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## PRESENTATION OF THE HENRY T. KING, JR. AWARD

*Speaker - Daniel Ujcz*  
*Speaker - Michael Scharf*  
*Speaker - George Brown*

### INTRODUCTION

*Daniel Ujcz*

MR. UJCZO: Good evening. I am Dan Ujcz, the managing director of our Canada-United States Law Institute (CUSLI).<sup>1</sup> On behalf of the Institute, as well as our two founding institutions, The University of Western Ontario Faculty of Law and Case Western Reserve University School of Law,<sup>2</sup> I thank all of you for attending our 27th Annual Conference,<sup>3</sup> and I extend a special debt of appreciation to our speakers and panelists today. This was one of the most informative, as well as exhausting, days that we have had in the history of the Annual Conference, and many thanks to you.

I encourage all of you to join us again tomorrow, bright and early. The bell will toll at 9:00 a.m., opening with “transfer pricing” with Miller Williams and Jeff Shafer, as well as our “border” sessions with Jessica LeCroy, Laurie Tannous, Cindy Todgham Cherniak, and Kate Friedman. We will conclude with the planning session that I talked about earlier today. While we are in the home stretch, so to speak, there are still a number of informative and extremely important sessions yet to be presented.

I know this evening, as we pause for a moment to honor Henry King,<sup>4</sup> we have already broken Henry’s rule. We are running a little bit late today, and he was a stickler for the time. I mentioned yesterday that this was a period of mixed emotions for a number of us, as we were starting this conference for the first time without Henry.

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<sup>1</sup> *About the Institute - CUSLI Staff*, CAN.-U.S. L. INST., <http://cusli.org/about/staff.html> (last visited Nov. 7, 2010).

<sup>2</sup> *About the Institute - History*, CAN.-U.S. L. INST., <http://cusli.org/about/history.html> (last visited Nov. 7, 2010).

<sup>3</sup> *Conferences and Events Upcoming Conferences*, CAN.-U.S. L. INST., <http://cusli.org/conferences/annual/index.html> (last visited Nov. 7, 2010) [hereinafter *Conference*].

<sup>4</sup> *Henry T. King, Jr.*, CAN.-U.S. L. INST., [http://cusli.org/news/news\\_king.html](http://cusli.org/news/news_king.html) (last visited Nov. 7, 2010).

On the one hand, Henry is not with us. Throughout this week, we discussed the ways that we are honoring his legacy, both within the law school in terms of physical developments, and in the community through a number of initiatives to honor his legacy in terms of his name. I hope you have had the opportunity, as Dean Rawson<sup>5</sup> advised, to stop by our library to see the permanent display to Henry.

On the other hand, as we witnessed this weekend, this is also a new era for our Institute with the appointment of our new co-chairs. Last night set the perfect tone for both this conference and our Institute in terms of Governor Blanchard and Minister Peterson and their leadership of our Institute.<sup>6</sup> They were here bright and early at 7:30 a.m. for our Executive Committee meeting, already planning next year's conference.

Those of you that knew Henry know that he loved the morning. Henry was up every day at 4:00 a.m., reading a few papers. Some of you were on the receiving end of those 5:30, 6:00, and for me 6:30 a.m. calls every day for the fifteen years that I knew him: "Dan, did you read this in the New York Times?" Trust me, I had not read the New York Times at that moment.

The stories are legendary. When I worked at the United States District Court for the Northern District of Ohio, I would run through the halls to answer the phone at 6:30 a.m. in the morning when it was Henry. The United States Marshals still have it all on videotape: me diving for the phone. If I missed the call it would roll to voicemail, and a few minutes later it would be Henry: "Dan, I am worried about you. Why are you not in the office at 6:30 a.m.? Are you taking a day off?"

As much as Henry loved the morning and savored every day, the evening was his time to shine. While throughout this weekend we have made tribute to Henry, as we move forward with our Institute, we pause in the present to reflect on the past. Some of my favorite moments of Henry, as I have stated on a number of occasions, were sharing a drink with him at an airport or on an airplane. There are some famous stories.

I know a number of you have heard this, but one of my favorite stories is when Mike Robinson, Larry Herman, and Jim Blanchard hosted an event in Toronto in March when there was a snow storm, but Henry and I had to be in Ottawa. He had an Honorary Council meeting; I forget what I was doing up there. It was a typical March day in Ottawa: there was about two feet of snow on the ground. We were sitting in the Ottawa airport, and we had to get to Toronto for a CUSLI event.

