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Distinguished Welcome and Remarks

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DISTINGUISHED WELCOME AND REMARKS

STEPHEN PETRAS: Welcome to our 47th annual conference of the Canada-United States Law Institute. I'm Steve Petras, the U.S. National Director. It's a pleasure to welcome you to another, our second year in a row, where we're back in person.

To start, we have a couple of welcoming remarks before we get into our first panel—which is a panel of journalists who are going to deconstruct the Biden-Trudeau Summit. So, first, to kick us off, and welcome us here today is the Dean of Case Western Reserve University School of Law: Michael Scharf.

MICHAEL SCHARF: Thank you, Steve, and hello, everybody. So I am, as Mr. Petras said, Michael Scharf. I'm the Co-Dean of the Law School. I've had this position for ten years. One of the best things about being in this position is that I am, *ex-officio*, the president of the Canada-US Law Institute. During the last ten years in that position, I have been excited to get to know so many wonderful people that come to these conferences, the board members that make these conferences work, the sponsors that are able to give us the support in order to do these conferences.

For the last couple of years, we've been doing this event here at the [Cleveland] Botanical Garden. I want to start by thanking the people that make this possible. We have first: the sponsors. We have various degrees of sponsorship. And so, at the very top of the pyramid is the platinum sponsor and that is DLA Piper. I want to do a special shout out because the chairman of our board, James Blanchard, his law firm, and another member of our board who's an alum [of Case Western Law], Rick Newcomb, have really given the lion's share of support to this organization over the years, and we are so grateful to DLA Piper.

Now, close behind them are the gold sponsors. We have Cleveland Cliffs, the Government of Canada through its Consulate General in Detroit. And we have the bronze sponsors: Formica Corporation, Barrington America, Ontario Power Generation, the Government of Quebec through its representative office in Chicago, and the law firm of Taft, Stettinius & Hollister LLP. Then, we have community partners. We have the Greater Cleveland International Lawyers Group, the Cleveland Council on World Affairs, the Council of the Great Lakes Region, and the Wilson Center through its Canadian Institute. We also have the Northern Ohio District Export Council and Ohio Aerospace Institute. Our board is made up of the following people: Jim Blanchard; James Peterson (the Canadian CUSLI co-chair); Erika Chamberlain (the Canadian CUSLI President); Richard Newcomb; Lawrence Herman; Peter MacKay; Diane Francis; Martha Hall Findlay; Selma Lussenburg; Jim Graham; Raul Rosado; and Chris Sands. And if I just named you, and you're here, can you stand up for a second? Because we really do want to recognize you.

Then, we have the officers of the Institute, who worked tirelessly to make these conferences and our experts meetings work. So, Chios Carmody as the Canadian National Director across the lake, Steve Petras, who's our *emcee* today, the managing director, Steven Paille, the program director, and Eric Siler, our program coordinator.

Last night, I had the fun of premiering a video that the [Institute's Executive Committee] asked us to prepare. And the idea of this video was for us to have a two-

minute thing that we would have on our website and that we would be able to give to sponsors and others to just tell them what the Canada-US Law Institute is.

Without further ado, check out our new video.

VIDEO RECORDING: Founded in 1976, the Canada-United States Law Institute, CUSLI, was the first academic organization designed to explore legal and policy issues affecting the Canada-US relationship. CUSLI is jointly administered by Case Western Reserve University School of Law and the Faculty of Law at the University of Western Ontario. For over 45 years, CUSLI has supported the mission of addressing law and policy issues confronting the Canada-United States relationship via student and faculty exchange programs, publishing the Canada-United States Law Journal, sponsoring student competitions, promoting bilateral academic inquiry, and serving as a venue for the exchange of ideas. CUSLI is proud to have hosted numerous prestigious academics, government officials, private practitioners, and business leaders at its annual conferences and expert meetings. CUSLI was the first organization to feature Supreme Court justices from both the United States and Canada at a conference. Other distinguished speakers have included United States and Canadian ambassadors, Trade Representatives, Congressional representatives, and Members of Parliament. Our events serve as unparalleled learning and networking opportunities. U.S. President John F. Kennedy once said of the Canada United States relationship: “geography has made us neighbors, history has made us friends, economics has made us partners, and necessity has made us allies.” CUSLI was established with the importance of this relationship in mind and will remain committed to furthering it in the years to come.

MICHAEL SCHARF: Today, you all are going to be treated to three exciting panels, and a luncheon keynote speech by David L. Cohen, the US Ambassador to Canada. It’s going to be a great day. Thanks everybody for being with us. I hereby declare the 47th Canada-US Law Institute Conference, open for business, in honor of Henry King.

