

United States - Mexico Law Journal

Volume 2 *Current Issues in U.S.-Mexican Business Law*

Article 4

3-1-1994


Introductory Remarks

John M. Stephenson Jr.

Jimmie V. Reyna

Jorge Martinez Sverdrup

Follow this and additional works at: <https://digitalrepository.unm.edu/usmexlj>

 Part of the [International Law Commons](#), [International Trade Law Commons](#), and the [Jurisprudence Commons](#)

Recommended Citation

John M. Stephenson Jr., Jimmie V. Reyna & Jorge Martinez Sverdrup, *Introductory Remarks*, 2 U.S.-Mex. L.J. 1 (1994).
Available at: <https://digitalrepository.unm.edu/usmexlj/vol2/iss1/4>

This Introduction is brought to you for free and open access by the Law Journals at UNM Digital Repository. It has been accepted for inclusion in United States - Mexico Law Journal by an authorized editor of UNM Digital Repository. For more information, please contact disc@unm.edu.

INTRODUCTORY REMARKS

JOHN M. STEPHENSON, JR., ESQ.,*
JIMMIE V. REYNA, ESQ.,**
LIC. JORGE MARTINEZ SVERDRUP***

Mr. Stephenson: The United States-Mexico Law Institute began as the result of a trip in 1990 to Mexico by the International Legal Exchange Committee of the International Law Section of the American Bar Association. I was the Chair of the Mexican Law Committee at that time and we initiated a number of meetings that culminated in the organization of a non-profit corporation in New Mexico. The Institute seeks to educate United States lawyers about Mexico, and Mexican lawyers about the United States; to bring lawyers together from both countries in order to build friendships and business relationships; to study the legal institutions of both countries; to analyze what needs to be done to improve both systems; and to conduct research regarding the legal institutions, laws and regulations of the two countries. The Institute has strong ties to the Mexican Law Committee of the International Law Section of the American Bar Association. The Chair of the Mexican Law Committee is automatically a member of the Board of Directors of the United States-Mexico Law Institute and the Board consists of half Mexican attorneys and half United States attorneys. The Institute should be viewed as one of the ongoing activities of the Mexican Law Committee of the International Law Section of the American Bar Association.

This program on "Current Issues in U.S.-Mexican Business Law" was undertaken in cooperation with the *Asociación Nacional de Abogados de Empresa* of Mexico. We hope to build a strong relationship that will grow in the years to come. In addition, I received a letter this week from the President of the *Barra Mexicana, Colegio de Abogados*, who indicated that they also are interested in establishing a permanent relationship with the United States-Mexico Law Institute. We look forward to working with both organizations.

Mr. Reyna: During March of 1990, a group of United States lawyers met with Mexican lawyers in Mexico and took a tour of Mexico, sponsored by the American Bar Association, International Law Section. The purpose of the tour was to study the new Mexican foreign investment regulations. At the conclusion of the tour, the lawyers held a meeting to discuss how

* President, United States-Mexico Law Institute, Inc.; Partner, Johnson & Wortley, Dallas, Texas; former Chairman, Mexican Law Committee, Section of International Law and Practice, American Bar Association. B.A., Rice University; LL.B., Southern Methodist University; admitted to Texas bar, 1965.

** Partner, Stewart and Stewart, Washington, D.C.; Co-chairman, Mexican Law Committee, Section on International Law and Practice of the American Bar Association. B.A., University of Rochester; J.D., University of New Mexico; admitted to New Mexico bar, 1979.

*** President, Asociación Nacional de Abogados de Empresa, S.C.

we could expand and develop information and contacts gained with the Mexican lawyers during the tour. The United States-Mexico Law Institute was born out of that meeting.

On behalf of the Mexican Law Committee of the American Bar Association, I am honored to announce the committee's continuing support of the Institute and its efforts. I would like to also commend John Stephenson, President of the Institute, Christopher Bauman, Vice President of the Institute, Professor Franklin Gill, Executive Director of the Institute, and all the Board members and people who have worked so hard to make the Institute the excellent forum it has become.

The recent attention generated by the NAFTA debate has brought to the forefront a number of legal issues underlying United States-Mexico relations which involve non-traditional trade matters. The vast attention that was devoted by the public media to NAFTA pertained to legal issues involving labor, environment, worker and human rights, immigration, international and sovereignty issues, all of which is indicative that the relationship between the United States and Mexico involves more than just cross-border exchanges of goods and services. Clearly, the recent debate about NAFTA was not only about trade. I believe that what we saw in the NAFTA debate was the jockeying and posturing of two countries that are taking the initial steps toward an integration that is greater than that contained in a free trade agreement. We are seeing two countries take those first incremental steps toward economic, social and, to a certain extent, political integration. Octavio Paz, the leading voice of Mexican *intelligentsia*, wrote in his last work that the time has come for the United States and Mexico to consider working toward political assimilation.¹ The call for greater unity between the two nations foreshadowed legislation that was introduced recently in the United States Congress which provides for the formation of a common market between Mexico and the United States.² When one considers, in aggregate, all of these developments, it appears that the issue is not so much how we lower tariffs and reduce trade restrictions. Rather, the real question is how the United States and Mexico can work together to help each other compete in a world of global commercialization and communication in a way that establishes a process that gives hope and guidance to Latin America and other countries and regions in the world. It is an issue that extends beyond NAFTA.

Lic. Martinez Sverdrup: In the name of the National Association of Corporate Lawyers in Mexico, known in Mexico as ANADE, let me state that ANADE is very pleased to be part of the Second Annual Conference of the United States-Mexico Law Institute. To cooperate with the Institute, and the Section of International Law and Practice of the American Bar Association is important for ANADE in its quest to be related to these prestigious organizations in the law field. Addressing the

1. See generally OCTAVIO PAZ, PEQUEÑA CRONICA DE GRANDES DIAS (1990).

2. S. 1444, 103d Cong., 1st Sess. (1993).

topic of "Current Issues in U.S.-Mexican Business Law" is necessary for business lawyers of both countries. As times have changed, ways of doing business in Mexico also have changed. Whether or not NAFTA had been ratified, the changes made in Mexico in the last seven years propelled Mexico from a closed economy to an open one, certain to be a modern country in spite of some economical weaknesses of the country. Major improvements in the area of economics have been accomplished, but more is needed. Legal changes have also been profound, not only in the form but in the essence of the laws. This is reflected in amendments made to our Constitution. Such changes in our legal system are unparalleled in the lives of most of the Mexican people who live in Mexico today.

There have been changes in the social, economical and political structures of our legal systems. These changes and new laws are having effects on the business in the international arena. From my personal point of view, I believe that most of the changes have been good. What is happening today in Mexico is that we are having our laws modernized and updated to be more in conformity with the requirements of international commerce. Conferences like that of the United States-Mexico Law Institute provide an opportunity for us to compare United States and Mexican laws and to understand them better. It will be important to know how to deal with many of the regulations in Mexico. Fortunately, most of red tape has been abolished. Today, it is much easier to incorporate a company which has foreign investments than it was five or six years ago. A lot of time was spent in foreign investment or transfer of technology throughout Mexico by government offices, as well as private businesses. Today, the red tape is being cut out. We know that we need to move faster, but it is not easy because one cannot change a system in a day.

I hope that this Institute and ANADE can enter a more formal agreement to cooperate, because I believe that this kind of conference can contribute to our progress in the future. The attorneys of Mexico are interested in more interchange of mutual knowledge with American lawyers.

