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Proceedings of the 41st Annual Canada-United States Law Institute Conference on the State of Our Nations: The Canada-United States Relationship

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PROCEEDINGS OF THE 41ST ANNUAL
CANADA-UNITED STATES LAW INSTITUTE
CONFERENCE ON
THE STATE OF OUR NATIONS:
THE CANADA – UNITED STATES RELATIONSHIP

CANADA-UNITED STATES PERSPECTIVES ON LAW, POLICY AND POLITICS IN
TUMULTUOUS TIMES

MARCH 30TH & 31ST, 2017

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CONFERENCE SPEAKERS

The Hon. James J. Blanchard

Former Governor of Michigan

U.S. Representative

U.S. Ambassador to Canada

Governor James Blanchard joined DLA Piper upon the conclusion of his duties as United States ambassador to Canada in April 1996. In recognition of his outstanding performance as ambassador, Secretary of State Warren Christopher presented Governor Blanchard with the Foreign Affairs Award for Public Service in a ceremony at the Department of State, making him one of only a handful of ambassadors to receive this prestigious award. James was named ambassador to Canada in May 1993, after serving two terms as governor of Michigan (1983 — 1991) and four terms as a member of the United States Congress (1975 — 1983). In 1992, he chaired President Bill Clinton's successful campaign in Michigan. Governor Blanchard is also former chairman of the

Democratic Governors Association and the National Democratic Platform Committee, as well as a former member of the National Governors Association's executive committee. During his tenure as ambassador, James managed a broad range of trade, natural resources, environmental and national security issues between the United States and Canada, providing support critical to the passage of both NAFTA and the Open Skies Agreement. Governor Blanchard's eight years as Michigan's chief executive were notable for his success in turning around Michigan's finances, working with the private sector to attract business investment and trade from around the world. He won national acclaim for his innovative approaches to economic development, education, crime fighting, environmental protection and helping children and families. James Blanchard completed his work as Michigan's 45th governor having balanced eight consecutive state budgets, boosted the state's credit rating to AA, established a \$422 million "rainy-day fund" and produced a solvency dividend of more than \$1 billion in savings from reduced borrowing costs. His aggressive small business and economic development efforts helped create more than 650,000 net new jobs, improve the business climate, increase companies' global competitiveness and make Michigan's economy 35 percent more diversified than it had been a decade earlier. Newsweek credited Governor Blanchard with leading "one of the most dramatic economic turnabouts in the recent history of state government," and national publications such as US News and World Report listed him among the best governors in America, one of the innovators and energizers who made things work in an era of declining federal aid.

Before running for governor, he served in Congress. During his four terms in Congress, he distinguished himself for his work to save the Chrysler Corporation, restore America's economic competitiveness, and oversee financial, monetary, trade and energy issues. Major assignments included the House Banking, Finance and Urban Affairs Committee, including its subcommittees on Economic Stabilization, Housing and Urban Development, International Trade and Domestic Monetary Policy, and the Science and Technology Committee. He performed oversight of the Federal Reserve Board and participated in meetings of the International Monetary Fund.

Prior to his election to Congress, from 1969 to 1974 Governor Blanchard was assistant attorney general of Michigan. Jim Blanchard remains active in Michigan and in US-Canada relations. In 2010, he was named co-chair of the Canada-United States Law Institute, a forum where the two countries' governments, business communities, legal professionals, academics, non-governmental organizations and the media address issues confronting US-Canada relations. In 2008, at the invitation of former Canadian Prime Minister Jean Chrétien, Governor Blanchard was a special guest at the InterAction Council's 26th Annual Plenary Meeting in Stockholm. The InterAction Council brings together former world leaders who look beyond the immediacy

of current issues and the limitations of national interests to focus on the long-term structural factors driving the global agenda. Its three priority areas are peace and security, world economic revitalization and universal ethical standards. In 1997, Governor Blanchard authored *Behind the Embassy Door*, a book highlighting his experiences as ambassador. He serves on the board of directors of several corporations and, in February 2005, co-chaired the American Assembly project on US-Canada relations, hosted and sponsored by Columbia University.

Avidan Y. Cover

Associate Professor of Law, CWRU School of Law
Director, Institute for Global Security Law and Policy

Avidan Y. Cover is Associate Professor of Law at the Case Western Reserve University School of Law and Director of the Institute for Global Security Law & Policy. Cover teaches in the Civil Rights and Human Rights Clinic in the Milton A. Kramer Law Clinic Center, where he supervises students representing clients in the areas of civil rights, including freedom of speech, unlawful force, and housing discrimination as well as documenting human rights abuses. He also teaches Race and American Law and International Humanitarian Law. Cover's scholarship focuses on human rights, civil rights, and national security law. He has appeared in numerous news media, including *The New York Times*, *Washington Post*, *BBC*, *CNN*, *MSNBC*, *CSPAN*, *FOX News*, and *Court TV*.

