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

A. Mosby Harvey, Jr.*

I am Mosby Harvey, an international law practitioner and a member of the *Canada-United States Law Institute Advisory Board*. I am also a friend and consultant to the Case Western Reserve School of Law and its expanding international law program.

The conference opening is usually performed by Professor Sidney Picker. Professor Picker is the founder of the *Canada-U.S. Law Institute*, was its initial director, and is currently the Chairman of the *Institute's Advisory Board*. However, he unfortunately finds himself in New York this morning seeking funds to establish for Case Western Reserve Law School another program, this time with Russia. This marks the first time he will have missed the opening of an *Institute* Annual Conference, and he has asked me to convey to you his deep regrets.

Now, wearing my welcome hat, let me say it is a pleasure to have you here at the *Institute's* 1993 Annual Conference on *An Industrial Policy for North America (Canada/U.S.): Legal and Economic Considerations*. This is the *Institute's* seventeenth annual conference dealing with various aspects of the Canada-U.S. relationship and the tenth focusing in particular on the economic relationship between the two countries. For those of you unfamiliar with it, let me begin by briefly sketching for you the origins and activities of the *Canada-U.S. Law Institute*.

The *Institute* is a bi-national 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 country's legal structure and processes in order to provide comparative law opportunity for the students and faculties of both 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; most obviously, an economy and a market. Shared experiences also include a history, a continent, a cultural, social and political heritage. Finally, they share a language. Sort of. 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 socie-

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tal 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, strictly speaking, alike. These systems shape different legal solutions to similar economic and political problems. An examination of the other country's legal responses within the context of its own constitutional/federal structures offers unique insights into one's own national problems.

In order to accomplish the basic purposes of the *Institute* six separate programs have been established which operate with varying degrees of regularity. These include:

- 1) An exchange of law students between the two participating law schools, whereby students in 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 interests to both countries, the *Canada-United States Law Journal* (which publishes the proceedings of the current Conference);
- 4) The sponsorship of the Niagara International Moot Court Competition, which offers students from more than a dozen law schools on both sides of the border an opportunity to argue a hypothetical case between the United States and Canada before the World Court in the Hague;
- 5) The sponsorship of scholarly research on comparative law and international issues affecting both countries; and
- 6) The organization of conferences on subjects of common interest to both countries.

The current Conference falls in the final program. While the *Institute* has sponsored conferences since its inception in 1976, ten years ago it undertook a different task by focusing annual conferences on the examination 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

seventeen 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, non-profit institutions of both countries have contributed generously since the founding of the *Institute*. 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 the Case Western Reserve School of Law. The law school's globally-oriented *International Law Center* (which is just completing its second year of operation), and the new Russian Legal Studies Program (which has been established by agreement with the law faculties of St. Petersburg University and Volgograd University in Russia, as well as Cleveland State University here in Cleveland), have used the *Canada-U.S. Law Institute* as the model and inspiration for many programs and have drawn extensively on the *Institute's* experience.

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 it a decade ago from TRW, Inc. where he was Chief Corporate International Counsel. In addition, Professor King has served as Chairman of the Section of International Law and Practice of the American Bar Association, as well as the U.S. Chairman of the Joint ABA-CBA Working Group on the Settlement of International Disputes. He is also U.S. Chair of the Joint ABA-CBA Working Group which made recommendations for the settlement disputes under NAFTA.

