruenstein of Gruenstein Law



Allison Orr Larsen of William & Mary Law School and Parvin K. Aminolroaya of Seeger Weiss



Alok Ahuja of the Missouri Court of Appeals, Western District



Stephanie Frederique Cagniard of Alexander Dubose & Jefferson and Brendan S. Maher of Texas A&M University School of Law



Tracy Hresko Pearl of University of Oklahoma College of Law



Kimberly West-Faulcon of Loyola Law School, Los Angeles



Adam A. Grogg of Governing for Impact; P. Casey Pitts of the U.S. District Court, Northern District of California; Michael H. Simon of the U.S. District Court, District of Oregon; and Evan Slavitt of the Louis D. Brandeis Center for Human Rights Under Law



Sarah L. Swan of Rutgers Law School, Alexander A. Boni-Saenz of University of Minnesota Law School, and Victoria A. Arroyo of Georgetown University Law Center



A Conversation with Justice Ketanji Brown Jackson

This year's Members Reception featured a conversation with Associate Justice **Ketanji Brown Jackson** of the Supreme Court of the United States and **Richard M. Gergel** of the U.S. District Court for the District of South Carolina. Drawing on Justice Jackson's memoir, *Lovely One*, the discussion reflected on her personal and professional journey, the mentors and experiences that influenced her career, and the responsibilities of judges in maintaining public trust in the judiciary. The conversation also explored the importance of civic education, the historical development of the American legal system, and the judiciary's role in safeguarding constitutional principles and the rule of law.



Christopher K. Odinet of Texas A&M University School of Law and Dalié Jiménez of University of California, Irvine School of Law



High-Volume Civil Adjudication Associate Reporter Rebecca Aviel of University of Denver Sturm College of Law



ALI President Emeritus David F. Levi



D. Gordon Smith of Brigham Young University, J. Reuben Clark Law School; Paul B. Miller of Notre Dame Law School; and Andrew Gold of University of California, Irvine School of Law



Carol F. Lee of Taconic Capital Advisors L.P. (Retired) and Conflict of Laws Associate Reporter Ann Laquer Estin of University of Iowa College of Law



Johnnie B. Rawlinson of the U.S. Court of Appeals, Ninth Circuit



John Francis Coyle of University of North Carolina School of Law



America at 250: Reflections on the Nation's Constitutional Legacy

The Annual Dinner welcomed **Akhil Reed Amar** of Yale Law School, **Mary Sarah Bilder** of Boston College Law School, and **Jack N. Rakove** of Stanford University for a conversation exploring the history and legacy of the American founding as the nation celebrates its 250th anniversary this year. Moderated by Amar, the panelists examined the drafting and ratification of the Constitution, the evolution of constitutional democracy, the role of historical interpretation in understanding the nation's founding principles, and the responsibilities of citizens in sustaining a constitutional republic.



Far Left:

Wendy Chang of the Superior Court of California, County of Los Angeles; Holly J. Fujie of ADR Services; and Laura A. Seigle of the Superior Court of California, County of Los Angeles

Left:

Marc Rotenberg of Center for AI and Digital Policy and Ivan K. Fong of Medtronic (Retired)



ALI Director Emeritus Richard L. Revesz; Raymond J. Lohier Jr. of the U.S. Court of Appeals, Second Circuit; and Mark D. Martin of High Point University, Kenneth F. Kahn School of Law



Leondra R. Kruger of the Supreme Court of California, Norman Eli Siegel of Stueve Siegel Hanson, and Sabita J. Soneji of Tycko & Zavareei



Reporters and Advisers celebrate the completion of Torts: Remedies.



MONDAY LUNCHEON DISCUSSION:

Threats on the Judiciary

This luncheon featured a discussion with **J. Michelle Childs** of the U.S. Court of Appeals for the District of Columbia Circuit, **Allyson Duncan** of the U.S. Court of Appeals for the Fourth Circuit (Retired), and **Paul W. Grimm** of the U.S. District Court for the District of Maryland (Retired).

Moderated by Duncan, the conversation explored the role of an independent judiciary in preserving the rule of law, the importance of maintaining public confidence in the courts, and the challenges judges face in an increasingly polarized environment. The panelists also discussed civic education, threats to judicial security, and the legal profession's responsibility to strengthen public understanding of the judicial system.



Left:
Hari M. Osofsky of Northwestern University Pritzker School of Law poses a question to Monday's luncheon panelists.

