

Interview With  
**J.F.W. Ted Weatherill**

Interviewed By Dana Edward Eischen  
June 3, 2006

**Dana Eischen:** This is Dana Eischen. It is the afternoon of June 3, 2006. We are talking with J.F.W. Ted Weatherill, who served as President of the National Academy of Arbitrators during the 1995-1996 year. Ted, I had the pleasure of working with you during the time of your presidency and the great pleasure of your friendship these many years. I am very interested in and glad to help with this History Committee project to talk about the background that led you into arbitration. Perhaps you can tell us about your educational experiences and then those people and issues of significance which brought you into the profession.

**J.F.W. Ted Weatherill:** Thanks Dana, thank you very much for having me here. I will talk, I hope briefly about what led me to arbitration. When I left high school, I had no idea what I wanted to do in life. I had the vague idea that I didn't want to be a lawyer. Some of my family were lawyers and there is nothing wrong with that. I admired them, but I didn't want to be one and I really didn't want to be a stockbroker which is the only other thing I thought would be a possibility. I really didn't want to do that at all and I couldn't be a psychiatrist which had been an early ambition but it was impossible because I had failed out of mathematics at the end of grade 10 which meant I could never be accepted at medical school and thus never become a psychiatrist.

Nor could I become an architect. When I was adolescent I was pretty enamored with the architecture of Frank Lloyd Wright and classical architecture as well and I wanted to be an architect. It was impossible because of the "flunking" of mathematics at an early age. So, luckily in my last year of high school, I don't know how, I came across a subject called philosophy and thought that was really quite interesting. So when I went to university, as I knew I would do, I went to the University of Toronto. I was in Trinity College at the University of Toronto which was a wonderful experience. I studied Philosophy for four years and in my first year when I was taking introductory courses in Philosophy and other academic liberal arts subjects I was very enamored with the life of academia and what I wanted to be was a professor of Philosophy.

In my second year when I began to study Philosophy more deeply, I actually went and had a series of tests to see about my intellectual capacities and while the tests proved that I was a reasonably smart fella, I had studied enough Philosophy to know that to really make progress in that discipline, it called for extreme brilliance and I couldn't pretend to that. So I knew that if I was going to continue and become a professor and stay in academe and be a Philosopher it would be at some third rate university and that was depressing to me. So I kept on for the rest of my four year course in Philosophy and did

quite well and I loved the subject and I think it is one of the best intellectual disciplines one can have and best cultural disciplines as well. I loved my years of studying Philosophy and I believe it has been a very, very helpful thing to me in life.

In my fourth year there were a series of small optional seminars available and one of them was called Legal Philosophy. I found that was quite an intriguing thing and a brilliant idea occurred to me. What I could do was go to law school after all, study law and specialize in Legal Philosophy and stay on in academe and be a legal philosopher. That seemed like a pretty neat idea, so I went to law school. Also at the University of Toronto and it was a particularly fortunate time at the University of Toronto, which I won't bore you with the history of legal education in Canada, especially Ontario, but it had been up until that time, and it was 1954 when I went to law school. The teaching of law was dominated by the profession itself and it was very practically oriented and not very interesting, but there had been a break-thru in legal education at that time and The University of Toronto revitalized a faculty of law that it had for many years but which was a small not practical but intellectually focused law school which did not lead directly to the preparation for legal practice.

