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HENRY KING REMEMBERED

Sidney Picker, Jr.[†]

In 1969, I was brought to Cleveland and Case Western Reserve Law School in Cleveland, Ohio, to be its first full-time faculty member offering courses in the international law area. At the time the subject area was viewed by many (including the occasional colleague) as cosmopolitan fluff ranking somewhere between the Tooth Fairy and the Easter Bunny. Hence, like the motto of my college alma mater, Dartmouth, “Vox Clamantis in Deserto,” I felt in that first year like a voice crying in the wilderness.

Then along came Henry. Henry King at the time was the International Corporate Counsel at TRW, which was headquartered in Cleveland. He was one of the few people I met that year who not only believed in the Tooth Fairy, he gave it teeth. Henry had practiced it in the public sphere (his extraordinary and well-documented experiences at Nuremberg following World War II) as well as in the private international business sector. He had already served as Chair of the ABA’s prestigious International Law Section, no mean feat. In those early days, Henry was therefore one of the few people in Cleveland to whom I could turn when I felt the need for shoulder-cry sessions, and more substantive discussion and feedback on international law and international trade issues.

Indeed, buttressed by the fact that the Cleveland home turf law school had finally committed a faculty position to international law, he felt it was time Cleveland had a practicing international bar association as well. Taking the lead, he organized the “Greater Cleveland International Lawyers Group,” known now by its unpronounceable initials, “GCILG.” When Henry issued the call for its first meeting, we wondered if anyone would come. To our

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surprise, out of the closets they poured. Most were corporate or law firm transnational practitioners who till then had no outlet, no forum to discuss or exchange views on international and related cross-border issues, and each thinking he/she was his/her own “vox clamantis in deserto.” To this day, anyone who attends this now-thriving Cleveland institution knows full well how Henry, with gravel-tinged velvet voice hitched to steel determination, coaxed speakers to Cleveland from around the globe, and then rounded up the usual suspects (his local audiences) to hear them, always to the mutual satisfaction of both. More important, he made international law respectable and provided a “connectedness” network for northern Ohio lawyers dealing with transnational issues. The GCILG today is one of the most active and respected municipal international bar groups in the nation.

I again saw these same skills applied when Henry organized and then led the first ABA international trade delegation to the People’s Republic of China back in 1979, shortly before U.S. recognition. (I had the privilege of being one of four academics he included in that delegation.) The Chinese may have thought they’d be inscrutably in charge of that visit, but they hadn’t met Henry who, with that same silk voice and stainless steel will, saw to it that we met the most amazing and amazingly diverse group of Chinese officials involved directly or indirectly not only in international trade but in China’s struggling law-making and adjudicatory processes.

During these early years, though still TRW’s full-time International Corporate Counsel, Henry became an adjunct faculty member at Case, offering a course in International Adjudication. Adjunct or not, as far as I was concerned he was a colleague, and I, at last, was no longer the sole international law “freak” on the faculty.

My more sustained relationship with Henry developed with the Canada-U.S. Law Institute. Its origin began in the early ’70s when I was asked by the American Society of International Law (ASIL) to do a regional conference at Case on any subject I wanted. Figuring Cleveland was really a “border city” with Canada, I chose a U.S./Canada subject, but, knowing nothing about Canada in those days except its general northerly direction, I was in need of assistance. Who better than that master adviser, the King himself. With guidance from Henry and the Canadian Embassy, I organized a program on North American Energy. So successful was it that the ASIL asked me to do another the following year, and once again, with the help of the same team, we put together a second conference, on Canada-U.S. Trade.

The surprising success of these two conferences convinced me that there was a need for a permanent organization to study and explore the ongoing U.S.-Canada relationship. At the time, no North American law school focused ongoing attention on the relationship, notwithstanding the fact we were already each other's biggest trade, investment and defense partner. In order to avoid any appearance of an American law school patronizing Canada, my idea was to "marry" a Canadian law school, that is, jointly develop a bi-national program rather than one school on one side of the border doing it alone. Thus, two law schools, one on either side of the border, acting in partnership would together set up machinery to explore legal aspects of the Canada-U.S. network of relationships and also use each other for comparative law purposes. With the help of Canadian and U.S. government grants, the wholehearted support of my Case colleagues, and Henry sitting on my shoulder like a professional Jiminy Cricket, part adviser/part cheerleader, in 1976 Case and the University of Western Ontario, established CUSLI, that is, the Canada-U.S. Law Institute.

