THE ALI
Reporter
THE QUARTERLY NEWSLETTER OF THE AMERICAN LAW INSTITUTE
VOLUME 42 NUMBER 3 SUMMER 2020

From President David F. Levi



As I write this in early July, America has shifted its attention from one pandemic to what might also seem like a plague—the use of excessive force by police officers. This is a longstanding problem receiving heightened attention in the aftermath of the deaths, in a span of weeks, of George Floyd, Breonna Taylor, and Ahmaud Arbery. These headlines are not new. For years, we have read news stories and, more recently, watched videos, showing the killing of unarmed Black men by police officers in circumstances that did not justify the use of deadly force. May we hope that we are finally at a point in our history when, in the recognition of the intense pain, distrust, and injustice caused by these tragic killings, we will take this as the opportunity for consequential reforms of the nation's police departments.

In Director Revesz's letter, he describes some of the efforts that ALI is taking to put our Policing Principles into the hands of those who can effect positive change. On our special podcast series produced jointly with the Bolch Judicial Institute at Duke Law School, I was joined by four distinguished panelists who are addressing these challenges head on. The Policing episode, available on our website now, features Chicago Mayor Lori E. Lightfoot; Houston Police Chief Art Acevedo; The Leadership Conference on Civil and Human Rights Executive Vice President of Campaigns and Programs Ashley Allison; and Principles of Policing Reporter, NYU Law Professor, and Founding Director of NYU Law's Policing Project Barry Friedman.

If you have not yet done so, I encourage you to listen as these experts discuss the complex and difficult challenges that must be addressed if reforms are to be effective. There is much to learn from their thoughts on how best to move forward in order to ensure the future of democracy as well as a justice system that protects and serves ***all*** Americans.

Listen to the Policing episode now at *www.ali.org/podcast/policing*.

ALI will continue to engage with the organizations and individuals dedicated to clarifying and modernizing this and other areas of law, as we tackle complex issues in our Principles, Restatement, and Model Code projects. We have received many questions from members and project participants about how we will continue to do this important work while the coronavirus pandemic is still very much a factor in our lives. I will address many of your questions here, sharing what we now know, and I will update you if our plans change as the fall approaches.

Until we are able to gather again in person, I hope that each of you will remain safe and well, and continue to engage in the important work of the ALI.

continued on page 4

THE DIRECTOR'S LETTER BY RICHARD L. REVESZ

ALI's Contributions in a Time of Crisis

This year has been an extraordinarily difficult one. We are ensnarled in a pandemic that has caused a staggeringly large number of deaths and deep suffering and has laid bare appalling inequities, particularly ones based on race. The brutal killing of George Floyd on May 25 in Minneapolis has shaken our country to the core.

We all surely have been asking ourselves what roles we play as individuals and as citizens in meeting these challenges. In addition, I have reflected on how the work of The American Law Institute can be applied to address some of the pressing legal and policy issues facing us in this time of crisis. Several of our Principles projects, in particular, offer guidance that may contribute positively to the ongoing national conversations and to decisions that policymakers are currently making and will need to make in the near and longer terms.

In 2015, the ALI launched Principles of the Law, Policing. Thus far, approximately one third of the project's Chapters have been approved by both the Council and the membership. One of these approved Chapters covers the use of force by policing agencies. In the wake of the murder of Mr. Floyd, we have made this Chapter, as well as the other approved Chapters, freely available to the public and have promoted it on the ALI website so that it can help guide institutions grappling with this issue. We are also distributing the approved Principles to police departments as well as to policy-setting organizations throughout the country.

The use-of-force Chapter offers best practices for use of force by police in individual encounters like the one that resulted in the death of Mr. Floyd, as well as in responses to the sorts of mass demonstrations that followed his killing. In each situation, too many policing agencies are failing to live up to what society expects of them. The adoption by police departments and their regulators of

continued on page 2



The State of the Institute

Each year, ALI's Annual Meeting includes a session with business reports from ALI leadership. Now more than ever, it is important that our membership remains updated on matters of the Institute, including how our work continues during this time.

That is why, despite the cancellation of this year's Annual Meeting, ALI has prepared a video on this year's business reports. This video was released on June 8, 2020.

President **David F. Levi** opens the video with an important statement, as well as an overview of the state of the Institute. He then introduces the executive members and committee chairs as they provide their reports on Institute matters.

The following are listed in the order in which they presented:

Richard L. Revesz, Director
Roberta Cooper Ramo, Immediate Past President and 100th Anniversary Committee Co-Chair
Stephanie A. Middleton, Deputy Director
Teresa Wilton Harmon, Membership Committee Chair
Wallace B. Jefferson, Treasurer
Steven O. Weise, Investment Committee Chair
Judith A. Miller, Development Committee Chair
Anthony J. Scirica, Nominating Committee Chair

Watch the video now on the ALI website at *www.ali.org/news*.

THE DIRECTOR'S LETTER CONTINUED FROM PAGE 1

the ALI Principles on use of force—which emphasize overarching precepts of necessity, proportionality, and de-escalation—could provide the framework on which just and rational use-of-force laws, policies, and practices may be built.

There is real-life evidence that these principles work well. In 2019, Camden County, New Jersey, adopted a revised use-of-force policy, modeled largely on the ALI Principles, and drawn with the assistance of Reporter Barry Friedman and the Policing Project at NYU School of Law, which he directs. Press coverage has shown that Camden's response to demonstrations sparked by the killing of Mr. Floyd differed markedly from escalatory responses of policing agencies in much of the rest of the country. In this connection, members of the Minneapolis City Council recently requested a copy of Camden's policy, and Professor Friedman has briefed the National Governors Association. In addition, the Principles of Policing Chapter on use of force was the model in part for the California Act to Save Lives (2019), which raised the standard for when officers may use deadly force, allowing such force only when necessary in defense of human life.

The Camden example also illustrates the value of two principles from another approved Chapter that is also freely available on the ALI website. Section 1.05 of Principles of Policing states that "[a]gencies should operate subject to clear and accessible written rules, policies, and procedures." Camden's use-of-force policy, which is clearly drafted and publicly available online, satisfies these fundamental criteria. Section 1.05 also urges that such policies should "be formulated through a process that allows for officer and public input." This guidance (including more detailed discussion in the Comments) could be useful as communities and jurisdictions reassess not only policing policies but also questions about community involvement in public safety. In addition, Camden demonstrates the transformative power of a thoroughgoing commitment to community policing, which is endorsed and described in § 1.07.

DOWNLOAD THE USE OF FORCE PRINCIPLES AT WWW.ALI.ORG.

Individuals involved in Principles of Policing—an extraordinarily impressive group drawn from a diversity of disciplines—include leading contributors to the national conversation on race and policing that is currently taking place throughout the country. To cite just a few recent examples, Associate Reporter Tracey Meares and Adviser Art Acevedo, the Houston Police Chief, appeared in a segment on the *PBS NewsHour*, and Adviser Sherrilyn Ifill of the NAACP Legal Defense and Educational Fund was featured on *60 Minutes*. In addition, Reporter Barry Friedman and former U.S. Attorney General Loretta Lynch were tapped by New York Attorney General Letitia James to help guide and

EDITOR
Jennifer L. Morinigo
(215) 243-1655
jmorinigo@ali.org

MANAGING EDITOR
Pauline Toboulidis
(215) 243-1694
ptoboulidis@ali.org

ASSOCIATE EDITOR
Todd David Feldman
(215) 243-1682
tfeldman@ali.org

ART & PRODUCTION
Kathleen A. Morton
(215) 243-1612
kmorton@ali.org

The ALI Reporter (ISSN 0164-5757) is published quarterly by The American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104-3099. Nonprofit U.S. postage paid at Langhorne, PA.

POSTMASTER: Send address changes and any other communications to 4025 Chestnut Street, Philadelphia, PA 19104-3099.

support her investigation into NYPD interactions with protestors, serving in this role together. Professor Friedman and Chief Acevedo also appeared with Chicago Mayor Lori Lightfoot and Ashley Allison, Executive Vice President of the Leadership Conference on Civil and Human Rights, in a podcast moderated by our President David F. Levi and produced jointly by the ALI and the Bolch Judicial Institute at Duke Law School. I am gratified that the ALI has convened such a leading group of experts and stakeholders around this timely and critically important project, and I am confident that their perspectives on the current crisis are informed, at least in part, by the many days we spent together discussing Principles of Policing.

On a different front, in 2019, the ALI published Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes. Little did we know how central the issues of ballot counting and non-precinct voting would become in a landscape altered by the coronavirus pandemic. Ensuring that our upcoming elections, including the November 2020 presidential election, run smoothly and with public confidence without exposing citizens to unnecessary health risks is critical to our democracy.

The dramatic increase in voting-by-mail and other early voting that will undoubtedly occur this November poses significant challenges. Several state primaries already have been marred by problems, including widespread failures to provide mail-in ballots to voters who had requested them. In a recent podcast produced by ALI, which is available on our website, the Reporters of Principles of Election Administration emphasize the need for state legislatures and election administrators to step up before it is too late, to ensure that clear rules and planning are in place to successfully administer the November elections amidst the ongoing pandemic.

Legislators and election administrators answering this call will benefit from the remarkably detailed guidance supplied by these Principles, which cover the most important factors for successful nontraditional voting, including timing windows for mail-in and early voting, best practices for producing clear and effective ballot applications, ballots, and ballot-transmission envelopes, and systems for processing and counting mailed ballots. Getting these details right can mean the difference for many voters between voting and disenfranchisement, and between an election viewed as legitimate and one raising significant questions. In an effort to assist election administration officials in implementing proper procedures for absentee voting, ALI distributed to officials across the United States the Early In-Person Voting and Open Absentee Voting part of the Principles of Election Administration.

Even without serious complications raised by the pandemic, an election with significant numbers of mailed-in ballots is more likely to produce post-election disputes and litigation. On this issue, Principles of Election Administration offers two Parts providing guidance on navigating these fraught waters for legislatures, election authorities, and courts, with useful direction on how to handle the challenges posed by such disputes.

The pandemic also has brought to the fore important questions on which our recently approved Principles of the Law, Data Privacy, can provide guidance both to lawmakers and to entities that handle data. Development of smartphone apps to facilitate contact tracing has raised issues of notice, consent, data identifiability, data storage and retention, its use for unauthorized purposes, data security, data transfer, and accountability via reporting requirements and enforcement, among others. In view of these concerns, there currently are three different bills in the U.S. Congress that would regulate coronavirus-related data activities. Given the rapid pace at which lawmakers have had to develop these bills, it is important that legislators and their staffs have access to the best available expertise on the issues. To this end, the ALI earlier this spring transmitted to relevant congressional staff members in both houses of Congress, and on both sides of the aisle, the unofficial final text of Principles of Data Privacy, which is almost ready for publication.

