May 15, 2025

Dear Director Wood and Members of the ALI Council:

We, the undersigned Advisers and Liaisons, hereby resign from the ALI's *Restatement of Law, Copyright* ("Restatement") project, effective immediately, and request that our names be removed from the list of Advisers and Liaisons from any future publication of the Restatement or portion thereof.

Throughout the Restatement project, the Reporters routinely disregarded and dismissed concerns and comments put forth by the United States Copyright Office, judges, and many other project participants because they differed from the Reporters' views or biases about copyright law. As a result, the Restatement presents an inaccurate and unbalanced view of copyright law that deviates from the U.S. Copyright Act and judicial precedent. We are uncomfortable being associated with the Restatement, which in our view does not reflect the traditionally high standards of the ALI and will be misleading to courts and practitioners.

As further explanation of our concerns, we attach a letter dated May 8, 2025 to the ALI from Keith Kupferschmid of the Copyright Alliance.[1] We also attach a letter from Professors Shyam Balganesh, Jane Ginsburg, Peter Menell and David Nimmer, all of whom have also resigned from this project.

Sincerely,

Cynthia Arato
Dale Cendali
Jacqueline Charlesworth
Kenneth Doroshow
Michael Fricklas
Janet Fries
Keith Kupferschmid
Dean Marks
Mickey Osterreicher
Mary Rasenberger
Jay Rosenthal[2]
Benjamin Sheffner
Suzanne Telsey
Suzanne Wilson[3]

[1] We note that, as of the date of this letter, the ALI declined to take any action in response to the Copyright Alliance's May 8 letter.
[2] Though deceased, Jay Rosenthal's former law firm, Mitchell, Silberberg and Knupp, and the group he represented while working on the Copyright Restatement, the National Music Publishers Association, have asked that his name be removed.
[3] Suzanne Wilson joins this letter in her personal capacity, not as a former Copyright Office official.

May 8, 2025

Re: Restatement of the Law, Copyright

Dear Members of the American Law Institute:

As the American Law Institute's (ALI) Restatement of Law, Copyright project draws to a close, we write to voice our dissatisfaction with the final product and urge that it not be approved for publication without the addition of a statement explaining that it does not represent the views of many Advisers and Liaisons. Throughout this project, the Reporters have routinely dismissed and disregarded the specific concerns and comments put forth by the United States Copyright Office, judges, and many other project participants because they differed from the Reporters' views or biases about copyright law.

From the Start of the Project, Concerns Have Been Repeatedly Dismissed and Disregarded

Before the start of this project, many of us warned that the Copyright Restatement was more likely to look like a restatement of the Reporters' views on copyright rather than a restatement of actual copyright law. In an October 14, 2015, letter addressed to the ALI, we raised the following concerns about a memo sent on September 2, 2014, by the lead Reporter, Chris Sprigman: "Professor Sprigman states conclusively that the copyright law is in a 'bad state,' which is not a view shared by all or even most of the members of the copyright community. He goes on to explain that … a Restatement could be influential 'in shaping the law that we have, and, perhaps, the reformed law that in the long term we will almost certainly need.' These motivations – changing the law to support a certain viewpoint in ongoing policy debates concerning copyright and helping accelerate the rate of change – seem fundamentally inconsistent with the usual grounds on which ALI undertakes a Restatement project."

Our 2015 letter went on to point out that:

> Our concern with this project is increased by ALI's choice of Professor Sprigman as lead Reporter. Professor Sprigman has, much like Professor Samuelson, consistently argued in favor of a limited scope of copyright and other forms of intellectual property. He has signed numerous amicus briefs or was himself counsel in various contentious copyright cases, always arguing for a more restrictive view of the rights conferred by the Copyright Act….He has even weighed in recently in the political arena, advocating to Congress that it should take a relatively narrow view of copyright, aimed at prioritizing the interests of "innovation" and a burgeoning "remix culture," over the rights of authors.

