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History and Mission of the Canada-United States Law Institute

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I am Sidney Picker, a former member of the faculty of Case Western Reserve University School of Law. I have retired, and I am now President of a non-profit Russian legal education organization, but I am also the Chair of the Canada-U.S. Law Institute’s Advisory Board, and was its Founder and the first U.S. Director. Henry King, as usual, has asked me, in my capacity as Chair of the Advisory Board, to welcome you to the 26th Anniversary of the Conference, to the Institute itself, and to open the Conference, this year’s topic being Energy, the Environment and Natural Resources in the Canada/U.S. Context. He has also asked me to briefly explain what the Canada-U.S. Law Institute is all about. Since I have to put on my founder’s cap and run through all that, I will be as brief as possible. For those of you who have not heard it before, I will give you some background of where we came from and how we got here.

The Institute was founded in 1976. It is a binational entity, the joint creation of the two law schools of Case Western Reserve University and the University of Western Ontario in London, Ontario. It has two directors; Henry King is the U.S. Director, and Chios Carmody serves as our Canadian Director.

The Institute was the first academic organization in either country that was designed to explore the legal issues that affect the Canada-U.S. relationship and to examine each other’s legal institutions and structures and processes in order to provide comparative law opportunities, for the law schools and students initially, and then for the larger legal communities in both countries. With respect to the first mission, it is interesting to note that at the time the Institute was established, there were virtually no international legal organizations created to explore the Canada-U.S. legal relationship. There was the Great Lakes Commission1 and the Auto Pact,2 but that was just about it.

1 Professor Emeritus, Case Western Reserve University School of Law; Co-Founder, Chairman of the Board and former U.S. Director, Canada-United States Law Institute; President, Russia-U.S. Legal Education Association. A.B., Dartmouth University; LL.B., Stanford University; LL.M., Yale University.

Today, as you all know, there are a series of not only bilateral official or institutional relationships, there are trilateral ones; in the 21st century, we are going to see multilateral relationships involving both countries, not only in the hemisphere, but across the oceans as well.

With respect to the second mission – comparative law – the two countries provide an ideal opportunity to maximize opportunities in the study of comparative law. On one hand, Canada and the U.S. have a tremendous amount in common. We share history, geography, and cultural backgrounds. We share a common political heritage. We share some language. We share an economy – virtually everything. Thus, students have ready access to, and little difficulty understanding, the relevant literature of the other country. They can relate to the kinds of societal issues that each country under examination.

On the other hand, Canada and the U.S. are sufficiently different from each other so that one can maximize the comparative law opportunities that are presented. While they both have Constitutions and Federal structures, they are very different. Each system has been shaped by the unique background of that country. By looking at the other country's way of managing its affairs under its own constitutional and federal structures, we can hopefully obtain a better insight into our own system as well.

In order to accomplish these two missions, the Institute developed, so far, six separate programs. These are:

1. an exchange program for law students for a semester at a time. Students from each of the two law schools may be at the other and obtain full academic credit at their home school;

2. the exchange of faculty members for guest lectures;

3. the publication of the first scholarly law journal dedicated to Canada-U.S. relations, the *Canada-United States Law Journal*, which, incidentally, will publish the proceedings of this Conference;

4. the sponsorship of Niagara International Moot Court Competition, (which is somewhat similar to the Jessup, for those of you who are familiar with it). It is a moot court competition wherein student competitors bring cases before a fictitious World Court. Unlike other moot court competitions, the hypothetical problem is between two real countries – Canada and the United States – and it always deals

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with an issue that relates to those that Canada and the U.S. are, in fact, facing;

(5) the periodic sponsorship of scholarly research on comparative law subjects which affect the two countries; and,

(6) the organization of conferences on subjects of common interest on both sides of the border. They include the annual Conference as well as periodic seminars throughout the year. Last fall and this fall, we held conferences at the University of Western Ontario, and in the spring, we held the Annual Conferences here at Case Western Reserve University.

The annual Conference was an institution that began with Henry King when he came here almost 20 years ago, when he succeeded me as U.S. Director in 1983. He introduced the concept of an in-depth annual conference, which focused principally on the U.S.-Canada economic relationship. The format was designed to be (as you are going to experience for those of you who may have not had it before) very intensive and extensive. In the almost three days, the Conference allows us an opportunity to probe in greater depth the subject under consideration. Indeed, more advance preparation has gone into it by the speakers – I have no doubt, especially with Henry in charge – and the background materials have been prepared in a rather extensive and thorough manner. The Conference is designed also to be held in a setting which allows as much informal as well as formal interaction, and we hope that both kinds takes place here in this Conference.

This Institute is now 26 years old. We are beginning the second half or quarter century of Institute activity. And, in that regard, it is nice to welcome a new generation of people who are going to be participating in these activities.

The Institute, however, must acknowledge a debt that goes back to its origins to both the individuals and the organizations that have made it possible. I would like to start particularly with the Canadian Embassy in Washington, as well as the Canadian Consulate General, which was in Cleveland a while back, and (most recently) the Consulate General in Detroit, whose support continuously over the past 26 years has made all of this possible.

There also have been a group of supporters among private non-profit organizations and institutions, several of which I want to acknowledge, that made it possible for the Institute to come into existence: the William H. Donner Foundation, the Gund Foundation, the Cleveland Foundation, the Richard G. Ivey Foundation and, particularly, the Ontario Bar Foundation.
It is a special debt that I owe, and I acknowledge each year, to Henry, even though I chide him regularly, but he was the person who made it possible for me to start this back in 1976. I was, and I remain, an academic with little idea of how one puts this kind of thing together. At the time, Henry was Chief Corporate International Counsel at TRW, and I was fortunate enough to meet him. He took me by the hand and, in effect, guided me through the establishment of that initial idea. Then, around 1983, I was able to persuade him to give up TRW and let me give this up, and he has been the U.S. Director ever since.

Just let me say a word about Henry's background (I am sure almost everybody in this room is already aware of it, but just in case). Henry, in addition to having been the International Corporate Council of TWR, was Chair of the International Law Section of the American Bar Association. He was the U.S. Chairman of the Joint American Bar Association/Canadian Bar Association Working Group on the Settlement of International Disputes. He more recently has served as U.S. Chair of the Joint American Bar Association/Canadian Bar Association Barra-Mexicana Working Group on the Settlement of International Disputes. But, in addition to his background in Canada-U.S. affairs, you may also be aware that Henry is one of the original lawyers who participated in the Nuremberg Trials in Germany right after World War II.

And ever since then, he has maintained a substantial interest in public international law dealing with international criminal law activities. He has written books on his activities, most recently, *The Two Worlds of Albert Speer*, published by University Press. He is one of the foremost advocates around the world for the creation of the now-established International Criminal Court. This separate hat that he wears is as extraordinary as his Canadian hat.

I will stop with that, because I know he will kill me if I run one minute over. Now, it is my special pleasure to turn it over to Henry, and he is yours for the remainder of the Conference.

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