These Principles are highly relevant to the questions that Congress is currently facing. They contain Sections pertaining to many of the major issues being tackled, including notice (§§ 3 and 4); consent (§ 5); limitations on using data beyond the scope of notice and consent (§ 7); confidentiality (§ 6); data retention and destruction (§ 10); data security, including notification of data breaches (§ 11); data transfer (§ 12); and accountability and enforcement (§§ 13 and 14).

For nearly a century, the ALI has been helping to shape conversations on the development of American law. But our work most often is invisible to nonlawyers. At a time when myriad challenges confront our society, our Principles of the Law contribute significantly both to public discourse and to policymaking. The ALI as an institution will continue to raise awareness of the relevance and value of our work, and I encourage you, our members, to do the same.

Q&A with ALI President David F. Levi

We've all had to make adjustments to our traditional methods of working. What has worked for you and for ALI during this time?

In mid-March we made the decision to cancel the remaining in-person spring project meetings, and soon after we announced the cancellation of the Annual Meeting. This was only the second time in our long history that we were forced to cancel an Annual Meeting. Along with our members and participants, ALI's leadership and staff needed to adjust quickly to the new normal of working from home and social distancing. Our challenge is to ensure that we continue the work of the Institute at the same high level of excellence and engagement, when that work historically has depended on periodic in-person meetings. And beyond the work product, we also want to preserve the feelings of connectedness as a group and loyalty to one another that we feel even though we cannot gather in person.

One thing we did to close the distance between us is explore online conferencing with Zoom. We are planning virtual meetings for some projects, producing podcasts and audios for our members and the larger legal community, and we have held a Council business meeting on Zoom. Reporters on several of our projects joined us to record videos that explore their Annual Meeting drafts. It is not the same as discussing the drafts with the Reporters and each other at the Annual Meeting, but it does provide an overview that will be helpful when we are able to gather, discuss, revise, and move our projects forward.

We continue to record and release episodes of the podcast series, *Reasonably Speaking*, which we began last year, and released a special series in partnership with the Bolch Judicial Institute of Duke Law School titled "Coping with COVID." This series explores the effects of the coronavirus on the legal system by examining both the challenges and the ways in which the legal community is adapting to the crisis, perhaps permanently changing some aspects of the delivery of legal services and education, the administration of justice, and the practice of law. On these recordings, we have been so fortunate to be joined by venerable leaders of the judiciary, academia, and the bar, most of whom are ALI members, providing guidance and hope through this unprecedented time.

How has the work of the Institute been affected by the cancellation of this year's Annual Meeting?

The cancellation of the Annual Meeting prevented membership approval of draft content this year. However, our dedicated members still submitted comments on these drafts. The Reporters appreciate the suggestions and guidance and will improve the drafts for member review at a future Annual Meeting. It is our hope that with the incorporation of members' comments, we will have an efficient 2021 Annual Meeting.

That said, we recognize that these drafts will still require adequate time on the agenda, so we are planning to hold an extended 2021 Annual Meeting. With an additional day on the 2021 agenda, and potentially again in 2022, we hope to make up for lost time.

Recent events only highlight the importance of our projects. Principles of the Law projects on policing, election administration, data privacy, and government ethics could not be more relevant. And our Restatement projects on Indian law, children and the law, and tort law will provide important guidance.

WANT TO LEARN MORE?

Additional information about the Annual Meeting drafts is available on page 6.

Learn more about *Reasonably Speaking* and the special series "Coping with COVID" on page 10.



Podcast participants of Coping with COVID: How Courts Are Preserving Access to Justice

Will there be options to virtually attend the fall project meetings?

As the COVID-19 crisis continues, The American Law Institute is considering ways we can continue to do our work while keeping our members, project participants, and all of our families and loved ones safe. As each month passes, we learn a bit more about the virus, and we know that although some of our members may be interested in attending in-person meetings, many of our members may reasonably choose not to travel or congregate. So, we are looking at a hybrid approach to our fall project meetings. As many of you know, planning a hybrid meeting requires twice the work as either planning a virtual or an in-person meeting. We are fortunate to have such a wonderful and committed staff who welcome the challenge.

We will hold fall project meetings as they are currently scheduled, but the early fall projects will be virtual-only. We are still contemplating in-person late fall project meetings, with the option of remote participation. We are also working to identify the best technology to allow virtual participation where we can securely gather, work together on a draft, and feel connected to each other even if we are miles apart. As we make additional arrangements, we will alert all project participants through email, and will post information on the meetings pages of the ALI website. All members have access to all project drafts on the project page of the website, and member comments on any and all drafts are appreciated.

UPCOMING MEETINGS

Early fall project meetings will be held virtually on Zoom. For more information, visit *www.ali.org/meetings*.

September 10
Restatement of the Law Third, Torts: Intentional Torts to Persons

September 11
Principles of the Law, Policing

September 17
Restatement of the Law, Copyright

October 8
Principles for a Data Economy

October 9
Restatement of the Law Fourth, Property

October 16
Principles of the Law, Government Ethics

How is the ALI Council planning to meet to record votes on business matters or projects?

In May, ALI's Council successfully met via a Zoom conference call. It was reassuring and heartwarming to see the faces of our Council members, who joined from home offices around the United States (and from the UK). For members who may not know, the May Council meeting coincides with the Annual Meeting. At this meeting, ALI leadership gathers to work on the business of the Institute rather than review Council Drafts. The technology allowed all of our committee chairs to provide their reports to the full Council (these reports were later recorded and shared on the ALI website at *www.ali.org/news/state-institute*). We were also able to approve the appointment of PEB-UCC members. We are exploring how we can use the technology to allow our Council to safely come together in the fall to review and vote on drafts, in order to keep our projects moving forward.

In what ways can members help the Institute?

In the past few months, we have asked our members and project participants to adapt in order to help us continue ALI's work, despite postponed project meetings and a canceled Annual Meeting. We know that we are asking you to do this while so many of you are also required to adjust to new work and family challenges. Thank you for so graciously stepping up to this new set of challenges. So many members read our Annual Meeting drafts and shared their knowledge and analytic talents. I ask that, as we move toward our first all-Zoom project meeting (Compliance on July 16), and then into our fall project meetings, our members continue to engage in our work, and embrace participation either online or in-person. Our work is as good and as reliable as it is, only because of your engagement.

Finally, a crisis of the scope of the coronavirus pandemic affects the financial situation of every institution. The ALI is no exception. As we look toward a brighter future together, I hope that if you are able, you will consider joining me and so many of our fellow members in supporting ALI now.

Annual Meeting Project Drafts and Videos

This year's Annual Meeting included eight projects on the agenda prior to the Meeting's cancellation due to COVID-19. Although this year's Annual Meeting was cancelled, a number of the project drafts were produced and posted online for member comment. Each draft produced is a Tentative Draft, but no motions may be made and no voting will occur. Based on the comments received, the drafts may be revised or supplemented before submission at a future Annual Meeting.

All project drafts, comments, and video summaries are available on the project pages at *www.ali.org/projects*. A Tentative Draft for Model Penal Code: Sexual Assault and Related Offenses is not yet available. A 2020 Tentative Draft of Principles of the Law, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, will not be produced. The Reporters for this project will focus on preparing a 2021 Annual Meeting draft.

The Law of American Indians
Tentative Draft No. 4 includes parts of Chapter 1, Federal–Tribal Relations; Chapter 2, Tribal Authority; Chapter 3, State–Tribal Relations; Chapter 4, Tribal Economic Development; and Chapter 6, Natural Resources. A Supplement to T.D. No. 4 includes Chapter 4, Subchapter 3—Indian Gaming. This draft and supplement include the remaining portions of this project. Reporter Matthew L.M. Fletcher and Associate Reporter Kaighn Smith Jr. provide an overview of the draft and supplement in a video summary found on the project's status page.



Conflict of Laws
Tentative Draft No. 1 includes parts of Chapter 1, Introduction; Chapter 2, Domicile; and Chapter 5, Choice of Law. In a video summary found on the project's status page, Reporter Kermit Roosevelt III and Associate Reporters Laura E. Little and Christopher A. Whytock provide an overview of the draft.

Copyright
Tentative Draft No. 1 includes Sections from the Chapters on Subject Matter and Standards: Generally; Subject Matter of Copyright: Scope of Protection; and Initial Ownership, Transfers, Licenses, Termination of Grants, and Abandonment.

Data Economy
Tentative Draft No. 1 includes Part I on General Provisions, as well as portions of Part II on Data Contracts and Part III on Data Rights. In a project video found on the project's status page, Reporters Christiane C. Wendehorst and Neil B. Cohen, and project Co-Chair Lord John Thomas of Cwmgiedd discuss the evolution of the way data is used in the modern economy as well as the scope of this project.

Intentional Torts
Tentative Draft No. 5 includes Sections from Chapter 3, Privileges. In a short video summary found on the project's status page, Reporter Kenneth W. Simons and Associate Reporter W. Jonathan Cardi walk through portions of this year's draft.

Property
Tentative Draft No. 1 includes Sections from the Chapters on Possession and Trespass to Land, and Sections from Division III on Bailments, as well as the Projected Overall Table of Contents for this Restatement. In a video summary found on the project's status page, Reporter Henry E. Smith is joined by Associate Reporters John C.P. Goldberg, Thomas W. Merrill, and Christopher M. Newman to provide an overview of the draft.











Working Together, Even When Apart: Join an MCG Today

One of the highlights of being an ALI member is having the opportunity to engage in thoughtful discussions at a high level about legal issues affecting not just the legal system, but society as a whole. While it may feel like life is on pause at the moment, the Institute's work is not. In fact, we have a full plate of project meetings scheduled for this fall. In order for our work to move on, we must keep our collaborative efforts alive. To that end, this year's fall project meetings will be held virtually through the month of October. A decision about November project meetings will be made soon.

Please don't hesitate to join a Members Consultative Group (MCG). MCG participants contribute in a variety of ways—by reviewing drafts, attending project meetings, and submitting comments. No expertise in the project area is needed to join an MCG. In fact, participation by nonexperts is essential because the Institute's work must be useful for a broad audience.

Members may join an MCG by logging in to the ALI website and visiting the project page at *www.ali.org/projects*.







Absentee Voting Processes and the November Election

By Steven F. Huefner and Edward B. Foley Ohio State University Moritz College of Law professors, and Reporters on ALI's Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes



With the November election less than four months away, and the certainty that it will involve a dramatic increase in the amount of voting by mail, we recently recorded an episode of *Reasonably Speaking* to discuss some of the legal issues that might arise surrounding voting by mail. We were joined by Justin Levitt of Loyola Marymount University Loyola Law School and Lisa Marshall Manheim of University of Washington School of Law to talk about what we have seen happen already in the 2020 primaries and lessons that can help as we prepare for November.

