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Speakers at the 31st Annual Canada-United States Law Institute Conference on Understanding Each Other Across the Largest undefended Border in History

Speakers

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: Speakers at the 31st Annual Canada-United States Law Institute Co
**SPEAKERS AT THE 31ST ANNUAL CANADA-UNITED
STATES LAW INSTITUTE CONFERENCE**

on
**UNDERSTANDING EACH OTHER ACROSS THE LARGEST UNDEFENDED
BORDER IN HISTORY**

Kevin Brosch is DTB's attorney partner, specializing in international and agricultural policy and law. He has served as special advisor on international trade to the Senate Agriculture Committee and as chief international trade attorney in USDA's Office of the General Counsel. Mr. Brosch also practiced international trade and antitrust law with the Washington firm of Steptoe & Johnson where he represented clients in the agricultural, electrical, electronic, computer and telephone industries. He is widely recognized as the foremost expert in agricultural trade law and acts as outside counsel for DTB clients. Mr. Brosch is frequently asked to advise clients on domestic farm and trade-related legislation and their compatibility with international trade laws and rules.

Ambassador Susan G. Esserman is a partner in the Washington office of Steptoe & Johnson LLP, where she is chair of the firm's International Department. Prior to joining the firm, Ms. Esserman held four senior-level positions with the Office of the US Trade Representative (USTR) and Commerce Department during the Clinton Administration. She was appointed by President Clinton and confirmed by the U.S. Senate as Deputy US Trade Representative, the second-ranking official at the USTR, with the standing of Ambassador. She was responsible for US trade policy and negotiations with Europe, India, Russia and the former Soviet Union, Africa, the Middle East and in the WTO. She also held the position of USTR General Counsel where she played a lead role in devising US litigation strategy in the critical early years of WTO dispute resolution. Ms. Esserman also served as the decision maker in literally hundreds of antidumping and countervailing duty cases as Assistant Secretary of Commerce for Import Administration. In addition, she played a lead role in developing comprehensive antidumping and countervailing duty trade legislation and regulations implementing the WTO Uruguay Round Agreement. In that capacity, she was the administrator of the Foreign Trade Zones program. As Acting General Counsel of Commerce, Ms. Esserman counseled the Secretary of Commerce and

senior Department heads on a wide range of issues, including trade laws, regulatory reform, litigation strategy, ethics, Freedom of Information, congressional reviews and oversight, intellectual property, and procurement issues. Prior to her government service, Ms. Esserman was a partner at Steptoe & Johnson LLP where she specialized in international trade litigation and policy.

The Rt. Hon. Herb Gray, P.C., C.C., Q.C. represented the Federal riding of Windsor West in the House of Commons from June 1962 to January of 2002. Mr. Gray has served as Deputy Prime Minister of Canada; Leader of the Government in the House of Commons and Solicitor General of Canada; Minister without Portfolio working with the Minister of Finance; Minister of National Revenue; Minister of Consumer and Corporate Affairs; Minister of Industry, Trade and Commerce; Minister of Regional Economic Expansion; and President of the Treasury Board. He also served as Opposition House Leader and Leader of the Official Loyal Opposition. While Deputy Prime Minister, Mr. Gray was also the Minister responsible for the Millennium Bureau of Canada and the Office of Indian Residential Schools Resolution. Mr. Gray worked extensively as a Minister and as an Member of Parliament in the fields of parliamentary affairs; economic and industrial development; foreign investment; finance; consumer protection; competition; international trade; Federal law enforcement; the environment and climate change; and Canada-US border issues. On January 15, 2002 the Governor General bestowed on Mr. Gray the title "Right Honourable" making him one of only 16 Canadians to currently hold this title. Mr. Gray is a Companion of the Order of Canada – the highest designation of the Order of Canada – bestowed by the Governor General on up to only 165 outstanding Canadians recognizing their special contribution to Canada. Mr. Gray is currently Canadian Chair of the International Joint Commission an organization that deals with trans-boundary water and air issues between Canada and the United States.

