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Canada-United States Law Journal

Proceedings of the Annual Conference
An Example of Cooperation and Common
Cause: Enhancing Canada-United States
Security and Prosperity Through the Great
Lakes and North American Trade

Conducted Under the Auspices of The Canada-
United States Law Institute at Case Western
Reserve University School of Law and The
University of Western Ontario Faculty of Law

Cleveland, Ohio
April 2-4, 2009

Conference Chair
Dr. Henry T. King, Jr.



Volume 34, No. 2 2010

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EDITOR'S NOTES

Volume Thirty-Four, Number Two of the *Canada-United States Law Journal* contains the proceedings of the Canada-United States Law Institute's 2009 Conference, "An Example of Cooperation and Common Cause: Enhancing Canada-United States Security and Prosperity Through the Great Lakes and North American Trade."

I became Editor-in-Chief at a time of flux at the Institute due to the passing of one of its pillars, Dr. Henry T. King Jr. Dr. King will be sorely missed as a leader, professor, and advocate. His bell resides in the Journal's office as a constant reminder of Dr. King's unfaltering timeliness, dedication, and professionalism. Dr. King, thank you for your many years of service.

The 2009 Conference and subsequent Journal publication could not have taken place without many people. First, I would like to sincerely thank Dan Ujcz for his advice and guidance. Dan manages to stay actively engaged and supportive while managing a growing Institute during a time of great change. Also, Chi Carmody proved to be a great anchor and sounding board and is indispensable to our Journal's presence at The University of Western Ontario. I would also like to thank Kuangshi Cao and Steve de Eyre who assisted in making the Journal's production and publication as smooth as possible while simultaneously juggling their many outside responsibilities. Additionally, Radha Subramanian did a terrific job as our first Canadian Corresponding Editor. Special thanks are due to all of the Journal's Executive and Associate Editors. These individuals bear the difficult tasks of footnoting and editing. Their hard work is reflected in the quality of the Journal. There are also a select group of Editors who deserve special praise for accepting far more than their share of assignments with minor grumbling and returning exceptional work: Faraz Nayyar, Katie Saks, Sarah Antonucci, Matt Bechtold, Meagan Bielanin, Adrienne Cavender, Matt Dodd, Lindsay Susan Oak, Alexis Parker, and Brandon Wheeler. Thank you for always knowing the correct place for a comma, footnote, or semicolon. I would also like to thank Andy Dorchak, our incredibly helpful research librarian.

My final 'thank you' is reserved for the Journal's Managing Editor, Amanda Koeth. I do not know how I could have completed this issue without Mandie's hard work, dedication, and friendship. I dare not imagine this process without our frenetic late-night, mid-morning, and all-day emails. Working with Mandie has been the most enjoyable aspect of my Editorship. Mandie, I can honestly say, thank you for everything, and finally, bingo.

On behalf of the entire *Canada-United States Law Journal* we appreciate your continued support and readership. Thank you.

Carl F. Brooker IV
Editor-in-Chief



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VOLUME 34, No. 2

2010

**PROCEEDINGS OF THE CANADA-UNITED STATES LAW
INSTITUTE CONFERENCE**

on

**AN EXAMPLE OF COOPERATION AND COMMON CAUSE: ENHANCING CANADA-
UNITED STATES SECURITY AND PROSPERITY THROUGH THE GREAT LAKES AND
NORTH AMERICAN TRADE**

Cleveland, Ohio

April 2-4, 2009

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CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

on

AN EXAMPLE OF COOPERATION AND COMMON CAUSE: ENHANCING CANADA-UNITED STATES SECURITY AND PROSPERITY THROUGH THE GREAT LAKES AND NORTH AMERICAN TRADE

April 2-4, 2009

LIST OF CONFERENCE SPEAKERS

Jean Anderson, a partner at Weil Gotshal in the firm's International Arbitration and Trade practice, is an international trade policy strategist and litigator for companies and governments around the world. She provides strategic trade policy advice and counsels companies, associations, and governments on trade and investment matters, including World Trade Organization (WTO) dispute settlements, subsidies and antidumping litigation, treaty-based arbitration, regional and multinational trade negotiations, market access, and international regulatory issues. She has been counsel in more than twenty WTO panel and Appellate Body proceedings; she was lead respondents' counsel in the United States-Canada softwood lumber dispute—one of the largest, most complex, and most politically charged international trade disputes in history; and she has successfully represented companies in trade remedy and other proceedings involving a range of industries, including steel, semiconductors, industrial equipment, metals, and agricultural products. Ms. Anderson has consistently been recognized as a leading international trade lawyer by Chambers USA, Chambers Global, The Best Lawyers in America, Super Lawyers, and Who's Who Legal, The International Who's Who of Business Lawyers.

Before joining Weil Gotshal in 1989, Ms. Anderson was Chief Counsel for International Trade at the United States Department of Commerce. In that position, she was a principal negotiator of the United States-Canada Free Trade Agreement and a primary architect of the Chapter 19 dispute settlement system. In prior government and private positions, Ms. Anderson was a chief United States negotiator on steel trade and an international business consultant on Asia.

Ms. Anderson has been a member of the Council of the International Law Section of the American Bar Association and has chaired the Section's International Trade and Canada Committees. She has taught international trade law at Georgetown University Law Center, and is on the faculty of the Academy of WTO Law and Policy at Georgetown. She holds degrees from l'Institut d'Etudes Politiques of the University of Paris, Northwestern

University, and Georgetown University Law Center, where she was executive editor of the Georgetown Law Journal.

Kevin Banks is appointed to the Faculty of Law at Queen's University. He holds an S.J.D. from Harvard Law School (2003), and an LL.B. (1989) and B.A. (1986) in economics from the University of Toronto. He has served in a number of senior positions within the Public Service of Canada, including Director General, Labor Policy and Workplace Information, Director of Research with the Federal Labor Standards Review Commission, and Director, Inter-American Labor Cooperation. In the latter capacity was responsible for the office that negotiates and implements Canada's trade-related labor agreements in the Americas, and for managing Canada's participation in Inter-American Conference of Ministers of Labor. From 1998 to April 2001, he was Senior Labor Law Advisor with the Secretariat of the Commission for Labor Cooperation, created under international labor agreement linked to the North American Free Trade Agreement. Prior to joining the Commission Secretariat, Kevin practiced labor law for seven years, representing unions and individual workers. In 1993, he acted as a consultant to the United States Department of Labor's Commission on the Future of Worker-Management Relations. His S.J.D. dissertation explored the policy underpinnings of the linkage between international trade and labor standards, and the challenges that this linkage poses to traditional models of international governance. He has a number of publications on domestic, international, and comparative labor law and related matters, including a recent contribution to an edited volume published by Cambridge University Press ("The Impact of Globalization on Labour Standards," *Globalization and the Future of Labor Law* (John Craig and Michael Lynk eds., 2006)), and a co-authored book entitled *North American Labor Relations Law - A Comparative Guide to the Labor Relations Laws of Canada, Mexico and the United States*.

Hon. James Blanchard joined DLA Piper LLP (United States) upon the conclusion of his duties as United States Ambassador to Canada in April 1996. In recognition of his outstanding performance, Secretary of State Warren Christopher presented Governor Blanchard with the Foreign Affairs Award for Public Service in a ceremony at the Department of State, making him one of only a handful of ambassadors to receive this prestigious award.

Mr. Blanchard was named Ambassador to Canada in May 1993, after serving two terms as governor of Michigan (1983-1991) and four terms as a member of the United States Congress (1975-1983). In 1992, he chaired President Bill Clinton's successful campaign in Michigan. Governor Blanchard is also former chairman of the Democratic Governors Association and the National Democratic Platform Committee, as well as a former member of the National Governors Association's executive committee.