Right:
Christine Pedigo Bartholomew of University at Buffalo School of Law



TUESDAY LUNCHEON REMARKS:

Wallace B. Jefferson

After the presentation of the 2001 Class Gift, incoming President Wallace B. Jefferson addressed members during the luncheon honoring the Institute's New Life Members. Reflecting on his career in public service and the legal profession, Jefferson explored themes of constitutional governance, the role of civic participation, and the enduring importance of the rule of law. Through historical accounts of post-Civil War Texas and personal experiences before the U.S. Supreme Court, he illustrated how principled leadership, civic engagement, and respectful disagreement strengthen democratic institutions and advance the American legal tradition.





Torts: Defamation and Privacy Reporters Lyrissa Barnett Lidsky of University of Florida, Levin College of Law and Robert C. Post of Yale Law School with Benjamin C. Zipursky of Fordham University School of Law



WEDNESDAY LUNCHEON:

Henry J. Friendly Medal Presentation and Judicial Conversation

This luncheon featured the presentation of the 2026 Henry J. Friendly Medal to ALI Director **Diane P. Wood** of the U.S. Court of Appeals for the Seventh Circuit (Retired) and **J. Harvie Wilkinson III** of the U.S. Court of Appeals for the Fourth Circuit. **Pierre N. Leval** of the U.S. Court of Appeals for the Second Circuit presented the awards, followed by a discussion moderated by **David J. Barron** of the U.S. Court of Appeals for the First Circuit. The panel reflected on the qualities of effective appellate judging, the value of intellectual humility and collegial decision-making, the importance of precedent, and the challenges facing appellate courts in resolving questions of national significance. The discussion concluded with a thoughtful examination of the Supreme Court's emergency docket and the institutional role of appellate courts within the federal judiciary. Read more about the Friendly Medal recipients on page 10.



Teresa Rodríguez de las Heras Ballell, President of the European Law Institute, addressed members following Wednesday's conclusion of the Torts: Remedies session. She reflected on the partnership between ALI and ELI, recognizing ALI as the inspiration for ELI's founding and highlighting the organizations' ongoing collaboration on projects, including the current project Principles for the Governance of Biometrics. Looking ahead, she outlined ELI's strategic vision, emphasizing initiatives related to artificial intelligence, sustainability, legal certainty, and the rule of law, while underscoring the importance of international cooperation and consensus-driven legal frameworks in addressing contemporary legal challenges.



Virginia M. Kendall of the U.S. District Court, Northern District of Illinois

Videos of the special events are available on the ALI Media Library at media.ali.org.

**Dive into the robust history
of our publications.**

Spring/Summer Project Meeting Updates

CORPORATE GOVERNANCE, MARCH 6

Preliminary Draft No. 7 includes material from Chapter 1 on Definitions: § 1.14 Disclosure, § 1.25 Material Fact, and § 1.51 Aiding and Abetting a Breach of Fiduciary Duty; Chapter 4 on Duty of Care: § 4.03 Duty of Oversight; Chapter 5 on Duty of Loyalty: § 5.12 Taking of Corporate Opportunities by a Controller, § 5.13 Use by Controller of Corporate Property, Corporate Information, or Corporate Position, and § 5.18 Officer and Director Duty of Candor; and Chapter 7 on Remedies: § 7.05 Managing Derivative Litigation in the Best Interests of the Corporation.

CONSTITUTIONAL TORTS, MARCH 20

Preliminary Draft No. 2 includes a Scope of the Project Section prepared and presented to Council, reflecting the March 2025 project meeting discussion, as well as a substantial part of Chapter 4 on qualified immunity. The Reporters previously presented two Sections from Chapter 4: § 4.13, Interlocutory Appeal [denominated in PD No. 1 as § 4.12]; and § 4.14, Limitations and Procedures on Interlocutory Appeal [denominated in PD No. 1 as § 4.13].).

FOREIGN RELATIONS LAW OF THE UNITED STATES, MARCH 27

Preliminary Draft No. 3 contains eight new Sections and one revised Section. Section 103 addresses the judicial power to hear foreign-affairs disputes and completes the Sections on constitutional structure in Part I, Chapter 1. Sections 201-204 address the criteria for statehood, recognition or acceptance of states, recognition or acceptance of governments, and the authority of the President and Congress over recognition. Section 327 has been revised and addresses the authority to suspend, terminate, or withdraw from executive agreements. Sections 475-477 address immunities for special missions, heads of state, and acts taken in an official capacity.