Specifically, we talked about what traditionally has been referred to as absentee voting (which should be distinguished from "all vote by mail" processes, in which the local election jurisdiction sends a ballot to all registered voters, a system that we did not discuss). Today, almost two-thirds of the states make absentee voting or voting by mail available to anyone who desires to vote that way, whereas historically absentee voting had been limited to only those people who could provide some kind of excuse or justification for an absentee ballot.

Of course, states have many options in how to implement voting by mail or no-excuse absentee voting. How to do it well has been the subject of considerable attention in the past decade, before COVID-19 hit, including by The American Law Institute in its Principles of the Law, Election Administration.

In the podcast episode, we consider the additional complications of voting by mail that have been introduced by COVID-19, given the dramatic increase in the number

Principles of the Law, Election Administration, Now Available as an eBook

In time for the 2020 elections, ALI has converted Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, to an eBook. Presented in three parts, the Principles are more valuable than ever this year. The principles apply to any type of elective office and are structured to be useful to multiple audiences, including state legislatures, state courts, and state officers such as secretaries of state and local election officials.

Part I. Principles of Non-Precinct Voting: Early In-Person Voting and Open Absentee Voting outlines the ways in which states can securely and efficiently incorporate early voting and absentee voting to maximize accessibility and convenience for voters. Part I may be used by a judge in any case that involves an issue concerning early or absentee voting.

Part II. Principles for the Resolution of Ballot-Counting Disputes and Part III. Procedures for the Resolution of a Disputed Presidential Election address how states can manage post-election disputes, with Part II focusing on elections generally and Part III concentrating on the procedures necessary in disputed presidential elections in light of unique scheduling constraints.

The animating principle throughout is that government officials and institutions involved in counting ballots should neither favor, nor appear to favor, one side in the implementation of ballot-counting rules and that procedures should be adopted to promote a sense of legitimacy and integrity of the vote-counting and election process.

VISIT THE ELECTION ADMINISTRATION PUBLICATIONS PAGE ON THE ALI WEBSITE TO LEARN MORE ABOUT PURCHASING THE EBOOK.



Absentee Balloting: Preparing for the November Election *participants (clockwise from top left) Steven F. Huefner, Justin Levitt, Edward B. Foley, and Lisa Marshall Manheim*

of voters who want to take advantage of that mode of voting. We have already seen in the primary elections that election administrators in many states have found it difficult to handle that dramatic increase. As we near the November election, time is running short to make adjustments, both administratively and as a matter of legal structure, in how to support voting by mail in a dramatically increased quantity.

Part of that support includes preparing for the extended amount of time absentee ballots often take to process. The primary reason that certifying the results of an election takes some time is because the election officials are making sure the count is accurate. With respect to mail-in ballots in particular, that process includes verifying each individual ballot to make sure that it is from an eligible voter. That is a cumbersome process.

Pre-COVID, good reasons existed for states to favor in-person voting over mail-in voting, as the ALI Principles reflect. However, we now live in a new world where voting in-person has previously unanticipated risks.

Furthermore, in June, Georgia experienced what by all accounts was a real meltdown in its primary election, principally with respect to in-person voting (although Georgia also had some problems with its mail-in voting). Observing what happened in Georgia is likely to push even more people to want to vote by mail this November. Yet long before the problems in Georgia, we were seeing problems in the voting-by-mail processes in Pennsylvania, Maryland, the District of Columbia, and elsewhere.

The Wisconsin primary last April is the poster child for these problems: tens of thousands of Wisconsin voters did not receive their requested mail-in ballots until it was too late for the ballots to be cast.

Voting processes, whether in-person or by-mail, must be both safe and reliable. Every voter must be able to expect that if they comply with the voting rules in their jurisdiction, they will be able to cast a valid vote. We hope that November's election will not give rise to the kind of problems we have seen in the primaries. If we fail to provide every eligible voter a genuine opportunity to vote safely, then we will have failed to live up to our national commitment to protect every voter's ability to participate in the exercise of self-government, as embodied, for instance, in such Constitutional provisions as the Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments, and landmark federal statutes such as the Voting Rights Act. We hope we do not have to say that about the 2020 election.

So, how can you help?

The American Law Institute has made its Election Law Principles, including the portions that focus specifically on absentee or mail-in voting, freely available to all election administrators throughout the United States. As ALI members, you can help by sharing these Principles with legislators, administrators, and anyone who may be working now to implement a strong and trustworthy absentee voting process before November. Meanwhile, from now through Election Day every effort should be made to inform voters of the voting options available to them in their particular jurisdiction; to encourage anyone who wishes to vote by mail to apply for their ballot early and return it promptly; and to prepare the electorate for the possibility that official results may not be available until several days after polls close on November 3.

JUST RELEASED ON *REASONABLY SPEAKING*

Faithless Electors: SCOTUS Decisions and their Implications for November

(Released: 7/15/2020)

On July 6, the Supreme Court of the United States held that states may replace and even punish "faithless electors," the term used for a member of the U.S. Electoral College who does not vote for the presidential or vice presidential candidate they pledged to support. This episode considers the implications of the Court's ruling and reasoning for a broader set of questions on the Electoral College system and what might happen in this year's election.

In this episode, Steve Huefner and Ned Foley are joined by Kate Shaw of Cardozo School of Law and Franita Tolson of USC Gould School of Law.



Kate Shaw



Franita Tolson

Listen Now: *Reasonably Speaking* Season Two

Season Two of ALI's podcast is now available on the ALI website, as well as any podcast platform. *Reasonably Speaking* features interviews with legal experts on some of the most important legal topics of our time. Each episode takes listeners through the law in action, beyond courtrooms and casebooks, examining the relationship between our laws and our society.

This season also features the podcast and video series "Coping with COVID," produced jointly with the Bolch Judicial Institute of Duke Law School, which examines the impact of the COVID-19 pandemic on the legal system. The series is hosted by ALI President David F. Levi.

Listen to Season Two now, and catch up on Season One with episodes on a variety of topics, including: protecting individual liberties: recognizing the value of state and federal courts; the death penalty; the Supreme Court of the United States; children in the justice system; American Indian law; consent and sexual assault; consumer contracts; race and policing; corporate compliance challenges and solutions; and responding to assault allegations on campus.

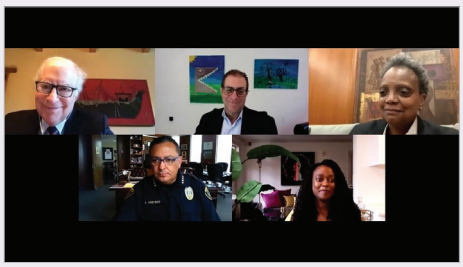
Subscribe to *Reasonably Speaking* through any podcast app or listen now at *www.ali.org/podcast*.

FEATURED EPISODE

The Plague of Excessive Force - Working Together to Find a Cure *(Released: 7/1/2020)*

Produced jointly with the Bolch Judicial Institute, this episode shifts attention from one pandemic to another, the plague of excessive force by police officers. This is an old and longstanding problem receiving new attention in the aftermath of the death of George Floyd.

Art Acevedo, Chief of Police of the Houston Police Department
Ashley Allison, Executive Vice President of Campaigns and Programs, The Leadership Conference on Civil and Human Rights
Barry Friedman, NYU School of Law; Reporter, Principles of the Law, Policing
Lori E. Lightfoot, Mayor of the City of Chicago
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute



Clockwise from top left: Levi, Friedman, Lightfoot, Allison, Acevedo

Absentee Balloting: Preparing for the November Election *(Released: 6/18/2020)*

Edward B. Foley, The Ohio State University Moritz College of Law
Justin Levitt, Loyola Marymount University Loyola Law School
Lisa Marshall Manheim, University of Washington School of Law
Moderated by: **Steven F. Huefner**, The Ohio State University Moritz College of Law

ALI Oral History Series: Ken Frazier *(Released: 6/11/2020)*

Kenneth C. Frazier, Merck & Co., Inc.
Interviewed by **Alfred W. Putnam Jr.**, Faegre Drinker Biddle & Reath

Robert L. Wilkins v. Maryland State Police *(Released: 5/14/2020)*

Robert L. Wilkins, U.S. Court of Appeals for the District of Columbia Circuit
Interviewed by: **Paul L. Friedman**, U.S. District Court for the District of Columbia

Medical Malpractice in the Restatement Third of Torts *(Released: 5/07/2020)*

Mark A. Hall, Wake Forest University School of Law
Laura Sigman, M.D., J.D., Children's National Health System
Shanin Specter, Kline & Specter
Moderated by: **Michael D. Green**, Wake Forest University School of Law

Coping with COVID

FEATURED EPISODE

Leading through Uncertainty - Perspectives from the Private Sector
(Released: 5/12/2020)

Leaders from Merck, Medtronic, Apple, and 3M discuss the many ways the COVID-19 pandemic is transforming and impacting business across the world.

Katherine Adams, General Counsel and Senior Vice President of Legal and Global Security at Apple Inc.
Kenneth C. Frazier, Chairman and CEO of Merck & Co., Inc.
Ivan Fong, Senior Vice President, General Counsel and Secretary for 3M
Malini Moorthy, Vice President and Chief Deputy General Counsel of Medtronic
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute



Clockwise from top left: Moorthy, Adams, Levi, Frazier, Fong

How Courts Are Preserving Access to Justice *(Released: 4/16/2020)*
Diane P. Wood, Chief Judge of the U.S. Court of Appeals for the Seventh Circuit
Lee H. Rosenthal, Chief Judge of the U.S. District Court for the Southern District of Texas
Nathan L. Hecht, Chief Justice of the Texas Supreme Court
Bridget Mary McCormack, Chief Justice of the Michigan Supreme Court
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute

Legal Services Organizations on the Frontlines *(Released: 4/23/2020)*
Ronald S. Flagg, President, General Counsel and V.P. for Legal Affairs, Legal Services Corporation
Lynn A. Jennings, Vice President for Grants Management, Legal Services Corporation
Yvonne Mariajimenez, Executive Director, Neighborhood Legal Services of Los Angeles County
Raun J. Rasmussen, Executive Director, Legal Services NYC
Laura Tuggle, Executive Director, Southeast Louisiana Legal Services
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute

How Law Schools Are Educating Students and Fostering Community *(Released: 4/30/2020)*
Kerry Abrams, James B. Duke and Benjamin N. Duke Dean and Professor of Law, Duke University School of Law
Vikram D. Amar, Dean and Iwan Foundation Professor of Law, University of Illinois College of Law
Heather Gerken, Dean and Sol & Lillian Goldman Professor of Law, Yale Law School
John F. Manning, Morgan and Helen Chu Dean and Professor of Law, Harvard Law School
Jenny S. Martinez, Dean and Richard E. Lang Professor of Law, Stanford Law School
Jennifer L. Mnookin, Dean, Ralph and Shirley Shapiro Professor of Law, UCLA School of Law
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute

