

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Richard I. Bloch

NAA President, 2002

Interviewed by Jim Oldham

May 28, 1996

Prof. Oldham interviewing Richard Bloch  
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JO: This is Jim Oldham interviewing Rich Bloch in Toronto on Tuesday, the 28th of May 1996. This interview is in the category of past vice presidents and general boobahs in the life of the Academy and we will follow our customary format of eliciting from Rich first some personal background in order to do the preface before his career as an arbitrator.

RB: I was born June 15th, 1943, in East Orange, New Jersey. My mother and father were both U.S. born of, my mother's family were German immigrants, I think she would have been the first generation American. My father, it was during war time, my father I am told, was kind of a sweet guy who could never hold a job. He sold vacuum cleaners and other varied and sundry things during the war. He died when I was three. I have made a number of attempts to find out how old he was when he died. My mother was never quite sure how old he was. But it's certainly the case that he was in his early forties.

JO: Excuse me, he died of natural causes as the expression goes?

RB: Well yeah, he was ill with diabetes and apparently had some coronary problems along the way, but it was a rugged blow for my mother and she started to work then as a sales woman for my uncle who was in the ladies lingerie business in New York, a pretty successful guy and she was a traveling saleswoman. So she would just hop in her old Chevrolet and travel all over the eastern seaboard peddling this lingerie.

We were part of an extremely tightly knit family and it was quite wonderful in that they were all hunkered down around East Orange, New Jersey. They had all been born and raised in Newark, New Jersey so they had not gone very far. And my mother, after I'm going to guess maybe a year or two doing this, found that what my uncle did again with some success was to market a line of lingerie that was manufactured for him, wherever it was, and put on his label. It occurred to her that she could do that pretty well too. Her name was Billie. So she started her own line of lingerie and called it Billie Richards and continued to drive but now she had successfully cut out the middle man-with my uncle's endorsement by the way. He thought that was a great idea. And she continued that way working for many years. The result of her being on the road was that I was pretty much raised by my aunt who was across the street who, my Aunt Stella, who still, as you know, survives and flourishes at the age of 97. I went to grammar school in East Orange. Then we moved out to the farmlands of Livingston, New Jersey, and I was among the first graduating class in that school. I graduated from Dartmouth in 1965, went on to the University of Michigan Law School, graduated there in '68. I did reasonably well in college and after a pretty slow start in law school did okay there too. Joined the Seyforth, Shaw, Fairweather and Geraldson in Chicago. At that time Seyforth, Shaw was 55 people and they were all in

that one office. I really enjoyed the firm, not so certain that I liked the role of an advocate and had done work in law school with Russ Smith, "fe^\_\_st"« Antoine and Bob Fleming and was very much enamored of the field of labor arbitration while I was in law school. And so I decided pretty quickly that that was really what I wanted to do. It was,, as chance would have it, the height of the Viet Nam War; it was essential that I either go in the service or do something other than practice law because I was going to be drafted from that. So I enrolled in the Navy Judge Advocate General group and at the same time applied for a teaching position as a high school teacher, back in Livingston, my old home town. And I was accepted as a teacher and was granted a deferment on that basis. But I really loved teaching. It wasn't totally an evasionary tactic. I really had serious thoughts about going into teaching. And at that point was seriously thinking about going back to teach high school anyway. I had taught high school while I was in college. I had taught music during my senior year in college. In fact I was hired as the district director of music for the Windsor, Vermont school system and I taught all instruments and did the band and the orchestra and chorus. One might wonder why it was that a college senior was hired to do that sort of thing. It didn't have, quite so much to do with my credentials as the fact that the existing music teacher had

been picked up on moral charges. They needed someone very quickly.

And they got someone in the shoes of The Music Man peddling a boys' band.