Prior to his appointment at Case Western Reserve, Cover taught at the Seton Hall University School of Law, where he supervised the Urban Revitalization Project in Newark, New Jersey. In addition, he was a Gibbons Public Interest and Constitutional Law Fellow from 2007 to 2009 during which time he litigated prisoner's rights, same-sex marriage, national security and education cases in federal and state court. Cover also served as Senior Counsel in Human Rights First's Law and Security Program where he researched and analyzed U.S. military and intelligence agencies' interrogation and detention policies and practices. He holds a BA degree from Princeton University and a JD cum laude from Cornell School of Law.

Gitane De Silva

Senior Representative of Alberta to the United States

Gitane De Silva serves as Alberta's Senior Representative to the United States. Prior to her current appointment, she served as Deputy Minister of Alberta International and Intergovernmental Relations. Before joining the Alberta Civil Service, De Silva was Consul General of Canada in Chicago. As Canada's representative in Illinois, Wisconsin and Missouri, she worked to advance Canada's political and economic interests, including trade and investment promotion. De Silva served for 12 years in Canada's Foreign Service and, prior to her appointment as Consul General, held several roles at Foreign Affairs,

Trade and Development Canada (now Global Affairs Canada), including Director, Canada-US Advocacy and Mission Liaison, and director, US Transboundary Affairs. She also served as Counsellor (Environment & Fisheries) at the Canadian Embassy in Washington, DC and in the Canada-US Secretariat at the Privy Council Office. De Silva also served as Deputy Head of Agency at Status of Women Canada and Director General, APEC Women and the Economy Summit, where she worked on women's economic empowerment and women in leadership. She holds a BA in International Relations from the University of British Columbia.

Diane Francis

Editor-at-Large, National Post

Diane Francis is an award-winning columnist, bestselling author, investigative journalist, and television commentator. She writes pieces for the Wall Street Journal, Washington Post, Daily Beast, Politico, the World Post, Miami Herald and is a regular contributor to the New York Post. She is Editor-at-Large at Canada's National Post and writes for the US Edition of the Huffington Post. She is a regular contributor to Al Jazeera America and CCTV-America (China TV). In addition she is a non-resident Senior Fellow at the Atlantic Council in Washington DC within its Dinu Patriciu Eurasia Center. She is also Adjunct Faculty with Singularity University in Mountain View California, a Distinguished Professor at Ryerson University's Ted Rogers School of Management and has been a Visiting Fellow at Harvard University's Joan Shorenstein Center on Media, Politics and Public Policy. In 1991, she became Editor of Canada's Financial Post, the first woman editor of a national daily newspaper in Canada, a position she held until the paper was sold in 1998. Diane Francis has interviewed and written about hundreds of CEOs, billionaires, heads of state, international criminals, Interpol officials, "big thinkers" and academics. These include Bill Gates, George Soros, Christine Lagarde, Larry Summers, Clayton Christensen, Margaret Thatcher, Ronald Reagan, Carlos Salinas, Mexican guerrilla leader Subcommandante Marcos, Pervez Musharaff, Angel Gurría, and Raghuram Rajan, to name just a few. She has been a participant at the Davos World Economic Forum for 20 years. Diane's 10 books cover government corruption, business fraud, money laundering, politics, immigration and economics. Her first book, *Controlling Interest: Who Owns Canada?* launched a firestorm by revealing that one third of Canada's wealth was in the hands of just 32 families and 5 conglomerates. Her most recent book, *Merger of the Century: Why Canada and America Should Become One Country*, posits that both countries should combine in order to combat Russia, China and the Asian Tigers' emerging economies. The New Yorker called it "shrewd" and The Toronto Star "meticulously documented."