During his tenure as Ambassador, Mr. Blanchard managed a broad range of trade, natural resources, environmental, and national security issues between the United States and Canada, providing support critical to the passage of both the North American Free Trade Agreement and the Open Skies Agreement. Commenting on Mr. Blanchard's role in the Open Skies Agreement, Canadian Prime Minister Jean Chretien said, "Tomorrow, we will show the world that even the sky is not the limit for our relationship as we sign an open skies agreement. It will enhance what is already the largest bilateral air relationship in the world. Ambassador Blanchard has played a key role in these negotiations, and he has done a fantastic job here in Ottawa. I want to take this opportunity to salute him."

The Governor's eight years as Michigan's chief executive were notable for his success in turning around Michigan's finances and working with the private sector to attract business investment and trade from around the world. Mr. Blanchard won national acclaim for his innovative approaches to economic development, education, crime fighting, environmental protection, and helping children and families.

Newsweek credited Mr. Blanchard with leading "one of the most dramatic economic turnabouts in the recent history of state government," and national publications such as U.S. News and World Report listed Mr. Blanchard among the best governors in America, one of the innovators and energizers who made things work in an era of declining federal aid.

Mr. Blanchard remains active in Michigan and in United States-Canada relations. In 2008, at the invitation of Jean Chrétien, former Prime Minister of Canada, he was a special guest at the InterAction Council's 26th Annual Plenary Meeting in Stockholm. The InterAction Council brings together former world leaders who look beyond the immediacy of current issues and the limitations of national interests to focus on the long-term structural factors driving the global agenda. Its three priority areas are peace and security, world economic revitalization, and universal ethical standards.

In 1997, Mr. Blanchard authored *Behind the Embassy Door*, a book highlighting his experiences as Ambassador. He serves on the board of directors of several corporations and, in February 2005, co-chaired the American Assembly project on United States-Canada relations, hosted and sponsored by Columbia University. Mr. Blanchard served on Senator Hillary Clinton's national finance committee. The respected English research publisher Chambers & Partners names Mr. Blanchard in Chambers USA: America's Leading Lawyers for Business, commenting that he is "singled out for his knowledge of the governmental decision-making process" and that clients call him "hugely dependable and extremely efficient."

Dr. David B. Brooks is a natural resource economist whose main interests lie in the linkages between environmental protection, on the one

hand, and the use of minerals, energy, and water, on the other. Formerly the founding director of the Canadian Office of Energy Conservation in 1973, he subsequently worked for six years with two Canadian environmental non-government organizations (ENGOS), Energy Probe and Friends of the Earth Canada, and for several years served as President of the Board for the latter. Then for five years Dr. Brooks was a principal with the firm of Marbek Resource Consultants, during which time he also served on the Board of Directors of Ontario Hydroelectric Corporation, the provincial utility at the time. Between 1988 and 2002, Dr. Brooks worked with Canada's International Development Research Centre. (IDRC is a Canadian crown corporation that supports research on international development proposed and carried out by people in developing countries.) He held several positions, including that of Acting Director of the Program for Environment & Natural Resources Management. After retiring from IDRC in May 2002, Dr. Brooks returned to the ENGO world and became Senior Advisor - Fresh Water for Friends of the Earth - Canada on a part-time basis.

Dr. Brooks was born in the United States in 1934, and was educated in geology at Massachusetts Institute of Technology (SB 1955) and Cal Tech (MS 1956), and in economics at the University of Colorado (PhD 1963). He has worked in the United States and numerous developing countries, as well as in Canada, to which he moved in 1970. Much of his research has focused on sustainable alternatives for conventional energy and water policies. More recently, he has focused much of his research on problems in the Middle East, and particularly in Israel and Palestine. Dr. Brooks is author of *Zero Energy Growth for Canada* (McClelland and Stewart 1981) and *Water: Local-Level Management* (IDRC 2002). He is co-author of *Life After Oil: Renewable Energy Policies for Canada* (Hurtig 1983); *Water: The Potential for Demand Management in Canada* (Science Council of Canada 1988); and *Watershed: The Role of Fresh Water in the Israeli-Palestinian Conflict* (IDRC Books 1994). He has also edited several books on resource issues and on water demand management, including *Water Balances in the Eastern Mediterranean* (IDRC Books 2000). Most recently, he directed the study of water soft paths in Canada, the first such study undertaken anywhere in the world. Earthscan Press published the results under the title, *Making the Most of the Water We Have: The Soft Path Approach to Water Management*. Dr. Brooks has been elected to The International Water Academy, based in Oslo, Norway.

Dr. Brooks lives in Ottawa, and is a citizen of Canada. He has been married to Toby Brooks, the first biographer of Canadian poet Patricia Lowther, since 1955. They have two grown children. His favorite non-professional activities involve canoeing in the summer, trail skiing in the winter, and Jewish religious studies when the weather does not encourage outdoor activities.

Donald B. Cameron, Jr. has more than three decades of experience representing multinational businesses, foreign governments, foreign trade associations, and United States importers in litigation under United States antidumping, countervailing duty, and safeguards law. He also advises clients from around the globe in international trade disputes and market access issues, and has particular experience defending clients in industry sectors that are politically sensitive. Mr. Cameron has represented foreign producers and importers in sectors such as footwear, lumber, textiles, electronic products, and steel products. He practices regularly before the United States Department of Commerce, the United States International Trade Commission, the Office of the United States Trade Representative, the United States Court of International Trade, and the United States Court of Appeals for the Federal Circuit.

Mr. Cameron has extensive experience representing private-sector interests and governments in dispute settlement proceedings before the World Trade Organization (WTO) and its predecessor, the General Agreement on Tariffs and Trade in Geneva, and has argued on the behalf of clients before WTO Panels and the WTO Appellate Body. He has also defended clients in North American Free Trade Agreement (NAFTA) Chapter 19 proceedings and has argued before NAFTA Panels. Mr. Cameron and his partner, Julie Mendoza, also advised the Government of Korea in the successful WTO challenges to the U.S. safeguard actions on line pipe and certain steel products (AB-2001- 9 and AB-2003- 3).

As counsel for foreign manufacturers, Mr. Cameron has advised and assisted foreign governments in a variety of bilateral and multilateral trade negotiations, most prominent being the steel Voluntary Restraint Arrangements negotiations, bilateral subsidies negotiations, and the OECD shipbuilding negotiations.

Mr. Cameron received his J.D. (1974) from Vanderbilt University and B.A. (1971) from Kenyon College. He received his LL.M. (1975) from the Vrije Universiteit, Brussels, Program on International Legal Cooperation in Brussels.

Chi Carmody received his LL.B. from the University of Ottawa, LL.M. from the University of Michigan, and S.J.D. from Georgetown University. He is a member of the Bars of Ontario and New York. Mr. Carmody has taught courses in public international law, international trade law, and international business transactions at The University of Western Ontario Faculty of Law since 1999. He also serves as Canadian Director of the Canada-United States Law Institute. Mr. Carmody has been a visiting professor at Georgetown University Law Center and an Emile Noël Fellow at the Jean Monnet Center for Regional and International Economic Law & Justice, at the New York University School of Law.

Cyndee Todgham Cherniak is counsel in the International Trade Law, the Business Law, and the Tax Law Groups in Lang Michener's Toronto office. Her practice includes: international law, including World Trade Organization (WTO) and Regional Trade Agreements (RTA) analysis, interpretations, and opinions, government relations strategies, and dispute settlement, North American Free Trade Agreement (NAFTA) verifications, value for duty, tariff classification, import and export controls and sanctions, bilateral restraint agreements, bilateral investment treaties, textile references, international protection of intellectual property rights, anti-dumping and countervailing duties, safeguard actions, government procurement, investor-state disputes, the Foreign Extraterritorial Measures Act, border and national security, food and product safety, anti-corruption and anti-bribery, and compliance programs/codes of conduct. She also has expertise in commodity tax (i.e., goods and services tax (GST), Ontario retail sales tax, Ontario employer health tax, Ontario land transfer tax, excise tax, gasoline and fuel taxes, and customs duties. Ms. Cherniak is known as an international lawyer who works closely with other lawyers, in-house counsel, international financial institutions, trade associations, non-governmental organizations, and governments.

