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January 2008

## Conference Introduction and Welcome

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### Recommended Citation

Dan Ujcz and Henry T. King Jr., *Conference Introduction and Welcome*, 33 Can.-U.S. L.J. 1 (2007)  
Available at: <https://scholarlycommons.law.case.edu/cuslj/vol33/iss1/5>

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## CONFERENCE INTRODUCTION AND WELCOME

*Dan Ujcz*  
&  
*Dr. Henry T. King, Jr.*

MR. UJCZO: Good morning. I am Dan Ujcz, the Assistant U.S. Director of the Canada-United States Law Institute, and it is my great privilege and pleasure to welcome all of you to the 2007 Canada-United States Law Institute Annual Conference: Comparative Legal Aspects of Entrepreneurship in Canada and the United States.

As many of you have been here for five, ten and in several instances we have people who have been here all 23 years of the Conference, you know that we run a pretty tight schedule, bell included. So the biographical information of all of the speakers this morning, as well as the most updated schedule, is presented in this program – this six by nine that was available at the registration desk. This is about as up-to-date as we possibly could have it. It came from the printer last evening.

I think there is one speaker change, which you will be apprised of tomorrow. Likewise, at the registration desk, there are the Conference materials – available at the front desk as well. This has background information for all of the sessions that we are having.

As many of you are aware, this event has been approved by the Supreme Court of Ohio for 17.5 hours of Continuing Legal Education credit. The Supreme Court of Ohio is fully electronic right now so the process has changed a bit; there are no more bubble cards for those of you that are familiar with that process. The CLE registration desk is outside in the front as well, and that will be done electronically.

In terms of logistics, for those of you that drove in from Cleveland, Northeastern Ohio, or elsewhere, parking is available across the street at the Cleveland Botanical Gardens. Keep your ticket with you at all times and they will validate you on your way out. That is complementary parking. I know many of you are staying at the Glidden House. There is also parking available there for the guests that are staying there.

For those of you that have been with us as in the past, you recognize this morning is a breach of our customary tradition of opening the event with the founder of the Canada-United States Law Institute: Sidney Picker. Sidney is enjoying retirement in beautiful Sanibel, Florida, and he expresses his regrets for not being here. But he has also resigned from the Board as he is focusing his energies on training young lawyers and judges in the Russian Federation.

So it is my charge this morning to talk a bit about the Canada-United States Law Institute and then quickly turn it over to Henry King to introduce the Conference and our first panelists.

The Institute was created and founded in 1976 by Case Western Reserve University School of Law and the University of Western Ontario Faculty of Law. At that time, it was the only program sponsored by two law faculties, one in Canada, and one in the United States. The innovation of the Institute at that time was that the two law faculties adopted the curriculum of the other law school. Even to this day, any course offered at Western is a course offered at Case and visa versa. We spent all of our money on branding, becoming Case, and Western spent all of its money becoming Western, and at the Institute, we are right back to being Case Western.

And what that adoption of the curriculum allows is that our students can freely transfer and exchange between the two law schools for one semester. All of their credits and grades transfer back with them as well. Our faculty freely exchanges between the two law schools; Richard Gordon, who is just joining us, has just returned from a visit to the University of Western Ontario.

We also publish the *Canada-United States Law Journal*, which is available for all of you outside at the registration table. That's published twice yearly. One is the proceedings of this event, the Annual Conference. Everything is on the record, and it is not uncommon to have calls immediately after the conference saying could you strike that from the *Journal*.

We also publish articles that are submitted by scholars, practitioners primarily, as well as our students – from students not only from the two law schools but throughout Canada and the United States that publish scholarly research – we will publish it in the *Journal* as well.

The Institute was designed to be an academic program, but from its earliest days, it sponsored events such as these: conferences for the public and private bars in each country as well as government officials, industry leaders, the media and other scholars. Indeed, one of its first conferences was the first time that a sitting Supreme Court Justice of the Supreme Court of Canada and Supreme Court of the United States sat on the same panel. It was the first time in history since 1981 at the Institute.

But the Institute experienced great success in 1983 when Henry King came not only from his days at the Nuremberg Tribunals but also from TRW and brought with him his professional and personal experience to the Institute and launched a three day – at that time two and-a-half day – retreat type conference: the Annual Conference.

For the past 23 years, it is the predominant forum in Canada-U.S. relations where, again, government officials, industry leaders, businesspersons, legal practitioners, scholars, and the media assemble to

address the issue of the day. While we focus on law – and we mentioned this a bit last night because we are a law institute – it allows us to address any of the myriad of issues confronting the Canada-United States relationship, whether it be trade, the FTA, NAFTA trade and services, but also the environment, Great Lakes, the energy and now, certainly in the world in which we now live, security.

Now, that, in sum, is the Canada-United States Law Institute. We have launched a number of programs in the past year. Each law school is proud to have a Canada-U.S. based curriculum. We sponsor student exchange programs. The University of Western Ontario has, I believe, 17 exchanges throughout schools in North America. Case Western has programs throughout the world but also the exchange program between our two law schools as well as the University of Ottawa, both common and civil law programs. We, again, publish the *Canada-United States Law Journal*, and we host events in Toronto, Washington, Vancouver, and we are looking at programs in Calgary as well. So you not only have to be in Cleveland, we will be coming to you and will continue to do so.