Marcelo Halpern has provided representation and advice to global "Fortune 100" companies, start-up and emerging growth companies, domestic and foreign governments, as well as traditional Chicago and Midwest based companies. His experience includes structuring and negotiating technology-based strategic alliances and joint ventures; domestic and international outsourcing transactions; internet exchanges and marketplaces; software, database and content licensing;

counseling on digital strategy concerns including internet security, data acquisition, and privacy issues; ISP, ASP, hosting, and software services agreements; internet advertising and sponsorship agreements; technology development and co-development transactions; ERP implementation transactions; private labeling, co-branding, and other marketing and distribution strategies; venture capital investments; and mergers and acquisitions involving technology companies or intellectual property assets. Prior to joining Latham & Watkins, Marcelo was a partner in the Chicago law firm of Gordon & Glickson LLC, where he led that firm's internet and e-commerce practice group. Mr. Halpern received his B.A. from Wesleyan University in 1985, his M.B.A. from Columbia University Graduate School of Business in 1992, and his J.D. from Columbia Law School in 1992. Marcelo is a member of the American Bar Association (Section of Science and Technology), the Illinois State Bar Association, the Chicago Bar Association (Computer Law Committee), and the Computer Law Association.

Glen Hodgson is the Vice-President and Chief Economist of The Conference Board of Canada. Mr. Hodgson is responsible for overseeing the Board's macro-economic outlook products, tourism, and custom research. He will also play a key role in enhancing the Board's public policy analysis and contribute to The Canada Project, a three-year program of research and facilitated dialogue that seeks to improve Canada's standard of living and its place in North America and the world. Mr. Hodgson joined the Board in September 2004, after 10 years at Export Development Canada (EDC). He held several senior positions at EDC, most recently as Vice President and Deputy Chief Economist. He also spent 10 years with the federal Department of Finance, primarily in the International Finance and Development Division. From 1984 to 1988, Mr. Hodgson served as Advisor/Assistant to the Executive Director for Canada, Ireland and the Caribbean at the International Monetary Fund. Mr. Hodgson has an M.A. in Economics from McGill University and also pursued Ph.D. studies at McGill.

The Hon. Marlene Jennings, P.C., M.P. was first elected to the House of Commons as the MP for NDG-Lachine in June 1997. She was re-elected in November 2000 and in June 2004. She is Parliamentary Secretary (Canada-U.S.) to the Prime Minister and a member of Privy Council. Ms. Jennings has been Parliamentary

Secretary to the Solicitor General of Canada and to the Minister for International Cooperation. She has been a member of numerous parliamentary committees. She was most recently Vice-Chair of the Standing Committee on Industry, Science and Technology and Vice-Chair of the Standing Committee on Public Accounts. Ms. Jennings was sworn to the Québec Bar Association in 1988. Between 1988 and 1997 she earned almost ten years experience in the area of policing, first as a member of the Quebec Police Commission and then as Deputy Commissioner for Police Ethics for the Province of Quebec. Professionally she has been active at the trade union level and in the areas of employment equity and communications for women, aboriginal peoples, and ethnic and racial minorities. With expertise in public accountability and civilian oversight of law enforcement, Ms. Jennings has been the recipient of the Jackie Robinson Award for Professionals, awarded by the Montreal Association of Black Business Persons and Professionals. Ms. Jennings is the first Black woman from Quebec to be elected to Parliament in the history of Confederation.

Jon R. Johnson has been a partner at Goodmans since 1982. He focuses on trade and international trade law. In 1989, he assisted in the \$300 million sale of assets of Catelli Inc. by John Labatt Limited to Borden, General Foods and Campbell Soup. Jon has been counsel to the Canadian government on a variety of matters, including border issues, rules of origin, expropriation and dumping issues under NAFTA. He continues to advise the government, various industry associations and clients in both the public and private sectors on matters involving international trade arising under NAFTA and the Agreement Establishing the World Trade Organization (WTO). Since the replacement of the GATT by the WTO, Jon's work has increasingly involved advising clients on WTO and NAFTA requirements. He was first appointed Vice-Consul of Iceland in Toronto in 1971 and since 1983, he has served as the Consul of Iceland in Toronto. His work has appeared in the C.D. Howe Institute Commentary, in publications of the Fraser Institute in Vancouver and the committee on Canadian law of the International Law and Practice Section of the American Bar Association. He has a both a B.A. in Political Science and Economics and an LL.B. from the University of Toronto, and an LL.M. from Osgoode Hall.

Navin Joneja practices international trade law and competition (antitrust) law at Blake, Cassels & Graydon LLP in Toronto, Canada.