Ms. Cherniak is known for her expertise in the area of free trade agreements, regional trade agreements, and preferential trading arrangements (collectively, PTAs). Ms. Cherniak has reviewed over 100 RTAs as a consultant to the Asian Development Bank, has written an extensive report on all aspects of RTAs, and has conducted workshops for developing countries on the negotiation of free trade agreements. Ms. Cherniak advises clients on WTO dispute settlement and NAFTA dispute settlement (including bi-national panel reviews and investor-to-state dispute settlement). Ms. Cherniak provides advice on doing business in Canada to companies in emerging markets, such as China, India, Brazil, and Mexico. She represented the Government of China, Chinese Associations, and/or exporters in the three of the first four anti-dumping and countervailing duty cases against China (outdoor barbeques, carbon steel and stainless steel fasteners, and copper pipe fittings) and the first China specific safeguard case initiated by Canada against outdoor barbeques from China.

Ms. Cherniak is the co-founder of Trade Lawyers Blog, Women Lawyers Blog, and Canada Law Blog. She is a vice-chair of the American Bar Association, International Law Section customs and membership committees, and the Diversity Task Force. She is past-chair of the American Bar Association (ABA), Women's Interest Network, and a member of the organizing committee of the 2006 ABA Annual General Meeting. Ms. Cherniak has been appointed the Secretary Treasurer of the Canadian Bar Association, National Commodity Tax, Customs, and Trade Section from September 2008 to August 2010. She is an advisory board member of the Canada-United States Law Institute. Ms. Cherniak is a director of the

Canada-China Lawyers' Foundation and is a conciliator and board member for the Canada-China Business Council/China Council for the Promotion of International Trade Joint Conciliation Center.

Dr. Murray Clamen was born in Montreal, Quebec. He was educated at McGill University, graduating with a B.Eng. (Civil Honors) in 1970; and at Imperial College (University of London, England) where he received his PhD in Civil Engineering (Hydraulics) during an Athlone Fellowship awarded by the British Board of Trade.

His career has included broad experience in the private sector with consulting engineering and research firms in Quebec and British Columbia and a total of thirty years in the Federal Public Service, twenty-seven with the International Joint Commission (IJC), and three with Environment Canada.

From 1976 to 1997, as one of the engineering advisers in the Canadian Section, Dr. Clamen provided technical and policy advice to the Commissioners on a wide range of transboundary issues and participated in numerous Canada/United States studies and assessments, especially on Great Lakes issues. In April 1997, he was appointed Secretary of the Canadian Section of the IJC, responsible for overall management of the Ottawa office of the Commission, the position he currently holds.

Dr. Clamen is a member of the Professional Engineers of Ontario and has expertise in international water resources studies, environmental assessments and policy development, consultative processes, and program management.

Richard O. Cunningham is senior international trade partner in the Washington office of Steptoe & Johnson LLP, where he is a member of the International Department. In addition to litigating cases under the United States import relief laws, Mr. Cunningham is active in representing clients with respect to United States government trade policy issues, in negotiating private and governmental agreements to resolve market-access problems and other international trade issues, and in helping clients develop international strategies that take advantage of the trade laws and policies of the United States and foreign governments. Mr. Cunningham is supported in his international trade work by Steptoe's team of trade law attorneys—one of the largest of any United States law firm—comprising 35 attorneys and other professionals. The group also draws as needed from the skills of attorneys in Steptoe's other practice areas.

Mr. Cunningham handled many of the major United States antidumping and countervailing duty cases of the last three decades. In antidumping cases, he is known particularly for his experience in proceedings involving complex manufactured products and multi-layered distribution systems, and for cases involving imports from non-market economies and economies in transition. Under the countervailing duty law, Mr. Cunningham has

particular experience in cases involving capital subsidies, privatization, research and development subsidies, and subsidy aspects of agricultural trade. He is also known for achieving negotiated resolutions of import relief proceedings.

In addition to litigating cases, Mr. Cunningham regularly advises foreign exporters as to how they may reduce their vulnerability to United States import relief cases, and counsels foreign governments on how supports may be structured so as to comply with World Trade Organization (WTO) rules and United States countervailing duty laws. He also represents clients in connection with proposed antidumping and countervailing duty legislation in the United States and in other countries, and in connection with the negotiation of international rules governing import relief proceedings.

On behalf of both United States and foreign clients, Mr. Cunningham provides advice and advocacy with respect to international trade policy decisions by the United States and other governments. Such representations involve bilateral and multilateral trade negotiations, decisions in discretionary trade law cases, market-access initiatives, legislation and governmental policies in such trade-related areas as intellectual property, government procurement, standards, export controls, taxation and issues relating to trade in services. He advised the Korean Government in their Free Trade Agreement negotiations with the United States and the Mexican Confederation of Industries in the North American Free Trade Agreement negotiations. As a result of Mr. Cunningham's involvement in trade policy issues, he has been asked on numerous occasions to advise Congressional committees and governmental agencies on international trade issues.

Mr. Cunningham was active on behalf of clients in both the Tokyo Round and the Uruguay Round of Multilateral Trade Negotiations. He frequently represents corporate clients, and occasionally advises governments, in WTO dispute resolution proceedings. He has particular experience in bringing about negotiated resolutions of disputes arising under the WTO Agreements.

Drawing on his international trade law experience and his long-standing relationships with trade policy officials in the United States and foreign governments, Mr. Cunningham regularly assists corporate clients in devising international trade strategies. Such advice seeks to enable the client to integrate international marketing, pricing, and plant siting decisions with the laws and policies of relevant governments. Strategies are developed to overcome obstacles to market access, to utilize trade laws and cases for commercial advantage, to maximize the advantages of intellectual property rights or proprietary technology, and to obtain assistance or protection from domestic and foreign governments.

Rose Ann DeLeón is vice president of strategic development for the Cleveland-Cuyahoga County Port Authority and reports to the executive director. She joined the Port Authority in 1993 and is responsible for

strategic planning, project management of major projects, including the Trans-Erie Ferry Feasibility Study and Implementation Project, intergovernmental relations with city, county, federal, and state governments, community relations and public relations. She manages the port authority's tax levy campaign and Foreign-Trade Zone program.

Prior to her current position, Ms. DeLeón was senior development finance manager for the port authority and managed the financing initiatives of its Development Finance Group, which offers various financing programs to businesses and communities to support business growth, retain jobs, and stimulate economic development. She was instrumental in securing financing for northeast Ohio projects totaling \$500 million during her tenure with the group.

Ms. DeLeón is a member of the American Association of Port Authorities and serves on their Planning and Research Committee, and is currently pursuing their Professional Port Manager certification. A native of Cleveland, Ms. DeLeón received a bachelor's degree in business administration from Baldwin Wallace College in Berea and a master's in business administration from Cleveland State University.

Daniel Desjardins has been Senior Vice President and General Counsel at Bombardier Inc. since October 1, 2003 and is a member of the Management Committee and of the Corporate Council of the Corporation. Prior to that date, he acted, from April 1998 to September 2003, as Vice President, Legal Services of Bombardier Inc. Mr. Desjardins has also the corporate responsibility for environmental matters, health and safety as well as insurance and risk management at Corporate Office. Before joining Bombardier, from February 1986 to April 1998, Mr. Desjardins was a senior partner of Hudon Gendron Harris Thomson, where he was practicing in the field of corporate, banking and real estate law. Bombardier is the world's third largest civil aircraft manufacturer and the world-leading manufacturer of trains and related servicing activities. The corporation, with 60,000 employees in more than 30 countries, posted \$19.7 billion in revenues for the fiscal year ending January 31, 2009.

Mr. Desjardins was presented in New York in June 2007 with the General Counsel of the Year award by the International Law Office, Global Counsel Awards and the Association of Corporate Counsel.

He obtained his Law Degree (LL.L) in 1977 from University of Montreal and his Master Degree (LL.M) in 1983 from McGill University.