Administering Jury Trials, Mediations, and Complex Litigation *(Released: 5/21/2020)*
Karen K. Caldwell, U.S. District Court for the Eastern District of Kentucky
Sherri R. Carter, Superior Court of California, County of Los Angeles
Mark A. Drummond, Civil Jury Project at NYU School of Law, 8th Judicial Circuit of Illinois (Retired)
Robin L. Rosenberg, U.S. District Court for the Southern District of Florida
Samuel A. Thumma, Arizona Court of Appeals, Division One
Vaughn R. Walker, U.S. District Court for the Northern District of California (Retired)
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute

When Is it Safe to Work? *(Released: 6/09/2020)*
Kim J. Askew, Partner, DLA Piper
Patrick S. Casey, Senior Counsel, Sidley Austin
Samuel Estreicher, Dwight D. Opperman Professor of Law and Director, Center for Labor and Employment Law, NYU School of Law; Chief Reporter, Restatement of the Law, Employment Law
Cynthia Estlund, Catherine A. Rein Professor of Law, NYU School of Law
Anton G. Hajjar, Former General Counsel, American Postal Workers Union, AFL-CIO
Moderated by: **David F. Levi**, ALI President and Director of the Bolch Judicial Institute

Donor Spotlight: Andrew D. Hendry

ALI Life member Andrew Hendry, who served as Colgate-Palmolive Company's Chief Legal Officer for more than 24 years before retiring, is deeply involved in the Institute's work, its mission, and the preparation for its future. He says his time spent with ALI has provided a wealth of resources and perspectives that have helped him throughout his career.

With 35 years of experience as an in-house attorney, Andy brings valuable insight and experience to ALI. Currently, he serves as an Adviser on Principles of the Law, Compliance, Risk Management, and Enforcement, and is part of the Members Consultative Group for Restatement of the Law, Corporate Governance. Andy advocates bringing the unique and important perspective of the in-house bar to ALI and its work in order to improve compliance, business practices, and the economic health of the country.

Andy was born in Brooklyn and grew up in the suburbs of New York City. After graduating from Georgetown University, he earned his law degree from the New York University School of Law. Andy began his legal career first as an associate at the law firm Battle Fowler, and then as an Assistant Staff Judge Advocate in the U.S. Air Force. Prior to his time at Colgate, Andy also worked at Reynolds Metals Company, the Burroughs Corporation, and as General Counsel of Unisys Corporation, which at the time was one of the largest computer companies in the world.

Although he is retired, Andy continues to dedicate his time to many important pursuits, including serving on the North Carolina Criminal Justice Education and Training Standards Commission—which sets standards for policing in the state—and as a Lifetime Trustee of the Lawyers' Committee for Civil Rights Under Law. He also serves on ALI's Development Committee and was a key cochair of the Institute's 1990 Life Member Class Gift Campaign. Under Andy's leadership, the Class of 1990 raised over $125,000 to support ALI's travel-assistance programs, the Early Career Scholars Medal program, and ALI's many influential law-reform projects.

We sat down with Andy to find out why he is such a generous supporter of ALI, why he thinks ALI is so important right now, and how and where he sees the Institute's influence growing in the future.

What was your first introduction to ALI?

My relationship with ALI began in the late '80s. At the time, I had just become the general counsel of Unisys, and I was working with a couple of people who were ALI members: Harvey Pitt, who went on to become the head of the SEC, and Hank Ruth, who served as the acting Watergate prosecutor. They were both people whom I admired a lot and enjoyed working with, so when they suggested that I would enjoy becoming a member of the ALI, I agreed to be nominated.

What makes ALI and its work so special?

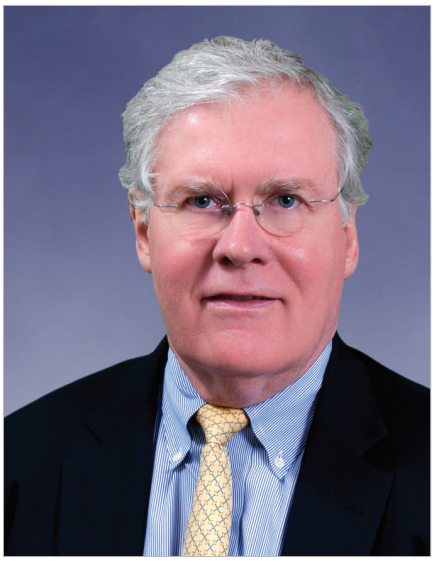
ALI is unique in the fact that it's not partisan. I personally feel that it has been unfortunate that more and more of our organizations that focus on our national legal issues do it from a partisan point of view. They're trying to reach a certain conclusion, and the ALI doesn't do that. The ALI goes in and takes a look at the situation and tries to capture what the learning is on it. If they ever try to suggest anything, through Principles of the Law publications, it is by way of suggestion as an improvement, and not to achieve either a conservative conclusion or progressive conclusion. I think that is critical to the health of law in this country, the health of the legal profession, and just the health of the country in general.

Why do you think it is important to participate in ALI's work through project meetings and the Annual Meeting?

Attending ALI's meetings is a very different experience because you're not just sitting there, listening to people talk to you; you're actually being a participant. Even if you're not actively working on a project, you get to participate in it. If you have strong feelings about some aspect of a project, you get to have your say-so or make a motion. For my part, I thought I could bring a perspective to things that maybe some of the lawyers who come out of the academic environment or the law-firm environment or the prosecutorial environment wouldn't see. That diversity of viewpoint is very important. For example, over the last four or five years, there has been a concerted effort by ALI leadership to bring in more chief legal officers, general counsels, senior in-house attorneys, and I think that's very, very wise for the organization. Having that part of the bar participating in this work is critical to getting the answers right.

As we look toward ALI's centennial celebration in 2023, what do you see ahead for the Institute's second century of law reform?

I think that the short answer is probably more of the same. What I mean by that is taking the fundamental strengths of ALI and then applying them to the world today. The idea that the ALI goes out and examines an area of the law that's not well understood and brings it to a place where people can understand it, and then disseminates that information, I think is very, very important, especially as we get into all these new areas like artificial intelligence and privacy, and the digital world. The last 20 years have seen dramatic changes in the way society operates. As is often the case, technology and technological changes move much faster than the institutions, including the legal institutions.



The other thing is that, at the risk of sounding cliché, the world is getting smaller. As the world gets more and more interconnected, I think ALI needs to continue and expand its work in the international sphere, probably much more aggressively than it has in the past. Having the right kind of legal relationships is going to be very, very important, both in commerce and human rights.

Why do you think ALI is worthy of your and others' philanthropic support?

ALI has been around for almost 100 years now, and in that time the world has changed significantly, but ALI's process and results have stayed almost the same—meaning that the organization consistently puts out work that is of high quality, that is respected by the bar and the courts and legislatures, and that improves the administration of justice. That is an incredible achievement. As the world continues to change, we need The American Law Institute to remain constant and keep doing the great work it's been doing. That work takes a lot of money, and with publishing revenue no longer a given, ALI relies increasingly on the generosity of its members for funding. I think if you believe in the mission of the ALI, of clarifying and improving the law and protecting the rule of law, it deserves your philanthropic support.

Consider Nominating a Colleague for ALI Membership

As an ALI member, you are counted among a select group of lawyers who are dedicated to our mission to clarify and improve the law. We depend on you to identify and nominate outstanding candidates to ensure that ALI's membership reflects the broad diversity of highly capable and accomplished lawyers, judges, and academics in the United States and abroad. We seek candidates who are diverse in terms of gender and race, but also viewpoints and job experience. There are three deadlines per year for submitting membership proposals: March 15, June 15, and September 15.

The election of individuals to The American Law Institute begins with a **confidential** nomination by a current member who is well acquainted with the candidate's work. The nomination then must be supported by two additional members. In sponsoring a candidate for membership, you affirm with a personal assessment that the candidate meets the primary criteria of excellence and outstanding professional achievement in his or her area of expertise that ALI membership requires.

To nominate a candidate, members must complete and submit a membership proposal form to ALI with the candidate's resume or CV, along with three letters from current ALI members: one proposal letter (written by the primary nominator) and two seconding letters. The letters are the most important part of the proposal packet. It is important that they do not simply restate the candidate's resume/CV. They should be substantive and specific while addressing, from the letter writer's personal knowledge, the candidate's:

- Professional excellence;
- Prior experience and involvement in activities that fall within the mission of the Institute;
- Interest and commitment to participate in, as well as to make potential contributions to, the Institute's work and activities;
- Achievement—or promise of future achievement—in the candidate's chosen endeavor in the law; and
- Professional recognition or standing among his or her peers.

If you know of someone in the legal profession who you think would make a great ALI member, please consider nominating that individual before the next proposal deadline of September 15. Proposal packets may be mailed to ALI Membership Department, 4025 Chestnut St., Philadelphia, PA 19104 or submitted online at *www.ali.org/membership-proposal*. Members must be signed in with their ALI username and password to access the membership proposal section of the website.

Please contact ALI Membership Director Beth Goldstein at *bgoldstein@ali.org* or 215-243-1666 if you have questions about the nomination process.

100th Anniversary of the 19th Amendment

This August marks the 100th anniversary of the ratification of the 19th Amendment. A video featuring **Renee Knake Jefferson** of University of Houston Law Center and **M. Margaret McKeown** of the U.S. Court of Appeals for the Ninth Circuit explores the road to the 19th Amendment, the various factors that played a role in women's suffrage, including race and geography, and what lessons can be learned from its ratification as America continues moving forward on the road to equality for women. Watch the video on the ALI website at: *www.ali.org/19amendment*.



Renee Knake Jefferson



M. Margaret McKeown



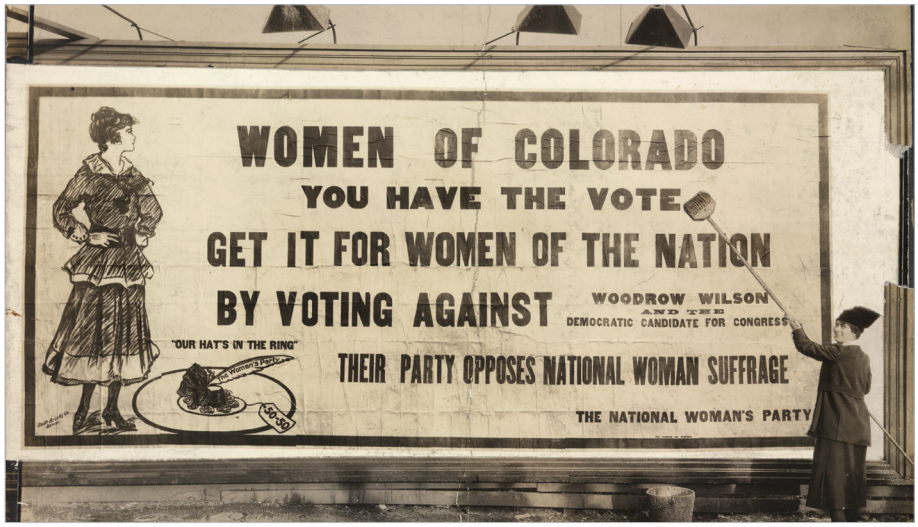




Wisconsin Historical Society, WHS-143040

Historical photos courtesy of the Library of Congress unless otherwise noted.