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<sup>5</sup> Robert H. Rawson Jr., JONES DAY, <http://www.jonesday.com/rrawson/> (last visited Nov. 7, 2010).

<sup>6</sup> *Executive Committee and Advisory Board*, CAN.-U.S. L. INST., [http://cusli.org/about/advisory\\_board.html](http://cusli.org/about/advisory_board.html) (last visited Nov. 7, 2010) [hereinafter *Advisory Board*].

As we were boarding the plane, they announced that this would be the last plane to leave Ottawa that day. As we were sitting on the tarmac, the captain said there would be a fifty percent chance that the plane would land in Toronto, meaning that the plane might be coming back to Ottawa. As we were in the air, I just hear Henry laughing hysterically. He looks at me, and I said, “Henry, what’s so funny?”

He said, “At my age, fifty percent chances are not so bad.” That was one of the countless stories that we all share about Henry.

Some of my favorite moments, in the thirteen years that I have been around the conference, were at this time of the night. For a number of years, as you may remember, we had a panel in the evenings. We had to stop doing the Saturday evening panel because we would inevitably bring wine. The transcript of the Q&A for that evening panel was always fun to read.

I remember other times walking Henry over to the Glidden House. Here was an individual in the seventh and eighth decades of his life that was just inspired and would say, “Did you hear what Dick Cunningham said today? Did you hear what Michael Robinson said? Dan, next year, we have to do this.”

He was invigorated in a way unlike any other. It was like looking at a young school boy with energy. He would say, “Boy, Dan, was that wine not good tonight?” Of course, we would all smile and laugh and have a quick drink at Glidden House, and then he would be off to bed. In tribute to Henry, again, and with the memories that I have of these evenings, I think it is fitting that Henry’s family honored him with a memorial service at the end of May, following his passing. Our law school honored Henry in September, and while many of you that participated in that event are here tonight, we thought it would be appropriate to show a few clips of that event and remember the individual that created this conference. With that, we will now take a few minutes to watch the video.

*Michael Scharf*

MR. SCHARF: I always get choked up when I see that. Media Vision did very a nice job. As you saw from the video, if you do not know me, I am Michael Scharf.<sup>7</sup> I am now wearing one of the hats that has Henry’s name on

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<sup>7</sup> *Michael P. Scharf*, CASE W. RES. U. SCH. L., <http://law.case.edu/FacultyResearch/MeetOurFaculty/FacultyDetail.aspx?id=142> (last visited Nov. 7, 2010).

it: I direct the Henry T. King War Crimes Research Office.<sup>8</sup> In addition, I am the director of the Frederick K. Cox International Law Center.<sup>9</sup>

Henry was humble, but not so much that he would not love the fact that all these new institutions and conferences carry his name. I think he would really like the fact that we have named this next honor after him. Dan has asked me to present this award to George Brown, who is the field representative of George Voinovich,<sup>10</sup> our distinguished senator, who also is a first son of Cleveland and mayor of our great city, governor of our great state, and now a wonderful, wonderful senator. He has been such a great friend to this Institute.

The Canada-United States Law Institute (CUSLI), Case Western Reserve University School of Law, and The University of Western Ontario Faculty of Law present the Henry T. King, Jr. Award to United States Senator George V. Voinovich. CUSLI established the Henry T. King Jr. Award in 2009 to recognize individuals and entities that capture Henry's spirit of lifetime advocacy for Canada-United States relations, the rule of law, and public service. CUSLI honors and thanks Senator Voinovich for more than four decades of service to Cleveland, Cuyahoga County, Ohio, and the United States. CUSLI further honors the Senator's tireless championing of Canada-United States relations and the Great Lakes region. As co-chair of the Senate Great Lakes Task Force,<sup>11</sup> he introduced the Great Lakes Legacy Act of 2008<sup>12</sup> to clean up contaminated areas, and he opposed operation of the Devil's Lake outlet.<sup>13</sup> He has been a strong proponent for strengthening homeland security while also supporting Canada-United States trade and economic interests, as evidenced by his work on the Western Hemisphere Travel Initiative. Of greatest significance, the Senator believes in dialogue and has been a long-standing member of the Canada-United States Inter-Parliamentary Group. This 9th day of April, 2010 it is our honor to present this to you to give to the Senator. Thank you.