I went to The University of Toronto Law School. At the time, as I recall, there were 45 students in my first year class. One of them went on to be a Justice of The Supreme Court of Canada and a number of us did fairly well as time went by, but we had great teachers. The Dean was a man named Cecil Wright, commonly known as Caesar Wright who was one of the great legal scholars in North America and there were others, most notably Bora Laskin who as I will repeat later probably, was a member of the Academy (although I didn't know that at the time) and a great lawyer in every respect. To jump ahead, eventually he was appointed to the Ontario Court of Appeal and then to the Supreme Court of Canada and then to be Chief Justice of Canada, as many Academy members will remember. Anyhow, Bora Laskin who taught Property Law in my first year of law school, also taught a course in Labor Law in my second year. So I still had no real ambition except my immediate goal was to do well in law school and become a Professor of Law and especially Legal Philosophy. So, in the second year, as I say, I took Labor Law under Bora Laskin and he described how North American Labor Law works and it's essentially The Wagner Act Legislation throughout North America by that time. He noted among other things the role of Labor Relations Boards in determining bargaining units and dealing with questions of bargaining and the large scale relationships between the parties and also noting the arbitration process called for under collective agreements, if you like the individual justice aspect of labor relations, and that intrigued me a great deal.

I learned in his class that in the United States were indeed people that acted as labor management arbitrators as a career. This was quite intriguing. It was not possible in Ontario or I think anywhere else in Canada, practically speaking, at that time because in Ontario, at least, and there was a bit of a political cultural lag of about ten years between what happened in the United States and what happened in Canada. That lag, has shortened a bit in recent times, but its still there and it's understandable. Now in Ontario,

the people that were called on by the parties to be arbitrators were for the most part what are known as County Court Judges.

County Court Judges were appointed for life that is up until retirement age by the Federal Government, so they were not local politicians, they were people, often with some political element in the appointment perhaps, but they were serious people. The tradition was to appoint good lawyers as County Court Judges. It was a desirable job, especially outside of the large centers like Toronto or Hamilton or Ottawa where there was a lot of actual judging work at the County Court level for these people and they were busy, hard working and not overpaid, but in the outer more agricultural county towns where there were Courthouses and County Judges, the County Judge was an eminent figure in a still rather bucolic society. It has all changed in the fifty years since then. And they weren't that busy in the judicial work and there were about ten and at most a dozen in Ontario of these judges who were called on, just through a process of natural selection to be arbitrators and they were the ones that dominated the field, and a number of them were good arbitrators. I came to know about their work, and I'll mention that in a few minutes about how I came to know about their work. But it was as Bora explained to us, they dominated the market although Bora himself did some arbitration and other academics, particularly at Queens University and some others did a little bit of arbitration, but the field wasn't really open to someone at that point to become a professional full time arbitrator in Ontario, so I tucked that one in the back of my mind. But it really was the first and only really focused ambition I ever had. I wanted to be a labor management arbitrator.

Well, I carried on in law school and I enjoyed it very much and I did pretty well, and after I graduated I got a scholarship to go to Harvard Law School and I spent a year there and I got an LLM and the principal intellectual attraction, at least at Harvard, was Lon Fuller who taught a course in Jurisprudence or Legal Philosophy. One of the most wonderful men I have ever known—a very impressive person, a lovely man and I didn't know that at the time either, but a member of The National Academy of Arbitrators. I did pretty well in Lon Fuller's course and came back to Toronto. I had to go through a period of "articling" as we call it for lawyers and do some more bar admission class work, but I had lined up a job by that time, the Osgoode Hall Law School which was the old traditional bar run law school, very large school, and it is since modernized and come in to the modern world and moved to York University in the northern part of Toronto. It is a big, very good law school.

I was referred by Bora Laskin to a man named Cliff Adams, a lawyer who had been solicitor for the Department of Labor in Ontario and then organized a thing called The Central Ontario Labor Relations Institute, which was actually a firm of management consultants. They were financed by a group of large companies--Massy Ferguson, Dominion Stores, perhaps, Stelco as well. Many of them were part of the Argus Group of companies which was put together by E.P. Taylor, who began as a beer magnate and created this large group of companies. After he died and his successor died, Conrad Black took it over and everything changed. But at that time the Argus Group, I would say, were

a pretty enlightened group and they provided the basic funding for The Central Ontario Labor Relations Institute.