His practice encompasses a variety of international trade business regulation issues, including: domestic, NAFTA and WTO trade disputes; foreign investment reviews; international trade agreements and negotiations; economic sanctions and other business compliance measures. Navin's practice also includes a wide range of competition issues, such as those that arise in the context of mergers, joint ventures and other types of strategic alliances. Navin also counsels clients concerning potentially anti-competitive business practices such as an abuse of dominant position, refusal to deal, or exclusive dealing, as well as the conspiracy and related provisions of the Canadian Competition Act. Prior to joining Blakes, Navin practiced in the areas of international trade and business regulation for a number of years in Washington, DC, where he was closely involved in, among other matters: the Canada-U.S. Softwood Lumber dispute, numerous other anti-dumping and anti-subsidy cases, and export compliance matters for a variety of industries. Navin holds a B.A. from the University of Western Ontario (1993), an LL.B. from the University of Toronto (1996) and an LL.M. from New York University School of Law (1999). He is a member of the Bar in Ontario, Canada (1998) and New York, U.S.A. (2000). Navin has published numerous articles in the fields in which he practices.

Theodore W. ("Ted") Kassinger served as Deputy Secretary of the U.S. Department of Commerce, a position to which he was nominated by President George W. Bush in February 2004 and appointed in July 2004. Previously, Mr. Kassinger was nominated and confirmed by the U.S. Senate as the General Counsel of the Department. He served in that capacity from May 2001 until assuming his current position. As Deputy Secretary, Mr. Kassinger serves as the Department's chief operating officer, with responsibility for the day-to-day management of its approximately \$5.8 billion budget, 13 operating units, and 40,000 employees. As Deputy Secretary, Mr. Kassinger supports Secretary of Commerce Donald L. Evans in carrying out these Department responsibilities and other Departmental policy and operational objectives. Prior to joining the Bush Administration Mr. Kassinger practiced law with the multinational law firm, Vinson & Elkins, L.L.P., from 1985 to 2001. His law practice focused mainly on the fields of international trade and business law, and transnational disputes resolution. Earlier in his career, Mr. Kassinger served as an attorney for the U.S. Senate Committee on Finance, the U.S. Department of State, and the U.S. International Trade Commission. A

native of Atlanta, Georgia, Mr. Kassinger received his B.L.A. from the University of Georgia School of Environmental Design (1975) and his J.D. from the University of Georgia School of Law (1978).

Jack Lessenberry, a full-time member of the journalism faculty at Wayne State University, is or has been a writer for national and regional publications including VANITY FAIR, ESQUIRE, THE NEW YORK TIMES, THE WASHINGTON POST, and THE BOSTON GLOBE. He is also a contributing editor and columnist for HOUR DETROIT MAGAZINE, THE METRO TIMES, THE TRAVERSE-CITY RECORD EAGLE and THE TOLEDO (OHIO) BLADE, and formerly for THE OAKLAND PRESS and the Heritage Newspaper Group in Wayne and Washtenaw counties. Mr. Lessenberry is also a former foreign correspondent for and executive nation editor of THE DETROIT NEWS, during which time he reported from more than 40 countries. He has also worked for other newspapers in Michigan, Tennessee and Ohio, and served as the Editor-in-Chief of both DETROIT MONTHLY and CORPORATE DETROIT magazines. He was also editorial vice-president of Hometown Communications Network, a group of 66 small newspapers in the Midwest, until that company was sold to Gannet in March 2005. He is WJBK-TV's regular political analyst, and also does regular commentary on WDET-FM, Detroit's public radio station, occasional analysis for two other television stations in Detroit, and won a National Emmy award in 1995 for one of two *Frontline* documentaries he helped report and produce on Dr. Jack Kevorkian. Mr. Lessenberry was named Journalist of the Year in 2002 by the Metropolitan Detroit Chapter of the Society of Professional Journalists. He has a master's degree in Journalism and East European studies from the University of Michigan.

David J. Manning was elected Senior Vice President of Corporate Affairs of KeySpan Energy in April 1999. Mr. Manning is the Senior Officer reporting to the Chairman, with responsibility for Public Affairs, Government Relations, internal and external communications, community development and altruism, corporate brand strategy, and environmental policy and operations. Before joining KeySpan Energy, Mr. Manning had been President of the Canadian Association of Petroleum Producers (CAPP) since 1995. From 1993 to 1995, he was Deputy Minister of Energy for the Province of Alberta, Canada, the source of approximately 14 percent of U.S. natural gas demand. From 1988 to 1993, he was Senior International Trade Counsel for the

Government of Alberta, based in New York City. Previously he was in the private practice of law in Alberta, Canada. Mr. Manning is eligible for admission to the New York Bar. Mr. Manning is past Chairman of the Brooklyn Chamber of Commerce, Vice Chairman of the Long Island Housing Partnership Board, and Coordinating Committee Co-chair of the current National Petroleum Council Natural Gas Study.