From the beginning of the project, the treatment of copyright law by the Reporters has been one that unequivocally *limits* the scope of copyright protection, and the language and tone that has been used throughout the project reveals underlying bias and an unfavorable view of copyright. These concerns were raised, along with questions surrounding the rationale of attempting to restate a body of federal law by many project participants, academics, federal agencies,

professional associations, and members of Congress. These are some of the concerns raised in letters to the ALI in the early years of the project:

- Then-U.S. Register of Copyrights Karyn Temple sent a letter in 2018, in which she warned that the Institute's project "appears to create a pseudo-version of the Copyright Act" and urged the ALI to suspend the "misguided" initiative.[1]

- Then-Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office Andrei Iancu sent a letter in 2018 expressing a "fundamental concern about the process and format" of the project and warning that attempting to provide an alternative black letter law for the prescriptive provisions of the Copyright Act would only lead to "confusion and ambiguity" and that the meaning of the federal statute would be "clouded or altered."[2]

- The New York City Bar, Copyright & Literary Property Committee published a report in 2018 explaining that "a restatement of copyright law is unnecessary and, as currently drafted, potentially undermines ALI's reputation for producing accurate explanations of the law."[3]

- Numerous members of Congress sent a letter in 2019 asking questions and expressing "deep[] concern" about the Restatement project covering "an area of law that is almost exclusively federal statutory law." The letter also stated that "…courts should rely upon statutory text and legislative history, not [on] Restatements that attempt to replace the statutory language and legislative history established by Congress with novel interpretation."[4]

- The American Bar Association (ABA) sent a letter in 2019 questioning the direction of the project and the Reporters' lack of response to numerous commentators' concerns about the substance of earlier drafts and warning that a "Restatement that focuses not on existing law but on the law as the Reporters would like to see it will be of dubious value

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[1] Letter from Register of Copyrights Karyn Temple to David Levi, President of the American Law Institute (Jan. 16, 2018), available at: https://www.copyright.gov/rulings-filings/restatement/comments/2018.01.16-Council-Draft-No.1-USCO-Comments-Temple.pdf.

[2] Letter from Undersecretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Andrei Iancu to Richard Revesz, Director of the American Law Institute (Oct. 1, 2019), available at: https://copyrightalliance.org/wp-content/uploads/2021/05/Iancu-Letter-October-2018.pdf.

[3] Report by the New York City Bar, Copyright and Literary Property Committee (January 2018), available at: https://www.nycbar.org/reports/recommendation-to-reject-the-american-law-institutes-proposal-to-create-a-restatement-of-law-copyright/.

[4] Letter from Senator Thom Tillis, Representative Ben Cline, Representative Theodore Deutch, Representative Martha Roby, and Representative Harley Rouda to Richard Revesz, Director of the American Law Institute (Dec. 3, 2019), available at: https://musictechpolicy.com/wp-content/uploads/2019/12/tillis-et-al-letter-to-ali-re-restatement-of-copyrights.pdf.

and is inconsistent with the restatements that ALI has produced historically."[5]

- Current U.S. Register of Copyrights Shira Perlmutter sent a letter in 2021 identifying several problematic areas in the draft Restatement, stating that "the Restatement process to date has been perceived by onlookers, including some Advisers, as inadequately documented, leading to questions being raised about the possible influence of the normative views of the Reporters."[6]

Unfortunately, these predictions have come true. The problems identified early in the project's life have only intensified as more controversial subjects were reserved until the end of the project. The final version of the Restatement presents a restrictive and warped view of copyright—one that is inconsistent with the statute and case law and supports Professor Sprigman's and other Reporters' aspirations to change the law of copyright.

Approved Sections of the Restatement Misstate and Misrepresent the Law

Time and again, the Reporters chose to emphasize minority and outlier decisions and to emphasize the exceptions rather than the rules. As a result, the Copyright Restatement reads like a normative treatise, rather than an impartial restatement of the law. We provide examples of the Restatement's misstatements and misrepresentations of the law below. But to focus solely on these or other specific examples not identified in this letter does not convey the overarching problem with the Restatement, which is that the entire Restatement is flawed in its approach, tone, and focus.