Julie Gascon

Assistant Commissioner, Central and Arctic Region, Coast Guard

The Canadian Coast Guard (CCG) announced the appointment of Julie Gascon as Assistant Commissioner for the Central and Arctic Region in August 2015. Before her arrival at the CCG, Ms. Gascon was Executive Director, Domestic Vessel Regulatory Oversight and Boating Safety the Marine Safety and Security (MSS) Directorate at Transport Canada. A graduate of the Canadian Coast Guard College in 1998, Julie Gascon began her career with the federal public service as a navigation officer with the CCG, Pacific Region. As a navigation officer, she served on a number of commercial vessels to earn her Master Mariner certificate. In 2005, she joined Transport Canada, where she held several positions. Besides the position of Executive Director, which she held for three years, she was also Senior Marine Safety Inspector; Executive Director, Safety and Security Secretariat; and Director, Domestic Vessel Regulatory Oversight and Boating Safety. Ms. Gascon holds a bachelor's, degree in Business Administration from the Université de Montréal's School of Higher Commercial Studies (Hautes Études Commerciales), as well as a Bachelor of Technology in Nautical Sciences from University College of Cape Breton.

Consul General Douglas George

Consul General of Canada in Detroit

Douglas George joined the Department of External Affairs and International Trade in 1982 as a Desk Officer for the Commercial Policy Division. His assignments in Ottawa included work in the Department's Consular Operations Bureau, the General Agreement on Tariffs and Trade (GATT) Affairs Division, US Trade and Economic Policy, and work as a Senior Departmental Assistant in the Office of the Minister of International Trade. In 1997 he became Director of the Softwood Lumber Division, then Director of the Intellectual Property, Information and Communications Technology Trade Policy Division. He also has served as Director of the Tariffs and Goods Market Access Division. Abroad, Mr. George served in Kingston, Jamaica as Second Secretary and at Canada's Mission to the GATT (Geneva) as First Secretary in Geneva. From 2000 to 2004 he was Counsellor at the Canadian Mission to the European Union. From 2011 to 2014, he served as Canada's Ambassador to Kuwait. Mr. George took up his current assignment as Consul General of Canada in Detroit, representing Canada in Michigan, Ohio, Indiana, and Kentucky, on May 2, 2014. He succeeds Dr. Roy Norton. Originally from Sarnia, Ontario, Mr. George holds a Bachelor of Science (Zoology) from the University of Toronto and a Master's of Business Administration from Queen's University in Kingston, Ontario.

Richard Gordon

CWRU School of Law, Director, Financial Integrity Institute

Richard Gordon teaches courses on financial integrity, banking regulation, and international taxation. Prior to coming to Case Western Reserve, Gordon practiced international tax law in Washington, DC, and later taught courses in tax

and corporate governance at the Harvard Law School, where he also served as deputy director of the International Tax Program. After leaving Harvard, Gordon joined the staff of the International Monetary Fund (IMF) where he was senior counsel and senior financial sector expert, and where he worked on sovereign debt restructuring and financial integrity matters. Following the attacks of September 11, 2001, Gordon served on the select IMF Task Force on Terrorism Finance and co-lead the IMF and World Bank's involvement in anti-money laundering and terrorism financing. He was the principal draftsman of the preventive measures section of the first compliance assessment methodology for the Financial Action Task Force 40 Recommendations. He has participated in a number of FATF 40 compliance assessments in the Caribbean, Africa, Asia and Southeast Asia, and has published numerous scholarly articles, book chapters and research studies on anti-money laundering and terrorism as well as scholarly articles and book chapters on taxation.

Ambassador Bruce Heyman

Former Ambassador of the United States to Canada

Managing Director of Private Wealth Management, Goldman Sachs

Ambassador Bruce Heyman is an American businessman and the former United States Ambassador to Canada. He was confirmed by the U.S. Senate on March 12, 2014. He presented his credentials to the Governor General of Canada, and began his duties in Ottawa, on April 8, 2014. His term ended on January 20, 2017. Ambassador Heyman began his career in 1977 and 1978 as an intern at the U.S. House of Representatives for Congressman Charles Whalen of Ohio. In the summer of 1979, Heyman was a researcher for the Small Business Committee and Restraint of Trade Subcommittee. In 1980, Heyman began work as a Chicago-based investment banker for Goldman Sachs. From 1985 to 1999, Heyman served as Vice President of Goldman Sachs. From 1999 to 2014, he served as managing director of private wealth management at Goldman Sachs. Prior to becoming Ambassador, Heyman served as a board member for the Chicago Council on Global Affairs and the Northwestern Memorial Hospital Foundation. He also served as an advisor to the Fix the Debt CEO Council of the Committee for a Responsible Federal Budget. He has been a member of The Economic Club of Chicago, The Executives' Club of Chicago, and the Facing History and Ourselves Chicago Advisory Board. As the U.S. Ambassador to Canada, Heyman became a member of the Fulbright Canada Board of Directors. In 2014 and 2016, Heyman was named one of the Top 50 Most Powerful Business People by Canadian Business. In 2015, Heyman gave the keynote address at Niagara University's commencement ceremony. At the ceremony, Heyman was presented an honorary Doctor of Humane Letters.

