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Introduction: Cross-Border Canada/U.S. Cooperation in Investigations and Enforcement Actions *Vis a Vis* Private Parties

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INTRODUCTION: CROSS-BORDER CANADA/U.S.
COOPERATION IN INVESTIGATIONS AND ENFORCEMENT
ACTIONS VIS À VIS PRIVATE PARTIES

Thomas A. Ladd

I am Thomas Ladd. I am presiding over our closing session this afternoon that considers "Cross Border Canada/U.S. Cooperation in Investigations and Enforcement Actions vis à vis Private Parties." The communications tools in use as we plunge toward a new millennium facilitate the formation of commercial relationships and business transactions at an ever-accelerating rate. These transactions may be of a business-to-business nature, a business-to-consumer nature, or even a consumer-to-consumer nature. The information highway has no national border checkpoints. Some portion of business transactions has for centuries formed the basis of law school case books concerning commercial issues ranging from contracts to fraud. Commerce in an electronic form is unlikely to diminish that ratio.

Our guest speakers offer guidance for enforcement of rules of commercial conduct where the cause may reside on one side of the border and the affect on the opposite side of the Canada/U.S. border. Presenting a perspective looking southward is Konrad von Finckenstein, Q. C. Konrad serves as Commissioner of Competition for the Canadian Commission Bureau. Previously, Mr. Von Finckenstein served as Assistant Deputy Minister for Business Law at Industry Canada and Justice Canada, as Assistant Deputy Minister for Free Trade Policy and operations at the Department of Foreign Affairs and International Trade, as Assistant Deputy Attorney General for Tax Law, and as coordinator for the implementation of NAFTA. Mr. von Finckenstein holds a B.A. in Political Science from Carleton University, Ottawa, with Honors, and an LL.B. degree from Queen's University, Kingston, Ontario. He is a member of the Ontario Bar, and he was appointed Queen's Counsel in 1984.

Presenting a northward looking view is Debra Valentine, General Counsel for the Federal Trade Commission. Previously, Ms. Valentine was clerk for the 3rd Circuit Court of Appeals for Judge Arlin M. Adams, a partner in the Washington law firm of O'Melveny & Myers, a Deputy Director of Policy Planning for the Federal Trade Commission, and an Assistant Director for the International Antitrust at the FTC. Ms. Valentine is a magna cum laude graduate of Princeton University. She received her J.D.

from Yale University where she was an editor of the Yale Law Journal. She was a Fulbright Scholar in Munich from 1976 to 1977.

Please join me in welcoming the return of Ms. Valentine to Cleveland, the city of her birth, to share her perspective on cross border enforcement for private parties.