If one were to open the Restatement to any given section, that section in isolation may not include obvious misrepresentations of the law or glaring anti-copyright biases. But, there is a general undercurrent of anti-copyright sentiment that runs through the entire Restatement and manifests itself through a disproportionate focus on atypical court decisions that limit the scope of copyright protection. Not only does the Restatement emphasize minority and outlier decisions and emphasize the exceptions rather than the rules, but at times, the Reporters also drew conclusions that the current law simply does not support; and in some instances, made up new standards that are not supported by the statute or case law. When these flaws were pointed out by Advisers and Liaisons, the Reporters more often than not refused to address the concerns. Examples of the Restatement's misstatements of the law include, but are not limited to:

- **A manufactured "fixation" standard:** In 2020, the Reporters invented a new temporal requirement for "fixation"—which is one of the required elements of copyrightability—in place of the language in the statute. Despite the protests of many project participants, that section (§ 8) of the Restatement, which has since been approved, says that fixation can be

[5] Letter from George W. Jordan III, Chair of the American Bar Association, Intellectual Property Law Section, to David Levi, President of the American Law Institute (Oct. 8, 2019), available at: https://www.americanbar.org/content/dam/aba/administrative/intellectual_property_law/advocacy/aba-ipl-letter-to-ali-copyright-restatement.pdf.

[6] Letter from Register of Copyrights Shira Perlmutter to Richard Revesz, Director of the American Law Institute (May 21, 2021), available at: https://www.copyright.gov/rulings-filings/restatement/comments/2021.5.21-Tentative-Draft-No.-2-USCO-Comments-Perlmutter.pdf.

understood as an embodiment that "lasts long enough to allow the enjoyment, exploitation, or other non-fleeting use of the work's expressive content *after* the embodiment is initially made." But that "enjoyment or exploitation" interpretation appears nowhere in the statute, the legislative history, or in any judicial precedent, and there is nothing in the legislation or case law to suggest that it is what Congress intended. Several Advisers and Liaisons pointed out (over the course of many drafts) that this phrase had been created by the Reporters out of thin air and should be deleted from the draft. But rather than acknowledge that this is a controversial and evolving area of the law and remove the fictitious standard, the Reporters largely ignored the recommendations of the project participants and instead insisted on including a standard of their own creation that shrinks the scope of the copyright owner's rights.

- **Mistreatment of when a transmission constitutes a distribution**: Despite acknowledging that there are only a "small number of judicial opinions that have examined the issues," § 57, Comment *d*, attempts to define when the transmission of a work constitutes a distribution. In doing so, the Section fails to give appropriate treatment to cases addressing the question; only a series of early internet cases are cited, and more recent cases, including *Capitol Records, LLC v. ReDigi Inc*, 910 F.3d 649 (2d Cir. 2018) are totally ignored. Comment *d* does not give equal weight to differing court opinions on the relationship between making available and distribution, and, like many other sections throughout the Restatement, focuses on decisions that limit the scope of copyright protection. It should also be noted that after this section was fiercely debated at the 2020 Adviser meeting, it was pulled from the draft, presumably to resolve the issues that were discussed at that meeting. However, it then reappeared two years later in Tentative Draft 3 virtually unchanged, and the *project participants were afforded no opportunity to discuss the changes (or lack thereof) before it was approved at the Annual Meeting in 2022*.

- **Misrepresentation of the scope of the fair use doctrine**: Section 6.12 on fair use, one of the most important copyright law doctrines, elevates uncommon, minor, and ancillary points that serve to create the misperception that the fair use doctrine is far more broadly applicable than is supported by the case law and the policies animating it. The Reporters afford more weight to decisions that found in favor of fair use, thus limiting the scope of copyright protection, while describing those that found against fair use as having a narrow or very limited application. Specifically, the Reporters rely heavily on the Second Circuit's *Authors Guild v. Google* decision, effectively elevating its significance on par with (and possibly exceeding) relevant Supreme Court decisions. The court made clear in *Authors Guild* that it was a case that "tests the boundaries of fair use," and therefore its applicability to other cases is strained. Instead, the lengthy discussions and extreme reliance on *Authors Guild* in this section makes it appear that the case is typical, and not an edge case. Significantly, the Restatement also fails to acknowledge that parts of the decision, and many other fair use cases decided around the same time, are likely in conflict with the Supreme Court's *Warhol v. Goldsmith* decision, and thus no longer good law.