Ross Hornby

Former Vice-President, Government Affairs and Policy, GE Canada

Former Ambassador of Canada to the European Union

Ross Hornby served as Vice-President, Government Affairs and Policy, of GE Canada from 2011 to 2017. He was responsible for GE Canada's engagement on public policy issues with governments and sought to promote growth of the company's business in Canada and around the world. Ross joined GE in mid-2011 after a distinguished career in the Public Service of Canada. From 2006-2011 he served as Canada's Ambassador to the European Union in Brussels. One of his achievements was the launching of free trade negotiations with the European Union. Prior to that, he was Assistant Deputy Minister, Strategic Policy, at the Department of Foreign Affairs and International Trade, where played the leading role in the International Policy Review. Previously, he was Assistant Secretary, Treasury Board Secretariat, and Senior General Counsel with the Department of Justice. Ross has a BA (Hons) from the University of British Columbia, a MA from the University of Toronto, and a LL.B from Osgoode Hall Law School of York University. He is a Member of the Ontario Bar and a board member of the Canadian Manufacturers & Exporters Association

Carmina Hughes

Global Anti-money Laundering Officer, TD Bank

Carmina Hughes is global anti-money laundering officer (GAMLO) at TD Bank, where she is responsible for AML compliance in all the jurisdictions in which TD Bank operates. Hughes has over 30 years' experience in anti-money laundering and compliance-related work in the financial sector. Hughes has served as a U.S. federal prosecutor, a regulator, a teacher, and a private consultant to the financial services industry, as well as working directly for TD Bank. As special counsel for enforcement and special investigations for the Board of Governors of the Federal Reserve System, Hughes served on the front line of the U.S.A. Patriot Act and the Bank Secrecy Act implementation efforts and compliance. Hughes represented the board at the Financial Action Task Force, FATF, an international standard setter, and at other international bodies. As a U.S. federal prosecutor she investigated and prosecuted many fraud and financial sector crimes, including money laundering and income tax evasion.

David Hults

Assistant Chief Counsel, California Air Resources Board

David Hults is Assistant Chief Counsel of the California Air Resources Board (CARB). In this capacity, Mr. Hults leads the work on attorneys on various CARB programs, including CARB's Cap-and-Trade program to reduce greenhouse gas emissions. Before joining CARB in 2014, Mr. Hults was an associate at Covington & Burling LLP in San Francisco, an associate at Cleary Gottlieb Steen & Hamilton LLP in Washington, D.C., and a fellow at Stanford University's Program on Energy and Sustainable Development. Mr. Hults also clerked for Judge John T. Noonan, Jr. of the U.S. Court of Appeals for the

Ninth Circuit. Before law school, Mr. Hults worked for three and a half years for the U.S. Department of State. Mr. Hults has a BA in International Studies from the University of Florida, an MA in International Relations from Yale University, and a JD from Stanford Law School.

Josée Nadeau

Former Senior Chief, Financial Crime International for Finance Canada

Ms. Nadeau is former Senior Chief Financial Crimes-International for Finance Canada. Ms. Nadeau has lead the Canadian delegation to the Financial Action Task Force (FATF) and to its regional bodies in the Caribbean, South America and the Asia Pacific region, including the coordination of up to twelve departments and agencies. In particular, she led the review of the 2012 international standards for anti-money laundering and countering the financing of terrorism and proliferation as well as the development of the new assessment methodology; led the on-going assessment of FATF countries and high-risk countries' compliance against the FATF standards; led the on-going policy development, Support Canada at the G7/8, G20, the United Nations and the Organization of American States with respect to financial crimes and financial integrity.

The Hon. James S. Peterson, P.C.

Former Minister of International Trade for Canada

Minister of Canadian Parliament

Jim Peterson, a former federal Minister and Secretary of State, is Counsel at Fasken Martineau. Jim has extensive knowledge and first-hand experience in government affairs, having served in the Government of Canada as Minister of International Trade, Secretary of State (International Financial Institutions), and Chair of the House of Commons Standing Committee on Finance. As a former Minister of International Trade between 2003 and 2006, Jim has expertise in trade policy and experience in trade disputes. While Minister, he represented Canada at the World Trade Organization's Doha round of negotiations which focused on expanding trade and investment in leading emerging markets including Brazil, Russia, India and China, and dealt with complex issues related to trade with Canada's NAFTA partners, the European Union, the Middle East and the Americas. As Secretary of State (International Financial Institutions) from 1997 to 2002, Jim was instrumental in piloting significant financial institution reforms through Parliament including legislation permitting foreign bank branching and aligning Canada with international standards in the fight against money laundering and terrorism. He handled the insurance industry demutualization file. Working with caucus and stakeholders, Jim approved major financial institution mergers including BNS — National Trust, Great West Life — London Life, Clarica — Met Life and TD — Canada Trust. As Chair of the House of Commons Finance Committee between

