This past year was a very productive one for the ALI. Most significantly, at the Annual Meeting in May, we completed three projects: Model Penal Code: Sentencing, Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, and Restatement Fourth of the Foreign Relations Law of the United States: Jurisdiction, Sovereign Immunity, and Treaties.

Model Penal Code: Sentencing was our senior project, having been launched in 2001. Over the last 15 years, its subject matter has received significant, sustained attention in the public policy arena, which has focused on the outlier status of the United States in terms of the proportion of the population that is incarcerated and on the significant racial disparities that make this statistic even more troubling. Overincarceration has emerged as one of the few issues in our divided political discourse in which liberals and conservatives have found common ground. The project provides guidance on key issues, including the length of sentences of incarceration and mechanisms for prison release; when life sentences without the possibility of parole should be allowed; the consideration of criminal history in sentencing guidelines; collateral consequences of convictions; and victim compensation.

Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes, launched in 2010, was The American Law Institute’s first foray into this area, which is essential to the proper functioning of our democracy. The project focused on two areas of great importance: non-precinct voting and the resolution of ballot-counting disputes. Voting before the election day, either by mail or at locations of early in-person voting, has become an important part of our electoral landscape and the rules under which it is conducted have been the subject of considerable controversy. In turn, disputed elections have become more salient in our national consciousness over the last two decades, mostly as a result of the 2000 presidential election, but also because of high-profile senatorial and gubernatorial elections. Presidential elections received special attention because they present distinct issues for a number of reasons, including the importance of what is at stake, the very compressed five-week period that Congress provided for resolving disputes, and the potential risks of not having procedures in place when the dispute arises.

The Restatement Fourth of the Foreign Relations Law of the United States, launched in 2012, took on the ambitious and daunting task of revising the enormously influential Restatement Third, completed in 1986. The Council authorized initial work on particular sections involving jurisdiction, sovereign immunity, and treaties. The success of this revision augurs well for the prospect of Council authorizing work on additional subjects in the not-too-distant future.

With the completion of these three projects, the ALI now has 17 ongoing projects, which continued to move forward at a good clip, with a flurry of meetings and drafts. Three of them are on track for possible completion at the 2018 Annual Meeting. Should that happen, it is likely that we will soon thereafter launch some new projects. The choice of areas on which to focus our attention is one of the most important institutional decisions that the ALI makes. As always, I welcome suggestions from members.

As we reflect with pride on our considerable accomplishments during the past year, it is important to stress that our members are key to all that we do. They are exclusively in charge of our bicameral approval process, which takes place at the Council and Annual Meetings. The Members Consultative Groups review every draft. And members play a key role in our Advisers’ meetings, as subject matter experts who work particularly closely with the Reporters. For all of the tens of thousands of hours a year that our members devote to the substance of our projects (think of what a law firm would bill for that time), I am enormously grateful.

I am also enormously grateful for the financial support that our members give us by becoming Sustaining Members, contributing to our Annual Fund, supporting the class gift after 25 years of membership, and through estate planning and bequests. Because both the reality and appearance of independence are so critically important to the success of the ALI’s work, our universe of sources of financial support is a very constrained one. As a result, we must rely almost exclusively on our membership to provide the financial support necessary to carry out our work.

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