GOVERNANCE OF BIOMETRICS, APRIL 20

This joint project with The European Law Institute launched in 2024. All the material in Preliminary Draft No. 2 is new. The draft includes materials from Part I, General Provisions (Principles 1-5); Part II, Risk-Based Protection of Biometric Data (Principles 6-10); and Part III, Sectoral and Context-Specific Principles (Principle 11).

CIVIL LIABILITY FOR ARTIFICIAL INTELLIGENCE, JUNE 26

Preliminary Draft No. 2 includes a revised Preliminary Overall Table of Contents for the first phase of this project, along with the first five Sections of Part I, Chapter 1, and the first three Sections of Part I, Chapter 3. The material in Chapter 1 is almost entirely new and grounds the project in AI models and systems instead of computer algorithms. The material in Chapter 3 addresses the product/service distinction but does not delve into the substantive rules of products liability, such as the definitions of defect. This material is not entirely new, though it is extensively revised to address issues raised in the last meeting.



Corporate Governance Reporter Edward B. Rock of New York University School of Law and Associate Reporters Marcel Kahan of New York University School of Law and Elisabeth de Fontenay of Duke University School of Law

MEETINGS CALENDAR AT-A-GLANCE

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

2026

September 18

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

October 15-16

Council Meeting
Philadelphia, PA

October 23

Restatement of the Law Fourth, Property
Philadelphia, PA

October 30

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

November 5

Restatement of the Law Third, Conflict of Laws
Virtual

November 13

Restatement of the Law, Election Litigation
Philadelphia, PA

The Institute in the Courts:

New Jersey and Idaho Supreme Courts Adopt Restatement Sections

In a recent legal-malpractice case, the Supreme Court of New Jersey adopted the standard set forth in § 51 of the Restatement of the Law Third, the Law Governing Lawyers, as the appropriate test for determining when an attorney owes a duty of care to a nonclient such that the nonclient can bring an action against the attorney for legal malpractice.

Christakos v. Boyadjis, 348 A.3d 966 (N.J. 2026), involved a dispute that arose after the death of two brothers who had hired an attorney to review and update their mirror-image wills. The testators' sister-in-law and niece brought legal-malpractice and other claims against the attorney, alleging that the sister-in-law and niece were intended beneficiaries of the wills, and that the attorney breached his duty of care to them by misadvising the testators about the testators' existing wills and negligently preparing the testators' updated wills, causing the sister-in-law to receive less of the estates than she should have and the niece to be omitted as a beneficiary entirely. The trial court denied the attorney's motion for summary judgment, finding that the attorney owed the sister-in-law and niece a duty of care because they were known potential beneficiaries of the estates, and that there were questions of fact as to whether the attorney breached that duty. On interlocutory appeal, the court of appeals reversed in part, holding that, while the attorney owed the sister-in-law a duty to correctly draft the wills because the wills named the sister-in-law as a beneficiary and were therefore intended to benefit her, the record was bereft of evidence that the niece was an intended beneficiary of the wills.

The Supreme Court of New Jersey adopted the test set forth in Restatement of the Law Third, the Law Governing Lawyers § 51 for determining when an attorney owed a duty of care to a nonclient such that the nonclient could bring an action for malpractice against the attorney, and affirmed based on that test, holding that the attorney did not

owe a duty of care to the niece under either § 51(2) or (3). The court reasoned that the attorney did not owe the niece a duty under § 51(2), because it was undisputed that the niece did not rely on the attorney's legal opinion, nor did he owe her a duty under § 51(3), because the testators' intent to benefit her did not appear on the face of the wills, and no reasonable jury could find clear and convincing evidence that the attorney knew that the testators intended for their wills to benefit her.

In a property dispute on the other side of the country, the Supreme Court of Idaho adopted § 3.4 of the Restatement of the Law Third, Property (Servitudes), as the standard for determining the reasonableness of a restraint on alienation.

Smallwood v. Little, 583 P.3d 149 (Idaho 2026), dealt with a dispute between the owners of three adjacent parcels of property that originally shared a common owner. The original owner divided the single parcel into three parcels, which she transferred to her three children pursuant to grant deeds that contained nearly identical restrictions on alienation. The restrictions provided that the grantees could only convey the properties to or encumber them in favor of their siblings, nephews, and nieces who were alive at the time of the grant, and prohibited the grantees from conveying the properties to or encumbering them in favor of anyone else, including their own spouses and lineal descendants.

