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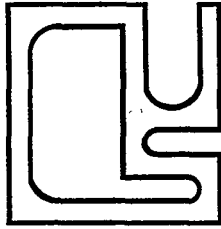
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VOLUME 26

2000

PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE

**THE MANAGEMENT AND RESOLUTION OF CROSS BORDER
DISPUTES AS CANADA/U.S. ENTER THE 21ST CENTURY**

Cleveland, Ohio
April 14-16, 2000

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SPEAKERS AT THE CANADA-UNITED STATES LAW INSTITUTE CONFERENCE ON THE MANAGEMENT AND RESOLUTION OF CROSS BORDER DISPUTES AS CANADA/U.S. ENTER THE 21ST CENTURY

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James J. Blanchard practices law in Michigan and Washington, D.C. and is a partner in the Washinton D.C. law firm of Verner, Lipfert, Bernhard, McPherson and Hand. Mr. Blanchard served as the U.S. Ambassador to Canada, 1993-1996, being one of only a handful of ambassadors to receive the "Foreign Affairs Award for Public Service." While Ambassador, Mr. Blanchard managed a broad range of trade, natural resources, environmental and national security issues between the U.S. and Canada, providing crucial support to the passage of NAFTA and the Open-Skies Agreement. Previous to his tenure as Ambassador, Mr. Blanchard was Governor of Michigan. Mr. Blanchard previously served as Governor of Michigan, 1983-1991, and served four terms in the U.S. Congress, 1975-1983. Mr. Blanchard is credited with taking over the "toughest governor's job in America" in 1981, and was credited by *Newsweek* as having led one of the most dramatic economic comebacks in recent state government history; *U.S. News and World Report* listed Mr. Blanchard among the best governors in America. Mr. Blanchard served as Assistant Attorney General of Michigan, 1969-

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Shirley A. Coffield is a partner with the law firm of Duane, Morris & Heckscher, LLP, and is an adjunct professor of U.S. International Trade Law at Georgetown University Law Center. Ms. Coffield began her trade career as Assistant General Counsel to the U.S. Trade Representative (from 1975 through the completion of the Tokyo Round of Trade Negotiations in mid-1979). In that capacity she served as advisor on issues involved in the multilateral trade negotiations and consequent implementing legislation. She served as principal legal advisor and Chairman of the Interagency Committee which developed recommendations to the President on Sections 301 and 201 of the Trade Act of 1974. From 1982-1985, Ms. Coffield served as Senior Counsel to the Deputy Assistant Secretary of Commerce for Textiles and Apparel where she served as advisor on all U.S. textile and apparel agreements. As a private practitioner, she represents clients regarding countervailing duty and antidumping, Section 301, import and export regulations, anti-boycott compliance, and trade law legislation. Ms. Coffield received her B.A. from Willamette University, M.A. from the University of Wisconsin, and J.D. with honors from George Washington University.

Richard O. Cunningham is senior international trade partner in the Washington, D.C.-based law firm of Steptoe & Johnson, where he practices in the areas of international trade, foreign investment law, and class action litigation. In addition to litigating cases under the U.S. import relief laws, Mr. Cunningham is active in representing clients with respect to U.S. Government trade policy issues and other international trade issues. He is known for achieving negotiated resolutions of import relief proceedings, and regularly advises foreign exporters and counsels foreign governments as to compliance with U.S. countervailing duty laws. Mr. Cunningham was active on behalf of clients in both the Tokyo Round and the Uruguay Round of Multilateral Trade Negotiations. He has particular experience in bringing about negotiated resolutions of disputes arising under the WTO. Mr. Cunningham received his B.A. and M.A. from Georgetown University, *Phi Beta Kappa*, and received his J.D. from George Washington University, where he was editor of the *George Washington University Law Review*, and is a member of the Order of the Coif.