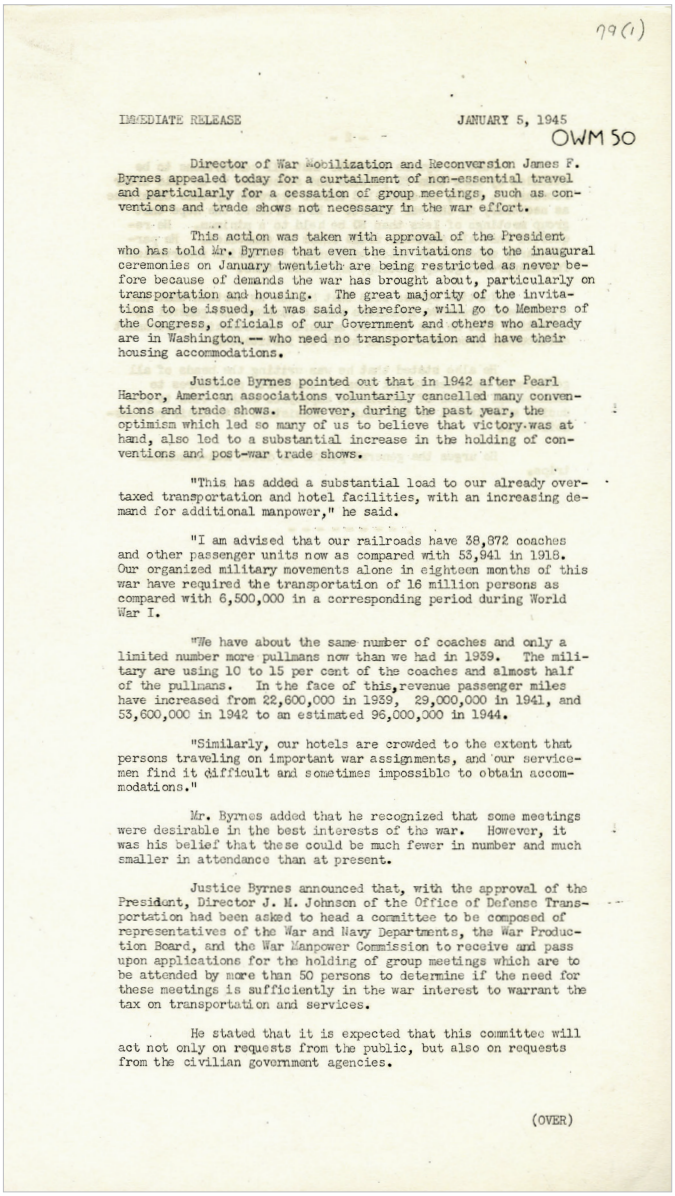


The Story of ALI: the 1945 Annual Meeting and World War II

In his letter addressing this year's cancellation of the Annual Meeting, President Levi mentioned that this was only the second time the Institute canceled its Annual Meeting. The first time this happened was in 1945 due to the demands of World War II. Then, nonessential travel and large meetings not directly connected with the war effort were prohibited.

In his Annual Report to the membership, ALI Director William Draper Lewis explained this decision: "It is not that there are no matters of importance which could be taken up at such a meeting; but our war conditions and the statement of James F. Byrnes rightly prohibits any large meeting not directly connected with the war effort." The statement from Director of War Mobilization and Reconversion James F. Byrnes is reprinted below, courtesy of Clemson University Libraries.

The war affected not only ALI's meetings but also its publication schedule. The publication of Volumes 4 and 5 of the Restatement of Property was delayed due to a paper shortage across the country.



79(1)

IMMEDIATE RELEASE JANUARY 5, 1945

OWM 50

Director of War Mobilization and Reconversion James F. Byrnes appealed today for a curtailment of non-essential travel and particularly for a cessation of group meetings, such as conventions and trade shows not necessary in the war effort.

This action was taken with approval of the President who has told Mr. Byrnes that even the invitations to the inaugural ceremonies on January twentieth are being restricted as never before because of demands the war has brought about, particularly on transportation and housing. The great majority of the invitations to be issued, it was said, therefore, will go to Members of the Congress, officials of our Government and others who already are in Washington, -- who need no transportation and have their housing accommodations.

Justice Byrnes pointed out that in 1942 after Pearl Harbor, American associations voluntarily cancelled many conventions and trade shows. However, during the past year, the optimism which led so many of us to believe that victory was at hand, also led to a substantial increase in the holding of conventions and post-war trade shows.

"This has added a substantial load to our already overtaxed transportation and hotel facilities, with an increasing demand for additional manpower," he said.

"I am advised that our railroads have 38,872 coaches and other passenger units now as compared with 53,941 in 1918. Our organized military movements alone in eighteen months of this war have required the transportation of 16 million persons as compared with 6,500,000 in a corresponding period during World War I.

"We have about the same number of coaches and only a limited number more pullmans now than we had in 1939. The military are using 10 to 15 per cent of the coaches and almost half of the pullmans. In the face of this, revenue passenger miles have increased from 22,600,000 in 1939, 29,000,000 in 1941, and 53,600,000 in 1942 to an estimated 96,000,000 in 1944.

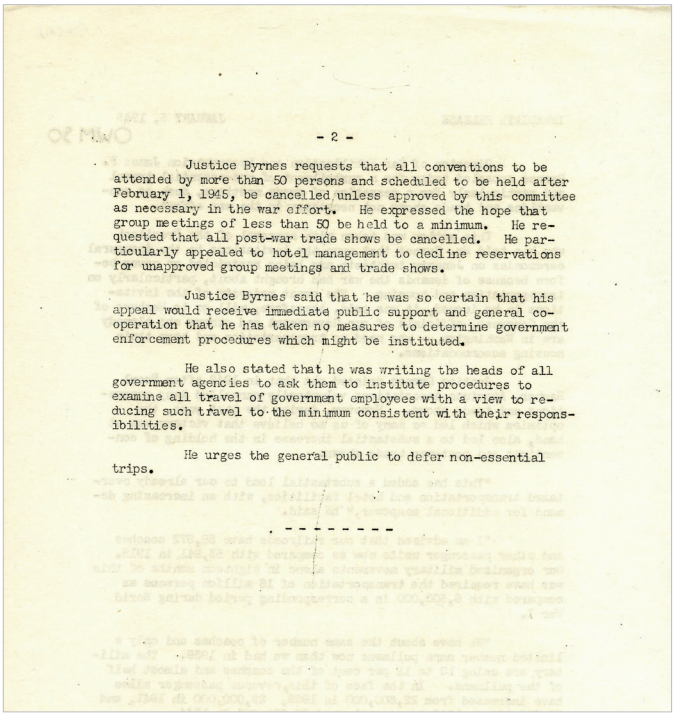
"Similarly, our hotels are crowded to the extent that persons traveling on important war assignments, and our servicemen find it difficult and sometimes impossible to obtain accommodations."

Mr. Byrnes added that he recognized that some meetings were desirable in the best interests of the war. However, it was his belief that these could be much fewer in number and much smaller in attendance than at present.

Justice Byrnes announced that, with the approval of the President, Director J. M. Johnson of the Office of Defense Transportation had been asked to head a committee to be composed of representatives of the War and Navy Departments, the War Production Board, and the War Manpower Commission to receive and pass upon applications for the holding of group meetings which are to be attended by more than 50 persons to determine if the need for these meetings is sufficiently in the war interest to warrant the tax on transportation and services.

He stated that it is expected that this committee will act not only on requests from the public, but also on requests from the civilian government agencies.

(OVER)



- 2 -

Justice Byrnes requests that all conventions to be attended by more than 50 persons and scheduled to be held after February 1, 1945, be cancelled unless approved by this committee as necessary in the war effort. He expressed the hope that group meetings of less than 50 be held to a minimum. He requested that all post-war trade shows be cancelled. He particularly appealed to hotel management to decline reservations for unapproved group meetings and trade shows.

Justice Byrnes said that he was so certain that his appeal would receive immediate public support and general cooperation that he has taken no measures to determine government enforcement procedures which might be instituted.

He also stated that he was writing the heads of all government agencies to ask them to institute procedures to examine all travel of government employees with a view to reducing such travel to the minimum consistent with their responsibilities.

He urges the general public to defer non-essential trips.

James F. Byrnes Papers, Special Collections and Archives, Clemson University Libraries

Earlier this year, the Institute launched the ALI Timeline. The story of the Institute's first Annual Meeting cancellation is one feature shared on the timeline. Visit ***www.ali.org/timeline*** to learn more about the story of the Institute. The timeline will be updated with new entries as ALI continues to uncover stories from its rich history.

The Institute in the Courts:

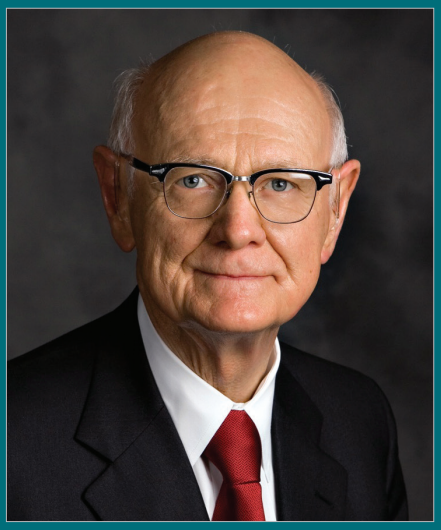
Concurrence out of New York's Highest Court Advocates for Adopting Restatement of Employment Law Approach

In *In re Vega*, 2020 WL 1452612 (N.Y. Mar. 26, 2020), the New York State Court of Appeals held that there was substantial evidence supporting the state's Unemployment Insurance Appeals Board's determination that delivery couriers for Postmates, Inc., were employees for whom Postmates was required to make contributions to the unemployment-insurance fund under New York's Unemployment Insurance Law. The concurring opinion advocated for the court to adopt the Restatement of the Law, Employment Law's approach for determining whether a worker was an employee, in which a worker's entrepreneurial control was considered, rather than the common-law test or employer-control test that the court applied.