Elliot J. Feldman is the Leader of Baker Hostetler's international trade practice. He concentrates on all forms of trade remedies affecting the movement of goods and services across international borders. He advises foreign governments, international organizations, American and foreign corporations, and individuals on matters of trade policy and litigates

international trade disputes in all relevant forums in the United States and, occasionally, in foreign countries. He has been a frequent legal adviser to the Government of Canada in World Trade Organization (WTO) cases.

Although he has particularly extensive experience in the North American Free Trade Agreement (NAFTA) (and founded and is the former Director of the University Consortium for Research on North America at Harvard University), he also represents clients in Europe, Latin America, Australia, and Asia, including acting as counsel to the People's Republic of China.

Dr. Feldman is a former Director of the Canadian-American Business Council and a former Special Project Officer and Consultant in the United States Department of Defense. He has been a Fellow of the Woodrow Wilson and Danforth Foundations, the German Marshall Fund of the United States, the Council on Foreign Relations, the Center for European Studies, and the Center for International Affairs of Harvard University and the Lincoln Institute of Land Policy. He has lectured in the United States, Canada, China, and Europe. Dr. Feldman has been listed in Who's Who for professionals and lawyers and has been featured in Chambers since 2007 as one of the top trade lawyers in the United States.

Dr. Feldman has taught at Johns Hopkins University's School of Advanced International Studies, the University of British Columbia, Brandeis, and Tufts Universities. He is the author of eight books and numerous articles in professional journals, anthologies, and the popular press, and is the subject of a Video Leadership Seminar on Strategies in Legal Settings for Multiple Clients with Competing Interests. He is a frequent commentator in the press, on television and radio, in Canada, the United States, and China. He is quoted frequently in the Hong Kong and Chinese press as a recognized expert on Chinese affairs related to international trade and leads a Baker & Hostetler blog, www.chinaustradelawblog.com. He has appeared on CNN, Fox News, National Public Radio, and Bloomberg News, among others. In 2006, he authored *Inside The Minds: International Trade Law Best Practices*, and he is the editor of a major treatise on Foreign Acquisitions in the United States, written by Baker & Hostetler partners and to be published in 2010 by Aspen Publishers. He serves on Working Groups at the Council on Foreign Relations concerning the WTO, foreign investment, immigration, and the "Role of the Private Sector in Homeland Security."

Dr. Feldman has testified five times as an expert witness before the Standing Committee on International Trade of the Canadian House of Commons, twice on the Softwood Lumber dispute between Canada and the United States, twice on the future of NAFTA and its dispute resolution system, and once on the details of legislation pending before the House. His client advice on the Softwood Lumber Agreement has been selected by the Librarian of the Canadian House of Commons as a historic document.

Dr. Feldman is a member of the District of Columbia, Massachusetts, and American Bar Association.

Kathryn Friedman has served as Deputy Director of The University at Buffalo Regional Institute since January 2006. In addition to working with the institute's Director on strategic planning, Dr. Friedman serves as direct program manager for Region's Edge, the institute's binational research program. She frequently speaks on binational and international issues to both academic and non-academic audiences, including policymakers in Canada and the United States. She has also published research on international law and Canada-United States relations.

Dr. Friedman, a practicing attorney, is an adjunct professor at the University at Buffalo School of Law, where she teaches courses on international trade and the North American Free Trade Agreement. She is a member of the Advisory Council for the Niagara Observatory at Brock University, Women in International Security and the Small Business Association International Trade Task Force. Dr. Friedman also served as Vice Chair of the International Law and Practice Section of the New York State Bar Association.

In addition to receiving a PhD in political science, with concentrations in international relations and comparative political economy, Dr. Friedman graduated magna cum laude from the University at Buffalo School of Law where she served as an International Law Fellow and as Editor-in-Chief of the Buffalo Law Review. She received the Carlos C. Alden Award for greatest contribution to the Law Review and the Law Faculty Award for outstanding contributions to the law school. Upon graduating from law school, Dr. Friedman served as Confidential Law Clerk to an Associate Judge on the Court of Appeals of New York.

Praveen Goyal is Director of Government Relations for Research In Motion (RIM). Best known for its BlackBerry wireless handheld devices, RIM is a leading designer and manufacturer of innovative wireless solutions for the global mobile communications market. At RIM, Mr. Goyal's responsibilities include developing policy strategies and representing RIM before policymakers domestically and abroad. Mr. Goyal is a graduate of Yale College and Harvard Law School, and his career has included various positions serving as counsel within the United States Federal Communications Commission, United States Congress, and the telecommunications industry.

Noah Hall has both teaching experience and expertise in environmental and water law, and his research focuses on issues of environmental governance, federalism, and transboundary pollution and resource management.

Before joining the Wayne State University Law School faculty, Mr. Hall previously taught at the University of Michigan Law School and was an attorney with the National Wildlife Federation, where he managed the Great Lakes Water Resources Program for the nation's largest conservation organization. Mr. Hall also worked in private practice for several years, representing a variety of business and public interest clients in litigated and regulatory matters. He has extensive litigation experience and numerous published decisions in state and federal courts, and continues to represent a variety of clients in significant environmental policy disputes.

Mr. Hall graduated from the University of Michigan Law School in 1998 and the University of Michigan School of Natural Resources and Environment, concentrating in environmental policy in 1995 with distinction. After law school, he clerked for the Honorable Kathleen A. Blatz, Chief Justice of the Minnesota Supreme Court.

Michael Kergin began his career in the Public Service of the Government of Canada, when he joined the Department of External Affairs in 1967 as a Foreign Service Officer. His postings abroad included the Canadian Mission to the United Nations in New York, and Canadian Embassies in Cameroon and Chile. He served as Ambassador to Cuba from 1986 to 1989 and has had three postings to Washington, the last as Ambassador of Canada to the United States (2000 to 2005).

During his years in Ottawa, Mr. Kergin held various senior positions at the Department of Foreign Affairs at the level of Assistant Deputy Minister until 1998, when the Prime Minister asked him to serve as his Foreign Policy Advisor, as well as Assistant Secretary to the Cabinet for Foreign and Defense Policy (the equivalent to the National Security Advisor in the United States government). On leaving the federal government in 2005, he founded the firm Intermestic Consulting Inc., specializing in advising clients on Canada-United States relations.

Mr. Kergin was asked by the Premier of Ontario to be his Special Advisor on Border Management charged with improving access across the Ontario-United States border. Subsequently, the Premier appointed him as Ontario's Negotiator for Softwood Lumber. Mr. Kergin is a Senior Fellow at the Graduate School of Public and International Affairs at the University of Ottawa. He also serves on the President's International Advisory Council of the University of Toronto. Mr. Kergin is a Senior Advisor at the Law firm of Bennett Jones LLP and is a Senior Fellow at the United States Chamber of Commerce. Mr. Kergin has appeared regularly on television and in the print media commenting on political and economic developments in the United States. Mr. Kergin graduated from the University of Toronto in 1965 with an Honors Bachelor of Arts Degree in History and Languages and, in 1967, achieved a second degree in Arts (Philosophy, Politics and Economics) from Magdalen College at Oxford University.

Mr. Kergin was born in a Canadian military hospital in Bramshott, England. He is married to Margarita Fuentes and they have three sons. He enjoys playing tennis, traveling, and reading.

Hon. Dennis J. Kucinich was well known to Cleveland residents when they chose him as their mayor in 1977 at the age of 31. At the time, Representative Kucinich was the youngest person ever elected to lead a major American city.

In addition to being Mayor of Cleveland, Representative Kucinich has served on the Cleveland City Council (1970–75, 1981–82); served as the Clerk of Courts for the Cleveland Municipal Court (1976–77); been an Ohio State Senator (1994–96); and in November 2008, was elected to his seventh term as a Member of the United States House of Representatives (1997–present).

Representative Kucinich was born in Cleveland, Ohio on October 8, 1946. He is the eldest of 7 children of Frank and Virginia Kucinich. He and his family lived in twenty-one places by the time Representative Kucinich was 17 years old. Representative Kucinich graduated with a Bachelor of Arts and a Masters in Speech Communications from Case Western Reserve University, Cleveland, Ohio in 1974. He has held many jobs outside of politics including being a hospital orderly, newspaper copy boy, teacher, consultant, television analyst, and author.