1993 and 1997, he began the practice of public pre-budget hearings and completed a number of major studies including a review of Canada's value added tax (the GST). Jim retired from the House of Commons in 2007 after 23 years of public service as the Member of Parliament for Willowdale (Toronto). Before entering public life, Jim had a distinguished career as both a legal scholar and teacher and as a practitioner of international tax and business law. He was also a consultant for the United Nations Industrial Development Organization. He was appointed head of Negotiation for Ontario in its efforts to reduce barriers to trade, investment and labor mobility, and to enhance economic cooperation with Quebec. Jim is the author of numerous articles and studies for Canadian and foreign publications on international business, investment, taxation and fiscal policy.

Mark Purdon

Executive Director, IQCarbone

Mark Purdon, PhD, is Executive Director of IQCarbone. He is an expert on climate change policy and political economy, working at the intersection of public policy, comparative politics and international relations. He is currently visiting researcher at the Department of Political Science at the Université de Montréal, having earned a PhD in political science at the University of Toronto in 2013 and completed a SSHRC postdoctoral fellowship at the London School of Economics in 2014. Much of his research has been on the implementation of climate policy, in the developing world as well as in North America. Other dimensions of his research include international climate change politics, especially international carbon market(s) and related climate finance initiatives, natural resource management as well as the political economy of development.

Rear Admiral June Ryan

Commander, U.S. Coast Guard Ninth Circuit

Rear Admiral Ryan assumed duty as the Ninth Coast Guard District Commander in June 2015. She is the senior Coast Guard Commander for the Great Lakes and Saint Lawrence Seaway, an area that encompasses eight states, a 1,500 mile international border, and a workforce of over 6,000 Coast Guard active duty, reserve, civilian and auxiliary men and women. She previously served as Military Advisor to the Secretary of Homeland Security where she supported the Secretary in affairs relating to the coordination and execution of policy and operations between the Department of Homeland Security and the Department of Defense. Rear Admiral Ryan enlisted in the Coast Guard Reserves in 1982. She attained the rank of Boatswains Mate Third Class before graduating from Officer Candidate School in 1985. Upon her promotion to Flag, she became the first woman to move up the military ranks from junior enlisted to Flag officer. Rear Admiral Ryan shipboard assignments include Deck Watch Officer aboard Coast Guard Cutter GALLATIN (New York, New York), Commanding Officer of Coast Guard

Cutter CAPE MORGAN (Portland, Maine) and Commanding Officer of Coast Guard Cutter NEAH BAY (Cleveland, Ohio). Her Operations ashore assignments include Sector Commander, Captain of the Port, Federal On Scene Coordinator and Federal Maritime Security Coordinator in North Carolina; Group Commander Charleston, South Carolina; Deputy Group Commander, St. Petersburg, Florida; Deputy Sector Commander and Alternate Captain of the Port Charleston, South Carolina. Rear Admiral Ryan's staff tours include assignment as the Senior Instructor, Maritime Law Enforcement School, four tours in Coast Guard Headquarters, and two tours in Coast Guard Pacific Area, including Pacific Area Chief of Staff. She also served as the Military Aide to the President, the third woman in U.S. history to do so. She holds a Bachelors of Science degree in Biology from Bowling Green State University and a Master of Arts degree in Adult Education from the University of South Florida. Rear Admiral Ryan is a graduate of the National Preparedness Initiative (NPLI) from the Harvard School of Public Health/Harvard Kennedy School of Government. Her personal awards include two Defense Superior Service Medals, three Legion of Merits, six Coast Guard Meritorious Service Medals, two Coast Guard Commendation Medals, among others.

Christopher Sands, Ph.D.