Postmates, Inc., uses a website and smartphone application for its approved couriers to accept a job in which they pick up goods from local restaurants and stores and deliver them to customers. In this case, the claimant was a courier who filed for unemployment benefits after Postmates blocked him from using its application due to customers' negative reviews. The Department of Labor determined that the claimant was an employee, "requiring that Postmates pay unemployment insurance contributions on [his] earnings, as well as on the earnings of 'all other persons similarly employed.'" After Postmates objected, an administrative-law judge found that the claimant was an independent contractor for whom no contributions to the unemployment-insurance fund had to be made. The Unemployment Insurance Appeals Board reversed the administrative-law judge's decision and sustained the Department's initial determination that the claimant was an employee, concluding that the "'claimant and any other on-demand couriers (delivery drivers) similarly situated' were employees because Postmates exercised, or reserved the right to exercise, control over their services." The New York Supreme Court, Appellate Division, reversed and remitted to the Board for further proceedings, holding that the evidence of Postmates' incidental control over the couriers did not constitute "substantial evidence" of an employer–employee relationship, because it "fail[ed] to provide sufficient indicia of Postmates' control over the means by which these couriers perform their work."

The New York State Court of Appeals reversed the Appellate Division's order and reinstated the Board's decision that the couriers were employees, holding that there was "substantial evidence in the record to support the Board's determination that Postmates exercised control over its couriers sufficient to render them employees rather than independent contractors

The Estate of Vester T. Hughes Gifts $1.25M to The American Law Institute



ALI is pleased to announce two major contributions totaling $1.25 million from the estate of Vester T. Hughes Jr.: an outright gift made in honor of Mr. Hughes, and the establishment of the Vester T. Hughes Endowment honoring The American Law Institute. Mr. Hughes passed away on January 29, 2017, in Dallas, Texas. He was 88.

This extraordinary gift, facilitated by his good friend and law-firm partner Kim J. Askew, will help to carry on Mr. Hughes's legacy and his deep commitment to the Institute.

"Vester believed in ALI's mission, respected its vigorous intellectual process, and exemplified its civility in every aspect of his life and law practice," said Ms. Askew. "The decision to make a lead gift to the 100th Anniversary Campaign and to establish a permanent endowment fund is a wonderful way to honor the significant contributions that he made to ALI over so many years."

Mr. Hughes graduated, *cum laude*, from Harvard Law School in 1952 and was editor of the *Harvard Law Review*. After serving in the Army during the Korean War, Mr. Hughes entered private practice in Dallas in 1955 as an associate at what would become Jackson Walker. He remained there until 1976, when he joined the firm that would later bear

operating their own businesses." The court explained that "the touchstone of the analysis is whether the employer exercised control over the results produced by the worker or the means used to achieve the results." While Postmates' couriers can access the application and accept jobs whenever they like, Postmates determines which couriers have access to potential delivery jobs and only informs couriers of the delivery address after a courier accepts that job. Couriers can determine what route to take to the delivery address, but the application allows Postmates and its customers to track the couriers' locations to provide an estimated delivery time. A courier's compensation is unilaterally fixed; is paid by Postmates, not the customer; and is based on the distance to the delivery address, making couriers unable to determine their compensation until after they accept a job.

In her concurring opinion, Judge Jenny Rivera agreed that "[t]he majority correctly describe[d] our multi-factor test . . . , and reasonably consider[ed] the Board's application of the relevant factors here"; however, "while the test is well-suited to most cases, it has its limits and may prove difficult to apply to electronically mediated work arrangements." She instead proposed that the court adopt the Restatement of the Law, Employment Law's approach—which "considers the worker's entrepreneurial control over their services and the extent to which the employer 'effectively prevents' such worker control"—and pointed out that the Restatement's approach addresses concerns to which the court had previously responded, and fits with New York case law.

Judge Rivera explained that New York case law applied the factors set forth in Restatement of the Law, Agency § 220, whose right-to-control test was retained in the subsequent Restatement of the Law Second, Agency § 220 and Restatement of the Law Third, Agency § 7.07. She reasoned that the analysis set forth in Restatement of the Law, Employment Law § 1.01 for determining whether a worker was an employee or independent businessperson "draws from the common-law right of control test described in the Restatements of Agency, but recognizes the test 'looks not only to the principal's control of the physical details of how the service provider performs the service, but also to the principal's control of other aspects of the service provider's performance that determines whether [they are] able to provide those services as an independent businessperson'" (quoting § 1.01, Comment *e*).

Cautioning that independent-contractor status should not be based on "illusory opportunities for worker entrepreneurialism," and quoting § 1.01(b), Judge Rivera determined that Postmates' couriers are not independent contractors because, among other things, even though they can work for other employers, they "cannot build a client-base through their business savvy; apart from the moment of delivery, customer contact is through Postmates, and customers do not choose a delivery person," "[n]or does the work lend itself to the 'exercise[] of entrepreneurial control over important business decisions.'" Furthermore, the evidence showed that couriers "'can affect their remuneration or other economic interest only by working harder or more skillfully on [Postmates'] behalf,'" (quoting § 1.01, Comment *f*), whereas those with entrepreneurial control over business decisions "'can seek to increase their personal economic returns not simply by working harder in performing the service for the principal but also by working at their discretion for other customers, by hiring assistants and by deploying or substituting for labor their own equipment or capital'" (quoting § 1.01, Comment *e*).

his name, Hughes & Luce LLP. In 2008, Hughes & Luce merged with K&L Gates LLP.

Over the years, Mr. Hughes built an expertise in tax law that spanned many industries, including aviation, oil and natural gas, and timber. He was also a recognized authority on several aspects of federal taxation, including income, estate, gift, and excise, both individual and corporate. He testified before Congress and argued two cases before the Supreme Court of the United States.

Mr. Hughes was a great friend of The American Law Institute. A dedicated member for 58 years, he served on ALI's Council and its Executive Committee, and in the mid-1980s, as cochair of the Institute's first capital campaign. He also worked on several of ALI's important law-reform projects, including the Federal Income Tax Project, for which he served on the Tax Advisory Group. Mr. Hughes's impact on the Institute is remarkable!

Through this generous support from Mr. Hughes's estate, ALI will be better positioned to reexamine and update its existing publications to address growth and change in the law, respond quickly to new areas of law that are at the forefront of legal discourse or are rapidly developing, and work with organizations in other countries to create transnational legal principles that will facilitate cooperation and harmonization across borders. As a result, courts, practitioners, and society will be able to rely on the Institute's guidance on critical legal issues for decades to come.

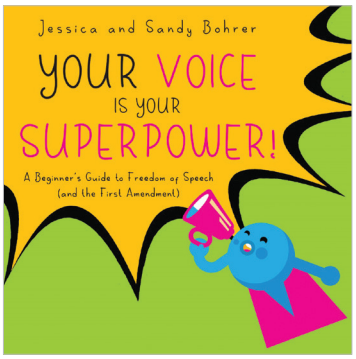
"We are extremely grateful for this gift and the creation of this endowment fund, which will further the Institute's important and influential work that Vester was so passionate about, and ensure that his myriad contributions to ALI are immortalized," said ALI Director Richard L. Revesz. "His generosity will help ALI remain a cornerstone of the rule of law, providing stability, consistency, and fairness in the administration of justice, as it has for nearly 100 years."

For more information or to make a contribution in memory of Vester T. Hughes, please contact ALI Development Manager Kyle Jakob at 215-243-1660 or *kjakob@ali.org*.

Notes About Members and Colleagues

John B. Attanasio of The International Academic Institute of Process and Procedure was interviewed by Forbes.com about his book, *Politics and Capital: Auctioning the American Dream* (Oxford Univ. Press 2018), for the piece "Rising Income Inequality Is Direct Result Of Campaign Finance Cases."

Ann Bartow of the University of New Hampshire Franklin Pierce School of Law and **Sara C. Bronin** of the University of Connecticut School of Law joined the faculty of Yada Yada Law School. Yada Yada Law School is "a fake law school where real law professors teach classes about nothing, for charity." Relying heavily on *Seinfeld* references with a healthy dose of puns, the school covers a variety of course topics including property law, constitutional law, criminal procedure, torts, and more.





Sanford L. Bohrer of Holland & Knight has coauthored a children's book with his daughter Jessica Bohrer, *Your Voice Is Your Superpower: A Beginner's Guide to Freedom of Speech (and the First Amendment).* The book explores the meaning and significance of free speech in a way that is accessible to young children.

Jerome I. Braun of Farella Braun + Martel has received the second annual Bill Edlund Award for Professionalism in the Law presented by the Ninth Judicial Circuit Historical Society and the Northern District Historical Society.

Sara C. Bronin of the University of Connecticut School of Law wrote a piece entitled "What the Pandemic Can Teach Climate Attorneys," 72 Stan. L. Rev. Online 155 (2020), in which she explains how current coronavirus litigation could set a precedent for future climate-change lawsuits. Professor Bronin was also named the recipient of the Jack Shannahan Award for Public Service from the Connecticut Main Street Center.

The Faculty of Law of the University of Fribourg has awarded the title of Doctor honoris causa to **Mauro Bussani** of the University of Trieste (Italy) and University of Macao (S.A.R. of the P.R. of China).

José A. Cabranes of the U.S. Court of Appeals for the Second Circuit received the 2019 Philip Merrill Award at the American Council of Trustees and Alumni's annual ATHENA roundtable conference and gala dinner. Named for the late educator and public servant Philip Merrill, this honor is bestowed annually to an individual who has made an extraordinary contribution to the advancement of liberal-arts education.

Elizabeth J. Cabraser of Lieff Cabraser Heimann & Bernstein was quoted in the Law.com piece "Critical Mass: How Plaintiffs Firms Are Faring With COVID-19. Find Out Which Talc Trials Are On Hold," in which she and other plaintiff lawyers shared how their firms are responding to the coronavirus outbreak.

Ernest Calderón, past president of the Arizona Board of Regents and a past president of the State Bar of Arizona, has earned his Doctor of Education in Organizational Change and Education Leadership from the University of Southern California.

David N. Calvillo of Chamberlain Hrdlicka earned an Executive L.L.M. (Master of Laws) in Tax Law degree from Georgetown University Law Center. Mr. Calvillo was also elected to be an income shareholder in recognition of his contributions to the firm.

In an article for *The National Law Journal*, "The Hardest Thing About Being a Judge? What Courts Say About Sentencing," members of the judiciary shared their thoughts on the challenge of sentencing. The piece featured quotes from several ALI members, including **Ruben Castillo** of the U.S. District Court for the Northern District of Illinois (Retired), **Denny Chin** of the U.S. Court of Appeals for the Second Circuit, **Beryl A. Howell** of the U.S. District Court for the District of Columbia, **Gerard E. Lynch** of the U.S. Court of Appeals for the Second Circuit, **Theodore A. McKee** of the U.S. Court of Appeals for the Third Circuit, **Sonia Sotomayor** of the Supreme Court of the United States, the late **Alicemarie H. Stotler** of the U.S. District Court for the Central District of California, and **Jack B. Weinstein** of the U.S. District Court for the Eastern District of New York (Retired).