Since being elected to Congress in 1996, Representative Kucinich has been a tireless advocate for worker rights, civil rights, and human rights. He has been honored by Public Citizen, the Sierra Club, Friends of the Earth, and the League of Conservation Voters as a champion of clean air, clean water and an unspoiled earth. Representative Kucinich has twice been an official United States delegate to the United Nations Convention on Climate Change (1998, 2004) and attended the 2002 World Summit on Sustainable Development in Johannesburg, South Africa.

In Cleveland, Representative Kucinich has been honored by the Cleveland AFL-CIO, the Ohio PTA, the NASA Glenn Research Center, the Salvation Army, the United States Post Office, the Department of Veterans Affairs, Ohio Department of Jobs and Family Services, Ohio's Boys Town, and the Human Rights Campaign.

Jessica LeCroy is a senior advisor at Bennett Jones LLP and a member of the U.S. Senior Foreign Service (retired). She was Visiting Senior Fellow in Geoeconomics at the Council on Foreign Relations 2006–2008 where she focused on entrepreneurship and competitiveness issues, and authored an essay, "Can Canada be as Innovative, Competitive and Entrepreneurial as the United States?" in *American Myths: What Canadians Think They Know About the United States*. From 2004 to 2006, she was the U.S. Consul General in Toronto, and National Security Advisor to the Secretary of the

Treasury from 2001 to 2003. Most recently, she was Senior Strategic Advisor to the Commanding General Multinational Division-Center in Baghdad where she had also served 2003 to 2004. Ms. LeCroy was an American Political Science Association Foreign Affairs Congressional Fellow where she worked for Congressman Howard Berman (D-CA) and Senator Bill Bradley (D-NJ). She graduated from the University of Virginia, Boston University School of Law and the National War College, and practiced corporate law in Texas before joining the Foreign Service.

Birgit Matthiesen is currently the Senior Advisor, United States Government Relations, to the President for the Canadian Manufacturers and Exporters Association (CME). In this capacity, Mrs. Matthiesen is the association's point person in the United States to advocate trade and economic issues on behalf of Canada's manufacturing and export interests. She covers the Hill and the Executive Branch and works closely with United States associations such as the National Association of Manufacturers, the United States Chamber of Commerce, and other groups with a common North American competitiveness cause.

Prior to her appointment to the CME, Mrs. Matthiesen was on staff at the Embassy of Canada in Washington D.C. in the Economic and Trade Policy Division where she monitored and provided analysis of United States legislative and regulatory developments as they affect Canadian access to the United States marketplace. Her colleagues often referred to her as the Embassy's "border person."

She has "on the ground" experience at the border. Before Washington, Mrs. Matthiesen worked for the Canadian Employment and Immigration Commission where she held numerous positions—including the refugee review directorate. Her career, however, began as a Canada Customs inspector on the border between Vermont and Quebec.

In November 2008, she co-authored a strategic border management report entitled, *A New Bridge for Old Allies* – a collaborative work with former Canadian Ambassador Michael Kergin on behalf of the Canadian International Council. She is a frequent "on background" analyst for media interviews on border management and competitiveness issues and has appeared on live media including C-SPAN's Washington Journal.

Born in Germany, Mrs. Matthiesen was raised in a small town south of Montreal, Quebec. She is a graduate of Dawson College and Concordia University, both of Montreal and received her Master's Degree at Virginia's George Mason University in International Trade Policy. She and her husband currently reside in Virginia.

James McIlroy founded McIlroy & McIlroy, Counsel on Public Policy in 1990, where he advises clients on public policy and international trade.

His career in law, government, and trade spans three decades. While completing his university education during the 1970s, he served as Executive Assistant to several Members of Parliament in Ottawa. From 1981 to 1984, he worked with the Toronto law firm of Fasken and Calvin. In this role and later, while a partner with another leading law firm, he practiced commercial litigation and international trade law. In 1984, he was appointed Senior Policy Advisor to Canada's International Trade Minister where he worked on the Canada-United States Free Trade Agreement (FTA), the General Agreement on Tariffs and Trade, and numerous international conferences and trade missions in North America, Europe, and Asia. Following his work with the Government of Canada, Mr. McIlroy became Visiting Foreign Attorney with O'Melveny & Myers, a distinguished international trade law firm in Washington, D.C. In 1989, the Government of Canada appointed him to serve on the FTA Binational Panels where he adjudicated dumping disputes between Canada and the United States.

Today, he helps Canadian and international corporations deal with Government departments, agencies, and tribunals—including Finance, Industry, Foreign Affairs and International Trade, Canada Border Services Agency, and The Canadian International Trade Tribunal. He also works with clients to ensure their interests are promoted in international trade negotiations, including the multilateral World Trade Organization, bilateral, and regional free trade negotiations.

He is bilingual and holds degrees in Political Science from Université de Montréal (B.Sc.) and the Sorbonne (Maîtrise), as well as an LL.B. from Osgoode Hall Law School. Mr. McIlroy's memberships include The Law Society of Upper Canada and the International Affairs Committee of the Canadian Chamber of Commerce. He also serves on the Executive Committee of the Canada-United States Law Institute. He has written and spoken for a wide range of organizations, including the Institute for Research on Public Policy, the Canada-United States Business Law Review, the Canadian Corporate Counsel Association, and the Journal of World Investment & Trade.

Paul Meyer is the senior litigation counsel with the Risk Management Section of the General Counsel's Office and has been practicing law for over twenty-five years. He also serves on Watson Wyatt's Global WorkExcellence Leadership Group and the Records Management Policy Group. Since joining Watson Wyatt in 1994, Mr. Meyer has managed claims, suits, arbitrations, and regulatory issues throughout the world. He has participated in panel discussions on risk management, professional standards, electronic discovery, and the challenges facing in-house attorneys of global companies before a variety of professional associations. Reported decisions include *Watson Wyatt & Co. v. SBC Holdings, Inc.*, 513 F.3d 646 (6th Cir. 2008); *Winterhalter, et al. v. Watson Wyatt & Co.*, 31 Pen. & Ben.

Rep. (BNA) 312 (6th Cir. 2004), <http://pub.bna.com/pbd/021795.pdf>; *Geo. Knight & Co. v. Watson Wyatt & Co.*, 170 F.3d 210 (1st Cir. 1999); and *Direct Response Consulting Serv. v. Internal Revenue Service*, 76 A.F.T.R.2d 95-6285 (D.D.C. 1995).

Mr. Meyer received a B.A. in philosophy, cum laude, from the University of Pittsburgh's Honors Program in 1979. He graduated from Case Western Reserve University Law School in 1983, where he served for two years on the Law Review (staff and Associate Editor) and authored a Note published at 33 Case W. Res. L. Rev. 294-325 (1983). In 1982, he attended the University of Western Ontario's Law School and Graduate School of Business Administration as Canada-United States Law Institute Scholar. He completed the Harvard Leadership Development Program at the Harvard Business School sponsored by Watson Wyatt in 1997.

Mr. Meyer is on the Advisory Board of the Canada-United States Law Institute and is a member of the Sedona Conference's "Working Group 6: International Electronic Information Management, Discovery and Disclosure." He is also a member of the Corporate E-Discovery Forum, the Association of Corporate Counsel, and the Washington Metropolitan Corporate Counsel Association. Mr. Meyer is admitted to practice before the courts of Virginia, Maryland, the District of Columbia, and the United States Tax Court.

Dr. Michal C. Moore is ISEEE Professor of Energy Economics and Senior Fellow at the Institute for Sustainable Energy, Environment, and Economy (ISEEE) at the University of Calgary in Alberta. He is the former Chief Economist at the National Renewable Laboratory in Golden, Colorado, where he led a research team engaged in examining over-the-horizon issues for the Department of Energy and developing new methods for cross-cutting analysis.