These substantive failings are the result of an approval process that allowed the Reporters to largely bypass protestations. At the start of the drafting process about ten years ago, the Reporters would make the draft sections available a few weeks before the upcoming project meeting. After

reviewing the preliminary draft sections at the project meeting, the Reporters (over the course of year) would make revisions to those draft sections. A few weeks before the next year's project meeting, the Reporters would make the revised preliminary draft sections, along with new preliminary draft sections, available for review prior to the project meeting. The revised preliminary draft sections were discussed at that project meeting and Advisers and Liaisons were able to explain whether they thought the Reporters changed the draft correctly and accurately. Unfortunately, in an effort to expedite the drafting process, this process changed after a couple of years. The Advisers were no longer able to review and comment on the revised draft sections at the project meeting. Instead, the revised preliminary draft was sent directly to the Council to consider. With a few exceptions, the Advisers and Liaisons never got an opportunity to review the revised preliminary draft at the project stage. The problem here is that Advisers and Liaisons have little or no ability to raise concerns at the Council or ALI Annual Meetings because they are not present at those meetings. While this may be routine process for the ALI, at least in this particular instance, it has resulted in a flawed product.

In sum, because the advice and concerns of many project participants have been perpetually dismissed and disregarded because they differ from the restrictive views of copyright espoused by the Reporters, the Restatement, in many areas, fails to accurately reflect the law. This ultimately calls into question the integrity and credibility of the Copyright Restatement, the Advisers and Liaisons who participated in it, and ultimately, the ALI itself. Now that the project is drawing to a close, we take this opportunity to ask that the final version of the Copyright Restatement include a clear and conspicuous disclaimer in the forward that:

> *The Restatement of Law, Copyright does not represent the views of many of the Advisers and Liaisons who participated in the project.*

Finally, we ask that the Copyright Restatement be converted to a Principles of the Law project. The Revised Style Manual approved by the ALI Council in January 2015[7] notes that a Restatement is to be "attentive to and respectful of precedent, but not bound by precedent that is inappropriate or inconsistent with the law as a whole…an Institute Reporter is not compelled to adhere to…'a preponderating balance of authority' but is instead expected to propose the better rule *and provide the rationale for choosing it* (emphasis supplied). It further notes that "a significant contribution of Restatements has also been *anticipation of the direction in which the law is tending* and expression of that development" (emphasis supplied).

As noted, many of those working on this project have been frustrated by the failure of the successive drafts to faithfully articulate the current thrust of the law, relying instead on language and emphasis that, as the foregoing pages of examples have demonstrated, reflect more a bias and aspirational desire of where the law *should* tend rather than where it is *actually* tending. In so doing, it stretches the purpose and usefulness of an ALI-endorsed product beyond what the Institute has intended for Restatements and strayed into territory that would more appropriately be a Principles recommendation, rather than a reliable Restatement.

The Institute is of course free to weigh in and make its wholesale recommendation to the Courts

[7] Set out in Tentative Draft No. 6, page xi.

and the Congress on the tension that exists between those urging full protection of the rights conferred by the existing U.S. copyright law and those who would diminish those protections to serve interests other than those conferred in the Constitutional mandate of Article I, Section 8, Clause 8.[8] But where, as here, it commits its weight and prestige to a law reform rather than law restatement product, without *clearly signifying the rationale for choosing it*, the effort should be properly labeled to give notice to the bench and bar that it is engaged in such effort. As a result, in addition to the disclaimer requested above, we request that the product that goes forward from this meeting be restyled as a Principles of Law project, to more accurately inform its users as to its intended purpose.

Respectfully,

Keith Kupferschmid
CEO
Copyright Alliance
1331 F Street, NW, Suite 950
Washington, D.C. 20004

[8] "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

May 12, 2025

Dear Director Wood and Members of the ALI Council,

For the reasons described below, we write to formally resign as Advisers to the *Restatement of Law, Copyright* ("Restatement of Copyright") effective immediately, and ask that our names be removed from any drafts of the project that the Institute puts out.

We begin by emphasizing our high regard for the American Law Institute's twin goals of clarifying and simplifying the common law through Restatements, goals that it has admirably realized for a century. We have previously written about the Institute and its influential work,[1] and remain committed Members and Life Members of the Institute. All the same, we firmly believe that the Restatement of Copyright is materially different from anything that the Institute has done,[2] and is unsuccessful when measured against the very goals of the Restatements. It risks undermining the ALI's reputation for careful, balanced, representative and trustworthy work product.