Danielle Citron of Boston University School of Law participated in a Reddit I/AmA. Reddit is an American social-news aggregation, web-content rating, and discussion website, and "I/AmA" is a subreddit for question-and-answer interactive interviews termed "AMA" (short for "Ask Me Anything"). During the Q&A, Professor Citron discussed cyber exploitation, as well as her scholarship on privacy laws and civil rights.

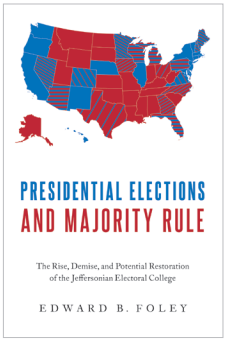
Paul D. Clement of Kirkland & Ellis presented his 100th oral argument before the Supreme Court of the United States on February 24 in *U.S. Forest Service v. Cowpasture River Preservation Association*.

Josiah M. Daniel III of Vinson & Elkins (Retired) published "'Even If a Party Has a Change of Heart': A Framework for Enforcement of Courthouse-Steps Settlements in Cases and Proceedings in the Texas Bankruptcy Courts," 52 Tex. Tech L. Rev. 199 (2020). He is also a Visiting Scholar of the History Department of the University of Texas at Austin and is working on the first biography of Congressman Hatton W. Sumners, who chaired the House Judiciary Committee from 1932 to 1947.

Holly A. Dyer of Foulston Siefkin has been admitted as a Fellow of the American College of Trial Lawyers.

Jordan Elias of Girard Sharp published a book chapter analyzing the U.S. Supreme Court's class-action jurisprudence in the ABA's *2020 Survey of Federal Class Action Law: A U.S. Supreme Court and Circuit-by-Circuit Analysis*. Mr. Elias's chapter provides an introduction to class-action topics and offers fresh insights that may be of interest to experienced practitioners.

In response to concerns arising from the spread of COVID-19, Laura A. Foggan of Crowell & Moring and **Lorelie S. Masters** of Hunton Andrews Kurth teamed up with ALI CLE to offer the course "Insurance Issues Arising from Coronavirus: Business Interruption and Other Possible Claims."





Edward B. Foley of Ohio State University Moritz College of Law published a new book, *Presidential Elections and Majority Rule: The Rise, Demise, and Potential Restoration of the Jeffersonian Electoral College* (Oxford Univ. Press 2020), which takes a critical look at the Electoral College, provides an overview of American presidential election history, and discusses the effects of third-party candidates and the viability of run-off elections.

Ivan K. Fong of 3M Co. was featured in the *Bloomberg Law* piece "3M Legal Chief Keeps 5 Things in Mind Amid Coronavirus Crisis," in which he shared insight into his new day-to-day routine working from home and his thoughts on how his fellow law-department leaders can weather the unique crisis situation resulting from COVID-19.

Kenneth C. Frazier of Merck was interviewed by *Bloomberg Law* about the company's approach to tackling the pandemic and its efforts to develop a COVID-19 vaccine.

Several law-school faculty members, each of whom runs or is associated with a center devoted to the practice of policing and the criminal-justice system, released the report "Changing the Law to Change Policing: First Steps" to address enduring problems in American policing. The ALI members and/or Principles of the Law, Policing, project participants who contributed to the recommendations include:

Barry Friedman, Policing Project at New York University School of Law
Brandon L. Garrett, Center for Justice and Science at Duke University School of Law
Rachel A. Harmon, Center for Criminal Justice at the University of Virginia School of Law
Christy E. Lopez, Innovative Policing Program at Georgetown University Law Center
Tracey L. Meares, Justice Collaboratory at Yale Law School
Maria Ponomarenko, Policing Project at New York University School of Law; University of Minnesota Law School
Christopher Slobogin, Criminal Justice Program at Vanderbilt University Law School

Professor Friedman is the Reporter for ALI's Principles of the Law, Policing. Professors Garrett, Harmon, Meares, Ponomarenko, and Slobogin are the Associate Reporters. Professor Lopez is the Project Fellow.

New York Attorney General Letitia James announced the appointment of **Barry Friedman** of NYU School of Law and former U.S. Attorney General Loretta Lynch as special advisors to help guide and support her investigation into the recent interactions between the NYPD and the general public. Professor Friedman was also quoted in *The Washington Post* article "Can the federal government fix our policing problem?" on policing policy and the Justice in Policing Act of 2020.

Bryant G. Garth of UC Irvine School of Law has received the Legacy Award from the Law and Society Association (LSA). The award, given annually, honors persons whose contributions significantly helped to develop the LSA through sustained commitment to its mission and legacy, extensive service, or scholarly publications that made a lasting contribution to the LSA.

Joshua A. Geltzer of the Georgetown University Law Center was quoted in three op-ed articles from *The Washington Post*: "No, impeachment didn't 'distract' Trump from coronavirus"; "Trump's 'corona-federalism' pits states against each other. It's a disaster"; and "Trump is doubly wrong about Twitter," along with two articles from *Slate:* "The Trumpian Truth Trap"; and "The States Dispute Is the Latest Manifestation of Trump's Distorted View of His Own Power."

Jeannie Suk Gersen of Harvard Law School was interviewed by *Harvard Law Today* and featured in *The Harvard Gazette*. In the piece, "How the Socratic method translates online: Law School professor makes a case for Zoom," Professor Gersen shared her thoughts on the benefits of teaching and learning through Zoom in light of the school's decision to switch to remote learning for the remainder of the semester in response to mounting COVID-19 concerns.

continued on page 20

NOTES CONTINUED FROM PAGE 19

Carol Rose Goforth of University of Arkansas School of Law, Leflar Law Center, published Regulation of Cryptotransactions (West Academic 2020), a new textbook which reflects on the expanding world of cryptotransactions and examines how the laws applicable to cryptoassets are evolving.

Christopher S. Gontarz of Lynch & Pine authored "The Unauthorized Practice of Law in Rhode Island," published in the May/June 2020 issue of the *Rhode Island Bar Journal*.

A book review of *Policing the Womb: Invisible Women and the Criminalization of Motherhood* (Cambridge Univ. Press 2020) by **Michele Bratcher Goodwin** of UC Irvine School of Law was featured in *The Washington Post*. Professor Goodwin also authored two op-ed pieces "Pandemic Constitutional Rights: Not an All-Or-Nothing Proposition" for *Newsweek* and "Addressing Racism's Toll: My Minneapolis Experience" for *Ms. Magazine*. She was also featured as a guest on an episode of At Liberty, a weekly podcast from the ACLU that explores the biggest civil-rights and civil-liberties issues of the day, entitled "A COVID-19 Balancing Act: Public Health and Privacy." Additionally, Professor Goodwin received Honorable Mention for the John Hope Franklin Prize from the Law and Society Association.

The American Constitution Society (ACS) held its 2020 convention as a virtual event and featured a wide array of speakers and panels presenting on today's key legal issues as well as discussions about the legal, economic, and social impact of COVID-19. During the convention, **Walter Dellinger III** of O'Melveny & Myers LLP was honored with the ACS Lifetime Achievement Award. This award recognizes those who have devoted a substantial portion of their distinguished careers to ensuring that the law is a force to improve the lives of all people.

Several other ALI members participated in the event as speakers and panelists, including:

Keith P. Ellison – U.S. District Court for the Southern District of Texas
Garrett Epps – University of Baltimore School of Law
Michele Bratcher Goodwin – University of California, Irvine School of Law
Pamela S. Karlan – Stanford Law School
Tracey L. Meares – Yale Law School
Melissa Murray – New York University School of Law
Daniel B. Rodriguez – Northwestern University Pritzker School of Law
David A. Strauss – University of Chicago Law School
Stephen I. Vladeck – The University of Texas at Austin School of Law

Jamie S. Gorelick of WilmerHale has received the 2020 Outstanding Service Award from the Fellows of the American Bar Foundation. The award is presented annually to an individual who has, in his or her professional career, adhered for more than 30 years to the highest principles and traditions of the legal profession and to the service of the public.

Norman L. Greene of Schoeman Updike Kaufman & Gerber coauthored an article with Gergana Danailova-Trainor, James Filpi, and Salome Tsereteli-Stephens, published in *The International Lawyer*, 53 Int'l Law. 1 (2020), entitled "Beyond Good Intentions: New Legislation on Foreign Aid Effectiveness."

Anton G. Hajjar wrote an opinion piece for *The Washington Post* in which he responded to the editorial article "Facebook is looking a lot like a government."

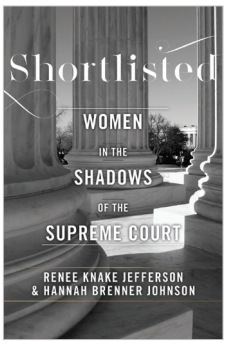
The Center for Strategic and International Studies in Washington, D.C., has published an article by **Eric L. Hirschhorn**, a retired partner of Winston & Strawn LLP, entitled "Foreign Students and Technology Transfer: Distinguishing the Baby from the Bath Water."

Garry W. Jenkins, dean of University of Minnesota Law School, participated in a webinar hosted by the law school on "Policing, Racism, and the Law." The event featured a panel discussion exploring current realities, policy, and legal solutions to racial violence and bias in policing. **Maria Ponomarenko**, a professor at the law school and an Associate Reporter for Principles of the Law, Policing, also served as a panelist.

The *Houston Chronicle* highlighted the decades-long friendship and eventual romance between Fifth Circuit Judges **Carolyn Dineen King** and **Thomas M. Reavley** in a Valentine's Day-themed piece titled "A courtship four decades in the making: they met when Jimmy Carter tapped them for bench, wed 25 years later."



Carolyn Dineen King and Thomas M. Reavley





Renee Knake Jefferson of the University of Houston Law Center has coauthored a new book, *Shortlisted: Women in the Shadows of the Supreme Court* (NYU Press 2020), which highlights the lives and accomplishments of the remarkable women shortlisted for the Supreme Court of the United States in the decades before Sandra Day O'Connor became the first female Supreme Court Justice.

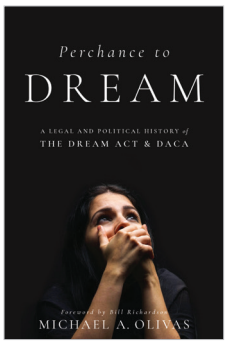
Missouri Lawyers Media selected **Lyrissa B. Lidsky**, the first female dean of the University of Missouri School of Law, as its 2020 Woman of the Year.