That's exactly right. But I really loved the experience. It was an absolutely wonderful experience and so I was half inclined to just stay in high school teaching but certain that I wanted to be in teaching in one capacity or another when I left the law firm. So I did teach English and humanities and I coached the hockey team for a year and then decided that that is what I wanted to pursue. So I applied and was accepted in the Ph.D. program back at Michigan at the business school and went back where I worked with Mike Ryder and Dallas Jones. For, let's see I went back in 1969 and taught on the business school faculty while I was pursuing the Ph.D. from 1969 through 1970 I believe. I continued to do that work but I was at that point offered a full-time teaching job at the University of Detroit Law School and found that pretty much irresistible, given that what I was pointed toward teaching anyway. So at some point in that process I simply stopped, got an M.B.A. and taught at Detroit with a couple of visiting stints at Wayne. And it was an interesting time. Not always a particularly happy time because I didn't really know what I was doing or where I wanted to be. And at that same time Sue decided to stop her Ph.D. program. She was getting a Ph.D. in computer

science. She was the consummate student. She had already gotten two degrees after her bachelor's, she got a master's in math and a master's in computer science and working on the Ph.D. when she decided she wanted to go to law school. So she did. And after I had been teaching at Detroit for some four years. Sue received a clerkship with Spottswood Robinson on the D.C. Circuit and I decided to take a leave of absence of course to join Sue and as it turns out we simply stayed in Washington. We came to Washington in 1975 and have been there ever since.

Let me interrupt to bring you back to earlier years for two reasons. Tell us about how you and Sue got together and when you got married and so forth and another subject that you touched upon is music. I know that you have supported yourself in some ways through that means through college, perhaps other times, too so tell us about both of those before we go forward into arbitration.

Okay. Sue and I met in high school. We attended different high schools but we were fixed-up by, we were very reluctant partners, we were-both of our sets of parents said they knew the ideal person, which of course was the kiss of death and I was dating a few girls at that time and she was similarly occupied and neither of us wanted to date the other, but we conceded and I called her somewhat reluctantly and said do you want to go out and she said sure, why don't you pick me up at 10:30 tomorrow night or whatever the night was, 10:30

was a little late but it was fine with me since it meant that I could go out earlier with some other girl and she was doing the same thing; she was a cheerleader and had a basketball game and there was no way she was going to bring some blind date to the basketball game. And as it turns out she was leaving the next day for Brazil to be an exchange student and so it worked out pretty well. She figured she could tolerate anything for a couple of hours and then she could leave the country. And I had much the same reaction. And that's how we met. She was a junior, I guess, and I was a senior and when I came home that evening, my mother very anxiously said, well how did it go; and I said to her that is the girl that I would marry. I didn't mean that in a complimentary sense, I hardly wanted to date the kind of people that I might ultimately marry, but I did say it and I kind of meant it and so then she went to Brazil and when she came back the next time I saw her was when I was in college and I invited her up for the weekend but I was playing hockey for Dartmouth and we had two games that weekend so she spent most of the time in a truck, as I recall, just driving around following the team and it wasn't a terrific weekend for her. But somehow the relationship survived and we dated during college. We got married after I finished my first year in law school and Sue was graduating from Smith and she then came to Ann Arbor and began really just marking time waiting for me by going to school. And it was after I

had left and joined the law firm and left to teach that Sue also decided that she wanted to get some sort of terminal degree in computers and mathematical related studies so that when I went back to work on the business degree she went back to the computer science program. The music thing was always a very, very important part of my life. I've always needed to separate my activities into discreet file cabinets. One where I guess it comes in the category of working hard and playing hard. And music always satisfied that play hard aspect of it. And I had in college I had done the normal symphony orchestra and band and that sort of stuff but I was also traveling some weekends to play with groups in Boston in some night club work.

Say your instrument.

Oh, trumpet, I was a trumpet player, although in Boston I played at a place called Your Father's Mustache and I was hired actually as a tuba player, that was because they didn't need a trumpet player and I said I could play tuba which was only let's just an overstatement. They quickly realized that and I finished the evening on trumpet and they decided they could use me as a trumpet player. And I played around in the Your Father's Mustache circuit. They had clubs in a number of major cities and it was great fun. When I got to Ann Arbor there was a very jovial guy who was running a pizza place and I needed a way to pay my tuition and so I went in and suggested to him that we start