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<sup>8</sup> *Henry T. King, Jr. War Crimes Research Office*, FREDERICK K. COX INT'L L. CENTER, [http://law.case.edu/centers/cox/war-crimes/content.asp?content\\_id=128](http://law.case.edu/centers/cox/war-crimes/content.asp?content_id=128) (last visited Nov. 7, 2010).

<sup>9</sup> *About the Center*, FREDERICK K. COX INT'L L. CENTER, [http://law.case.edu/centers/cox/war-crimes/content.asp?content\\_id=26](http://law.case.edu/centers/cox/war-crimes/content.asp?content_id=26) (last visited Nov. 7, 2010).

<sup>10</sup> *About Senator Voinovich*, U.S. SENATOR GEORGE VOINOVICH, <http://voiovich.senate.gov/public/index.cfm?FuseAction=AboutSenatorVoinovich.Biography> (last visited Nov. 7, 2010).

<sup>11</sup> *Id.*

<sup>12</sup> See Press Release, George V. Voinovich, U.S. Senator for Ohio, Voinovich and Levin Introduce Great Lakes Legacy Act of 2008 (May 8, 2008), available at [http://voiovich.senate.gov/public/index.cfm?FuseAction=NewsCenter.PressReleases&ContentRecord\\_id=ca1579a4-0c93-4571-0605-13b16e892c4c](http://voiovich.senate.gov/public/index.cfm?FuseAction=NewsCenter.PressReleases&ContentRecord_id=ca1579a4-0c93-4571-0605-13b16e892c4c).

<sup>13</sup> See *Canada Lobbies Against Flood Plan for Devil Lake*, HILL (May 24, 2005, 7:00 PM), <http://thehill.com/business-a-lobbying/2791-canada-lobbies-against-flood-plan-for-devils-lake>.

MR. BROWN: Thank you, Michael.

MR. SCHARF: Now, George will say a few words on the Senator's behalf.

ACCEPTANCE OF THE HENRY T. KING, JR. AWARD ON BEHALF OF  
SENATOR GEORGE VOINOVICH

*Speaker – George Brown*

MR. BROWN: Thank you, Michael, for presenting me with this award to present to Senator Voinovich. Unfortunately, Senator Voinovich is out of the country on some international travel, but I know that Dan is working with our office, and we are looking forward to Senator Voinovich receiving this himself at a ceremony in the near future. I will be sure to make sure that Senator Voinovich receives this, and I know he is looking forward to receiving it in person in Washington, D.C. as well.

On behalf of the United States Senator George Voinovich, it is a real honor to be able to be here at such a great program and for such a wonderful man like Henry King, and to be able to receive this on the Senator's behalf. To Case Western Reserve University and to the Institute, thank you very much on behalf of Senator Voinovich.

REMARKS IN MEMORY OF HENRY T. KING, JR.

MR. SCHARF: Now, I want to say just a few words about the pamphlet that everyone has in front of them. This is the Henry T. King, Jr. International Law Studies Honorary Fund<sup>14</sup> pamphlet. In it you will find your own copy of the DVD, and we hope that you will play it again whenever you want to think of Henry and share it with other people.

We also have this available on the Internet, and you can give people the website if you want. There are descriptions of Henry, his biography, the things that he meant to all of us, and the institutions that he helped build. Henry, before he passed on, was very concerned about making sure that the Canada-United States Law Institute (CUSLI),<sup>15</sup> the Niagara Competition,<sup>16</sup> this Conference,<sup>17</sup> and all the other things that he helped create would live on past his lifetime.

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<sup>14</sup> *Henry T. King, Jr. International Law Studies Fund*, CASE W. RES. U. SCH. L., <http://law.case.edu/Support/HenryKingFund.aspx> (last visited Nov. 7, 2010).

<sup>15</sup> CAN.-U.S. L. INST., <http://cusli.org/> (last visited Nov. 7, 2010).

<sup>16</sup> *Niagara International Moot Court Competition*, CAN.-U.S. L. INST., <http://cusli.org/niagara/index.html> (last visited Nov. 7, 2010).

<sup>17</sup> *Conference*, *supra* note 3.