Dr. Moore is a former Commissioner with the California Energy Commission, where he held the designated Economist position. In that role, he oversaw market structure issues, pricing of electricity and natural gas, and data collection for the Commission as presiding member of the Electricity and Natural Gas Committee. He directed the \$2 billion program to maintain and expand the renewable energy industry in the state and presided over many complex siting cases for new fossil fired generation.

Dr. Moore received his Bachelor of Science in Geology at Humboldt State University and a Master of Science from the Ecology Institute at the University of California at Davis in Land Economics. He obtained a PhD from the University of Cambridge in England in Economics where he is a member of Darwin College.

Dr. Moore is an active researcher in the areas of urban open space and agricultural land conversion, local government fiscal impacts, and the structure and rules of energy markets.

David Naftzger serves as the Executive Director of the Council of Great Lakes Governors, a non-partisan partnership of the Great Lakes Governors and Premiers created to advance the region's environmental health and high-performance economy. Mr. Naftzger facilitated the negotiation of the Great Lakes-St. Lawrence River Basin Water Resources Compact and the companion Agreement—historic accords to cooperatively manage future water use in the Basin. He also coordinates the Governors' broader regional efforts to protect and restore the Great Lakes. In addition, he oversees six foreign trade offices promoting State exports; the regional biomass energy program; and the Great Lakes of North America, which promotes international tourism to the region.

Previously, Mr. Naftzger was the National Conference of State Legislatures' director for agriculture and international trade in Washington, D.C. He represented the legislatures before Congress, the Administration, and foreign audiences on issues including international trade and investment agreements, land use, and economic development.

Mr. Naftzger earned a Master's degree from the London School of Economics. He holds a Bachelor's degree in Political Science from DePauw University and studied at the University of Freiburg, Germany.

Nikita Nanos is one of Canada's most trusted pollsters and is regularly called upon by senior decision-makers to conduct research and to provide strategic counsel, as the founder and President of Nanos Research. His hallmark is his ability to provide insightful counsel to clients on complex issues, ranging from reputation management, charting corporate expansions through to client positioning on public policy issues. In addition to his responsibilities in leading the team at the Nanos Research Group, he is a Research Associate Professor in Canadian Studies at The State University of New York at Buffalo.

Mr. Nanos is the official pollster for Policy Options Magazine and the Cable Public Affairs Channel. In the 2006 Federal Election in Canada, the tracking initiative led by Mr. Nanos reflected the outcome of the election to within one tenth of one percentage point for the four major parties—a record in Canadian polling history. The firm's polling information has appeared in major media outlets including CTV, the CBC, The Globe & Mail, USA Today, The Wall Street Journal, ABC News, The Guardian newspaper in the UK, The National Post, The Toronto Star, and The Economist Magazine.

Mr. Nanos has led research and management consulting initiatives on a full range of issues, including the government privatization of services, evaluating logo changes for a Fortune 500 company through to providing expert research and advisory services for litigations before the courts. Mr. Nanos is among a handful of research practitioners who have patents awarded in the field of market research. Mr. Nanos currently has published

research patents pending (IPN WO 99/35600) with the World Intellectual Property Organization and has been awarded patents in the US, Germany, UK, Ireland, France, and Austria for an automated real-time research process.

Mr. Nanos is a National Past President of the Marketing Research and Intelligence Association (MRIA) and a Certified Marketing Research Professional. The MRIA is Canada's national organization governing professionals engaged in marketing, advertising, social, and political research. As the Past Publisher of the Canadian Journal of Marketing Research and Past Editor-in-Chief of *Vue*, the monthly magazine of the market research industry, he is one of Canada's leading research practitioners.

He is the senior researcher for assignments ranging from providing image and issue management for major trade associations through to conducting market studies on the office retail products and research on TV viewing habits. Because he is recognized as a leader in the market and public opinion research industry he has been called upon to conduct research and provide counsel to clients ranging from the Retail Council of Canada, Mothers Against Drunk Driving (Canada), the Bank of Canada, CTV, the Canadian Diabetes Association, and Canada Post.

Rear Admiral Peter Neffenger is the operational commander of the Ninth Coast Guard District, which spans the five Great Lakes, Saint Lawrence Seaway, and parts of the surrounding states, including 1,500 miles of international border. He leads over 6,900 Coast Guard active duty, reserve, civilian, and auxiliary men and women serving at seventy-seven subordinate units and on the District staff.

Rear Admiral Neffenger is a marine safety professional with a diverse career of operational and staff assignments, including five Marine Safety field assignments, Sector Commander/Captain of the Port, Los Angeles—Long Beach, Coast Guard Liaison Officer to the Territory of American Samoa, Coast Guard Fellow on the U.S. Senate Appropriations Committee, and most recently, as Chief of the Office of Budget and Programs at Coast Guard Headquarters.

Rear Admiral Neffenger has earned three Master's degrees: in National Security and Strategic Studies from the Naval War College; in Public Administration from Harvard University, Kennedy School of Government; and in Business Management from Central Michigan University. He is a native of Elyria, Ohio and was commissioned through Officer Candidate School in Yorktown, Virginia.

Robert Noble is the Consul General of Canada based in Detroit, representing Canada in Michigan, Ohio, Indiana, and Kentucky. The Canadian Consulate General, which he heads, promotes Canadian interests—

political, trade, investment, the environment, culture, and academic relations being among the principal ones. The office also provides consular, passport, visa, and immigration services. Mr. Noble has served as Consul General in Detroit from September 2006 to present.

Prior to his service in Detroit, Mr. Noble has served in numerous capacities since beginning his career in the Canadian Foreign Service in 1974, notably in Mexico City (twice), Dakar, Senegal, and Madrid. Most recently, Mr. Noble served as Deputy Consul General of Canada in New York, New York from 2004 to 2006; Deputy Consul General and Senior Trade Commissioner of Canada in Boston, Massachusetts from 2000 to 2004; Canadian Ambassador to Gabon, Congo, Equatorial Guinea, Sao Tome and Principe, and Libreville, Gabon from 1997 to 2000; and Director, Central Europe Division, Department of Foreign Affairs and International Trade, Ottawa from 1995 to 1997.

Catherine Pawluch is a partner in Gowling Lafleur Henderson's Toronto office and leads the Transportation National Practice Group. She specializes in Transportation and Competition (Antitrust) Law. She has advised clients extensively in the context of mergers and acquisitions on competition (antitrust), foreign investment, and transportation regulatory approvals required under Canadian legislation.

In the independently researched United Kingdom legal directory, Guide to the World's Leading Aviation Lawyers (6th Edition), Catherine has been named as one of Canada's leading aviation lawyers. She has also been named consistently in the United Kingdom directory, The International Who's Who of Aviation Lawyers. Catherine has been recognized as a top transportation lawyer in The Best Lawyers in Canada as well as in Lexpert's Guide to the Top 100 Industry Specialists in Canada and in Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada. She has also been designated as one of the most frequently recommended transportation lawyers in the country in the Canadian Legal Lexpert Directory.

Catherine has advised numerous foreign-based clients seeking to make acquisitions or carry on business in Canada on regulatory compliance issues, including competition (antitrust) and foreign investment laws, Canada-United States border security, customs, and licensing matters. Her clients include air carriers, highway carriers, railways, air and ocean freight forwarders, as well as warehouse and logistics services providers. She also advises manufacturers, distributors, and carriers on supply chain, risk management, and liability issues in logistics and transportation contracts.

With an M.A. in Economics from McGill University, Catherine has advised clients extensively on Competition Act issues, particularly in relation to mergers and acquisitions, restrictive trade practices and compliance with Canada's antitrust laws.

Catherine was the first Canadian ever to be elected as President of the United States-based Transportation Lawyers Association, an organization comprising over 1,000 American, Canadian, Mexican, and European attorneys that represent transportation interests. She is the only person to have held the position of President in both the leading United States and Canadian transport bar associations.

Following the implementation of the North American Free Trade Agreement (NAFTA), Catherine was invited as an expert in the field to participate on a tri-national committee to harmonize liability laws and to create a uniform bill of lading for surface transportation in the three NAFTA countries.

