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

Sidney Picker Jr.

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# INTRODUCTION AND HISTORY OF THE CANADA-U.S. LAW INSTITUTE

*Sidney Picker, Jr.\**

I AM SIDNEY PICKER. I am a member of the faculty at Case Western Reserve Law School. I am the director of the Russian Legal Studies Program. I am also Chairman of the Canada/U.S. Law Institute Advisory Board, as well as the Institute's founder and the first U.S. director.

Henry King, the current U.S. director, asked me to welcome you to this Human Resources in the Canada/U.S. Context Conference, as well as to briefly specify for you what the Canada/U.S. Law Institute really is.

The Institute is a binational entity; the joint creation of the law schools at Case Western Reserve University School of Law and University of Western Ontario in London, Ontario. It was designed for two purposes; one, it would become a forum for the exploration of legal issues, international and transnational, affecting the special panel of the United States relationship; and two, it would provide an ideal basis for comparative law opportunities.

The exploration of the special relationship has taken on significance over the last twenty years of the life of the Institute. Twenty years ago, when we were first established, there were very few formal structures for the Canada/U.S. relationship. Since then we have seen the establishment of the Canada/U.S. Free Trade Agreement, the NAFTA agreement, and other more formalized bases that give special meaning to that part of the program.

As far as the comparative law aspect of the program, we have always felt the Canada/U.S. relationship was an ideal one for exploring comparative law opportunities. The countries have enough in common for students on both sides of the border to identify with the issues. We share, usually, a language, a history, a culture, and geography. We also have similar political, social, and economic problems which we address.

On the other hand, there are just enough differences between us that make the comparisons worthwhile. While we are both federal structures, we have very different federal systems; we have different constitutional processes, and fiduciary constitutional principles. Those differences shake the legal institutions and the structures that each

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\* Chairman, Canada-United States Law Institute Advisory Board; Director, Russian Legal Studies Program; Professor of Law, Case Western Reserve University (Cleveland).

country uses to address the issues that they do. By seeing and examining the way the other country does it, students in their own country get a better insight into their own legal systems, as well as an understanding of the other legal system.

The programs we have adopted to accomplish these results were sixfold. We have a student exchange program whereby we send students to Canada while Canada sends students to the United States for a semester at a time. The students, all in their second or third year of law school, are given full academic credit for the courses that they take in the other school.

There is a faculty exchange program where faculty go back and forth either for up to a semester to give a course, or, more commonly, for brief visits, two or three days at a time.

Third, there is *The Canada/U.S. Law Journal*, the first scholarly publication devoted to the Canada/U.S. relationship. It publishes articles about matters that relate to the special relationship. It also publishes annually the proceedings of this conference. With Henry King driving it, it is quite likely that the publication will be ready by the time this Sunday comes around. That is very good.

In addition, we also sponsor a special moot court program called The Niagara International Moot Court Competition. It was initially designed for law schools in the Great Lakes area, hence its name. The problem is always a hypothetical problem before the world court, but it involves Canada and the United States, not made-up countries.

The Niagara Moot Court has grown over the years. Now the participating schools stretch quite literally from sea to sea to sea, virtually everywhere. The name, Niagara, has more historic rather than descriptive significance.

Five, we sponsor scholarly research and writing projects dealing with the special Canada/U.S. relationship.

And sixth, of course, are conferences such as this which have taken on over the years a more significant format extending their length and going into a greater depth than the initial one-day conferences we had when the Institute was first established.

The Institute owes a particular debt to many people over the years and organizations which helped us get going. Naturally, since you survive by money, it is most of those who helped us financially. But we have received assistance, both financial and intellectual, from many organizations. I just want to acknowledge a few of them, starting with the Canadian Embassy in Washington which supported us from the moment we came up with this idea. The Canadian consulate in Detroit has also helped, which has been wonderful.

We have received support from organizations such as the William H. Donner Foundation, the Gund Foundation, the Cleveland Foundation, the Richard G. Ivy Foundation, and the Ontario Bar Foundation.

We are grateful to all of them.

I, in turn, am particularly grateful to one person here, because when I did think about this Institute twenty-some years ago, I was very young and inexperienced and had no idea how you would go about establishing such an organization. The only person I found I could really turn to at the time was Henry King, then serving as a national corporate counsel of TRW. It was through Henry's efforts and his guidance, taking me by the hand and showing me actually how it was done, that we were able to get the Institute established. And later, when he wanted to take a more active part in the law school, we were delighted he would take over the operation of the Institute.

It is therefore a great pleasure for me to introduce or turn this conference over to Henry.

I do not think I have to tell you much about his background. In addition to his TRW experience, he has served as Chairman of the International Section of the American Bar Association; he was U.S. Chairman of the Joint ABA/CBA working group on the settlement of international disputes between Canada and the United States; and he was one of the most active people involved in the Bar Association's work in helping the establishment of NAFTA.

I will not go any further than that. I will turn this over to Henry King.