Senior Research Professor and Director, Center for Canadian Studies, Johns Hopkins University School of Advanced International Studies

Christopher Sands is Senior Research Professor and Director of the Center for Canadian Studies at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies. He is concurrently the G. Robert Ross Distinguished Visiting Professor of Canada-U.S. Business and Economic Relations in the College of Business and Economics at Western Washington University. Before joining the SAIS faculty in 2009, Dr. Sands taught in the School of Public Affairs and the School of International Service at American University and worked for more than twenty-two years in Washington DC think tanks, including the Center for Strategic and International Studies (CSIS) and the Hudson Institute. From 2002 to 2007, Dr. Sands was the Director for Strategic Planning and Program Evaluation at the International Republican Institute, a core institute of the U.S. National Endowment for Democracy. He earned a BA degree in political science at Macalester College in St. Paul, Minnesota, and an MA in international economics and Canadian studies from Johns Hopkins University SAIS. The title of his doctoral dissertation, also at Johns Hopkins University SAIS, was "Forging the Detroit Consensus: The Relative Power Cycle and the Political Economy of the North American Automotive Trade Regime". During the 1999-2000 academic year, he was a Fulbright scholar at the Norman Paterson School of International Affairs at Carleton University in Ottawa. He serves on the executive (as treasurer) of the Canadian Politics Section of the American Political Science Association, and is a member of the

International Studies Association and the Association for Canadian Studies in the United States.

Terence P. Stewart

Managing Partner, Stewart & Stewart LLP

Terence P. Stewart is the managing partner of the Law Offices of Stewart and Stewart. Mr. Stewart has a BA from the College of the Holy Cross, an MBA from Harvard University and an LLM from Georgetown University Law School. He was an adjunct professor at Georgetown Law School from 1995-2012 teaching courses on the GATT and the WTO. Mr. Stewart's practice focuses on international trade, notably trade remedies, WTO and FTA negotiations and dispute settlement. Among his publications is *The GATT Uruguay Round: A Negotiating History (1986-1992)* (Vols. I-III); *The End Game (Part I)* (Vol. IV). Mr. Stewart is a former President of the Federal Circuit Bar Association. He has served as President of the Customs and International Trade Bar Association, been a member of the U.S. Court of Appeals for the Federal Circuit's Advisory Council as well as a past Chairman of the U.S. Court of International Trade Rule Committee. He also received an honorary Doctorate from the Ukrainian Academy of Foreign Trade and an honorary Doctorate of political science from the Russian Academy of Sciences. In 2009, he was awarded the Order of Merit of the 3rd Degree by the government of Ukraine.

Minister Christine St. Pierre

Minister of International Relations and La Francophonie, Quebec Minister of Parliament

Since April 23, 2014, Christine St-Pierre has been the Quebec Government's Minister of International Relations and La Francophonie. In that capacity, she is responsible for the conduct of Quebec's relations with foreign governments, and for the activities of Quebec's 28 international offices, located in 15 countries. Prior to entering politics, Minister St-Pierre had a distinguished career at the Société Radio-Canada, the French-language public radio and television network, where she was for several years one of their top political correspondents at home and abroad. She was successively their Chief Parliamentary correspondent in Quebec City (1992-1997) and Ottawa (1997-2001), before becoming their Chief correspondent in Washington from 2001 to 2005. She did a second stint as Parliamentary correspondent in Ottawa from 2005 to 2007.

In 2007, Ms. St-Pierre was first elected as Member of the National Assembly for the L'Acadie district. L'Acadie is one of the most multicultural districts of Quebec, located on Montreal's north side. She has been reelected in 2008, 2012 and 2014. In the government of Premier Jean Charest, she was named Minister of Culture, Communications and the Status of Women in 2007 and served in that capacity until the 2012 elections. From 2012 to 2014, she was successively the

Official Opposition critic for International Relations, Culture and Montreal issues.

Minister St-Pierre is a native of Saint-Roch-des-Aulnaies, Quebec, in the picturesque Lower St-Lawrence region, where she first learned the importance of our waterways as a driver of quality of life and sustainable development. She is an alumnus of the University of Moncton, where she graduated with a Bachelor's degree in Social Sciences.

Congresswoman Betty Sutton

Former Administrator, St. Lawrence Seaway Development Corporation
U.S. Congressional Representative from Ohio