Catherine enjoys working with clients from around the world, including China, in particular. She has been appointed to the Board of Directors of the Canada China Lawyers Foundation and is active in the Canada China Business Council. Catherine has also been appointed to the Board of Directors of The Canadian Foundation for Chinese Heritage Preservation.

Called to the Ontario Bar in 1983, Catherine received her law degree from Osgoode Hall Law School and a Master of Arts degree in Economics from McGill University.

Bob Rawson counsels and litigates issues concerning antitrust and trade regulation. He has handled cases involving mergers and acquisitions, price discrimination, monopolization and attempted monopolization, price-fixing, class actions, intellectual property cases raising antitrust issues, and takeovers. In addition, he has significant experience in general commercial litigation.

In his most recent trial, he led a team for R.J. Reynolds Tobacco to a defense jury verdict on a price discrimination claim in which a tobacco retailer sought several billion dollars in damages allegedly caused by differences in prices offered to it as opposed to those offered to competitors (N.D. Ill. October 15, 2004). Before trial, the court granted summary judgment on plaintiff's claim of a Sherman Act conspiracy with other retailers.

On the plaintiff's side, Mr. Rawson won multimillions of dollars for Hospital Corporation of America (HCA) in a conspiracy and monopolization case against Blue Cross of Kansas (*Reazin v. Blue Cross, et al.*, 663 F. Supp. 1360 (D. Kan. 1987), *aff'd*, 899 F.2d 951 (10th Cir.), *cert. denied*, 110 S. Ct. 3241 (1990)). In denying Blue Cross's post-trial motions, in an unusual reference to an individual lawyer, the district court cited Mr. Rawson's response to the court's challenge to present "one fact on the scales that this jury could weigh that somehow takes this to the jury on the question of conspiracy." The court stated, "Ever equal to the task, counselor Rawson responded articulately and persuasively" (663 F. Supp. 1360, 1421-22). Later in the same opinion, in granting HCA's request for attorneys' fees, the

court asserted, "In my 25 years of active practice of law and what is now seven years as a Federal District Judge, I have never observed or even heard about a professional performance approaching that evident in this case I am required to focus on the efforts of plaintiffs' attorneys, whose professionalism, dedication, efficiency, and attention to detail must be credited as phenomenal, deserving the regard and emulation of every practicing lawyer in this country" (663 F. Supp. 1360, 1451).

Craig Reed is senior vice president, supply chain management for Eaton Corporation, a global diversified power management company. In this position, he leads global policy and functional alignment for supply chain management worldwide for Eaton Corporation.

Prior to joining Eaton Corporation, Mr. Reed was vice president, global sourcing for MeadWestvaco's Consumer Solutions Group, and held responsibility for the procurement and supply management of more than 50 production plants and administrative operations around the world. He also has supply chain management experience with Delta Air Lines, Deere & Co., BMW Manufacturing, and Honda of America Manufacturing.

Mr. Reed is also a speaker of the profession and has presented at universities as well as conferences on such topics as strategic sourcing, supplier management, development, and supplier diversity. Mr. Reed has also helped to develop a Supply Chain Advisory Board for Clark Atlanta University and is a founding member of the Conference Board's, Global Outsourcing and Off-Shoring Council.

Mr. Reed received his bachelor's of science degree in economics from Florida A&M University and his MBA degree, with a supply chain management concentration, from Arizona State University.

Georges Robichon is a member of the Ontario and Quebec bars and is a graduate of the University of Ottawa (Ottawa, Ontario), holding Bachelor degrees in arts and law, and is a graduate of the London School of Economics and Political Science (London, England), holding a Masters of Law. Prior to joining Fednav Limited, he practiced law in Ottawa from 1975 to 1984 where he represented a number of major Canadian and United States companies in the transportation and energy fields.

Mr. Robichon joined Fednav, Canada's largest dry bulk ocean-going ship owning and chartering group, in 1984 as Secretary and Corporate Counsel, was appointed Vice-President and General Counsel in 1988, Senior Vice-President and General Counsel in 1998, and became a member of Fednav's board of directors in 2000. He is responsible for the Fednav Group's corporate, commercial, and financing legal requirements, as well as the Group's government relations.

Since February 2000, Mr. Robichon has been actively involved in the aquatic invasive species/ballast water issue in the Great Lakes, working with

former Michigan State Senator Ken Sikkema in crafting acceptable ballast water legislation (Act No. 114, Public Acts of 2001) and in furtherance thereof, overseeing the installation and testing of two biocide ballast water treatment systems on the Fednav bulk carrier Federal Yukon in 2001, and, more recently, the installation of a prototype of the OceanSaver Ballast Water Treatment System on the Federal Yukon's sister ship, Federal Welland.

Mr. Robichon was a member of the board of directors of OceanSaver AS, the Norwegian company developing the OceanSaver System through the Systems' receipt of IMO Final Approval at the end of 2008 and was a founding member of the board of directors and chair of the Governance Committee of The St. Lawrence Seaway Management Corporation from its creation in 1998 to August 2006.

J. Michael Robinson is Counsel at Fasken Martineau's Toronto office, as well as an adjunct faculty member at the University of Western Ontario Faculty of Law. Mr. Robinson's specialties include: international projects and their financing (particularly for infrastructure in developing countries); international trade and trade finance; and international securities and financial law. Mr. Robinson held senior offices for over twenty years on the Securities Committee of the Section on Business Law, International Bar Association, London, was thereafter a member of the Section's Council and also Co-Chaired its Capital Markets Forum. Mr. Robinson has advised governments in international treaty negotiation: Canada for the Canada/United States Free Trade Agreement and Mexico for the North American Free Trade Agreement (respecting financial services in each case). His B.A. is in English and Philosophy from The University of Western Ontario (1961) and his law degree (LLB/JD) is from the University of Toronto Law School (1964).

Professor Chris Shafer joined the staff at Thomas M. Cooley Law School in December 1996 as a Visiting Professor. Previously, from 1993 to 1996, he served as an adjunct professor teaching classes in Water Law and Environmental Law. Professor Shafer primarily teaches Constitutional Law and Water Law, but has also taught Property II and Federal Administrative Law.

Prior to joining the Cooley staff, Professor Shafer supervised the Great Lakes Shorelands Section in the Michigan Department of Natural Resources for 16 years. This section regulated construction in high-risk erosion and flood hazard areas, coastal wetlands, and critical dunes along the shoreline and construction activities on the public trust bottomlands of the Great Lakes.

Since joining the faculty at Cooley, Professor Shafer served as an expert witness and legal consultant on water law and federal jurisdiction in

Michigan's first death penalty case since 1943, *United States v. Marvin Gabrion*. During the summer of 2003, Professor Shafer served as co-counsel for the citizens group attempting to stop the Ice Mountain groundwater diversion in Mecosta County. This case, *Michigan Citizens for Water Conservation v Nestle Corp*, involved a twenty-one-day trial, after which the trial court issued a permanent injunction against the groundwater diversion. Professor Shafer serves as a contract Administrative Law Judge for the Michigan Department of Environmental Quality and has authored Proposals for Decision in four contested case hearings. Professor Shafer has written and filed two amicus curiae briefs in cases pending before the Michigan Supreme Court, the first in 1997 in *K & K Construction, Inc v. DNR*, a regulatory takings case, and the second in 2005 in *Glass v. Goeckel*, a beach access case on Lake Huron.

Mark R. Shanahan is the executive director of the Ohio Air Quality Development Authority and its Clean Air Resource Center. Appointed in 1989, he oversees the management of more than \$1.6 billion in outstanding bond issues as well as the Authority's research and special project programs.

On January 17, 2007, Governor Ted Strickland created the position of Governor's Energy Advisor through Executive Order 2007-02 and appointed Dr. Shanahan to the position. In that role, Dr. Shanahan is responsible for coordinating state agencies' efforts to develop a comprehensive Ohio energy policy and to implement the Governor's order to significantly reduce state agency energy consumption.