something on the Father's Mustache format with peanuts on the floor and garters and banjos and things like that and Ann Arbor had just gotten liquor by the glass. It had been a primarily dry town up until 1964, I think so the advent of this new kind of banjo band restaurant together with liquor by the glass was an incredible departure for Ann Arbor and we had people literally lined up around the block to get into the place, it was just an instant success. We used to go around serving coffee during the winter when they would be standing outside for 45 minutes or an hour, we would serve coffee to people in line while they were waiting to get it. It was just an unbelievable success. He made a lot of money from that place and then our band would travel to other cities where he would open new places. As if often the case he went wildly beyond what he should have and places tended to close as quickly as they would open. But it was great. And it certainly enabled me to stay in law school. My parents had no money, never did. They had made just a wonderful life for me on virtually nothing. I think they never made more than \$10,000 a year in any of the years that we were together.

When you're speaking of your parents, you're speaking of an adoptive father.

That's right. I neglected to say that. My mother remarried when I was 11 and Jacques Bloch, a wonderful man, was a shoe salesman in Orange, New Jersey and came from pretty much the

same Newark, New Jersey background that everyone did and he was a very strong, quiet stubborn, loving man. And he was terrific. I had been brought up by mother from ages 3 to 11 and had been very much of a mama's boy. I didn't play sports, I didn't like to associate, I was an only child and I didn't like to associate with other children and he pretty much wiped me into shape. He said this kid is going to change his tune now and he was not an athlete, but he started playing ball with me and just letting me see life from a man's side, and he was an enormous force and a terrific guy. The most stubborn man I have ever met. He was a very heavy smoker. He smoked probably 4-5 packs cigarettes a day, as a result had a chronic cough that used to clear rooms out- when Jack started coughing, people used to put one hand on the telephone because they thought they were going to have to dial for emergency help. And he had had malaria while he was in the service which affected his lungs as well, and went through a bout with tuberculosis the first year that I say we were married, that's the way we always looked at it, it was great. So his lungs were in no great shape but that didn't stop him. And some probably 20 years later my mother, who also smoked, went to Smoke Enders and went through the nine week course and stopped, which was a major feat for her because she had been smoking for 50 years by then and my father., when he saw that^said okay, well I guess if you're going to stop I will do, so that was it and he

never smoked again. He put the cigarettes down and made that decision. He died in 1984. My mother remarried about a year later to a very close family friend whose wife had just passed away and she and this guy, who was also a very lovely man, he was very well off and he treated her like a princess and they went around the world together and they had a wonderful remaining two years together and then they both died within 12 hours of one another of independent causes. It's really remarkable. I miss both Jack and my mother very much. She died in '87. She was 78. And it was too soon but she was a remarkable woman. I could fill up this thing with stories about her. So the music during law school was terribly important to me financially but also emotionally. It was a lot of work. We would play every night or we would play six nights a week and two afternoons which didn't help my body very much. I wasn't long on sleep in those days. And in fact it was a good thing I only did that for one year then Sue and I were married and she just said your life is going to change, so she made me do things like sleep. I was literally sleeping 3-4 hours a night as a routine which was just awful. There was a moment during law school when I gave serious thought whether I really wanted to continue as a lawyer or as a musician. We were in Florida and we were playing at the Fountainbleu Hotel, the band was, and we were also-the Jackie Gleason Show was being taped in Florida\*and we were going to play on the Gleason

Show and Gleason's agent, the William Morris Agency came over and he really liked the band and he said, why don't you guys just do this, go on the road and most of the band was composed of music school people from Michigan. He said I'll put you on the road and we can see to it that you do very well. And I remember Sue was with us and I remember talking to Sue about it. We wondered whether it was something to seriously consider, maybe only for some years and then finish law school afterwards because the life of a professional musician is not an easy one but it's not all bad either because a lot of the pros that I played with in terms of a family life had a pretty good one. They were always home during the day and they saw the kids and a lot of quality time with them and had some nice livelihoods. But I guess we didn't think about it very long, while I don't remember it I suspect that Sue might have said if that is what you want to do, you go do that with an emphasis on the you^ and I don't know if there were any threats in that or not, but we ultimately decided it would have been crazy. So I finished law school and I put down the horn and other than occasional forays from time to time. We had an arbitrator band, mainly it was Tony Sinicropy and myself on several occasions here at the Academy meetings, but we haven't done that for 15 or 20 years either. So I think my playing days, I know my playing days are over as any sort of routine.