The owners of two of the properties sued, among others, the owners of the third property, seeking to quiet title to the properties and to obtain a declaratory judgment that the restrictions in the grant deeds were unreasonable restraints on alienation that were void as against public policy. The trial court granted summary judgment for the defendants, holding that the language in the grant deeds was unambiguous, and that the common-law rule against unreasonable

restraints on alienation had recently been abrogated by the passage of a state statute that replaced the rule against perpetuities and provided a durational limitation for how long the alienation of property could be limited or conditioned.

The Supreme Court of Idaho vacated, holding that the statute did not abrogate the common-law rule against unreasonable restraints on alienation, which was therefore still in effect in Idaho, and that, as a matter of law, the restrictions on the grant deeds at issue were unreasonable restraints on alienation. In making its decision, the court adopted the modern formulation of the common-law rule against unreasonable restraints on alienation found in Restatement Third of Property (Servitudes) § 3.4, which provided that "[r]easonableness is determined by weighing the utility of the restraint against the injurious consequences of enforcing the restraint." This approach, the court noted, reflected the historic practice in Idaho as well as longstanding common-law principles.

Applying the Restatement's standard, the court concluded that the restrictions on the parties' grant deeds were unreasonable; among other things, any utility in the apparent purpose of the restrictions—namely, keeping the properties in the family—was not fully effectuated by the language of the restrictions, and the restrictions, as written, were counterproductive in that they unreasonably prevented the grantees from realizing the full enjoyment and economic benefit of their properties, contrary to Idaho's public policy favoring the full use of lands.

Notes About Members and Colleagues

KENNETH ABRAHAM HONORED INSURANCE AND TORT SCHOLARSHIP

On June 5, the Insurance Law Center at UConn School of Law held a symposium honoring **Kenneth S. Abraham** of the University of Virginia School of Law for his extraordinary contributions to the fields of tort and insurance law. The occasion also marked the fortieth anniversary of Abraham's first book, *Distributing Risk: Insurance, Legal Theory, and Public Policy* (1986), a landmark work that brought modern legal theory to the study of insurance.

In addition to remarks from Abraham and a keynote from **Guido Calabresi** of the U.S. Court of Appeals for the Second Circuit, the symposium included panel discussions featuring several ALI members (in bold):

Tort Law and Beyond

- **Michael Green**, Washington University School of Law
- **Leslie Carolyn Kendrick**, University of Virginia School of Law
- **Kyle D. Logue**, University of Michigan Law School, Associate Reporter for Restatement of the Law, Liability Insurance
- **Adam F. Scales**, Rutgers Law School
- Peter Siegelman, University of Connecticut School of Law

Insurance Law: Theory and Practice

- **Jay Feinman**, Rutgers Law School
- **Mark Geistfeld**, New York University School of Law, Reporter for Principles of the Law, Civil Liability for Artificial Intelligence
- **Daniel Schwarcz**, University of Minnesota Law School
- **Jeffrey W. Stempel**, UNLV William S. Boyd School of Law

The Intersection of Tort Law and Insurance

- **John C.P. Goldberg**, Harvard Law School, Associate Reporter for Restatement of the Law Fourth, Property
- **Benjamin C. Zipursky**, Fordham Law School
- **Robert L. Rabin**, Stanford Law School
- **Catherine M. Sharkey**, New York University School of Law

Reflections on Forty Years of Influence

- **Kenneth S. Abraham**, University of Virginia School of Law
- **Tom Baker**, University of Pennsylvania Carey Law School, Reporter for Restatement of the Law, Liability Insurance
- Travis Pantin, University of Connecticut School of Law
- **G. Edward White**, University of Virginia School of Law

The Annual International Law Conference on the Status of Women, hosted by the New York City Bar Association, honored **Christine A. Amalfe** of FBT Gibbons, **Fatima Goss Graves** of the National Women's Law Center, **Mary L. Smith** of VENG Group, and **Kathleen Marie Sweet** of Gibson McAskill & Crosby, recognizing their leadership, integrity, and contributions to advancing justice.

