

From Wawa to Ottawa, Geneva, and Beyond

A Speech to the International Law Students Association at the University of Ottawa (March 2012)

Distinguished panelists, Professors McRae, Mr. Petit and Di Giovanni; Ms. Renart, Mr. Sproule, and my own law student collaborators - Qumers Wejdan and Carmen Francis - thank you. Members of the International Law Students Association (ILSA), especially Ms. Rebecca Robb, thank you for inviting me to join this distinguished panel and to say a few words to you all.

The invitation is very special to me. In these few minutes I will tell you why. I will start with a few questions.

- Have any of you been to Wawa, Ontario, or knows where it is?
- To the students, raise your hands if you **are interested** in a career in international law; and
- Again to the students, raise your hand if you **want** a career in international law.

Almost 35 years ago, I was a young lawyer – a litigator in Northern Ontario. I was on the road, covering a circuit of cases in small northern towns, during a late autumn snowstorm. I had arrived in the North from Toronto and settled down with a good law school friend and articling friend in my new law firm. I should tell that I had studied all the international relations and taken all the international law courses I could as an undergraduate and law student. As an undergraduate, I had taken the Foreign Service exam and failed to get an interview. I had then travelled to Ottawa to look for some way into an international career in Government. I knocked on many doors. It was to no avail. It looked like I was bound for a domestic career in law. Not bad, not bad at all. But something was missing.

That late fall night, dark and cold, I found myself caught in whiteout conditions on the icy Trans-Canada Highway. I was just outside Wawa. Suddenly and just in time, I saw an abandoned broken down truck that appeared before me stuck on the road - suddenly and without warning, as we litigators liked to say. I slammed on the breaks but there was no time and I had to veer off the road to avoid crashing into the tuck.

I found myself stuck in a snowy gully. Although young, I could help to think of Dante as he set out on his allegorical journey to Hell, Heaven, and in between. “In the middle of the journey of our life I found myself within a dark woods where the straight way was lost.”

I was very lucky that I survived **and** that I was not badly injured. I was also very lucky to be rescued. A kind and generous Ontario Provincial Police (OPP) officer found me and dug me out. My car was totaled. The officer took me to his home where he and his wife took me in, fed me,

and gave me a place to sleep. The next day, my new Wawa family sent me back on the road by bus. The incident and some serious thinking during that trip home was life-changing.

It was on that bus that I made a big decision.

I loved being a courtroom lawyer. But decided I wanted something else. Shortly after making my way back from Wawa, I re-wrote the Foreign Service exam. I got an interview. I convinced the interview board I wanted the job and got it. There is a longer and funny story about how I “aced” the interview – ask me about it later.

Now I know I am here to share my thoughts about a career in international law. But what I want to talk about is how to get there. It is a challenge to start and build an international practice and I suppose the first lesson that I learned was that it takes **persistence**. Do not accept no for an answer. Most lawyers I was working with thought I was crazy giving up the perks of a successful litigation practice to become a lowly paid government bureaucrat. I guess the second lesson is – it is not **what the others think**. The third point, with no apologies, is that it is **not about the money** either – really it is not.

Since taking that exam, here are the following places I have worked:

- Government of Canada from 1981 to 2001;
- Gottlieb and Pearson as a Trade Lawyer from 2001 to 2006;
- Heenan Blaikie as an International Lawyer from 2007 to 2013; and
- Woods, LaFortune LLP as an International Lawyer from 2014 to present.

In 1981, my wife and I moved to Ottawa. I started my Foreign Service career at what is now the Department of Foreign Affairs and International Trade (DFAIT). DFAIT wanted generalists – I became a trade commissioner. It was a strategic choice – lesson four – think **strategically and long term**. I would someday join **trade** and **law**.

Early in my career I was posted to Saudi Arabia and Algeria. Two busy and challenging posts-considered by DFAIT management to be of the highest difficulty. I learned a wide range of international business skills and made contacts. I learned some Arabic. I immersed myself in the French language while working in Algeria.