We're still talking about other aspects of life before arbitration, the arbitration career is nearly upon us but I know from many years of friendship with Rich that another aspect of his life that has been an interest, quite a large interest, is magic both in terms of inventing magic tricks and being a performer. So again, as a prelude to the mainstream just give a brief sketch of how you got interested in that and what course that has taken in your life.

That falls into that same category, I fit that into that same category of having a kind of private retreat where I can play hard after working hard. And I think it's probably the reason I do it now is that. I can't play music anymore. It started after my father died and I was pretty much on my own most of the time and in East Orange near my house was a magic shop, and like many little kids I was attracted to and I used to hang around there and the proprietor took a liking to me and one things led to another and so at age 8 I started working there as one of the demonstrators. I met a lot of the professional magicians who took me under their wing and taught me all kinds of nefarious things. And then I did that. I also did that through college to help pay for college and I pretty much put it down after that partially because I was working full-time to the extent I was working I was working full-time as a musician and I had really no interest in pursuing it until years later when our children

were first born and I just starting picking it up to entertain them and found that I still loved it and so I began to invent some effects for professionals and to get back into performing it from time to time. That\*^ continues now.

Yes, there's another large story there but we'll save that for another day. All right. I think we're in Washington, D.C. aren't we.

Although in order to lay the groundwork for the arbitration you really have to step back into the time when I left the law firm and I left the advocacy practice. I really [END OF SIDE ONE OF TAPE]... I had always really loved the labor law while I was in law school and was particularly impressed by Russ and Bob Fleming and Ted St. Antoine, I have to say^ was one of the two great teachers that I have ever had in an academic context. All of them were of course heavily involved with arbitration and foremost in my mind even when I went to the law firm was the notion that sooner rather than later I wanted to get into arbitration. So when I left the firm and after a short stint teaching high school then began to teach at Michigan on the faculty while I was pursuing the degree-and then it was at that time that I indicated I wanted to be an arbitrator and there were a number of people at that point that were enormously helpful to me including Ted St. Antoine, Russ Smith, Bob Howellet was terrific. He was the chairman of the Michigan

Employment Relations Commission. He saw to it that I would get some of the public sector cases that were just beginning to mushroom in Michigan in the early 70s. And Russ as well saw to it that I would meet people and help him on projects. It was Russ who introduced me to Dave Miller. Dave is one of the most unusual and extraordinary people I have ever met. he was an Academy member at that time and was the permanent umpire for Alcoa and the aluminum workers. He had worked closely with Jim Healy; Jim was a professor at Harvard at the time and was involved in the Ford-UAW umpireship which shared offices with Dave's operation. Dave I think also did some sort of pension work for the Ford people. And Howellett saw to it that I met Dave. Dave needed somebody to in essence handle the overflow on wage evaluation cases with Alcoa and Dave then introduced me to some people. He very quickly brought me into a situation where I was the hearing officer for him. He would review the drafts and he said if I don't write them I'm not going to sign them, you are going to take all the heat on it, so he immediately cast me into a kind of leading role in the signing and hearing the case and writing them and they were big cases. And he also was a superb writer and was willing to spend untold time, uncounted time with me in reviewing the drafts. And time and again he would look at a draft and he would say this reads too much like a legal document, people actually have to read this stuff, why don't you

rewrite this so we can understand what you are saying. That was a great post-graduate education. And I worked with Dave for I think almost five years at that point. And he introduced me to other people that I still regard as the foremost arbitrators in the country, Dick Mittenthal among them and Harry Piatt and it was through Dave that I met people that I still think are the bedrock of this Academy, although not as active these days including Ely Rock and Lou Gill and Jim Hill and the others that just were the Academy to me. And I guess as I will say afterwards the Academy is just not the same without them. It ain't going to be the same. Dave died very suddenly. He was 53 at the time and it was an enormous blow to all of us and the Alcoa people asked me to replace him. I think we are now talking 1974, I'm pretty sure that's right.