Before turning it over to Henry, I know that some of you arrived before delivery of a box. All of you, beyond the materials I just described in the *Canada-U.S. Law Journal*, there is a bag here that has a portfolio and a Canada-U.S. based pin and our favorite new logo. It is meant to be two sails by the way. That was the graphic design. I have been learning all about graphic design in the past year.

So without further ado, I will again welcome you, but I will now turn it over to the lifeblood of the Canada-United States Law Institute, its U.S. Director, Henry King.

DR. KING: Thanks, Dan. And I don't think Dan's very unusual ability and special contribution to the work of the Institute should be overlooked.

I am going to begin by opening this conference with a few remarks and then introduce the program. Canada and the United States share an entrepreneurial spirit that has rendered our two nations as leaders in the global economic environment. In order to remain economically competitive in the years to come, Canada and the United States must continue to cultivate a society of entrepreneurs.

Throughout this two-day conference, the Canada-United States Law Institute will bring together leading entrepreneurs, legal experts, government officials and scholars to explore the current state of entrepreneurship in our two countries. Panelists will examine entrepreneurial ventures from the manner in which to structure the venture, securing financing, recruiting and retaining entrepreneurs, protecting intellectual property, capitalizing on IPOs, and exploring governmental sources of support. The Conference will also feature remarks from highly successful entrepreneurs.

As in the past, the Conference proceedings will be published in the *Canada-U.S. Law Journal*, the leading academic journal focusing on the Canada-U.S. legal relationship.

Now I turn to the substance of our program. First of all, we'll be drawing the broad strokes in dealing with the relationship of entrepreneurship to economic growth, job creation, and wealth creation. I will be chairing this session with David Morgenthaler, who is a founding partner of Morgenthaler Ventures in Cleveland, Ohio, and H. Douglas Barber, former president and CEO of Gennum Corporation in Ontario. They will be our speakers.

Our next session will deal with structuring entrepreneurships. We'll be dealing with forms of entities, management provisions, and alternative dispute resolution provisions, et cetera. Here, Gail Lilley of Blake, Cassels & Graydon in Toronto and Michael Wager of Squire, Sanders & Dempsey in Cleveland will be our speakers. The session will be chaired by Silvana Alzetta-Realì, Coca-Cola's Vice-President and Divisional Counsel in Toronto.

The luncheon speaker will be A. Malachi Mixon, Chair and CEO of Invacare Corporation in Elyria, Ohio. He will discuss what it means to be an entrepreneur. This session will be chaired by Lawrence Herman of Cassels, Brock & Blackwell in Toronto.

Our early afternoon session will deal with private financing of entrepreneurships. Our U.S. speaker will be Morton Cohen, Chairman and CEO of Clarion Capital Corporation of Cleveland and our Canada speaker will be David Woolford, a partner in Cassels, Brock & Blackwell in Toronto.

Our late afternoon session will deal with government assistance to entrepreneurship. Here, John Connell of Industry Canada and Gilbert Goldberg of the Cleveland Office Small Business Administration will be the speakers. The session will be chaired by Ron Straatsma of Toronto.

Our evening session on the first day of the Conference will be devoted to a case study of a successful private entrepreneurship. Substituting for Mike Lazaridis of Blackberry will be Bill Davies of Barbados representing Blackberry. The session chairman will be Dick Cunningham of Steptoe & Johnson in Washington, D.C.

The second day of our conference will open up with a few remarks from Dan Ujcz, Assistant Director of the Canada-U.S. Law Institute. And our first full session will deal with people aspects of entrepreneurship. Our U.S. speaker will be Benjamin Jeffers of Dykema Gossett in Detroit and our Canada speaker will be John Craig of Heenan Blaikie in Toronto. Jerry Torma of Nordson Corporation of Cleveland will chair this session.

Our second session on day two will deal with the importance of venture capital in promoting entrepreneurship. Here our U.S. speaker will be Cathy Bosworth-Horton with the Beta Strategy Group in Cleveland, and our Canada speaker will be Brad Cherniak of Sapient Capital Partners in

Toronto. Professor Daniel Sandler of the University of Western Ontario will chair this session.

On day two of our conference, Robert Hisrich of Thunderbird School of Management in Glendale, Arizona will be our speaker, and he will discuss where the U.S. and Canada stand vis-à-vis other countries regarding entrepreneurship. James McIlroy will chair this session.

Our early afternoon session on day two will deal with intellectual property aspects of entrepreneurship. Here Diana Dobrea, a partner with Calfee, Halter & Griswold in Columbus, Ohio, will be our U.S. speaker, and our Canada speaker will be James Longwell of Gowling, Lafleur, Henderson in Toronto. Professor Raymond Ku of Case Western Reserve University will chair this session.

Our late afternoon session on day two of the Conference will be capitalizing on the success of entrepreneurship. Elizabeth Dellinger of Baker & Hostetler in Cleveland will be our U.S. speaker, and Anthony Penhale of Stikeman Elliott in Montreal will be our Canadian speaker. This session will be chaired by Professor Richard Gordon of Case Western Reserve University.

Our final substantive session will deal with entrepreneurship, business and government. Here the Honorable Eddie Francis, Mayor of Windsor, Ontario, will be our featured speaker. This session will be chaired by Charles Magerman of Baker & McKenzie in Toronto.

We shall have a very brief roundup session to end the conference, which will deal with where we go from here, and I will chair that session.