Dr. Garry McKeever is a Senior Policy Advisor in the Office of Energy Supply and Conservation at the Ontario Ministry of Energy, based in Toronto. Since joining the Ministry in 2000, his work has focused mainly on policy issues related to electricity supply and pricing. Early in his career, he worked as an industrial economist for the Governments of Manitoba and Ontario. He then joined CIBC where he was Assistant General Manager, Economics Division and head of the Industrial Economics group. He subsequently worked in the International Division and the Wealth Management area. He then spent two years in the Retail Investments Group of Canada Trust as a Director of Analysis. Dr. McKeever holds an M.A. in economics from University College Dublin, and a Ph.D. in economics from McGill University in Montreal.

Barrie McKenna has been a TORONTO GLOBE AND MAIL correspondent and columnist in Washington since 1997. Before that, he worked in the GLOBE's Ottawa and Montreal bureaus. He covers Canada-U.S. relations, business, trade, economics and politics. During his U.S. posting, he has traveled widely, filing stories from more than 30 states. Mr. McKenna has also been a frequent visitor to Japan and South Korea on reporting assignments. A native Montrealer, he has degrees from McGill University (history) and Carleton University (journalism). He is also a two-time finalist for Canada's National Newspaper Award.

James E. McLandress is general counsel at the Canadian Wheat Board, a farmer controlled marketing agency that is one of the world's largest traders of wheat and barley. With a B.A. (History) from Trent University and an L.L.B. from the University of Manitoba, he was called to the Manitoba Bar in 1989. Mr. McLandress has been responsible for managing all of the most recent U.S. actions in respect of the CWB. These include, the Section 301 case, the AD/CVD petitions with respect to spring wheat and durum, the Article XVII

WTO challenge, and the related NAFTA and WTO appeals/challenges. Prior to joining the CWB in 1999, Mr. McLandress conducted a litigation practice as a Partner with Taylor McCaffrey, one of Winnipeg's leading law firms. He has presented cases at all levels of courts, including the Supreme Court of Canada and various administrative bodies including the Canadian Transportation Agency. He is also a member of the Canadian Bar Association and of the American Bar Association (International Trade Law Section).

R. Richard Newcomb served as director of the Office of Foreign Assets Control (OFAC) of the U.S. Treasury Department from January 1987 until October 2004. Throughout his tenure, Mr. Newcomb oversaw the administration and enforcement of 39 economic sanctions programs, including programs targeting Serbia, Angola, the Taliban, Haiti, South Africa, Panama, Vietnam, North Korea and Cambodia. At the time of his departure from OFAC, Mr. Newcomb was also responsible for implementing economic sanctions and asset controls against Burma, Cuba, Iran, Liberia, Libya, Sudan, Zimbabwe, narcotics traffickers in Colombia, narcotics kingpins and their networks operating worldwide, as well as maintaining the prohibition against financial transactions with Syria. From 1979 to 1986, Mr. Newcomb held a number of other positions in the U.S. Treasury Department, including director of the Office of Trade and Tariff Affairs and deputy to the assistant secretary (Regulatory, Trade and Tariff Affairs), where he was the principal advisor to the assistant secretary for enforcement on customs, international trade, commercial and regulatory matters. Mr. Newcomb received a B.A. from Kenyon College, and a J.D. from Case Western Reserve University School of Law. He is admitted to the bar in Ohio and the District of Columbia and is a member of the D.C. Bar Association. He is also admitted to practice before the Court of International Trade.

Jennifer A. Orange practices civil litigation for Torys LLP in a variety of areas, including corporate/commercial, class actions, administrative, international, trade and constitutional law. Jennifer participated in the Work in Japan program at the University of Toronto. This included working as a law clerk at the firm of Hamada & Matsumoto in Tokyo for one year, where she assisted the lawyers with their international corporate transactions. During the summer of 2003, Jennifer interned for Mary Robinson, former President of

Ireland and U.N. High Commission of Human Rights, at her new non-profit organization, The Ethical Globalization Initiative. She has received a B.A. from the University of Pennsylvania, an LL.B. from the University of Toronto, and an LL.M. from New York University.