So this was just before you came to Washington.

Just before I came to Washington, that's right. And it was just at the time my wife had accepted the clerkship with the D.C. Circuit and it looked as well at that time as if she would be getting a clerkship with the United States Supreme Court. So it looked to us like we were going to be in Washington for a few years. All that was relevant in terms of my taking a leave of absence from the law school. Up till then I didn't know whether I should hold on to my teaching job and commute or what to do, because my arbitration practice was really just starting. And



arbitration was then as it is now very slow to start, particularly if that is your sole source of income. I remember very vividly that I had one case my first year being on the AAA list and I think the second year I might have had two or three cases. But so it goes without saying that this Alcoa umpireship was an enormous bolt of lightning into our lives along with the loss of Dave. I mean it was just some real bittersweet stuff. When we left for Washington I was somewhat secure in the knowledge that I had the Alcoa umpireship. At the same time General Motors and UAW were looking for an associate umpire. Art Stark was the umpire and Rolf Valton whom I had met through Dave who was and I continue to regard as perhaps the most generous man I have ever met saw to it that I was given favorably consideration and got ultimately selected as the associate umpire to Art. So that by the time I arrived in Washington I had two very meaningful professional footholds that enabled me to go ahead with some degree of confidence in getting started. The day I got to Washington I walked into Rolf's office. His office was in the Watergate but Rolf was embarrassed to have it known as the Watergate so he just referred to it as 600 New Hampshire Avenue, and he shared offices with Sandy Porter and the minute I walked in I didn't know Rolf that well, I just knew from having met him and obviously liked him very much but I was just a newcomer and the minute I walked in he said where are you going to

set up your office, and I said I really hadn't thought about it very much and I'm operating out of my house and he say\* no, no, here's what we'll do. Sandy let's get another desk in here and he starting re-arranging the furniture. And that was going to be my office. And I mean it was just unbelievable. This was within 30 seconds of coming in the door. He was most unusual and loving man I think I've ever met. And that's the way he is and that's the way he's been till this day. So I ultimately did operate out of my home and began to arbitrate from Washington in I guess it was the fall of 197-Sf, it would have been, I guess we came down to Washington in '75, Sue graduated in '75, that's when we came down here. She was pregnant with our first child. It was not her first pregnancy. We had lost a child who was stillborn the year before and we were anxious to start a family. The interesting thing is that she had now interviewed for the Court of Appeals and was pregnant at the time of interviewing with the child that we lost. When she took the job she was pregnant with Rebecca who was born in January 1976 and she also interviewed for the Supreme Court during that time while she was pregnant. So the fact of the matter was that no one in Washington had ever seen Susan when she wasn't pregnant. So we started off in Washington in '75 and that has been both of our basis of operations since then. My primary devotion was to the Alcoa umpire ship and General Motors at that time. I was fired from both

shortly thereafter. And I remember why in each case. Without Alcoa I decided a case. By the time I was fired I guess I had been the Alcoa umpire for about four or five years. I had been doing both wage evaluation, which was just a world unto itself, and regular grievance arbitration. I was fired over a decision as to whether to grant make-up pay for a missed overtime assignment. And as you know that is a standard question that comes up all the time and some companies and unions have it understood that you get another make-up opportunity and others on the theory that you really can never make it up because they would have had that opportunity anyway,' pay the person. I think I am probably inclined to believe that the latter is the correct approach. I am not sure you can ever make up a missed overtime opportunity. But Alcoa and the aluminum workers had a very, very clear arbitration precedent going back to the time of Sol Wallen that it was make-up, that's all it was. And it was just as clear that one does not deviate from arbitration precedent in that relationship. So I granted the grievance but found that the remedy should be the make-up pay^and one of the Union officers determined that that was going to be the fulcrum that would end the relationship and so it was that case. And I was very saddened by it and learned a lot. One is that that's the name of this game, two is that the parties were very lovely about it. I got phone calls and letters and indeed visits from both company and union people