I served as its first U.S. Director till the early '80s when it became necessary to devote myself more to my full-time faculty duties. The Institute was by then well established with academic programs (student and faculty exchanges), scholarly activities (including research sponsorship), conferences (at the two participating law schools as well as in Toronto), and the publication of the Canada-U.S. Law Journal, principally with the support of private foundations in both countries, as well as ongoing support from the Canadian government. Its highpoint was a 1979 conference comparing the role of the two country's Supreme Courts which, for the first time in each country's history, formally brought together justices from those two courts, the Hon. Potter Stewart from the U.S. and the Hon. Brian Dixon from Canada.

However, the Institute had not established a viable ongoing relationship with the business, commercial and financial communities in both countries. And just at that magic moment, there was Henry then in the process of retiring from TRW. I took this as a sign. As a former Chair of the ABA's International Section, as well as Chair of the Joint American Bar Association/Canadian Bar Association Working Group on the Settlement of Disputes between the two countries, no one seemed better connected to precisely the communities I felt the Institute needed to reach out to, and no one better qualified to organize them. As an international law practitioner Henry was firmly plugged into the hurly-burly of the real world. But,

both because of his adjunct teaching experience at the law school and even more significant, his work at Nuremberg, Henry brought with him as well the scholarly intellectual skills academic institutions so prize.

I knew that on retiring from TRW Henry had worked out a special consulting relationship with one of Cleveland's largest law firms, but, figuring he would not be satisfied with that alone, I persuaded him to succeed me as U.S. Director while simultaneously talking the law school into creating a unique ongoing half-time full-professor position for him, both as CUSLI's full-time U.S. director and half-time teacher (offering one course each semester).

That is how Henry became a part of the Law School family. What he did thereafter is history. Basically, he took the Institute to new heights, using as a base the establishment of a three-day annual conference format on subjects focusing on the special Canada-U.S. economic relationship, more intensive and extensive than anything done before. (The Institute had earlier experimented with the format when Case's Prof. Ronald Coffey organized a Comparative Corporate Government conference in 1981.) With Henry's connections to the private, corporate and public bars in both countries he obtained world-class panelists, assigned them topics, intimidated them into thorough preparation at the probable expense of their regular jobs, and then, employing the same skills he utilized with the GCILG, rounded up an equally impressive group of attendees who were now also expected to read the prepared materials and participate. The conferences themselves went off with the precision of a Metropolitan Opera Simulcast. Whips were cracked, deadlines met, time limits adhered to, materials read and digested, absences forbidden without a doctor's certificate, and somehow everyone adored him for his genteel intimidation and precision as much as his exquisite professionalism.

These became "Henry Conferences," like none other. Year by year their reputation grew till, as we all know, they became legend. Key government players and departments in both countries, as well as major law firms and world class corporations, felt it mandatory not to miss a "Henry Conference." Those conferences created the critical mass that connected the academic with the public and private practicing professional communities. They tapped into the special windows of expertise only such professionals could provide, combined with the intellectual and academic independence only universities offer, to provide a level of quality and integrity unavailable through any other forum in either country. The merger

of the two communities was institutionalized with Henry's transformation of the actively involved and functioning Institute Advisory Board from a simple pool of individual advisors into an actively involved and functioning entity. Henry had succeeded beyond my dreams of making the Canada-U.S. Law Institute a part of the professional legal landscape in both countries. That in turn helps both law schools support their academic programs.

We are all going to miss him, and while he seems irreplaceable—he would hate that, as it is so contrary to our shared belief that no organization can be successful if dependant on a single person—I draw hope from the fact that the Institute has attained such a self-sustaining momentum that, with the ongoing support of both participating law schools as well as the Advisory Committee Henry left behind, it will continue to thrive and expand in the indefinite future.