Simon V. Potter is a partner with McCarthy Tétrault LLP. Mr. Potter appears regularly before all federal and Québec courts as well as before numerous regulatory boards and other agencies, such as the Canadian International Trade Tribunal, the Restrictive Trade Practices Commission and the Competition Bureau. Over the years, Mr. Potter has taken an active part in the direction of various bar associations, including the Canadian Bar Association of which he has been president of the Québec branch. He is also past president of the Canadian Bar Association for the year 2003-2004. Mr. Potter is a Fellow of the American College of Trial Lawyers, a life member of the Junior Bar Association of Montréal and a member of the Bar of Montréal, the American Bar Association, the International Bar Association, the Asia-Pacific Lawyers Association, the Canada-Korea Society, the International Chamber of Commerce (Trade Policy Committee), the London Court of International Arbitration and the Permanent Court of Arbitration. As well, he is the American Bar Association Liaison for the Organisation for Economic Co-operation and Development (OECD). Mr. Potter received his bachelor of arts from Dartmouth College in 1971 and bachelor of law from McGill University in 1974. He was called to the Québec bar in 1975.

Sara Rosenbaum is the Harold and Jane Hirsh Professor of Health Law and Policy and Chair of the Department of Health Policy at the George Washington University School of Public Health and Health Services. Professor Rosenbaum also directs the Hirsh Health Law and Policy Program and the Center for Health Services Research and Policy and holds appointments in the Schools of Medicine and Health Sciences and Law. Professor Rosenbaum, who received her J.D. from Boston University Law School, has focused her career on access to health care for low income, minority and medically underserved populations. She has played a major role in the design of national health policy in areas such as Medicare and Medicaid, private health insurance and employee health benefits, access to health care for medically underserved persons, maternal and child health, civil rights and health care, and public health. Professor Rosenbaum worked for the White House Domestic Policy Council during the 1993-1994 time

period, where she directed the drafting of the Health Security Act for President Clinton and oversaw development of the Vaccines for Children program. She is co-author of *LAW AND THE AMERICAN HEALTH CARE SYSTEM* (Foundation Press, NY, NY), a widely used health law textbook. She has been named one of America's 500 most influential health policymakers and has been recognized by the United States Department of Health and Human Services for distinguished national service on behalf of Medicaid beneficiaries.

Catherine A. Sas is a graduate of the University of British Columbia. Ms. Sas has been practicing immigration law in Vancouver for 15 years, primarily focusing on helping individuals and families obtain their Canadian landed immigrant status and Canadian citizenship. Ms. Sas represents clients both in Canada and abroad. Ms. Sas works closely with individuals, families, corporations, executives, government departments, the film and entertainment industry, and small businesses to satisfy their unique immigration requirements. Ms. Sas is an active member of the Canadian Bar Association, the Past Chair for the BC Immigration Law Section of the CBA and the National Immigration Law Section. Ms. Sas has held numerous positions within the CBA at the National and Provincial levels, has participated in continuing legal education seminars, appeared before parliamentary committees on immigration issues, and spoken at International Conferences and Symposiums.

Theodore C. Theofrastous was Chief Commercialization Counsel for The Cleveland Clinic Foundation. Prior to joining the Foundation, Mr. Theofrastous was an associate with the law firm of Squire, Sanders & Dempsey, L.L.P, where his practice focus included high tech and intellectual property law, specifically in the areas of e-commerce, technology transfer, licensing, corporate finance and business counseling in the information technology and life sciences fields. Before entering the practice of law, he spent more than ten years working as a professional in the field of information technology and data communications. He is also member of the adjunct faculty at the Case Western Reserve University School of Law, where he teaches Conflict of Laws (including Internet Conflicts) and Advanced International and Foreign Legal Research. Mr. Theofrastous received his B.A. from Marlboro College and a J.D. from Case Western Reserve University.

Ellen G. Yost is a partner at the immigration law firm of Fragomen, Del Rey, Bernsen & Loewy, P.C. Ms. Yost initially practiced corporate law, but since 1991 she has concentrated her practice on business immigration law focusing on the port-of-entry adjudication available to citizens of Canada under NAFTA and on Canadian and European companies sending employees to work in the United States. For the past seven years, Ms. Yost has been the Liaison between the Western New York Chapter of the American Immigration Lawyer Association and the Buffalo District Office of the U.S. Immigration and Naturalization Service. A Fellow of the ABA, Ms. Yost is a member of the Council of the Section of International Law and Practice of the ABA and was Program Chair of the Section. She has also chaired both the Immigration and Nationality and the Canadian Law Committees of the Section. Ms. Yost earned a B.A. from Mount Holyoke College, and a J.D. from SUNY-Buffalo School of Law.