who were upset about that having happened. I don't think it was just my loss of me that they were feeling; I am sure that they saw that the Dave Miller era had ended but in the case of Alcoa they then re-hired me a month or so later when they realized that I knew an awful lot about the wage evaluation situation, that it would be at least difficult to replace me and as long as I wasn't going to do any further damage to the grievance situation, they figured they could live with me as the wage evaluator and I served in that capacity for another 20 years or so. And I resigned from that just about three years ago. The General Motors thing happened over an objection. We were in a hearing. That was a very, then, I frankly don't know what it's like now, then it was an extraordinary litigious relationship. They would have for a 3-day suspension they would have a room full of 60 or 70 people and the arguments would fly for hours on end and at one point a company witness made a statement. The Union advocate jumped up and said I object. I don't remember why he objected but I agreed; I agreed and I thought it was a valid objection and I said sir, you are correct the objection is sustained. He then, and he was very angry, and then he turned to I think it's more appropriate on me and said, what you do mean the objection is sustained. And I said well you are correct in what you said and I'm agreeing so I will disregard that answer. And he said well how can you disregard the answer when he's already said it. And I

said well I understand that but what I'm telling you it's not going to carry any weight in my decision. And he said well that's easy for you to say, how do we know that. And I got very angry and I said you know it Mr. so and so because I said so and if my saying so isn't enough you better give me my walking papers now. So he did. After the case about week later I got a very nice cordial thank you note from the UAW for my service and see you later. There's a story in here that's relevant to my childhood when my father died, his name was Sidney Simon. My name is Richard Simon. When my mother remarried some 8 years later I adopted my new father's name and became Richard Bloch. I thought that event while significant would never resurface but as chairman of the Foreign Service Grievance Board I ran into a wonderful situation. I think this is somewhere around 1983 and we had been dealing with a case of a grievant who during World War II had been terribly mishandled and treated by our side. He had been a diplomat of some sort and became a prisoner of war and was according to the laws entitled to some sort of compensation from the United States government and my recollection was he never got that compensation. He filed a grievance before the Grievance Board but he filed it in about 1982 which was some, as I read the Foreign Service Agreement Acts, was some 15 or 20 years too late. But we kept, he had been so badly treated that we kept trying to find ways to help him along. And he had processed his case,

this case had become a lifelong passion with him, given that as so, one wonders why he hadn't pursued it earlier but in any event we somehow found a way to exercise jurisdiction and he had a file that was one of these classic six-foot high files and he kept filing these multi hundred page documents that no one could read or cared to. I think most of all his attorneys couldn't read them and he had a succession of attorneys whom he would retain and they would resign and so forth. And as it turned out he could never bring his case to fruition. I think there is a psychological story there somewhere, he just could not play the end game. He had been before me and other members of the panel on at least a half dozen occasions, motions and various procedural issues and each time this case was actually scheduled to be begin the night before, literally the night before I would get a call as chairman saying that he had just switched counsel and he needed a continuance. And we kept granting these continuances but after a while it go to be really absurd and since the Grievance Board was not only expending its own time and energy on the matter but I believe was actually subsidizing him to a certain extent. I think we had authority to do that. It really came to a point where I had to make a decision to cut him off. And at that point I was not the hearing officer, Rolf Valton was the hearing officer. I told Rolf that I saw that the case was coming up for hearing the following week and I said

somewhere around the night before Rolf would undoubtedly be getting a phone call that he had switched counsel again and if that were to happen he was to advise this gentleman that he would not countenance another delay and that if this happened the case would be dismissed. Well that night came and Rolf, who was generally a nicer person than I am didn't want to cut him off and called me and I stuck to my guns and said no, we're going to dismiss the case, which we did. He then, the grievant, went to, he found out that I had been born in East Orange, New Jersey and he went to the East Orange Hall of Records and researched my name because I had been born under the name Simon there was no such record. He was looking for Bloch of course. He then sued me and the State Department somewhere in New Jersey in federal court, claiming that my decision to dismiss him should be overturned for two reasons. One, that the State Department was holding me hostage by systematically removing all records of my existence and I was therefore doing their bidding. and secondly since I did not exist,, I had no authority to issue the award in the first place. The court through out his claim, but I thought it was one of the most unique grievances I had ever heard.