As you know, he probably called each and every one of you to try to fundraise. Henry was a tireless fundraiser, and he knew that nobody was going to have the moral authority that he did to twist your arm to constantly get the money. What he wanted us to do was create a fund that would endow CUSLI, endow this Conference, endow the Niagara Competition, and endow scholarships in his name so that we could launch the next generation of Henry Kings that would make a difference in the world. That is not going to happen unless everybody that is in this room and everybody you know, and everybody you know who knows somebody who was touched by Henry or cared about Henry or believed in what Henry believed in, will give money to this fund. I recently opened up my checkbook and gave something that was ten times more than I had ever given to any charity. My wife is still worried about how we are going to pay the taxes this year.

But I want you all to please, hopefully right now while you are in the giving spirit, think about filling this envelope with a check and not go home and think about doing it. This is part of the future of this organization. It is only going to survive and grow on the strengths that Henry gave us, and the new strengths under its new leadership, if you all help us with this. Having seen his video and thinking about this, I ask you to please help us out. With that, I turn this back over to Dan, and I thank you all.

MR. UJCZO: Thank you, Michael. As Michael mentioned, our Henry T. King, Jr. International Law Studies Fund is designed to promote our international law programs, including the collaboration in our Case Global Programs between the Canada-United States Law Institute, our Frederick K. Cox International Law Center, and our Institute for Global Security Law and Policy touching on all of these areas. As you know, and as I have repeated on several occasions today, our Institute is inherently bilateral. It is jointly owned by two universities, and it is only fitting that our colleagues at The University of Western Ontario Faculty of Law are carrying Henry's legacy forward, carrying this Institute forward. It is my great pleasure to introduce our colleague from The University of Western Ontario Faculty of Law, our Canadian director, Chi Carmody,<sup>18</sup> who will discuss with you the ways that we are carrying this forward with our friends in London, Ontario.

MR. CARMODY: Thanks very much, Dan. It is a great pleasure and a great honor to be here this evening to recognize the memory of Henry T. King.

Henry was somebody who I immediately became acquainted with when I became a junior faculty member at Western about a decade ago. He was somebody who struck me as a person of tremendous vision. He had a vision

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<sup>18</sup> *Chi Carmody*, UNIV. W. ONT., <https://www.law.uwo.ca/lawsys/pages/contents.asp?contentName=Instructors&contentFileName=ccarmody> (last visited Nov. 7, 2010).

not only for his country, but also for our countries together—for Canada and the United States as countries, as neighbors, as representatives of the largest trading partnership in the world.<sup>19</sup> He knew that we shared a common path in many respects, but that at times we might diverge, and that it was important for us to continue a pattern and a tradition of discussion and debate about our respective paths. Henry was tremendously committed and tremendously aware of the possibility that we needed to continue to work together, to discuss together, to think together, and to work together.

Despite the fact that this age seems to be more interconnected than ever before, we are in some ways curiously distant from each other. That is why conferences of this type and activities of the type that are managed by this Institute continue to be so very important. In thinking about all of these things, we at The University of Western Ontario Faculty of Law have continued to work to create a funding base for the future. In the next couple of days, we will be creating a university-wide Canada-United States Institute which will look after joint programming across the university campus on the issue of Canada-United States relations.

I am very pleased to say that the legacy of Henry King will continue to be a strong part of that. Next Tuesday in Washington, we will have a series of events both at the Woodrow Wilson School, Washington Campus, and at the Canadian Embassy to kick off the activities of the Institute, and also to recognize the terrific contribution and legacy of Henry T. King, Jr. We are very proud to be part of this Institute, and we continue to look forward to working together with it for many, many years to come. Thank you very much.

#### ANNOUNCEMENT OF 2010-2011 CANADA UNITED STATES LAW INSTITUTE AND CANADA UNITED STATES LAW JOURNAL STAFF

MR. UJCZO: I just wanted to raise three points before we conclude. I wanted to do a quick round of introductions for some folks that have just come into the room. We have done introductions throughout the day, but I do want to acknowledge the arrival earlier today of one of our Executive Committee members who was announced earlier: Don Cameron of Troutman Sanders in Washington, D.C.

In leading our Institute forward, Don joins Rick Newcomb, Dick Cunningham, Michael Robinson, Jim McIlroy, Larry Herman, Selma Lussenburg, and our new co-chairs, the Honorable Jim Peterson and the Honorable Jimmy Blanchard, as Jim Peterson calls him,<sup>20</sup> as well as the Associate Dean for Development at Case Western Reserve University School of

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<sup>19</sup> *Canada-U.S. Trade Relationship*, U.S. COM. SERV., U.S. DEPARTMENT COM., <http://www.buyusa.gov/canada/en/traderelationsusacanada.html> (last visited Nov. 7, 2010).

