Front Matter
The Law Review is pleased to consider unsolicited manuscripts for publication. All manuscripts should conform to A Uniform System of Citation, Sixteenth Edition. Manuscripts should be addressed to: Managing Editor of Articles, Hofstra Law Review, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549. Unsolicited manuscripts will not be returned except upon specific request at time of submission.

Published four times a year by the Hofstra Law Review Association. The current subscription rate is twenty-six dollars per volume. Periodicals Postage Paid at Hempstead, New York, Publication Number USPS 747770, with an additional mailing office at Lincoln, Nebraska. Postmaster: Send address changes to Hofstra Law Review, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549.

Individual issues are available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987, (800) 828-7571. Subscription renewals will be automatic unless notice to the contrary is received. All communications should be addressed to Business Editor, Hofstra Law Review, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549.

HOFSTRA UNIVERSITY SCHOOL OF LAW

ADMINISTRATIVE OFFICERS

Stuart Rabinowitz, B.A., J.D., Dean and Andrew M. Bous and Mark L. Claster Distinguished Professor of Civil Procedure
M. Patricia Adamski, B.A., J.D., Vice Dean and Adolph J. and Dorothy R. Eckhardt Distinguished Professor of Corporate Law
Yvonne V. Atkinson, A.A., Office Manager and Paralegal, Law School Clinical Program
Barbara Birch, B.A., Administrative Assistant for Law School Special Events
Marjorie M. Daniels, B.F.A., Registrar
Amy L. Engle, B.A., M.B.A., Assistant Dean for Admissions
John J. Francis, A.B., J.D., Staff Attorney, Law Clinic
Judith Hepworth, B.S., M.A., J.D., Director, Public Sector Career Services
Marie Leuci, Administrative Assistant to the Dean
Caroline Levy, B.A., J.D., Senior Assistant Dean for Career Services
Nancy E. Modell, B.S., M.S., Assistant Dean for Financial Aid
Gary Moore, B.S., Director of Law School Information Systems
Barbara T. Pace, B.A., J.D., Senior Assistant Dean for Student Affairs
Nancy D. Pfeffer, B.S., J.D., Director of Law Alumni Affairs
Diane Schwartzberg, Director of Career Services
Susan W. Tiefenbrun, B.A., M.S., Ph.D., J.D., Administrative Director of Law School International Programs and Special Professor of Law
Lilli R. Weinger, M.S., B.S., Director, Law School Capital Campaign
Judith M. Whiting, B.A., J.D., Supervising Attorney for Clinical Programs
Judith F. Anspach, J.D., M.L.S., B.S., Director of the Law Library and Professor of Law
Daniel L. May, B.A., J.D., M.L.S., Assistant Director of the Law Library
C. Peter Chao, B.A., M.A., M.L.S., Catalog Librarian
Patricia Ann Kasting, B.A., M.L.S., J.D., Reference Librarian
Connie S. Lenz, B.F.A., M.L.S., J.D., Head of Law Library Public Services
Rou-Chia Lin, B.A., M.L.S., Acquisitions/Serials Librarian
Linda Russo, B.A., M.L.S., Head of Technical Services
Mena B. Sieber, B.S., M.A., M.L.S., Government Documents/Microform Librarian

FACULTY

Burton C. Agata, A.B., J.D., LL.M., Max Schmertz Distinguished Professor of Law
R. Glenn Bauer, B.S., J.D., Special Professor of Law
Alan H. Bomser, LL.B., A.B., Special Professor of Law
Honorable Lawrence Brennan, J.D., M.S., B.S., Special Professor of Law
Robert A. Baruch Bush, B.A., J.D., Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law
Joel L. Carr, B.A., LL.B., Special Professor of Law
Robin Charlow, A.B., J.D., Professor of Law
Bruce G. Clark, J.D., A.B., Special Professor of Law
Mitchell J. Cooper, B.S., J.D., LL.M., Special Professor of Law
Doreen L. Costa, B.A., J.D., Special Professor of Law
Charles M. Davidson, M.I.A., LL.M., Special Professor of Law
David A. Diamond, A.B., LL.B., LL.M., Professor of Law
J. Herbie DiFonzo, B.S., M.A., Ph.D., J.D., Associate Professor of Law
Janet L. Dolgin, B.A., M.A., Ph.D., J.D., Maurice A. Deane Distinguished Professor of Constitutional Law
Robert D. Ellis, B.A., J.D., Associate Professor of Law
Robert A. Fippinger, A.B., M.A., J.D., Ph.D., Special Professor of Law
Eric M. Freedman, B.A., J.D., M.A., Professor of Law
Monroe H. Freedman, A.B., LL.B., LL.M., Howard Lichtenstein Distinguished Professor of Legal Ethics
Leon Friedman, A.B., LL.B., Joseph Kushner Distinguished Professor of Civil Liberties Law
Victor Futter, B.A., J.D., Special Professor of Law and Special Consultant to the Dean
Linda Galler, B.A., J.D., LL.M., Professor of Law
Mitchell Gans, B.B.A., J.D., Professor of Law
Cecilia L. Gardner, B.A., J.D., Special Professor of Law