Okay, coming back to the outline from which we have strayed somewhat, let's pick up more directly with matters that relate to the developing arbitration career and that come into the life in the Academy. So some of the topics that we

try to cover are the developing caseload and how you found yourself on the AAA and FMCS lists and something about mentorship and you've said some of those things already. You've told us about your early support from people such as Rolf Valton and some others, but tell us about how those developments occurred in some more detail.

I was quite frustrated as I think are most new arbitrators in terms of how does one get cases and while the cases were coming in, I applied for the AAA list in Michigan while I was living in Ann Arbor and I had just barely the requisite number of cases and I got on the AAA list but as I indicated there was only one case the first year and maybe two or three the second year and I think I may have had a grand total of six the third years. I was teaching at the time so it wasn't a matter of survival but it certainly was a matter of whether this career was meant for me and vice versa. And I remember being very depressed and saying to Dave Miller that I really, Dave kept saying why don't you give up this teaching business and be a full-time arbitrator. And I was just said well where is the evidence that I can make a living at it. And I was very depressed and I think well into the third year of this business and was not convinced that I should arbitrate at all. However, the caseload did start to pick up in Michigan and by the time I reached Washington it was a relatively steady trickle of cases. I'm sure at that point I was breathing a little easier, knowing



that there was generally a case in the future that I had not yet heard so that there would be more work to be done. I don't remember when I applied for FMCS accreditation. I do know that I served for one summer as a research assistant at the FMCS. I worked with Bill Killberg when he was the general counsel of the FMCS and I assume that by that time I was either on the panel or close to it and that could have been, that was I believe 1972 or 73, so by that time I had been arbitrating about five years and had gotten on both of those lists. Between the Alcoa stuff, the General Motors cases and a growing ad hoc caseload by 1975 I knew that I could continue this as a full-time career and at least stay alive if not flourish at that point. We were in Washington. Sue was then clerking for the Supreme Court and my arbitration practice was growing fairly rapidly. I was introduced early on in Sue's clerkship to Justice Marshall. He was his usual garrulous self and said what do you do, Guy. I said I'm a labor arbitrator. He sat back in his chair and looked at me and said, shit, that's a racket. Sue immediately jumped to my defense and said just a minute Judge how do you define a racket. And he said a racket is everything except what I do.

Well okay, as you go along you can indicate some of your other experiences with other umpireship and permanent appointments. But at the same time tell us how you first

learned about and became familiar with the Academy and something about your own entry into this body.

I had been going to Academy meetings for at least five years before I applied for admission. That was under the tutelage and mentorship of Dave Miller. Dave saw to it that I was introduced to his friends and his friends themselves were just as warm and hospitable a bunch of people as I had ever known and I still feel that way about them. I have many, many regrets that just because of age and natural slowing down so many of them are not sictive in the Academy any more. I applied for membership in 1974 and was admitted. [END OF TAPE. . . . I had my suite of office and we granted cert and then we would hear them and when I came in Rolf Valtman had been a predecessor in that office and one other gentleman from the University of West Virginia. When I came in there was a backlog of 800 or 1,000 cases and every case was appealing and I did my best to work through the backlog and we actually got it done. But in their wisdom and that is not a sarcastic comment the parties then decided to disband the entire board which I think was a wise move, but it was remarkable. I have served as the permanent umpire for and still do for electric boat and the metal workers and that involves to this point has involved extraordinarily intricate jurisdictional disputes between unions as to which group grinds and which group welds and as dry as that subject may sound it is unbelievably interesting in the

context of an atomic submarine. This was a relationship that was brought to fruition by Dick Mittenthal who issued perhaps the most important arbitration award I have ever seen in terms of affecting an industry. He really set the standards in that history and then I succeeded him as the umpire there. It has been a very interesting pursuit. For a while I served as the permanent umpire for major league baseball. I've said this before, being a permanent umpire in major league baseball is much like being a permanent manager of the New York Yankees. That has been really a fun tour of duty and I continue to maintain contact as one of the grievance arbitrators and sometimes salary arbitrator for baseball. There are a number of so called permanent panels I serve on for National Hockey League, the National Football League. And in terms of and one of the most interesting permanent umpireship is an ongoing thing I'm doing now with the Baltimore Transit Authority and the Amalgamated Transit Workers where I sit as a chair of a panel to deal with alcohol and drug disputes. This is a really unique situation where we pretty much toss away most of the traditional notions of arbitration and really make it a solutions board. Bring us a case, don't fight over the details, for the most part the facts are undisputed when they come to us, but we try to deal with a remedy, is there some way to save this particular person or is there an unusual remedy that we can fashion that might satisfy

