
January 1992

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Recommended Citation

Sidney Picker Jr., *Introduction and History of the Canada-U.S. Law Institute*, 18 Can.-U.S. L.J. 1 (1992)
Available at: <https://scholarlycommons.law.case.edu/cuslj/vol18/iss/4>

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

*Sidney Picker, Jr.**

I am Sidney Picker, Jr., a member of the faculty at Case Western Reserve School of Law and Executive Director of the *Gund Foundation International Law Center*. 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 1992 Annual Conference on *The Law and Economics of Environmental Regulation in the Canada-U.S. Context* 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. 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 bars 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, political 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 so 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 separate programs have been established which are operated with varying degrees of regularity. These include:

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- 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;
- an exchange of faculty members between the two participating law schools, both for brief and extended (semester or year long) visits;
- 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);
- the sponsorship of scholarly research on comparative law and international law issues affecting both countries; and
- 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, nine years ago it undertook a different task by focusing annual conferences on examinations of various aspects of 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 conference. 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 sixteen years, both financially and intellectually. Included are the Canadian Embassy in Washington, D.C., as well as the Canadian Consulate General in Cleveland, Ohio. 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 School of Law which, wearing my *Gund Foundation International Law Center* hat, I would like to acknowledge. The law school's globally oriented *International Law Center* (which is just completing its first year of operation) has used the *Canada-U.S. Law Institute* as the inspiration for a number of its programs and has drawn on *Institute* experience in introducing *Center* activities. Furthermore, the *Center* umbrella will support *Canada-U.S. Law Institute* goals. For example, it has engaged James Holbein, the U.S. Secretary of the Canada-U.S. Free Trade Agreement's binational secretariat, as an adjunct member of the law school faculty. In the Spring of 1993, Mr. Holbein will commute

weekly from Washington to offer a course on *Harmonization and Regional Organizations*.

Now, in order to open this Conference, it is my pleasure to introduce to you the person responsible for its organization and presentation, Professor Henry T. King, Jr. Professor King is the current U.S. Director of the *Institute*. He came to the *Institute* from TRW, Inc., where he was Chief Corporate International Counsel. While in that capacity, he also served as a pivotal member of the *Institute's Advisory Board*, which I now chair, and he is the person on whom I, as then U.S. Director, could rely for advice and guidance during the critical formation years of the *Institute*. In addition, 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 is also actively involved in bar activities relating to the content of the emerging North American Free Trade Agreement between Canada, the United States and Mexico.