The Institute offered memberships to small & medium sized enterprise and for pretty modest fees which they could afford; they got good labor relations advice. They were not a union busting outfit. They negotiated honestly and they did good research into collective agreements and into settlements and they provided appropriate advice, counseling and representation in negotiations and in day to day administration and in the presentation of arbitration cases. And I worked with these people carrying bags and working on briefs and actually once or twice presenting an arbitration case. I indeed presented my first arbitration case before none other than Bora Laskin, for DeHavelind Aircraft which was one of the member companies of the Institute. So that was a very good experience. It got me to know really how it worked, at least superficially. It got me familiar with a number of players and began to rub away some of the naivety that a young person naturally approaches the world with.

Then I began my teaching career when I was called to the bar in 1960 and I had taken the bar admission course. I had let it be known, or Cliff Adams had let it be known on my behalf to The Ontario Department of Labor, that I was interested in doing arbitration since I was going into Osgoode Hall Law School as an Assistant Professor, and since I knew about labor relations and had an LLM from Harvard I had some sort of credentials to offer to the labor relations community. While I was still a student at law and in the bar admission course in January of 1960 I got a letter announcing I was appointed to hear an arbitration case in Windsor, Ontario and I went down and heard the arbitration case. I remember the names of the parties and I remember the counsel who appeared, but I have no idea what the decision was in the case. Anyhow, and amusingly enough, when eventually the check came for my services, and it wasn't a very big check in those days, the letter was addressed to Judge Weatherill (chuckle) and a few months after that I got called to the bar and began my career as a law professor.

I taught law for three years at Osgoode Hall Law School, did not get put on the tenure track at the end of those three years. I was upset by that but it didn't take much reflection to realize how right they were. I had been a terrible law professor but I didn't know what else to do so I hunted around and I was asked to move to London, Ontario to the University of Western Ontario which had a fairly new law school and I went there. I taught law there. I had smartened up and I was much more liked by the students and by other people and I did a better job. I taught better and it was quite a good year in that respect. The Dean of the law school at that time was a man by the name of Ivan Rand who had been Justice of The Supreme Court of Canada and had recently retired, had written a number of very liberal, very good decisions of which I approved. He was, however, while his decisions were liberal and advanced; I guess he liked me because he had been to Harvard too, many years before. He was still a pretty old fashioned person and I think he thought the most up to date philosopher was John Stewart Mill.

In any event, I was there in London for a year, London, Ontario and I got one or two arbitration cases as did my friend and colleague Earl Palmer who subsequently became

and remained for a few years only, a member of the Academy. But he became a very busy arbitrator and wrote one of the first texts on labor arbitration in Canada. But I found in my year in London that I didn't like teaching and oh, I should add that I actually did teach a course in Legal Philosophy at last.

So here I was in London, Ontario and I found that I didn't like teaching. I didn't like many of my colleagues. I liked the students well enough, but they were, really most of them there, were impatient with ideas and anxious to get out and start making money. I didn't like London, Ontario very much. It was very boring and there were a lot of things I didn't like. I found that I was never prepared because I realized the limits of my knowledge of law and I was frantically working away to try to get up to speed for each class. I realized I hadn't read a novel in about four years. I hadn't done anything that I really wanted to do and I was in the wrong place, except for a little bit of arbitration. I made a phone call to Jacob Finkelman who was the chairman of The Ontario Labor Relations Board and who had previously offered jobs as what were then called "Assistant Vice Chairs" of the Ontario Board to me and also to Harry Arthurs, another now eminent Canadian who also became a member of the Academy for a few years and then gave it up. Harry Arthurs, I can say parenthetically, went on some years later to become Dean of the Osgood Hall Law School and subsequently President of York University and is currently doing a very big commissioned study on changes to the Canada Labor Code for the Federal Government. It was a study somewhat comparable to one done over a quarter of a century ago by Buzz Woods, President of the Academy back in 1977.