Dwyer Arce of Kutak Rock has been appointed to the Federal Practice Committee of the U.S. District Court for the District of Nebraska, elected to the Board of Directors of the Eighth Circuit Bar Association, and received the Nebraska State Bar Foundation's Distinguished Service Award, recognizing lawyers and judges whose careers reflect a sustained commitment to improving the administration of justice and strengthening the legal profession.

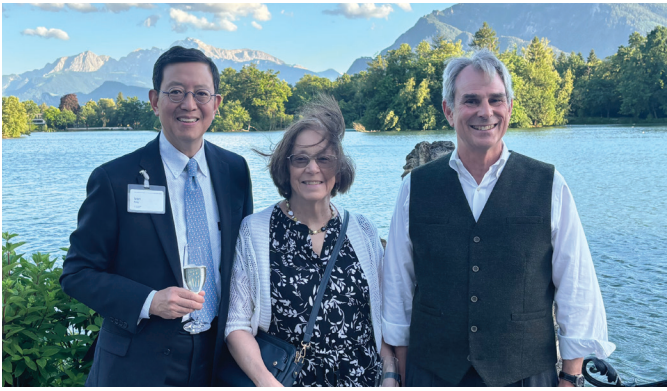
The American Academy of Arts & Sciences has announced the election of its newest members, which includes ALI members **William Baude** of the University of Chicago Law School, **Paul D. Clement** of Clement & Murphy, **Leondra R. Kruger** of the Supreme Court of California, **Angela R. Riley** of UCLA Law School, and Restatement of the Law, Children and the Law Reporter **Elizabeth S. Scott** of Columbia Law School.

In his latest book, *Free Expression Under Fire: Defending Free Speech and Free Press Across the Political Spectrum*, **Stuart N. Brotman** of the University of Tennessee, College of Communication & Information examines the unprecedented threats facing the First Amendment today and demonstrates that even in highly polarized times, common ground is still possible when we return to America's core principles.



Attendees of an ALI and St. John's College joint program held in June enjoy a tour of Annapolis.

L-R (ALI members in bold): Elaine Bachmann of the Maryland State Archives, Phelosha Collaros of St. John's College, Joseph M. Getty of the Maryland Supreme Court, William F. Highberger of the California Superior Court, County of Los Angeles, Paul Ludwig of St. John's College, David W. Ichel of X-Dispute LLC, Roy W. McLeese III of the District of Columbia Court of Appeals, D Brooks Smith of the U.S. Court of Appeals for the Third Circuit, and ALI Deputy Director Eleanor Barrett



ALI Treasurer Ivan K. Fong, ALI Director Diane P. Wood, and ALI Council member John B. Bellinger III in Austria earlier this summer for a Salzburg Global conference.

William C. Hubbard of the University of South Carolina Joseph F. Rice School of Law delivered the keynote at this year's William C. Hubbard Conference on Law and Education: Restoring Faith in Democratic Institutions. The conference, held on April 10 in Chicago, featured panels and speakers examining topics such as misinformation and disinformation, political violence, authoritarianism and democratic decline, and race and the Voting Rights Act.

Daniel B. Kelly is the new dean of the Antonin Scalia Law School. He is a nationally recognized legal scholar and academic leader with expertise in property law, real estate, and law and economics.

Douglas Laycock of the University of Virginia School of Law (Emeritus) participated in a Federalist Society America250 program examining the Supreme Court's shift away from the "Lemon Test" toward interpreting the Establishment Clause through historical practices and understandings.

The Latin American and Caribbean Law & Economics Association, the leading law and economics association in Latin America, has awarded **Florencia Marotta-Wurgler** of NYU School of Law this year's ALACDE Medal. Marotta-Wurgler received the award for her influential scholarship and its impact on the interaction between law and economics in Latin America and the global south. She will also deliver a keynote lecture, "New Challenges in Law and Economics: Beyond Effective Consumer Regulation," at the organization's annual meeting later this year.

Robert H. Mundheim of the University of Pennsylvania Carey Law School has received the University in Exile Award from the New School for Social Research. The award was presented on May 14 in New York City in advance of the University's 90th annual commencement ceremony.

Janet Napolitano of the University of California Berkeley, Goldman School of Public Policy appeared as a featured guest in the Sonoma Speaker Series on June 15 in Sonoma, California.

Richard L. Revesz of New York University School of Law and ALI Director Emeritus received the 2026 Hon. Robert A. Katzmann Award for Academic Excellence from the Burton Awards.

