

October 18, 2021

Loeb Boathouse, Central Park

New York, NY

Remarks of Steven T. Kargman on the Occasion of the Hon. Charles G. Case II

Receiving the III Founder's Award

I am delighted to pay tribute to tonight's honoree, former long-time US bankruptcy judge for the District of Arizona, the Honorable Charles G. Case II (as the award says) but known affectionately by everyone far and wide simply as Chuck.

Chuck has had one of those exemplary careers in our chosen field—a career in which he has seemingly covered all of the possible bases: practicing lawyer, judge, advisor on foreign insolvency law reform, author of numerous articles, speaker at countless professional conferences, law professor at many universities in the US and abroad, and instructor and trainer in insolvency law and commercial law for professionals and judges in innumerable countries around the globe.

Chuck began his legal career in his hometown of Phoenix, Arizona and was a partner at two of Phoenix's top law firms. He was then appointed in 1994 as a US Bankruptcy Judge for the District of Arizona. He had an incredibly distinguished career on the bench in a tenure spanning two decades.

Chuck was known as a fair-minded, thoughtful judge who was good-humored and patient with the parties before him but yet was firm when necessary and who was always practical and made every effort to get the parties to reach a consensual solution. Parties appearing before Chuck knew he would always be extremely well-prepared and would always have a thorough understanding of the record and the state of the play of the case before him.

As one attorney who appeared before Chuck in his courtroom told me, “Chuck had an uncanny ability to defuse contentious situations and was able to appeal to everyone’s good judgment and better angels. Chuck was a commanding but calming presence in the courtroom.”

Chuck served by designation on the Bankruptcy Courts of Delaware and, believe it or not, Guam as well. He was also very active in the activities of the Ninth Circuit, having served *pro tem* on the Bankruptcy Appeals panel and having headed the planning committee for the Ninth Circuit annual conference.

Importantly, Chuck’s career has been defined by giving back—he has made so many contributions to the profession that it is hard to enumerate all of them here. Chuck has been involved in a myriad of professional organizations, and, significantly, has played a leadership role in many of those organizations.

For example, Chuck served as president of the National Conference of Bankruptcy Judges, was a long-time Board member of the III and has served as a chair of several III committees (more about this later), served as chair of the two main international

committees of the American College of Bankruptcy, served as a former director of the Harvard Alumni Association and, probably one of his sentimental favorites, served as a former director of the Harvard Glee Club Foundation. And, finally, after Chuck relocated from Phoenix to idyllic Santa Fe, New Mexico following his retirement from the bench, Chuck quickly assumed several leadership positions in the Santa Fe Council on International Relations, culminating in his recent service as President of the organization.

I would be absolutely remiss if I did not mention the invaluable work Chuck has done visiting dozens of countries around the world—a list of countries with names that run practically from A to Z—training insolvency practitioners and judges and advising governments in developing countries and emerging markets on insolvency law and commercial law reform.

Chuck has not only had an important impact on the laws of many of these countries, but in carrying out this work he has also inspired so many professionals and judges around the world.

Needless to say, Chuck has received his fair share of accolades, including for example receiving the Outstanding Alumnus Award from his alma mater, the Sandra Day O'Connor College of Law at Arizona State University, and being recognized not once but three times as one of the top ten outstanding bankruptcy judges in the US.

I have seen up close Chuck's leadership style in action in several organizations, most notably in connection with the III and the American College of Bankruptcy.

Just to focus for a moment on the III, roughly a decade ago Chuck was asked to lead a project to develop a corporate governance blueprint for the III as it matured as an organization and entered its second decade of existence. I had the good fortune of working alongside Chuck on this project, a project that was very important, if not critical, for laying a solid foundation for III's future. I can therefore personally attest to the fact that Chuck spent countless hours on this project and that he rolled up his sleeves to address the many very difficult—and indeed vexing—issues raised by this assignment.

It was a highly sensitive project—some might have considered it to be one of those quintessentially thankless tasks—but Chuck carried out this assignment with his usual aplomb, equanimity, diplomacy, perseverance, and, not unimportantly, his characteristic good humor.

Thanks to Chuck's tireless and painstaking efforts leading this project, the groundwork was laid for a transition that eventually led to the complete overhaul and reform of the then existing corporate governance structure into a new corporate governance model that effectively underpins how the III operates today.

I would like to conclude my remarks by mentioning what I consider to be two of the major formative influences in Chuck's career.

The first is the Peace Corps: Chuck entered the Peace Corps upon graduating from Harvard, and he spent the bulk of his time in the Peace Corps teaching a number of different subjects in a rural secondary school in Grenada in the West Indies. In the face of the very limited resources and facilities available to them, Chuck and his fellow

teachers had to constantly improvise and figure out how they could nevertheless deliver an excellent educational experience for the students despite the serious obstacles they faced.

I would venture to say that Chuck's experience in the Peace Corps sparked his now long-standing interest in international affairs and foreign cultures and later his interest in cross-border insolvency and foreign insolvency law reform.

The second major influence, of course, has been his family: Chuck has been blessed to have a loving and supportive family, including his lovely and incredibly accomplished wife, Pam, his two daughters, his late parents, and his brothers.

Without further ado, please join me in congratulating our very good friend and colleague, Chuck Case, on receiving the Founder's Award.