My experiences in Saudi, Algeria, and in a later posting to Korea taught me firsthand that about the triumphs and disasters of life and work abroad. Kipling was right - they are both “imposters”. And I could say then and can still say that I learned how to function at 100% in overseas settings - I will say more about that during the question period. I learned – **a life changing lesson**. While it is while it is surprisingly easy to hide behind walls in the jet-setting expat community, you can

and you must get to know the people of the host country on **their terms** and (if you are a good enough diplomat) in their homes with their families. You must park your **prejudices**, while maintaining certain objectivity – important perspectives and mindsets for successful international practitioners. At the same time, you must ultimately also maintain a trueness as to who you are, where you come from, and the principles that have been passed on to you. I learned to appreciate Canada even more serving her from abroad. You know, whether from Wawa or Halifax, Tofino or Toronto, Chicoutimi or Calgary, St-John's or Saskatoon, Trois-Rivières or Winnipeg or whichever town or city, Canadians have a kind of natural curiosity, empathy and pride. This makes Canadians natural diplomats in my view. I had (in my own mind at least) become a **diplomat**. So can you.

Remember what I said about **persistence**? Having “paid my dues”. I fought for a position in the trade policy and trade law world at DFAIT, I negotiated and won a job at the old GATT division, this led to the GATT Dispute Settlement Division, and then the Trade Law Division. With John Jackson's book was the bible, I learned at the feet of giants like, John Weekes, Brian Morrissey, Howie Wilson, Jonathan Fried, Valerie Hughes, Meg Kinnear, Len Legault, Colleen Swords, Doug Waddell, Denyse McKenzie, Gord LaFortune, Sylvie Ostry and many others including from time to time “hired guns!”, like Professor McRae and Professor John Jackson. Trade disputes, FTA, NAFTA, CCFTA, FIPA negotiations, the Uruguay and Doha Rounds, the WTO Accession, OECD Trade and Investment Committees. For over a decade at DFAIT, I was a small player but I played in some of the biggest and important trade negotiation and disputes of the day.

How did I survive? I would have to say with **hard work** with **humility** – international law and international trade law are deep and wide disciplines without really well defined borders or barriers. All the great international trade lawyers I have been lucky enough to work with men and women who insisted on the kind of **hard work**, **diligence**, **respect**, **humility**, and **passion** for the subject that you need to develop and keep. .

The twin to **humility** is **hunger to learn**. My father, Ted Woods, who served in the Canadian Army during the World War II, often told me about Canada's General McNaughton who said during WWII: *“There is no aristocracy in the Canadian Army other than the aristocracy of education.”* I have two young friends and collaborators with me tonight – one is an articling student at my firm and the other a trade lawyer at DFAIT. Work hard and be humble about the discipline but know that if you are prepared to engage your intellect and bring hunger, passion and endurance, you can very quickly be doing integral and important work that pushes the frontier and engages your intellect to the full.

Opportunity, Risk, Sacrifice – do not be satisfied.

About 12 years ago, I got a phone call from Richard Gottlieb – the father of the private trade bar in Canada. He called me out of the blue and invited me to meet with him in Montreal. That meeting led to an invitation to a 50 years old public servant to leave the security and comfort of an established life and journey to Montreal to join what was Canada's leading trade law boutique. In saying yes, I may have been taking a big risk – I had no clients and had been away from private practice for over 20 years. In saying yes to Richard Gottlieb, I was saying yes to myself and my strong desire to live a new dream and meet a new challenge. Did it work? Well, I have been counsel on several major trade remedies cases, lead counsel in two investor-state claims including a large NAFTA Chapter 11 action. I am called “coach” by some of our “next generation” trade lawyers. Some 12 years later, I am still here!

In 2007, I moved to Heenan Blaikie and was given the opportunity to team up with over 600 professionals at the top of their game – challenging, invigorating and rewarding. Among other adventures, I have travelled back to Saudi Arabia with former Prime Minister Chrétien and been able to do things I never had thought possible – **Easy? No. Fulfilling? Yes. Fun? - Et Comment!**

I could go on – but my time here is up.

I do hope that for a few more years that I will be able to continue practicing trade law. But not without the “next generation”. Perhaps the **final lesson**. Unless you really do have a passion for international law and want to be an international practitioner, you may not understand this. This talk is not about me or any one lawyer. To me it is about the broader practice, the ever evolving and growing body of knowledge, and the need to both encourage and challenge young lawyer and lawyer to be like Qumers, and Carmen - and each of you.

And remember, a few minutes ago I asked who **was interested** in a career in international law and who **wanted** one. To me, there is a difference.

In closing and in summary, if you follow the path that is there for you with **persistence, desire, strategic thinking – diplomacy, humility, passion, and faith in yourself**, someday law students from the University of Ottawa or some other fine faculty will come to you and ask you to make an investment of time and effort to talk about your career. They will call you on you because you are and international lawyer!