Dr. Shanahan oversees the work of the Ohio Coal Development Office, one of the nation's leading clean coal technology research, development, and deployment programs. Since 1994, he has served as Ohio's Clean Air Ombudsman for small business. He is the Governor's delegated representative on the Third Frontier Commission. An active member of the Air & Waste Management Association, he has just completed a term as group coordinator for the Technical Council's Environmental Management Group.

Mr. Shanahan earned his Ph.D. from Case Western Reserve University. He received his M.A. (with honors) from the University of Pennsylvania and graduated from Boston College (magna cum laude, Phi Beta Kappa).

Paul Storer is Professor and Chair of the Economics Department at Western Washington University. He is a member of the board of directors of the Pacific Northwest Regional Economic Conference and in 2009 was elected to the Executive Council of the Association for Canadian Studies in the United States. Dr. Storer's research focuses on Canada-United States business and economic relations and cross-border integration.

Among Dr. Storer's recent publications (both joint with Steven Gliberman) are: "Canada-United States Integration Following NAFTA" (in

North American Economic and Financial Integration, Elsevier, 2004) and *The Impacts of 9/11 on Canada-United States Trade* (University of Toronto Press, 2008). He has previously published in such journals as the Canadian Journal of Economics, Canadian Public Policy, the American Review of Canadian Studies, Contemporary Economic Policy, and the Journal of Banking and Finance. Dr. Storer is also a coauthor on the 13th edition of the introductory economics textbook by Lipsey, Ragan, and Storer.

Dr. Storer has a PhD in economics from the University of Western Ontario and BA and MA degrees in economics from the University of Toronto. Prior to joining Western Washington University, Dr. Storer was employed as an economist at the Bank of Canada and served on the faculty of the economics department of the Université du Québec à Montréal.

Robert Strassfeld is a Professor of Law; Associate Director, Frederick K. Cox International Law Center; and Director, Institute for Global Security Law and Policy at Case Western Reserve University (CWRU) School of Law.

Before joining the CWRU faculty in 1988, Professor Strassfeld clerked for Judge Harrison L. Winter of the United States Court of Appeals for the Fourth Circuit and then practiced for three years at the Washington, D.C. firm, Shea & Gardner. Mr. Strassfeld teaches Torts, Federal Courts, Labor Law, and Legal History. He has published articles on theoretical aspects of causation in the *George Washington* and *Fordham* law reviews and on law and the Vietnam War in the *Wisconsin*, *North Carolina*, and *Duke* Law reviews. He is coauthor of *Understanding Labor Law*. His current research includes continuing work on the legal history of the Vietnam War and a history of African American lawyers in Cleveland.

John Terry has extensive experience with business, international trade, and public law litigation. Mr. Terry's civil litigation practice focuses on business, international trade, and public law. He has appeared as counsel at all levels of court in Ontario, at the Federal Court and Federal Court of Appeal, before the Supreme Court of Canada, in commercial arbitrations, and before a variety of administrative tribunals.

Mr. Terry regularly provides advice to corporations and federal, provincial, and municipal governments on the North American Free Trade Agreement (NAFTA) and World Trade Organization matters. He has acted for and advised major Canadian and multinational corporations in respect of investor-state arbitrations under Chapter 11 of NAFTA.

Captain Lorne Thomas reported aboard in Cleveland in July 2007 as the Prevention Division Chief position for the Ninth Coast Guard District. He is responsible for supporting the Coast Guard field units on the Great Lakes in the execution of Coast Guard missions and developing regional policy with

respect to marine safety, waterways management, environmental protection, aids to navigation, bridge administration, ice breaking, and the CG Auxiliary.

Captain Thomas graduated in 1981 from the United States Merchant Marine Academy at Kings Point, New York and served in the United States merchant marine prior to entering the Coast Guard in 1983. Captain Thomas was initially assigned to the CGC VIGILANT (WMEC-617), a cutter home ported in New Bedford, Massachusetts. In 1986, Captain Thomas entered the Marine Safety field and conducted merchant vessel inspections and investigated marine casualties at the Marine Inspection Office in New York and overseas. He followed that assignment with a tour at Marine Safety Office San Francisco Bay where he served as the Chief of Port Safety and Waterways Management Activities as well as the Chief of the Marine Environmental Response Division. In 1994, Captain Thomas attended The George Washington University and obtained a Master's Degree in Environmental Resource Policy. He subsequently served at Coast Guard Headquarters in the Marine Safety and Environmental Protection Directorate's Office of Response from 1996 to 1999. Following this staff assignment, Captain Thomas served as the Executive Officer, Marine Safety Office Wilmington North Carolina from 1999 to 2002, followed by a tour as Commanding Officer of the Marine Safety Office in Cleveland, Ohio from 2002 to 2005. In July of 2005, Captain Thomas reported to Coast Guard Headquarters in Washington D.C. to head up the Operating and Environmental Standards Office where he led the development of a wide variety of national and international standards and regulations for the maritime industry. In July 2007, Captain Thomas returned to Cleveland.

Captain Thomas is originally from the Boston area and is married to the former Anne O'Halloran of Bellerose, New York. They have an eight year-old daughter, Grace Anne.

David Ullrich is the Executive Director and point of contact for the Great Lakes and St. Lawrence Cities Initiative. Before heading the Initiative, Mr. Ullrich was deputy regional administrator for the Great Lakes region of the United States Environmental Protection Agency (EPA) from 1992 until 2003. During his 30 years with EPA, he had been acting regional administrator, director of the Waste Management Division, acting regional counsel, and chief of Air Enforcement.

Jeff Weedman leads an External Business Development (EBD) team of 50+ who search the globe identifying open innovation opportunities for Proctor & Gamble (P&G), helping realize CEO A.G. Lafley's declaration that 50% of P&G's innovation be sourced externally (P&G calls its version of open innovation Connect + Develop). Mr. Weedman's EBD group manages over 1,000 active contracts and demonstrates P&G's commitment to Connect + Develop's principles on a daily basis. The work of Mr.

Weedman's group has been featured in more than fifty publications on four continents, including The Wall Street Journal, BusinessWeek, Fast Company, The Korea Economic Times, Axis (a Japanese design magazine), Bilan (Switzerland), The Financial Times, and The Economist (P&G received The Economist's 2007 Corporate Innovation Award). Mr. Weedman has discussed open innovation live on BBC 4 radio and Bloomberg News Channel. His group is active within the Licensing Executives Society, and P&G is one of only five companies to ever receive that organization's Licensing Achievement Award for excellence. Whether in engineering or technology, trademarks or packaging, business models or design, Mr. Weedman—an avid angler always in search of the next big fish—has helped pave the way of P&G's open innovation journey.

Bob Williams has over thirty-five years of experience in the health care industry, including ten years focusing on international health care. Currently, Mr. Williams is President of Global Health Services for the Cleveland Clinic where his responsibilities include advancing the global footprint of the Clinic worldwide. Prior to joining the Clinic, Mr. Williams was President of United Health Care International where he developed overseas strategy for United Health Group.

Ed Wolking is Vice President of the Detroit Regional Chamber and has nearly forty years of experience in chamber operations. Mr. Wolking also serves as the President of the Great Lakes Manufacturing Council. Prior to his appointment, he served as Senior Vice President of Strategic Directions, Member Services and Marketing for the Detroit Regional Chamber. Mr. Wolking also served as President of Columbus Chamber of Commerce, Group Executive for the Greater Cincinnati Chamber of Commerce and as Executive Vice President of the Clermont County Chamber of Commerce (Ohio).

Mr. Wolking has an extensive background in health care and has facilitated several strategic health care initiatives, including the development of the chamber Health First America program for the working uninsured, representing the chamber and small business on the Greater Detroit Area Health Council's Future Directions Initiative and the resulting Save Lives Save Dollars movement, and representing the chamber in the Michigan State Medical Society's Future of Medicine.

Mr. Wolking holds both a BA and an MBA from Xavier University, and has received numerous awards from the National Association of Membership Development.

CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

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GREAT LAKES AND NORTH AMERICAN TRADE

April 2-4, 2009

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