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Introduction and History of the Canada-U.S. Law Institute

*A. Sidney Picker, Jr.**

I am Sidney Picker, Jr., a member of the faculty at Case Western Reserve Law School, and Director of its *Russian Legal Studies Program*. I am also Chairman of the *Canada-United States Law Institute* Advisory Board as well as the *Institute's* founder and initial U.S. Director. Henry King, the current U.S. Director, has asked me to welcome you to the 1994 Annual Conference on *Sovereignty in the North American Context And In A Changing World* and briefly to sketch, for those of you unfamiliar with it, the origins and activities of the *Canada-United States Law Institute*.

The *Canada-United States Law Institute* is a binational entity, the joint creation of the law schools of Case Western Reserve University in Cleveland, Ohio and the University of Western Ontario in London, Ontario. It has two directors, one at each of the two campuses; Professor Henry King, the U.S. Director, and Professor Rande Kostal, the Canadian Director. The *Institute* was the first organization in either country designed to: (1) explore legal issues affecting the special Canada-United States relationship, and (2) examine each other's legal structures and processes in order to provide comparative law opportunities for the students and faculties of both participating law schools as well as for the public and private bar in both countries.

The two countries provide a fertile foundation for maximizing comparative law opportunities. On the one hand, they have a great deal in common, including history, geography, a cultural and political heritage, language, and economy; thus students in either country have ready access to, and little difficulty understanding, the relevant literature of the other, and they can readily relate to the societal issues under examination. On the other hand, Canada and the United States are sufficiently different as to maximize the benefits of comparative analysis. Thus, while both countries have constitutions and federal systems, they are not alike. These in turn shape unique legal solutions to similar social, economic, and political problems. An examination of the other country's legal solutions within the context of its own constitutional/federal structures offers unique insights into one's own national legal solutions.

In order to accomplish the two basic purposes of the *Institute*, five

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separate programs have been established which are operated with varying degrees of regularity. These include:

1. An exchange of law students between the two participating law schools whereby students from each country may take for full credit one of their six law school semesters in the law school of the other country;
2. An exchange of faculty members between the two participating law schools, both for brief and extended (semester or year long) visits;
3. The publication of the first scholarly law journal in either country devoted exclusively to issues of common interest to both countries, the *Canada-United States Law Journal* (which publishes the proceedings of the current conference);
4. The sponsorship of scholarly research on comparative law and international law issues affecting both countries; and
5. The organization of conferences on subjects of common interest to both countries.

The current conference falls within the final program. While the *Institute* has sponsored conferences since its inception in 1976, over a decade ago it undertook a different tack by focussing annual conferences on examinations of various aspects affecting the Canada-United States economic relationship. Furthermore, the conference format was modified to provide a more intensive (as well as extensive) experience. That meant probing in greater depth, requiring advanced preparation, and circulating background materials in advance of the conferences. It also meant extending the length of time for each conference, and scheduling each in an environment designed to promote both structured and informal interaction among participants and attendees.

The *Institute* owes a debt of gratitude to many individuals and organizations who have supported its various activities during the past 18 years, both financially and intellectually. Included are the Canadian Embassy in Washington, D.C. as well as the Canadian Consulates General, first in Cleveland, Ohio, and later, after that office was closed, in Detroit, Michigan. In addition, private nonprofit institutions in both countries have contributed generously since the *Institute's* establishment. These include the William H. Donner Foundation, the Gund Foundation, the Cleveland Foundation, the Richard G. Ivey Foundation, and the Ontario Bar Foundation.

The Institute in turn is owed a debt of gratitude from Case Western Reserve Law School's *Frederick K. Cox Foundation International Law Center*, which I would like to acknowledge. The law school's globally oriented *International Law Center* (established in 1992) used the *Canada-U.S. Law Institute* as the inspiration for a number of its programs and drew on *Institute* experience in introducing *Center* activities, including the *Russian Legal Studies Program* which I currently

direct.

I in turn owe a particular debt to the person I am about to introduce, Henry King, the current U.S. Director of the *Institute*. At the time I attempted to start the *Institute*, Henry was still Chief Corporate International Counsel at TRW. As an academic, inexperienced in the ways of establishing such special-focused organizations I turned to, and relied almost exclusively on Henry's organizational skills as well as his substantive knowledge of Canadian affairs. His background, as you all know, is extraordinary. Professor King has served as Chairman of the Section of International Law and Practice of the American Bar Association as well as U.S. Chairman of the Joint ABA-CBA Working Group on the Settlement of International Disputes between Canada and the United States. He was also actively involved in bar activities relating to the content of the new-born *NAFTA* (North American Free Trade Agreement) between Canada, the United States, and Mexico.

But for Henry King's advice and guidance, I would not have been able to launch this *Institute*. It therefore gives me great pleasure to present him to you, complements of the *Cleveland Clinic*. As many of you know, several months ago (but only *after* he had already, not to mention thoroughly, planned the present conference) Henry submitted himself to that illustrious institution for a remodelling job on his pipes and fittings (in the form of a quintuple bypass). Like a solidly built house of yore, he emerges and stands before us freshly rewired and retrofitted to meet current standards of indestructibility. I am therefore delighted to bring you Henry King, U.S. Director of the *Canada-United States Law Institute*, to open this conference.