STEPHEN PETRAS: Thank you, Michael. Thank you. All right, our next event this morning is - we’re going to hear some welcoming remarks from the Consul General of Canada and Detroit and here to introduce him virtually, is our own Jim Peterson, our Canadian co-chair. Many of you know Jim. Jim’s been a member of our Executive Committee. He’s a well-known and respected international trade lawyer at Fasken in Toronto. He’s a former member of the Canadian Parliament and former Minister of International Trade for Canada. So, Jim, if you could introduce Colin.

HON. JAMES PETERSON: Stephen, thank you very much for that kind introduction. I want to thank you, and Michael Scharf, and your team for the leadership we were provided to CUSLI in putting together our 47th annual meeting, which is probably unparalleled in terms of its content and its longevity. Let me also mention someone who has been very instrumental in bringing CUSLI to current position. He is no longer with us, Dick Cunningham, and we all miss him so much.

I also want to pay tribute to my co-executive member, leader, co-chair James Blanchard. He had remarkable careers up until now [and] he was still having them. As Governor of Michigan, I heard of him through my brother, the Premier of Ontario, David Peterson. He and Jimmy got together and undertook some common business

for Michigan and Ontario. I met him and had dinner at their place shortly after he came to Canada as the American ambassador.

Now, Jimmy has had such an outstanding career, that he's got all sorts of graffiti after his name. But, he did receive from the Secretary of State, Warren Christopher (of the the United States), the Foreign Affairs award for public service. This was followed by Carleton University in Ottawa, which declared that Jim Blanchard was one of the two best US ambassadors to Canada for more than half a century. My biggest thank you to Jim has to do with the Quebec referendum in 1995. This was another of Quebec's referendums. It was just prior to that referendum taking place that it looked like the "no" vote against separation was losing out to the "yes" vote. It's the golden rule of diplomacy that the ambassador does not interfere with the politics of his host country. Jim Blanchard never read that rule and didn't know anything about it. He did something remarkable. He brought President Bill Clinton to Canada shortly before the vote. [Bill Clinton] who spoke in Parliament and declared that the United States was particularly appreciative of the fact that Canada was their neighbor, and that Canada was going to remain together as a strong united country. When the vote was finally taken, the "no" vote won by 50.58%. It was a hair's breadth of losing Canada. Thanks to Jim and President Clinton, I think that's what caused us to win that vote. Now, let me also say this, in starting out that I wish I could have been with you in person today. I'm here with you virtually.

Now, Dean Scharf mentioned the members of our Executive Committee and included Larry Herman, who has been with CUSLI since the days of Henry King and Sidney Picker. Also, Selma Lussenburg, who is with us work virtually, Martha Hall Finlay, who is with us virtually, Dean Erika Chamberlain, who is as well. Another person I want to mention, who has been a long term until a couple of years ago, member of the Executive Committee is Michael Robinson, who was with CUSLI from the start.

Also, you'll hear them later today: Diane Francis, who is one of Canada's leading journalists, Peter MacKay, who has had a remarkable job as Minister of Justice, of Defense, and of Foreign Affairs. Although he's of the wrong party, they gave him the Sidney J. Picker award last evening which he deserves. Also, Prof. Chios Carmody who will be summing up our discussions for us at the close of business today.

Now Colin Bird is the Consul General of Canada in Detroit. His jobs cover Michigan, Ohio, Indiana, and Kentucky in terms of promoting trade and investment. Colin was a brilliant student who has an honor LLB from the University of Ottawa, followed the next year by an Honors degree in Government Studies from Harvard University. He joined [the Department] of Foreign Affairs and International Trade in 2009 and served as counsel to the NAFTA Secretariat, the Trade Law Bureau, where he focused on trade remedies, aerospace including that awful problem with us eternally—softwood lumber. As the director in the North American Bureau of the Trade Negotiations Branch, and then until 2019, he served as Minister Counselor for Trade and Economic Policy at the Canadian Embassy in Washington, where he was responsible for all aspects of Canada-US trade between our two countries and their cooperation in multilateral forums.

He represented Canada before dispute settlement panels and the Appellate Body of the WTO. Most recently, he was executive director in the Trade Policy Branch,

assuming responsibility for multilateral affairs, including the WTO. He was Canada's senior trade official at the Organization for Economic Cooperation and Development, where he chaired the International Trade Committee, and he also served at the G7 and the G20.

As was said earlier, the Foreign Affairs Department has been a huge supporter of CUSLI through the years. We have benefited greatly from that relationship. We're very fortunate to have Colin with us today to give the keynote address on behalf of Canada. I call on him now.

CONSUL GENERAL COLIN BIRD: Well, good morning. I have to say it's really humbling for me to come to this podium after being introduced by Jim Peterson. Jim won't remember this, but the first Cabinet Minister I ever gave a briefing to as a first-year lawyer in the department was Jim. He was as courteous then to a first-year lawyer as you see him on the screen today. I remember that fondly. I think what I was briefing him on at the time, which I still remember, was something that I dubbed at the time: the Full Employment Act for trade lawyers. Thanks to Jim, [it] never saw the light of day. But I'm not sure if I was actually to do a vote in this room, whether my view at the time that it should never see the light of day would actually win given Chi and given a few other folks around the room here.

