



DIRECTOR'S MESSAGE

The American Law Institute accomplished a great deal over this past year. Perhaps most visibly, we completed two projects: Restatement of Liability Insurance and Restatement Third of Torts: Liability for

Economic Harm. Liability Insurance was the ALI's first foray into this area. Pioneer projects of this sort pose a particular challenge because they don't have a template to follow. For this reason, I am extremely grateful to Professor Tom Baker of the University of Pennsylvania Law School, the Reporter, and Professor Kyle Logue of the University of Michigan Law School, the Associate Reporter, for their terrific work.

Liability for Economic Harm is the fourth installment of the Restatement Third of Torts to be completed. It follows on the footsteps of Products Liability, Apportionment, and Liability for Physical and Emotional Harm. Two additional installments are currently being drafted: Intentional Torts and Property Torts, which is also being undertaken as part of the Restatement Fourth of Property. We are now planning to launch some additional Torts projects, but the completion of Liability for Economic Harm puts us around the half-way mark towards the completion of the Restatement Third. It is extraordinary that Dean Ward Farnsworth of the University of Texas School of Law was able to be such a distinguished Reporter while carrying out his decanal duties.

During this past year, the ALI also launched an exciting new project: Principles for a Data Economy, which is being undertaken jointly with the European Law Institute (ELI). The project has the ambitious goal to "study, identify, and collate the existing and potential legal rules applicable to transactions in data as an asset and as a tradeable item and assess the 'fit' of those rules with these transactions." For example, when our walking and running steps are recorded by our smart phone or our driving patterns are recorded by our cars, data is being generated and then aggregated across large numbers of individuals. Who owns this valuable information? Who can trade in it? What rights do the various actors have? The project, which will result in a set of transnational principles that could be used by participants in the data economy, has one Reporter from each side of the Atlantic: Christiane Wendehorst, Professor of Private Law at the University of Vienna and President of the ELI, and Neil Cohen, Jeffrey D. Forchelli Professor of Law at Brooklyn Law School. To help coordinate the work of the two institutions, the project also has co-chairs: Lord Thomas of Cwmgiedd, who until recently served as Lord Chief Justice of England and Wales, and Steven Weise, a Proskauer partner and member of the ALI Council.

With the completion of two projects and the launching of one, the ALI now has 16 ongoing projects, which continue to move forward through our process—Adviser/Members Consultative Group meetings, Council meetings, and Annual Meetings—at a good clip, with a flurry of meetings and drafts. Multiple projects are on track for possible completion at the 2019 Annual Meeting. Through skill and hard work, our extraordinary Deputy Director Stephanie Middleton and all of the ALI staff keep these projects, drafts, and meetings moving efficiently through our process. And it is a particular privilege for me to be able to work closely with Stephanie on the substance of each of our projects.

In 2023, the ALI will celebrate its 100th anniversary. For an institution to remain relevant and influential for 100 years is a significant accomplishment. But it is extraordinary to do it in the way in which the ALI has done: producing, decade in and decade out, projects that are enormously influential with courts, legislatures, and other institutions. By providing unbiased clarity, stability, consistency, and fairness in the administration of justice, our work promotes and protects the rule of law, which is essential to democracy and to a healthy economy. To properly mark this milestone, we launched our Anniversary Committee, co-chaired by our wonderful current and previous presidents, David Levi and Roberta Ramo, respectively, which is tasked with planning a volume examining the ALI's history and events that we will do around the country to mark the anniversary, as well as charting a path for our substantive work during our second century. We are particularly interested in getting strategic guidance from our members around the country and exploring how we can connect them more closely to the ALI's substantive work. To that end we have a number of regional events leading up to 2023.

At each project meeting and the Annual Meeting, I marvel at the commitment of our members to strengthen the rule of law. They devote enormous time and intellectual energy to fulfill the ALI's mission to "clarify, modernize, and otherwise improve the law." Our members also provide vital financial support by becoming Sustaining Members, contributing to our Annual Fund, supporting the class gift after 25 years of membership, and through estate planning and bequests. Without this support we simply would not be able to do our work. I therefore hope that you will keep the ALI in mind as you plan your year-end philanthropic giving. At a time when strengthening that rule of law is a particularly compelling calling, I promise that we will put your contributions to good use!