On July 24, 2013, the White House announced that Congresswoman Betty Sutton was appointed administrator of the Saint Lawrence Seaway Development Corporation, an agency headquartered in Washington, D.C., and is the government owned corporation that operates and maintains the U.S. portion of the St. Lawrence Seaway between the Port of Montreal and Lake Erie. Prior, Betty Sutton served as a U.S. Representative for Ohio's 13th congressional district from 2007 to 2013. There, she served on the Armed Services Committee (sitting on the Subcommittee on Seapower and Projection Forces and Subcommittee on Strategic Forces) and the Natural Resources Committee (sitting on the Subcommittee on Energy and Mineral Resources and Subcommittee on National Parks, Forests and Public Lands, as well as on the Energy and Commerce Committee, Judiciary Committee, and Rules Committee. Sutton was also a member of the Congressional Arts Caucus and the Populist Caucus. Sutton was also recognized as a "key House architect" in the American Clean Energy and Security Act that passed the House in June 2009. An amendment she offered established the "Cash for Clunkers" program. Sutton received wide media attention in 2009 as a result of her lead sponsorship of the Consumer Assistance to Recycle and Save Act, which mandated the "Cash for Clunkers" program that went into effect during the summer of 2009. Other bills that Sutton has sponsored include the Protect Consumers Act of 2009, which calls for stricter action to protect consumers in the event of a product's mandatory recall by the FDA, the Disability Equity Act, which eliminates the 5-month waiting period currently in place for Social Security disability benefits, and the Contractor Accountability Act, which tightens public oversight of federal expenditures. Sutton is an attorney specializing in labor law. Between her time in the Ohio and United States legislatures, Sutton worked as a labor lawyer with the firm of Faulkner, Muskovitz & Phillips LLP.

John M. Weekes

Senior Business Advisor, Bennett Jones LLP
Former Canadian Ambassador to the World Trade Organization

A veteran of 40 years in the field of trade policy and negotiations, John Weekes provides advice on a broad range of international trade issues and other policy matters to clients in business and government. Mr. Weekes participates regularly in conferences on the challenges facing the trading system and related political issues and contributes articles to newspapers and magazines. Prior to joining Bennett Jones, Mr. Weekes was senior international trade policy adviser (2003-2009) at Sidley Austin LLP, based in the firm's Geneva office. From 1999 until 2003, Mr. Weekes was Chair of the Global Trade Practice at APCO Worldwide, a Washington-based international public affairs and communications consultancy. Over a period of 20 years Mr. Weekes served the Government of Canada in numerous senior positions in the field of foreign economic policy. He frequently assisted Canadian ministers with trade policy issues including their relationship with domestic policy matters. He represented Canada in trade negotiations and at international trade meetings. He was Canada's Ambassador to the WTO from 1995 to 1999 and Chair of the WTO General Council in 1998. Mr. Weekes served as Canada's Chief Negotiator for the North American Free Trade Agreement (NAFTA), including for the side agreements on environmental and labor co-operation. He was Ambassador to GATT during the Uruguay Round of multilateral trade negotiations. In the 1970s he participated in the Tokyo Round of GATT negotiations. Mr. Weekes is an active member of the Board of the Alberta Livestock and Meat Agency. He also serves on the Board of the Washington-based Cordell Hull Institute and the Management Board of the Advisory Centre on WTO Law in Geneva. In recent years Mr. Weekes has participated in the WTO dispute settlement system as a panel chair and an arbitrator.

The Hon. Alan Wm. Wolff

Senior Counsel, Dentons LLP
Chairman, Board of the National Foreign Trade Council

Ambassador Alan Wm. Wolff is a member of the International Trade Practice. The practice specializes in all aspects of seeking to improve the international competitive position of major clients. The Practice is active in efforts to obtain market access and limit trade-distorting practices and other burdens on trade through support of bilateral, plurilateral and multilateral negotiations among interested governments, and through litigation where warranted, against dumping and subsidies, private anticompetitive practices, violations of intellectual property rights and trade-related investment performance requirements. Wolff has been principal litigation counsel in many of the largest trade cases on record, and is actively participating in giving advice to participants and stakeholders in the Trans Pacific Partnership and Trans-Atlantic Trade and Investment Partnership negotiations. Ambassador Wolff serves as Chairman of the Board of the National Foreign Trade Council (NFTC); is a member of the Advisory

Committee of the Peterson Institute for International Economics and the Science Technology and Economic Policy (STEP) Board of the National Academies. He is Co-chair of the Academies' Innovation Policy Forum and Chairman of the Board of the Institute for Trade and Commercial Diplomacy.

He is a National Associate of the National Academies and is a member of the Council on Foreign Relations. He recently served as a member of the Board of the US-China Legal Cooperation Fund, the State Department's Advisory Committee on International Economic Policy (ACIEP), and chaired the Committee on Comparative Innovation Policy of the National Academies' STEP Board. He has lectured at numerous universities and is the author of an extensive range of papers on international trade policy matters. Ambassador Wolff served as United States Deputy Special Representative for Trade Negotiations (1977-1979), with the rank of ambassador. As Deputy Trade Representative, he played a key role in the formulation of American trade policy and its implementation, including leading international trade negotiations for the United States. He served as General Counsel of the Agency from 1974-1977, and was responsible for drafting major trade legislation. From 1968-1973, Mr. Wolff was a lawyer dealing with international monetary, trade and development issues at the Treasury Department. Ambassador Wolff is recognized in Chambers USA - America's Leading Lawyers and Chambers Global for International Trade: Trade Remedies & Trade Policy. He was recently selected by his peers for inclusion in The Best Lawyers in American 2015 in the field of International Trade and Finance Law and by Super Lawyers in the field of International Business & Transactions.