Robert H. Sitkoff of Harvard Law School delivered a "Last Lecture" to graduating students reflecting on the central role of private law in sustaining the rule of law.

NEW MEMBERS ELECTED

In June, the Institute announced the election of the following individuals.

Easha Anand, Stanford, CA
Aditi Bagchi, New York, NY
Anya Bidwell, Arlington, VA
Keith R. Blackwell, Atlanta, GA
Michael Bosworth, New York, NY
Kara Bruce, Chapel Hill, NC
Michael Chagares, Newark, NJ
Danielle D'Onfro, Saint Louis, MO
Seth Davis, Berkeley, CA
Denise Lambert Drake, Houston, TX
Gina-Gail Fletcher, Durham, NC
Matthew L. Garcia, Albuquerque, NM
Cynthia M. Godsoe, Brooklyn, NY
Craig T. Goldblatt, Wilmington, DE
Andrew Gould, Houston, TX
Mitu Gulati, Charlottesville, VA
Kaye G. Hearn, Greenville, SC
Adam J. Hirsch, San Diego, CA
Christine Hurt, Dallas, TX
Phyllis A. Jones, Washington, DC
Sam Kamin, Denver, CO
William G. Klain, Phoenix, AZ
François Kunc, Sydney, Australia
Richard J. Leon, Washington, DC
Kate Levine, New York, NY
Julia Lipez, Portland, ME
Michael A. London, New York, NY
Sarah London, San Francisco, CA
Sandra G. Mayson, Philadelphia, PA
Margaret McLetchie, Las Vegas, NV
Abby M. Mollen, Chicago, IL
Murat C. Mungan, Fort Worth, TX
Wesley M. Oliver, Pittsburgh, PA
Alicia Ouellette, Portland, OR
Rebecca R. Pallmeyer, Chicago, IL
Pamela R. Reiter, Sioux Falls, SD
Daniel I. Ripley, Barcelona, Spain
John Roberti, Washington, DC
Spencer Garrett Scharff, Los Angeles, CA
William P. Schwartz, Jackson, WY
Thomas E. Simmons, Vermillion, SD
Grant Murray Snow, Phoenix, AZ
Ann Southworth, Irvine, CA
Anna Spain Bradley, Los Angeles, CA
Byron G. Stier, Los Angeles, CA
Emily F. Suski, Columbia, SC
James Fallows Tierney, Chicago, IL
Gina S. Warren, Houston, TX
Mary Ziegler, Davis, CA

Jeffrey S. Sutton of the U.S. Court of Appeals for the Sixth Circuit participated in the Federalist Society's America 250 series, *The Founders Gave Us the Tools*, examining how state constitutions shaped the American founding and continue to influence constitutional interpretation. Sutton discussed the role of state constitutions as important testing grounds for the principles later embodied in the U.S. Constitution.

J. Harvie Wilkinson III of the U.S. Court of Appeals, Fourth Circuit, is this year's recipient of the Outstanding Virginian Award, considered the Commonwealth of Virginia's highest civilian honor. In his remarks accepting the award, Wilkinson reflects on his life of service.

Submissions as of July 15. 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

Charles E. Griffin, Ridgeland, MS;
Robert W. Pratt, Des Moines, IA

LIFE MEMBERS

Roy Goode, Oxford, England; **Daniel I. Halperin**, Cambridge, MA; **William T. Hangley**, Philadelphia, PA; **Dale Hershey**, Pittsburgh, PA; **Joan K. Irion**, San Diego, CA; **Sir Anthony Mason**, Sydney, Australia; **Edward A. Morgan**, Scarsdale, NY; **Steve Morris**, Las Vegas, NV; **M. Melvin Shralow**, Haverford, PA

Upcoming Continuing Legal Education Events

2026

MDL In Motion 2026: Federal/State Coordination

In partnership with the Center on Civil Justice at NYU School of Law
October 2, 2026 | Networking Reception on October 1
NYU School of Law, New York, NY or live webcast

Life Insurance Company Products 2026

November 5-6, 2026
Washington Marriott at Metro Center, Washington, DC
or live webcast

2027

Eminent Domain and Land Valuation Litigation 2027

February 4-6, 2027
El Conquistador Resort, Tucson, AZ or live webcast

Legal Issues in Museum Administration 2027

Cosponsored by the Smithsonian Institution
April 14-16, 2027
Hilton New Orleans Riverside, New Orleans, LA or live webcast

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