everyone's interest. And occasionally the remedy are more than unique they are just plain weird. We had one guy who said that he had tested positive for alcohol because on the day in question he had eaten a rum cake that his brother-in-law prepared. And none of us believed his story but I gave him another hearing to bring his brother-in-law in and his brother-in-law came in and told pretty much how he would mix the dough and then just empty in a gallon of rum and then he would bake it and we still didn't believe it, so I sustained the discharge but with the observation that if he could recreate the circumstances by cooking the cake, eating it, and testing positive at the appropriate time that I would reconsider his discharge. That was several years ago and he hasn't been to the bake-off yet. There have been a number of other umpireship but they are unremarkable.

I just know from our acquaintance over the years that you have done lots of airline arbitration. Has that been out of permanent panel arrangements or simply occasional work? Most of them have been permanent panel and I should have acknowledged that. One of the truly terrific umpireship was when I was the umpire for Western Airlines. We would hear cases we would sit one week per quarter out in Los Angeles and they would bring whatever cases they had. That too was a very, very productive and cordial relationship and the parties would fight all day and when we would go out, we would all go out to eat, the lawyers, the board, we would

all go out for dinner during the evenings, if a case cancelled it would not be at all unlikely that I and a couple of lawyers would go out. and play tennis in the afternoon and go back to the hearings the next day. I was so sorry to see that end. It ended, it was one of those novelty relationships where I wasn't fired, the airline just closed, merged with Delta. But I've done arbitrations for virtually all of the major airlines and most of that has been in the context of permanent panels.

Okay, I think we' done what we need to do. Thank you very much. Any final thoughts.

Yeah. I remember earlier in my career wondering whether I was going to do this all my life and I talked to Bill Wertz at that time and I said to him., you know I've been worrying a little bit about whether arbitration is broad enough to keep one interested and productive and vital and I'm a little concerned about that. And I said you've done everything there is to do in labor and everything else. Am I wrong? And he said I've been wondering when you would start to feel that way. That was at a time when I was bored with my own arbitration practice. My practice has changed. My cases for some reason or another have become very compelling and interesting to the extent that I now think not that Bill was wrong, obviously everybody makes their own decisions but I now for the past ten years or so maybe a little longer have been very happy with this as a profession. I found it

extraordinarily rewarding from an intellectual standpoint and while personally my nature is such as to be willing to shift gears at a moment's notice and try something new any day, and while it has always been true that not a days goes by when I'm not looking around and ask myself say maybe I would like to do that, I haven't found anything else that rings as many bells for me. So I'm a fan of this process and I guess I will stay an arbitrator.

Well I certainly understand that and the only better profession I know of law teaching.

And I do a little of that.

But your last observations prompted one final question. One of the things that we have seen with colleagues and within general the ADR movement is an increasing emphasis on other techniques and on mediation. And I don't think either one of us practices those other techniques particularly but I'm wondering if you have changed your own habits as an arbitrator in this respect at all.

I don't think I have changed my style very much but my style has always been eclectic. I have always been willing to try anything at an arbitration hesiring particularly and I have always been particularly aggressive in trying to settle cases, sometimes to the dismay of the clients. I think I have worked myself out of a couple of arrangements by being too aggressive in looking for resolution. But that's the way I do it and it seems to me it's a very healthy, the

whole notion of alternative methods I think is essential to achieve the goal of what this business is about, which is keeping the industry productive and keeping the people employed. I think if we don't continually look for new arrangements and innovations and ways to work things out then the people will look for them without us. And it will be the people that are right.

Okay Rich thank you very much. With that we will conclude this interview.