Melinda Davis Lux has joined United Community Bank as its executive vice president, general counsel, and corporate secretary.

John G. Malcolm of The Heritage Foundation participated in a public teleforum event, "What's Next in the Flynn Case?" hosted by The Federalist Society, on the developing case surrounding former National Security Advisor Mike Flynn.

The following ALI members were elected to the American Academy of Arts & Sciences in 2020: **Jenny S. Martinez** of Stanford Law School, **M. Margaret McKeown** of the U.S. Court of Appeals for the Ninth Circuit, **Jennifer L. Mnookin** of UCLA School of Law, **Anne Joseph O'Connell** of Stanford Law School, and **Cristina M. Rodriguez** of Yale Law School.

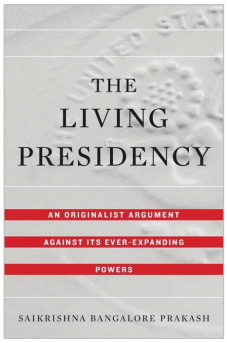
Janet Napolitano, president of the University of California and former Secretary of the U.S. Department of Homeland Security, participated in a conference call, hosted by the Council on Foreign Relations, on the evolving COVID-19 pandemic. The discussion addressed issues including U.S. preparedness and response as the virus spreads, updates on vaccine development and treatment options, and the implications for national security.





Perchance to DREAM: A Legal and Political History of the DREAM Act and DACA (NYU Press 2020), by **Michael A. Olivas** of the University of Houston Law Center, was debuted in a virtual book launch, hosted by NYU School of Law. *Perchance to DREAM* is the first comprehensive history of the DREAM Act, which made its initial congressional appearance in 2001, and Deferred Action for Childhood Arrivals (DACA), the discretionary program established by President Obama in 2012 out of Congressional failure to enact comprehensive immigration reform.

Frank A. Pasquale of the University of Maryland, Francis King Carey School of Law, will join the faculty at Brooklyn Law School this fall.





Saikrishna B. Prakash of UVA School of Law has published a new book, *The Living Presidency: An Originalist Argument against Its Ever-Expanding Powers* (Harvard Belknap Press 2020). The book explains why the executive branch's power has swelled in recent decades, why that is a problem, and how Congress might respond to defend its authority. Professor Prakash also participated in a discussion, hosted by the National Constitution Center and moderated by **Jeffrey Rosen**, with *Washington Post* columnist George F. Will, about the Presidency and the themes explored in Professor Prakash's book.

Kermit Roosevelt III of the University of Pennsylvania Carey Law School delivered a talk on C-SPAN entitled "The Constitution and Declaration of Independence: A Contrary View."

Stephen E. Sachs of Duke University School of Law is the winner of The Federalist Society's 2020 Joseph Story Award. The award recognizes a young academic who has demonstrated excellence in legal scholarship, a commitment to teaching, and a concern for students, and who has made a significant public impact in a manner that advances the rule of law in a free society.

Retired president of the Legal Services Corporation **James J. Sandman** has been selected to chair the ABA's nationwide coronavirus task force of volunteer lawyers and judges from across the legal profession. The task force works to identify legal needs arising from the pandemic, make recommendations to address those needs, and help mobilize volunteer lawyers and legal professionals for people who need help.

continued on page 22

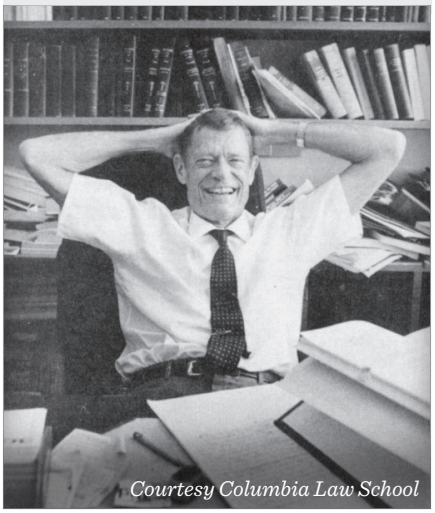
NOTES CONTINUED FROM PAGE 21

Who Was Willis L.M. Reese?

Columbia Law School published a biographical sketch and commemorative piece in honor of the late Willis L.M. Reese. Professor Reese served as Reporter for Restatement of the Law Second, Conflict of Laws. The piece is a comprehensive look at his life and legacy as a scholar, teacher, innovator, public official, and leader.

The piece also reflects on an important aspect of his legacy—the establishment of the Willis L.M. Reese Prize for Excellence in Teaching in 1993. The prize is awarded annually at graduation by the graduating class to a professor who exemplifies excellence in teaching at Columbia Law School.

Visit *law.columbia.edu* to learn more about Professor Reese.



Courtesy Columbia Law School

Victor E. Schwartz of Shook, Hardy & Bacon was quoted in the *Legal Newsline* article, "Even homeowners could be in danger of lawyers trying to cash in on coronavirus."

Dan Shefet of Cabinet Shefet participated in a debate on the contested issue of whether hate speech should be limited. The session "The Hate Speech Debate: Should Free Speech Be Limited?" was part of the American Jewish Committee (AJC) Virtual Global Forum 2020 and moderated by Holly Huffnagle, AJC U.S. Director for Combating Antisemitism.

A. Benjamin Spencer of UVA School of Law has been named the dean of William & Mary Law School, effective July 1. He is William & Mary's first African American dean of any school at the university, including the law school.

Associate Justice of the Supreme Court of the United States **Sonia Sotomayor** is this year's recipient of the Thomas Jefferson Foundation Medal in Law. Awarded annually by the University of Virginia and the Thomas Jefferson Foundation, the Thomas Jefferson Foundation Medals recognize the exemplary contributions of recipients to the endeavors in which Jefferson excelled and held in high regard.

Laura Stein of The Clorox Company will receive the Scales of Justice Award from Equal Justice Works, at its Annual Dinner in Washington, D.C., on October 13, 2020, to recognize her commitment to public service. The award is presented annually to a leader in the legal community who exemplifies a high level of commitment to public service and a passion for equal justice; has advanced the organization's mission and vision throughout their career; and has set a strong example for what lawyers and legal professionals can and should do to contribute to efforts in the public interest and toward greater access to justice for all.

Elizabeth S. Stong of the U.S. Bankruptcy Court for the Eastern District of New York has received the 2020 Outstanding State Chair Award from the Fellows of the American Bar Foundation.

Ellen E. Sward of the University of Kansas School of Law retired after 36 years on the faculty.

Cindy G. Thyer of the Second Judicial District of Arkansas became Arkansas's first female judge to graduate with a Master's degree in Judicial Studies from the National Judicial College. Judge Thyer also had her article "Is it Time for Arkansas to Consider Pretrial Reform?" based on her Master's thesis, published in 42 UA Little Rock L. Rev. 511 (2020).

Dennis J. Wall of Law Office of Dennis J. Wall PA was an invited speaker at the Fifth Annual American Constitution Society Constitutional Law Scholars Forum at Barry University Dwayne O. Andreas School of Law in Orlando. The Forum attracted three dozen scholars from all over the world who spoke to the diversity and democracy enshrined in the United States Constitution. Mr. Wall spoke on the subject of "'Injury in Fact': What Happens to Statutory Remedies?"

Mary Jo Wiggins of the University of San Diego School of Law published "Access Anxiety" in Volume 54 Fall 2019 Number 2 of the *Real Property, Trust and Estate Law Journal*. The paper considers the intersections of competing models of coliving with theories, doctrines, and policies of property and contract law, respectively. Professor Wiggins was named a Herzog Endowed Scholar for the 2020-2021 academic year. She was also awarded the Law School's Thorsnes Prize for Excellence in Teaching.

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

Meetings and Events Calendar At-A-Glance

For more information, visit www.ali.org.

Below is a list of upcoming meetings and events. All fall project meetings prior to the October Council meeting will be virtual via Zoom.

2020

September 10
Restatement of the Law Third, Torts: Intentional Torts to Persons
Zoom

September 11
Principles of the Law, Policing
Zoom

September 17
Restatement of the Law, Copyright
Zoom

October 8
Principles for a Data Economy
Zoom

October 9
Restatement of the Law Fourth, Property
Zoom

October 16
Principles of the Law, Government Ethics
Zoom

October 22-23
Council Meeting - October 2020
Zoom

October 29
Restatement of the Law Third, Conflict of Laws
Philadelphia, PA*

November 5
Model Penal Code: Sexual Assault and Related Offenses
Philadelphia, PA*

November 6
Restatement of the Law, Children and the Law
Philadelphia, PA*

November 12
Restatement of the Law, Corporate Governance
New York, NY*

November 13
Restatement of the Law Third, Torts: Remedies
Philadelphia, PA*

2021

January 21-22
Council Meeting - January 2021
Philadelphia, PA

May 17-20
2021 Annual Meeting
Washington, DC

**May change to Zoom.*

In Memoriam

ELECTED MEMBERS

Stewart Dalzell, Philadelphia, PA; **David Foscue**, Montesano, WA; **Joel R. Reidenberg**, New York, NY

LIFE MEMBERS

Fletcher N. Baldwin, Jr., Gainesville, FL; **Joseph W. Bartlett**, New York, NY; **Roger Bernhardt**, San Francisco, CA; **Jackson M. Bruce, Jr.**, Naples, FL; **James E. Coleman, Jr.**, Dallas, TX; **Louis A. Craco**, Manhasset, NY; **James C. Dauksch, Jr.**, Orlando, FL; **Kevin Thomas Duffy**, New York, NY; **Ralph Earle II**, Englewood, FL; **Raymond C. Fisher**, Pasadena, CA; **Robert J. Hearon, Jr.**, Austin, TX; **Otto J. Hetzel**, Washington, DC; **Maurice J. Holland**, Eugene, OR; **Procter Hug, Jr.**, Reno, NV; **Jerome E. Hyman**, New York, NY; **Joseph A. Katarincic**, Vero Beach, FL; **Alan C. Kohn**, St. Louis, MO; **Harry D. Krause**, Champaign, IL; **Richard D. Lee**, San Francisco, CA; **James B. Lyon**, Hartford, CT; **Daniel G. Partan**, Boston, MA; **David S. Ruder**, Chicago, IL; **Stanley Sporkin**, Washington, DC; **Walter Goff Van Dorn**, Boston, MA; **W. Stanley Walch**, St. Louis, MO; **Edwin P. Wiley**, Milwaukee, WI

(ISSN 0164-5757)
THE AMERICAN LAW INSTITUTE
4025 CHESTNUT STREET
PHILADELPHIA, PA 19104-3099

NONPROFIT ORG
U.S. POSTAGE
PAID
ALI

Fall Project Meetings

All fall project meetings prior to the October Council meeting will be virtual via Zoom.

In July, ALI held its first virtual project meeting for the Compliance project.



Compliance, July 16