http://scholarlycommons.law.hofstra.edu/hlr/vol26/iss3/15
William R. Ginsberg, B.A., J.D., Rivkin, Radler, & Kremer Distinguished Professor of Environmental Law
John DeWitt Gregory, B.A., J.D., Sidney and Walter Siben Distinguished Professor of Family Law
Edward J. Groarke, LL.M., J.D., M.A., B.A., Special Professor of Law
Grant Hanessian, B.A., J.D., LL.M., Special Professor of Law
Richard Herzbach, B.A., J.D., Special Professor of Law
James E. Hickey, Jr., B.S., J.D., Ph.D., Professor of Law
Steven A. Horowitz, J.D., M.B.A., B.A., Special Professor of Law
Bernard E. Jacob, B.A., J.D., M.A., Ph.D., Alexander M. Bickel Distinguished Professor of Communications Law
Sandra Kaplan, M.D., M.S., B.S., Special Professor of Law
Lawrence W. Kessler, B.A., J.D., Richard J. Cardali Distinguished Professor of Trial Advocacy
Stefan Krieger, B.A., J.D., Associate Professor of Law
Lawrence Kurland, B.E.E., J.D., Special Professor of Law
Alan Lambert, M.A., J.D., Special Professor of Law
Eric Lane, B.A., M.A., J.D., LL.M., Eric J. Schmertz Distinguished Professor of Public Law and Public Service
Ivy Leibowitz, B.A., M.A., J.D., Special Professor of Law
Richard G. Leland, B.S., J.D., Special Professor of Law
Katherine Levitan, B.A., J.D., LL.M., Special Professor of Law
Malachy T. Mahon, B.A., J.D., Siggi B. Wilzig Distinguished Professor of Banking Law
Lewis R. Mandel, A.B., J.D., LL.M., Special Professor of Law
Linda C. McClain, A.B., A.M., J.D., LL.M., Professor of Law
Patrick L. McLoskey, B.A., J.D., Special Professor of Law
Michael E. McDermott, B.S., J.D., Special Professor of Law
Richard S. Missan, B.A., LL.B., Special Professor of Law
Mark L. Movsesian, A.B., J.D., Associate Professor of Law
Matthew Muraskin, B.A., M.A., J.D., Special Professor of Law
Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., Professor of Law and Coordinator of Legal Writing
Neal R. Platt, B.S., J.D., LL.M., Special Professor of Law
Bertrand B. Pogrebin, LL.B., A.B., Special Professor of Law
Honorable C. Raymond Radigan, B.A., J.D., Special Professor of Law
Alan N. Resnick, B.S., J.D., LL.M., Benjamin Weintraub Distinguished Professor of Bankruptcy Law
Marc Rosenbaum, J.D., M.A., B.A., Special Professor of Law
Ben B. Rubinowitz, B.A., J.D., Special Professor of Law
Sylvan Jay Schaffer, B.A., B.S., M.A., Ph.D., J.D., Special Professor of Law
Andrew Schepard, B.A., M.A., J.D., Professor of Law
Stephen W. Schlissel, B.A., J.D., Special Professor of Law
Eric J. Schmertz, B.A., J.D., LL.D., Edward F. Carluh Distinguished Professor of Labor Law
Norman I. Silber, B.A., M.A., Ph.D., J.D., Professor of Law
Ronald H. Silverman, B.A., J.D., Peter S. Kalikow Distinguished Professor of Real Estate Law
Roy D. Simon, Jr., B.A., J.D., Professor of Law
Joseph R. Simone, LL.M., J.D., A.B., Special Professor of Law
Peter J. Spiro, B.A., J.D., Associate Professor of Law
Marshall E. Tracht, B.A., M.B.A., J.D., Associate Professor of Law
Cheryl L. Wade, B.A., M.A., J.D., Professor of Law
Vern R. Walker, B.A., M.A., Ph.D., J.D., Professor of Law
Bennett J. Wasserman, B.A., M.A., J.D., Special Professor of Law
David N. Yellen, B.A., J.D., Professor of Law
Peter Zablotsky, B.A., J.D., Special Professor of Law
Barbara S. Barron, B.A., M.A., J.D., Legal Writing Instructor
Kathleen M. Beckett, B.A., J.D., Legal Writing Instructor
Pamela Edwards, B.S., M.B.A., J.D., Legal Writing Instructor and Director of Minority Recruitment and Minority Student Affairs
Peter M. Falkenstein, B.A., J.D., Legal Writing Instructor and Special Professor of Law
Donna L. Hill, B.A., J.D., LL.M., Legal Writing Instructor
Florence Kerner, B.A., J.D., Legal Writing Instructor

Published by Scholarly Commons at Hofstra Law, 1998
HOFSTRA LAW REVIEW

Volume 26, No. 3  Spring 1998

CONTENTS

SYMPOSIUM ON THE AMERICAN LAW INSTITUTE:
PROCESS, PARTISANSHIP, AND THE
RESTATEMENTS OF LAW

Foreword ........................................ Herbert P. Wilkins 567

Lobbying and the American Law
Institute: The Example of
Insurance Defense ......................... William T. Barker 573

Leave Your Clients at the Door.......... Lawrence J. Fox 595

The American Law Institute, 1923-1998 ...... John P. Frank 615

Caveat Lector: Conflicts of
Interest of ALI Members in
Drafting the Restatements ......... Monroe H. Freedman 641

The American Law Institute Is
Alive and Well ...................... Geoffrey C. Hazard, Jr. 661

The Politics of the Products
Liability Restatement ............ James A. Henderson, Jr. 667

Aaron D. Twerski

The Restatement of the
Law Governing Lawyers:
A View from the Trenches......... Lawrence J. Latto 697

The Restatement (Third) of Torts:
Products Liability—The American
Law Institute’s Process of
Democracy and Deliberation ....... Victor E. Schwartz 743

Products Liability: The Next Act .... Marshall S. Shapo 761
THE LOST WORLD: OF POLITICS AND GETTING THE LAW RIGHT .................. Charles Silver 773

THE AMERICAN LAW INSTITUTE IS DEAD IN THE WATER .................... Frank J. Vandall 801

BISMARCK’S SAUSAGES AND THE ALI’S RESTATEMENTS .................. Charles W. Wolfram 817