We fully recognize that Restatements of Law were never intended to be purely descriptive accounts of the law, devoid of Reporters' judgment on important issues that reveal divergent opinions. That judgment, informed by the Reporters' consultation with the Advisers and Consultative Group, was undoubtedly the very *raison d'être* for the Restatement initiative. This, in turn, permitted Reporters to speak in the voice of the common law judge, reconciling different strands of analysis and offering courts guidance for the future. With the Restatement of Copyright, something very different has transpired.

U.S. federal copyright law has always been a principally statutory regime. Judges do, of course, have an essential role in the development of copyright law. Yet, unlike with the common law, their role is predominantly *interpretive*, and revolves around the centrality of the *statute*. A restatement of a statutory field remains fully plausible if it (i) recognizes itself to be engaged in the interpretation of a statute and (ii) transparently and in good faith identifies its consistent method of interpretation. Unfortunately, the Restatement of Copyright does neither.

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[1] Shyamkrishna Balganesh, *Relying on Restatements*, 122 Colum. L. Rev. 2119 (2022); Shyamkrishna Balganesh & Peter S. Menell, *Restatements of Statutory Law: The Curious Case of the Restatement of Copyright*, 44 Colum. J.L. & Arts 286 (2021).

[2] See Balganesh & Menell, *supra* note 1, at 287-337. The previous Director contended that the copyright Restatement did not differ from prior Restatements incorporating statutory components. For the reasons we set out in our comments of Dec. 21, 2015, the comparison fails both methodologically and substantively. As we explained: "Asked if there were any antecedents in statutory restatement, the Chair referred to the Restatement (3d) of Unfair Competition law and to the ongoing Restatement (4th) of the Foreign Relations Law of the United States. These comparisons, however, are not entirely pertinent because the statutory aspects of these Restatements were but one component of much larger judge-made fields of law, and to a significant extent codified judge-made norms. Indeed, as the Style Manual, p. 8 recognizes, citing the Restatement (3d) of Unfair Competition, "In some instances these statutes can be regarded as essentially codifications of the common law. Such legislation and its judicial interpretations, constituting the 'common law of the statute,' can therefore be treated as part of the common law's own evolution." In other words, the starting point for the Restatement (3d) of Unfair Competition remains the common law, of which the statute serves as evidence. Similarly, the area of foreign sovereign immunity, the ALI's first effort, in the Restatement 2d in the 1960s, was a classic "Restatement" in that there was no statute at the time."

As we have repeatedly noted in our comments to the Reporters and the Council,[3] the Restatement of Copyright refuses to acknowledge the centrality of the statute, and instead routinely re-phrases (with strategic intent) the wording of the statute in a way that is at odds with an interpretive exercise. Further, the Restatement of Copyright is inconsistent in its own method of statutory interpretation. For instance, at times it places heavy reliance on the legislative history of a provision at the cost of the statutory text, while at other times it overlooks legislative history for the wording of the text even when courts themselves have done the opposite. It ignores pertinent passages of legislative history on key issues where that language does not align with Reporters' preferences even as it relies on other passages from the same legislative history report where it aligns with the Reporters' revisionist agenda. And while we might see some merit in advocating substantive statutory changes were this a Principles Project, we believe that it is misleading to courts when such revision is passed off as an accurate (rather than aspirational) interpretation of the law as part of a Restatement.

At the core of the Restatement efforts of the Institute has been the ability of courts to trust that the process by which a Restatement was produced reflected a transparent deliberation and broad agreement among a body of experts. Just the opposite has occurred with the Restatement of Copyright, despite our decade-long call for greater transparency and candor in the process. The current draft of the Restatement does not reflect a consensus or even broad agreement of the Adviser group, nor does it adequately address the innumerable objections made by the group as well as, and especially, by the Copyright Office. Yet, the draft and the Reporter's video to the membership misleadingly suggest that its positions were derived and faithfully synthesized from the inputs of its participants as well as of the Copyright Office, when in fact the drafts have taken positions directly contrary to those of the Copyright Office (and in the face of repeated Copyright Office objections, as documented in the Office's many Comments throughout the process) and of many of the Advisers. In so doing, it takes advantage of the extensive trust that courts and policy-makers have come to place on the work of the Institute; that trust in this instance is unwarranted.