Anyhow, Harry is a very distinguished labor theorist and a wonderful person and a friend of mine. Jacob Finkelman had offered us work on the Ontario Board. Neither one of us really wanted it at that time. However, after my year at Western and realizing that I was on the wrong track, I called Jacob Finkelman and I said "is that offer still standing?" and he said "yes it is". That was a happy moment, let me tell you and I came to Toronto and we had a meeting and he offered me this job. I said I want, however, to do some arbitration and he said "we encourage that, it's very good, you'll have enough time and we encourage you to do that". So this was just great. My then, wife and I and my then, only child found a wonderful apartment in Central Toronto and things were just great. So now it starts to get better. I am Vice Chair, so to speak of the Ontario Labor Relations Board and the wonderful part about that is, you sit almost daily doing for the most part, rather routine cases. So you get a little bit "case hardened" and having a hearing is not the end of the world and you don't have to reinvent the wheel everyday. You get used to that and you get a certain ease in running a hearing and in dealing with the parties before you and the members of your panel because it was a Tripartite Board with a labor and management nominee on each side and one of us in the center.

There were about five of us on the board. Jake Finkelman was the Chairman and heard the really important cases. A man named Bill Reed was the then Vice Chairman and later became Chairman. Don O'Shea who subsequently again for some years was a member of the Academy. A man named Harold Brown who subsequently became Chairman of the Canadian Public Service Labor Relations Board and Howard Brown, a very good friend and long term member of the Academy. Well not only did you hear cases frequently, and

so get used to sitting and running hearings, but also the parties, Labor and Management in what was then a relatively small bar or LR community. Some of them were there before you and so they got to know you and so all of us were known to the Labor Relations community. Another wonderful thing happened when I was asked to be the Editor of the Labor Arbitration cases, which were beginning to be published then in a professional manner. That was how I got to know about the work of the County Court Judges and many of them made what seemed to me, to be sound decisions. A few of them wrote interesting decisions and a very few wrote decisions that were publishable (chuckle) and had to be worked on, so that was very interesting to me. During the three years that I spent on the Board, I was asked, because I became known to the parties to do more and more arbitration and by the end of the third year I had so many arbitrations that I realized the time was coming when I might have to choose between actually becoming an arbitrator and staying on the Labor Relations Board and allowing the arbitration practice to wither. I knew what I wanted to do, and then the miracle happened.

The Federal Government, because of jealousy on the part of the County Court Judges who weren't getting the arbitration work, and for various other, maybe better reasons, changed the Judges Act to prevent the County Judges, I think Judges in general from accepting fees for extra-curial work. And the day that legislation was given royal assent (that is to say signed into effect) a buyer's market turned into a seller's market. It was for me a dramatic example of economics at work and I then got many more letters asking me to be an arbitrator and my decision was made for me and shortly after that I left the Board, set up my own office and taking my secretary from the Board with me, set up business as an arbitrator.

**Dana:** What year was that?

**Ted:** That was in 1967 and in 1968, if my memory is right, I became a member of the Academy. I knew about the Academy from Jake Finkelman and spoke to him about it and he was very good about that and the membership application was simpler in those days. In any event I became a member and my first meeting was in Cleveland.....

**Dana:** We have flipped sides on the tape. This is a sound check. By the way, for those listening to this tape, the birds that we have identified are the Rosebreasted Grosbeak and we think maybe a House Finch. We are sitting on my back porch and we are inundated with bird song.

**Ted:** Yes, I am a little overcome by the bucolic atmosphere in which we are having this interview but it certainly is delightful and I hope any future listeners can also verify the bird calls that you have noted.

It was in Cleveland, my first meeting. It was wonderful. The people that I remembered, I was welcomed, very warmly by the then President, Bert Luskin and by others that since became very good friends. The Sherman's were there. I don't think Jim was yet a member but they later became good friends and have remained so to this day. The Dybeck's,--Al was or was just about to become Secretary of the Academy and they were

so warm and welcoming and they remained friends all of their lives. And there were many, many others.