But suffice it to say that for most of my career in the Department, the Canada-US relationship has really been at the center of my career trajectory. It's through mentors like Jim that we really develop in these careers.

I'd like to start by saying thank you to Case Western Reserve, for hosting us here today in this beautiful facility and these botanical gardens, right on their campus here in beautiful Cleveland. As a bit of a personal note, my wife's parents met when they were at the medical school here a number of years ago and got married here. So, Case Western has played a bit of cupid in my life, and I think they play cupid to the Canada-US relationship to a great extent that through their sponsorship and hosting, and for being there for CUSLI for so many years. I'd really like to do a shout out to all of you who have made CUSLI the preeminent forum for those practitioners on US and Canada files to talk about what we do together to make really what I think is the most spectacular diplomatic relationship in the world, bar none, work day in and day out. We can't minimize the importance of fora like this that bring together practitioners and students and lawyers from both sides of the border to talk about this particular relationship.

To Steve Petras, kudos for bringing us out of the pandemic and keeping this organization alive and relevant into the current moment. I was really honored to see my predecessor at the Consulate General, Joe Comartin, honored last night. He richly deserves the honor. I'm not Joe, but I want to make it clear to CUSLI that you have a friend still in the Consulate General in Detroit, and you can count on us to be good sounding boards for you in thinking about how we can keep on telling the story of this particular fora going forward.

We have a whole great set of speakers and panelists to hear from today. I'm not going to try to stand too much in the way of getting to them. I did want to share a few of my own reflections on the theme that we have: *Stronger Together leadership for New Challenges on Economics and National Security*.

I thought Ambassador Jacobson really kicked us off perfectly last night by talking about the distinction between the broad alignment that we have, and where we work together globally as Canada and the United States, and how getting that right, is really what's at the core to dealing with all those very technical and challenging issues that a relationship of this size and magnitude involves. I think you hit it right on the money in distinguishing the importance of getting the broader geo-strategic alignment that we share and putting that front and center in the relationship, as the way of really putting both into context. Hopefully, [these will assist in] resolving some of these intractable challenging issues that do crop up in this relationship. As a former trade lawyer and former director on the softwood lumber file, I know what I'm talking about. There are certainly times in this relationship where our approaches and our diagnoses of issues diverge. Where there are real differences in priorities, not enough focus on what we share globally. This is not one of those times.

Reflecting on my own experience of the last year or so really since the invasion of Ukraine by Russia. So, I was in my last job before I was appointed Consul General, as Jim was saying, I was doing the multilateral trade files, and so accompanying, ministering, when we were at APEC, OECD, or at the G7 or G20. I've never been prouder of what Canada and the United States are doing together to confront a real challenge to world security. I think all of us were a little bit shocked at how quickly sanctions were put in place, or how quickly we could do things like remove most favored nation status (for Russia). That's what happens when you are aligned on a serious issue of how you view the world, how you view the threats to the world, and how you value each other as allies.

The way that Canada and the United States have interacted over the last year, in multilateral contexts, bilaterally, and in support of Ukraine, I think that's credit to us both as nations who really tried to live out our values in the world. There was some [mention] last night about if we are aligned on China. I think all you have to do is look at the Canada's Indo Pacific Strategy that was released in the fall to see that there is a fundamental coming together in terms of the challenges and opportunities that Canada and the United States face with our Indo Pacific partners and with our relationship with China. Ambassador Jacobson made that point as well yesterday. If you look at what we did on the pandemic, together, it was truly a practical way of addressing a public health emergency while keeping trade flowing. We did that spectacularly well together in very trying circumstances. So, I think what you're seeing on those, those files in particular, is really a refocusing on these broad, important issues of connection and relationship that we have.

I really wanted this job in Detroit. I wanted this job because it's where the Canada-US relationship is really going to be focused on a partnership. For both of us, I think we spent the last 20 years chasing growth in Asia and chasing growth for us in the [U.S.] southeast and the southwest. I think the experiences of the last few years have really reminded both of our governments that our shared values matter, our alliances matter, and our manufacturing base that we manage together here in the Great Lakes really matters. Our geography matters.

There has been a repositioning on both sides of the border to really reflect on how we can reboot our economy here in the Midwest, in particular Ontario and

Quebec, to face the challenges and the opportunities of the transition on the energy side, to address the climate change issues that both of our governments are seeing very much through a similar lens these days.

Whether you're looking at climate change, whether you're looking at the reboot in manufacturing, whether you're looking at Ukraine, Russia, whether you're looking at China, I have never in my career as a diplomat, seen Canada and the United States at that broad level of diagnosis of what the world needs, being more in a similar place. I'm going to leave it to the rest of the panel to talk about how that then moves us forward to address the challenges we face. But I think we're in a very good spot to begin it. Thank you.