Douglas Forsythe is head of the Economic Section of the Oceans, Environmental and Economic Law Division of the Canadian Department of Foreign Affairs and Trade. Educated at Carleton University and Osgoode Hall Law School, he practiced law in Ottawa, prior to joining the Department in 1987. Over the past several years, he has dealt with export control and

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Carl Grenier entered the Canadian Foreign Service in 1976 and was assigned to the Canadian Delegation to the Tokyo Round of GATT Multilateral Trade Negotiations in Geneva from 1976 - 1979. In 1983, he joined the newly formed Quebec Department of External Trade and became the Director General of Trade Policy in 1987. In that capacity, he was involved with the Canada/U.S. Free Trade Agreement negotiations, as well as the Uruguay Round of the GATT. He became Deputy Assistant Minister in 1990, holding a number of high-level policy and management positions in three different ministries (International Affairs, Agriculture, Fisheries and Food, Industry, Trade, Science, and Technology) over the next ten years. He is currently the Executive Vice-President and General Manager of the Free Trade Lumber Council which post he assumed in June 1999. Mr. Grenier received degrees in mathematics and geography from L'Université Laval in Quebec.

David R. Haigh is senior partner in the Calgary law firm of Burnet, Duckworth & Palmer where he practices commercial litigation. He practices in both Canadian courts and in the field of international commercial arbitration. Mr. Haigh has been accepted as an arbitral panelist with several international arbitration centers including, among others, Hong Kong, the Canadian Foundation for Dispute Resolution, the American Arbitration Association (international panel), and the International Chamber of Commerce. Mr. Haigh has served as a Canadian member of NAFTA 2022 Advisory Committee regarding private international dispute resolution in the NAFTA region since 1994. He is currently advisor to the Canadian Ministry of International Trade on Chapter 11 of NAFTA governing investor-state disputes in the NAFTA region.

Leonard Legault was appointed Commissioner and became Chairman of the Canadian Section of the International Joint Commission in 1997. Mr. Legault has extensive experience in Canada-U.S. relations as an international lawyer and negotiator. As a career diplomat, Mr. Legault served from 1990 to 1993 as Senior Assistant Deputy Minister with the Department of Foreign Affairs and International Trade, and as Deputy Head of Mission and Minister (Economic) at the Canadian Embassy in Washington, 1986-1990. From 1979 to 1986 Mr. Legault was Legal Advisor to the Department of Foreign

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Hamilton Loeb is the managing partner at the Washington D.C. office of Paul, Hastings, Janofsky & Walker. He heads their international trade, international communications services, technology controls, and international commercial arbitration practice areas. He has served as co-chair of the American Bar Association's International Trade Committee, and more recently as Secretary of the ABA International Law section, he has been involved in formulating ABA policy and programs related to international trade. He has advised the government of Canada on the WTO Basic Telecommunications negotiations and matters related to telecommunications and trade law. Mr. Loeb has also been involved with a number of other international trade areas including customs litigation, antidumping, and Court of International Trade proceedings. Additionally, he participates in arbitration matters as a counsellor and on proposed legislative changes. Mr. Loeb received his undergraduate degree from the University of Virginia. He graduated from Harvard Law School *magna cum laude*, where he was an editor of the *Harvard Law Review*.

Donald S. Macdonald is counsel at the Toronto office of McCarthy Tétrault. Between 1962 and 1978, Mr. Macdonald was member of Parliament, a member of the Cabinet of Prime Minister Pierre E. Trudeau, and held in succession the portfolios of the President of the Privy Council, Minister of National Defense, Minister of Energy, Mines & Resources, and Minister of Finance. From 1978-1988 he was a partner in McCarthy & McCarthy, in Toronto; during that period he served as Chairman of the Macdonald Commission, whose recommendations were the forerunner of the Canada/U.S. Free Trade Agreement. Between 1988 and 1991 he was the High Commissioner for Canada in Britain. Mr. Macdonald is Chairman of Siemens Canada Limited and Chairman of Celanese Canada Inc., and also serves on numerous other corporate boards. He is also a member of the Queen's Privy Council for Canada and a Companion of the Order of Canada.

Peter G. Morton is the Washington Bureau Chief for the Toronto-based *The Financial Post*, a daily business newspaper. He covers U.S. business and

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Terence Murphy is the founder of Murphy & Weber, an international law firm based in Washington D.C., with associated offices in Helsinki and Frankfurt. He has represented a number of international corporations in business transaction of every kind. He is Director of the American Association of Exporters and Importers, representing the AAEI as an Officer of the Industry Coalition on Technology Transfer in Washington. Throughout his practice, Mr. Murphy has acted as Lead Counsel for businesses as an advocate and a negotiator. He has represented European firms on such legal issues as hostile takeover bids, antidumping, extraterritoriality, and punitive damages, while also representing U.S. and foreign firms in negotiating for U.S. Government approval for their projects. Mr. Murphy has also been heavily involved with encryption technology transfer issues on behalf of the Europe-based world leader in telecommunications, as well as with advising leading U.S. and European companies on a number of trade issues, notably economic sanctions and export controls. He received his Bachelor Degree from Harvard and his law degree from the University of Michigan.