It was good for me because I was, I think the first Canadian to become a professional arbitrator who did nothing but Labor Management Arbitration. After about a year or so, and I may say you will have gathered from what I've said that I started out as an arbitrator with a full schedule. I was booked for at least nine months, pretty well solid, which is a wonderful way for an arbitrator to start. In recent years, and we will come to this a little later, restarting the world of arbitration in Canada has been transformed and there are dozens and dozens of professional, or "wannabe" professional arbitrators out there. My schedule has taken a long time and will never meet and should never meet the business that it had at that time.

**Dana:** Ted, I know that you have arbitrated in nearly every industry in Canada but you were prominently identified as a national arbitrator, permanent appointment arbitrator, for many of the industries. Would you talk a little bit about that?

**Ted:** The industry that I have done the most work in is the railway industry, and it was after about a year that I was contacted by someone from CN someone from the UTU and they came and saw me and said would I like to be the arbitrator for the Canadian Railway Office of Arbitration. Readers of the Chronicle will know that recently Michel Picher completed twenty years of service as arbitrator of the Canadian Railway Office of Arbitration was noted and he was effectively my successor. Well, not quite. I acted as arbitrator for the CROA which handles arbitrations for the running trades, the maintenance of way, some of the clerical positions for the railways generally in Canada and there was only one arbitrator for the whole country. There was a permanent office of arbitration in Montreal and the arbitrator went there once a month for about a week to hear whatever cases had been docketed for that time.

The shop crafts operated separately from that. Luckily for me, because I also did and still do, arbitration for the shop crafts. There have been very few arbitrators in the CROA over the years. One of the earlier ones was a Magistrate named Hanrahan from Windsor, Ontario who did a very good job. I think he was the first. Bora Laskin was briefly the arbitrator, and then I was and for a couple of years after me David Kates, another person who had been an Academy member did it and then Michel who is absolutely a top level arbitrator and a hard working Academy member. I'll come back to some of what he has done for the Academy later. He has been eminently successful as the arbitrator for the railways.

The other industry in which I spent the most time is mining. Particularly at INCO and apart from doing AD HOC arbitrations about once a month or so over a period of ten or fifteen or twenty years at Sudbury, both Earl Palmer and I were appointed by them to take turns once every second month, each being what was called the Grievance Commissioner to hear their expedited arbitrations which we would bang out at the rate of as many as-- the maximum I ever heard in one day was fourteen and the decisions were out within the week.

**Dana:** Were they written decisions?

**Ted:** Written decisions, but very brief. We didn't need to explain the facts. They were set out in the party's briefs. We just needed to explain in a paragraph or two our reasons for ultimately deciding it. So that was good. So those are the industries I worked most in, but just about everything else you can think of. Generally, secondary manufacturing throughout Southern Ontario which is a beehive of secondary manufacturing. But also public service, teaching, nursing, all sorts of things.

**Dana:** Ted, I believe you've been in and out of government service as well, interspersed among your arbitration. Some of your appointments were at the Minister level, I think. Am I correct on that?

**Ted:** Yes, apart from the Ontario Labor Relations Board, I was part time Chairman of what was called the Grievance Settlement Board, which handled arbitrations for Ontario Public Servants. There are a lot of those and I can't remember now how many arbitrators we had on the panel. I was able to influence some of those appointments. I think particularly of Dick Verity, a long time Academy member who did a wonderful job for some time and Owen Shime, another illustrious Academy member, was subsequently the Chair of that as well as another Ontario panel. But for the main appointment, the main element in my life, after 21 years as a full time arbitrator, I was thinking maybe I should shift and the opportunity came up with the retirement of the then Chairman of the Canada Labor Relations Board. I was asked to take up that position and I did and moved to Ottawa and became involved in the sort of work they do as opposed to arbitration. I was able to finish up the arbitrations already heard or already scheduled, but I, of course, had to get out of the arbitration field after that and I did. I was there for about nine years.