<sup>20</sup> *Advisory Board*, *supra* note 6.

Law, Joyce Garabrant,<sup>21</sup> who many of you will have the opportunity to meet in the coming days. To all of you, I thank you for your leadership as we continue forward.

Henry's greatest legacy, of course, is represented by the individuals in this room. Henry touched all of our lives in a number of ways. I know a number of us, including the individual standing before you, have contacted Henry during the high points in our lives. Henry was the best of friends when you were on your highs; he shared those with you and truly had enjoyment that someone else was experiencing a success.

I remember when one individual in this room had experienced a great verdict in a case, Henry called me and said, "Dan, did you see this? We have to call him and get him to join the Institute." That was typical Henry.

As with any great friend and family member, Henry was also there in the times of trials and tribulations that we all experience in our lives. As I look around at so many people, I know as we have been there, we all gave Henry King a call saying, "I just do not know what I am going to do." Or, as Rick mentioned last night, when we were making career decisions, we would call Henry, and he was the shoulder that we all leaned on.

There are legions of individuals that have come through this law school and beyond that Henry touched. As we look out today, Henry's legacy not only rests in this Institute and with all of us in this room, but with our students that are here today as we carry forward, exposing successive generations not only to the importance of Canada-United States relations to the international relationship, but also instilling that spirit of professionalism and collegiality that Henry captured and spread throughout our generations.

With that, I do want to thank a special group of people that will be leaving these hallowed halls of Case Western Reserve in just a few weeks, our third-year students.

When you registered today, all of you received a copy of our Canada-United States Law Journal. The next issue of the journal will be celebrating the work that Henry King did, along with Brad Smith, Louis Sohn, and a number of others on the Joint Working Group of the American Bar Association, Canadian Bar Association, and Barra Mexicana for the Settlement of International Disputes.

The group that led the publication of that Journal are the following third-year students: editor-in-chief, Carl Brooker; managing editor, Mandie Koeth; publication editor, Kuangshi Cao; and production editor, Steve de Eyre.<sup>22</sup>

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<sup>21</sup> *Id.*; see also *Contact Us*, CASE W. RES. U. SCH. L., <http://law.case.edu/Alumni/ContactUs.aspx> (last visited Nov. 7, 2010).

<sup>22</sup> *Past Law Journal Editorial Boards*, CAN.-U.S. L. INST., <http://cusli.org/lawjournals/pastboards.html#year2009-2010> (last visited Jan. 1, 2011).

As we look toward next year, there is a team here and, for those of you who have been speaking, these will be the folks that you will be getting e-mails from as we get the transcripts from our great court reporting service at Mizanin Court Reporting. They will clean up the transcript and get this to you over the summer, in addition to hounding you until you get your cites and checks in. The folks that are doing the work are editor-in-chief, Christian Sorensen, managing editor, Sarah Antonucci, publication editor, Matt Dodd, production editor, Alexis Parker, managing articles editor, Meagan Bielamin, and managing notes editor, Matt Bechtold.<sup>23</sup> These names will become familiar to you. As you undoubtedly witnessed throughout, these are the folks that are carrying the microphones, driving Governor Blanchard and others to the airport in the hailstorm today, and these are the individuals that really carry forward the legacy that we have.

Now, as we wind down, Henry King had a famous phrase that he used on many occasions. It is one that I think of on most nights before I fall asleep. As David Crane mentioned, Henry would stand at the podium and slam at the desk, but he would always conclude every speech with, "You must reach for the stars."

One day I said, "Henry, why do you always say that? I do not quite understand it." He responded, "Dan, when you reach for the stars, you gain everything. If you do not reach, what do you lose? You just land back on the ground."

I thought to myself, that is the way to live life. That is the lesson from Henry King. As we move forward as an Institute, as well as individuals, I encourage all of us to carry forward that legacy as we reach for the stars and go forward. With that, enjoy the camaraderie and professionalism of this weekend, and we look forward to seeing you tomorrow at 9:00 a.m. Thank you.

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<sup>23</sup> *Canada-U.S. Law Journal Editorial Board 2010-11*, CAN.-U.S. L. INST., <http://cusli.org/lawjournals/lawjournal.html> (last visited Jan. 1, 2011).