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Robert K. Rae is a partner in international law firm of Goodman, Phillips & Vineberg. He has extensive experience in negotiation, mediation and arbitration, and shares responsibility within the firm for the operations of its foreign offices. Mr. Rae served as Premier of Ontario from 1990 to 1995, was elected eight times to federal and provincial parliaments, retiring from politics in 1996. Mr. Rae led the New Democratic Party in Ontario from 1982 to 1996, and served as Leader of the Official Opposition before becoming Premier. He is both a panel member of the Internal Trade Disputes Tribunal, and of the international commercial arbitrators with the Canadian Council for International Business. A published author, Mr. Rae is also a regular columnist in *The Globe and Mail*. Mr. Rae has a B.A. and LL.B. from the University of Toronto, and was a Rhodes Scholar in 1969. He obtained a B.Phil from Oxford in 1971 and was named a Queen's Counsel in 1984. In 1998 he received both an Honorary Doctorate of Laws from the Law Society of Upper Canada and was appointed to Her Majesty's Privy Council for Canada.

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Matthew Schaefer is an Assistant Professor of Law at the University of Nebraska College of Law where he teaches courses in international trade law, international business transactions, international law, and an international trade law and policy seminar. Presently he serves as a director in the international economic affairs office of the National Security Council at the White House focusing on WTO and sanctions matters. In 1993 through 1995, he served as a consultant to the National Governors' Association and the Western Governors' Association on the NAFTA and GATT Uruguay Round Agreements and U.S. implementing acts of these agreements. He has received a B.A. in economics from the University of Chicago. His degrees from the University of Michigan include a J.D., *magna cum laude* and member of the Order of the Coif, an LL.M in international law, as well as an S.J.D degree.

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Courtney Tower is a freelance journalist and also the Canadian correspondent for the U.S. publication *Journal of Commerce*. From 1978 to 1992, he was the Ottawa Editor for *Reader's Digest*, covering political, economic and international affairs. Mr. Tower freelanced extensively during that time for *Time* magazine. From 1971 to 1978, Mr. Tower served in the Canadian government as Director of Communications at the Ministry of Urban Affairs, and as Prime Minister Trudeau's Assistant Press Secretary and Acting Press Secretary. From 1966 to 1969 he was the political and national economic staff correspondent in Ottawa for *Time* magazine. Mr. Tower received a B.A. in Journalism from Carleton University, his diploma in Public Administration from that same institution and an M.A. in Public Administration from Carleton.

Debra A. Valentine serves as the Federal Trade Commission's General Counsel, the Commissioner's chief legal official and advisor. Before that she was the FTC's Assistant Director for International Antitrust where she oversaw the FTC's staff dealings with Competition Authorities around the world, and directed the staff's work with multilateral organizations such as the WTO, APEC, and the OECD. Previously Deputy Director for Policy Planning of the FTC, she contributed substantially to writing the report on Competition Policy in the High-Tech, Global Marketplace. Ms. Valentine has also been a partner at O'Melveny & Meyers, specializing in complex civil litigation and regulatory matters. She also had an active constitutional law appellate practice for clients as diverse as The Ford Motor Company,

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Konrad von Finckenstein, as Canada's Commissioner of Competition, heads the Competition Bureau of Industry Canada. Under the Competition Act he is responsible for the administration and enforcement of competition law in Canada. Mr. von Finckenstein began his career with the Canadian government in 1976 when he became the Legal Advisor of the Property and Commercial Law Section for the Department of Justice. He then became Director of the Commercial Law Section, a position he held until 1981. Subsequently, he held such other senior governmental legal positions as Senior General Counsel of the Trade Negotiations Office; Assistant Deputy Minister, Trade Law, Department of Justice; Assistant Deputy Attorney General, Tax Law; and Coordinator for the implementation of NAFTA. He was appointed to his present position in 1997. Mr. von Finckenstein received his B.A. in political science from Carleton University, his LL.B. from Queen's University.

CANADA/U.S. LAW INSTITUTE CONFERENCE
on
The Management and Resolution of Cross Border Disputes as Canada/U.S.
Enter the 21st Century

April 14-16, 2000

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