Chris Zeigler

Executive Director, American Petroleum Institute – Ohio

Chris Zeigler has been Executive Director of the American Petroleum Institute's Ohio Petroleum Council since 2013. Zeigler has worked to foster smart regulations and fiscal policies to sustain the economic prosperity that shale energy development offers Ohio's economic development. Zeigler brings over 20 years of experience in successfully bringing together diverse groups of government, civic and business stakeholders, and leads OPC's advocacy efforts and serves as principal spokesperson. Prior, he was Chief of Staff to Ohio Congressman Pat Tiberi. In addition to serving as Congressman Tiberi's chief of staff since 2001, Zeigler has worked for several Ohio legislators, including former Ohio House Speaker Jo Ann Davidson. He received a BA in Political Science from the Ohio State University.

WELCOME AND OPENING OF THE 41ST ANNUAL CUSLI CONFERENCE

Speaker: Michael P. Scharf

PROFESSOR SCHARF: Okay. Good morning, everybody. Welcome to wonderful, sunny Cleveland. I am sorry about the rain. At least it is not snowing.

We are very excited to have all of you here for our 41st Annual Canada-U.S. Law Institute ["CUSLI"] Conference. I am Michael Scharf, the Co-Dean of the Law School, and it is my great pleasure to formally ring Henry King's bell, which is the traditional start of this conference.

Henry King, if you didn't know, was the long-term director of this conference, he was a former Nuremberg prosecutor, and his spirit is still with us. In fact, the conference bears his name.

This is a really great time to be having this particular conference, and when the executive committee met last June, I think we had no idea how extraordinarily relevant this was going to be this very week. In fact, yesterday, as all of you know who have read the news, the Trump Administration released their blueprint for the renegotiation of [the North American Free Trade Agreement ("NAFTA")], and we will be the first legal panel in the country addressing, live on the internet for people around the world to watch, the very issues that everybody has on their minds.

This university is completely steeped in this issue. In fact, on Monday, Vicente Fox will be speaking across campus to our university. This is the kickoff of something that the university is really embracing in terms of trying to get the word out, to try and have the academic and practitioner contributions to these important policies.

My job today is to welcome you and also to thank our sponsors and the people who have made this conference and the organization possible. So on the sponsors, you noticed when you were checking in there is a big poster that lists them, but let me just tell you who they are because without their support we couldn't be here today.

Our Platinum Sponsor is DLA Piper. Our Gold Sponsor is Dickinson Wright. Our Silver Sponsors include the Canada Consulate of Detroit. Left out of my intro yesterday was the BakerHostetler law firm. I should mention that this beautiful, newly renovated moot courtroom is thanks to their generosity as well, and that's Mr. Hostetler's picture back there as well. (Indicating.)

We also have as Silver Sponsors: ALT Technologies; GE Canada; and Cliffs Natural Resources. For the Bronze Sponsors, we have: Taft, Stettinius and Hollister; Wegman, Hessler and Vanderburg; Bear and Earth Formica Group; Phillips Lytle; and Bennett Jones.

Our Program Partner is the Cleveland Council on World Affairs. This organization is run by a group who takes no pay and spends a lot of time trying

to help us fundraise and come up with the concepts, the panels, and the speakers for these conferences. They are really what make this possible.

Our co-chairs are Jim Blanchard and Jim Peterson. The presidents are the deans of [the University of Western Ontario (“Western”)] and myself. There is a new dean at Western Ontario, Erika Chamberlain, who will be joining us next year. Next, our Executive Committee includes Dick Cunningham and Larry Herman, who won the two prestigious awards last night, and we thank them for their long-term contributions.

We also have Ross Hornby, Laura F. Dawson, Diane Francis, Ken Jones, Rick Newcomb, and Chris Sands. And then, finally, we have two National Directors: Chi Carmody from Western; [and] Steve Petras from BakerHostetler on the U.S. side. Our managing director, who most of you have seen because he runs around and makes all this work, is Ted Parran.

So without further ado, I am going to turn it over to the first panel, and once again, I ring you in to the 41st Annual Conference of the Canada-US Law Institute.

Thank you, all. (Applause.)