We do not arrive at this decision lightly. For the last decade, we have diligently and mostly fruitlessly submitted numerous detailed and carefully supported comments on Preliminary Drafts, Council Drafts and Tentative Drafts, both about the specific content of the Restatement as well as the process and methodology that it deploys. When we sought to have our dissent memorialized

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[3] See Comments filed re **PD 1**, Nov. 30, 2015 (Balganesh) (Ginsburg), Dec, 21, 2015 (Ginsburg); **PD 2**, Nov. 8, 2016 (Ginsburg & Besek), Nov. 18, 2016 (Nimmer); **PD 3**, Nov. 30, 2017 (Menell), Dec. 4 2017 (Ginsburg & Besek), January 26, 2018 (Nimmer); **CD 1**, January 11 2018) (Balganesh, Dinwoodie, Menell & Nimmer), Jan 12, 2018 (Ginsburg, Besek, Charlesworth, Cunard, Fries); **CD 2**, Oct. 8, 2018 (Balganesh, Menell, Nimmer), Oct. 10, 2018 (Ginsburg & Besek): **PD 4**, March 4, 2019 (Ginsburg & Besek); **CD 3**, Oct. 10, 2019 (Ginsburg & Besek), Oct 15, 2019 (Balganesh, Menell & Nimmer); **CD 4**, Jan. 16, 2020 (Balganesh, Menell & Nimmer); **PD 5**, March 30, 2020 (Ginsburg & Besek); **TD 1,** July 16, 2020 (Ginsburg & Besek); **PD 6**, Sept. 10, 2020 (Balganesh, Menell & Nimmer), Sept. 15, 2020 (Ginsburg & Besek); **CD 5**, Jan 13, 2021 (Ginsburg & Besek), Jan. 18, 2021 (Balganesh, Menell & Nimmer); **TD 2**: Motions to amend sections 8 and, comments g and d, 25, June 1, 2021, (Balganesh & Ginsburg); Motion to amend page viii to note Advisers' disapproval of TD 2 (Balganesh, Ginsburg, Menell & Nimmer); **PD 7**, Oct. 4, 2021 (Ginsburg & Besek); **CD 6**, Jan 18, 2022 (Ginsburg & Besek); **TD 3**: Motions to amend section 40, 41, 46, 54, May 9, 2022 (Balganesh, Ginsburg, Nimmer & Robbins); **PD 8**, Oct. 11, 2022 (Ginsburg), Oct. 13, 2022 (Balganesh & Menell); **CD 7**, Jan. 16, 2023 (Ginsburg); **PD 9**, Sept. 26, 2023 (Balganesh, Ginsburg & Menell), Sept. 27, 2023 (Ginsburg); **CD 8**, Jan. 18, 2024 (Balganesh & Ginsburg); **Supplemental Memo to CD 8**, March 1, 2024 (Ginsburg); **PD 9, revised sec. 6.12**, April 10, 2024 (Balganesh, Ginsburg & Menell); **CD 9, revised sec. 6.12**, Oct. 15, 2024 (Balganesh, Ginsburg & Menell); **PD 10**, Oct. 30, 2024 (Balganesh, Ginsburg, Menell & Trimble); **TD 5**: Motion to amend section 6.03, comment g, May 10, 2024 (Balganesh, Dinwoodie, Ginsburg, Kane & Trimble); **CD 10,** Jan. 12, 2025 (Balganesh, Ginsburg, Menell &Trimble); **CD 10, revised secs. 6.09, 10.02**, Feb. 26, 2025 (Balganesh, Ginsburg, Menell & Trimble).

on the draft through a notation, we were informed that this was not permissible under the Institute's protocols.[4] With the project nearing completion, we do not wish to have our names associated with it, since to do so would mislead courts into believing that we support the effort without serious objection. An organization committed to freedom of expression and the rule of law should appreciate these concerns.

In the interests of copyright law, processual integrity, and the continuing success of the Institute, we hereby resign from the project, and request that our names be removed from the list of Advisers.

Sincerely

Shyam Balganesh
Sol Goldman Professor of Law, Columbia Law School

Jane Ginsburg
Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia Law School

Peter Menell
Koret Professor of Law, UC Berkeley School of Law

David Nimmer
Of Counsel, Irell & Manella LLP

[4] Email from Stephanie Middleton to Shyamkrishna Balganesh, June 3, 2021 (informing recipients that "[t]he ALI does not add to the draft what various advisers or members think about different sections or the draft as a whole").