It's a different thing and I really don't want to talk about that much, except to say this: a number of the appointments to the board of the members and vice chairs that were working with me were of a political nature and not all of them, but a number of them, were, I think, quite out of place. Knowing what I had learned by then about labor relations, I found working with these people to be frustrating, enraging, and generally unpleasant. While I had naively thought I could stave off the effects of politicians, I was wrong and that job came to an unpleasant end in 1989, I believe, and I returned slowly to the practice of arbitration.

Let me say just a little bit more about the earlier times in about 1968 or 69. Howard Brown left the Ontario Labor Relations Board, called me up and said, "I'm coming to join you". So I had to move my office, didn't I, and Howard and I had an office together for two or three years, very happily. Then, lo and behold, another one from the Ontario Labor Relations Board called us up and said "I'm coming to join you". This was Don O'Shea and the three of us had office space many years together and we were very happy colleagues. We got along extremely well, the office ran well and we were really still the only full time office of arbitrators for a long time. There were others who became busy, Earl Palmer, whom I mentioned was a very busy arbitrator, and there were others but

they retained their jobs, usually as academics, and I can't remember who else ever set up really as a full time arbitrator with an office in a professional way.

Owen Shime left the OLRB but I don't know if he could be described as a full time arbitrator in quite the same way, although he was certainly dedicated full time to labor relations and did mediation work and other sorts of very distinguished and thoroughly capable work. But I like to think of myself as having blazed a bit of a trail there and achieving the ambition that I had picked up at the feet of Bora Laskin. Let me also say this about the Academy. When I joined, there had been only three Canadian members previously: Bus Woods, who I think was maybe the first, Jake Finkelman and Bora Laskin. Harry Arthurs and I were the 4<sup>th</sup> and 5<sup>th</sup> or 5<sup>th</sup> and 4<sup>th</sup> and then Earl Palmer and then, I think Frances Bairstow and then someone else and then Alan Gold and then Don O'Shea and then it leveled off. Howard and I got a letter in about 1970 from then NAA President Dave Miller, saying I was the Chair of Canadian Region and I remember going into Howard and saying "look at this" and what shall we do about this? I said this is actually good news Howard. It means we have to have a meeting and it means we get to say where it's going to be and how it's going to be and we arranged the first meeting.

By this time Alan Gold was a member of the Academy in Quebec City. Alan was at that time the Chief Judge of the Provincial Court of Quebec and he had really good contacts with Quebec politicians and he was quite willing to help us and he got the government of Quebec to lay on a gorgeous dinner for us at The Chateau Frontenac. We invited people - - not only the members of the Academy but also others across Canada -- in hope of proselytizing for the Academy. We had a wonderful meeting in Quebec City. I think one or two people did join or at least knew about the Academy as a result of that. It was very effective and for a number of years after that we had annual meetings as I said proselytized and brought people into the Academy. It was when, and I guess we have to blame you for this, we had the Fall Educational Conference that really undercut the holding of Canadian meetings.

**Dana:** Mark Kahn and I did put on the first one in Chicago in 1981.

**Ted:** That's right, in Chicago.

**Ted:** Well, the Canadian region languished a bit and the Co-Chairmen, Howard & I, hung on to that for several years and we had some pretty fine meetings with some pretty fine people. Usually the President of the Academy would come. Certainly Dave Miller did on the first time and Al Dybeck, the Secretary always came. The ability of Canadians to cross the country when they were also going in the fall to the Academy meeting was understandably reduced. The last meeting of this sort was held, something like five or six years ago at a beautiful resort north of Montreal in the Laurentian Mountains. Not that many Canadian members were present, but among those present were Michel Picher and Claude Foisey who had been an active member of the Academy. Then President John Kagel came and we were agonizing in our meeting of the Academy members about what to do and Kagel had the idea for allowing veteran arbitrators to accelerate the difficult membership application process and get people in. Michel Picher and Claude Foisey

undertook to canvas well known arbitrators and to then canvas the Academy members to be sure that they approved of these individuals and recruit them and persuade them to file applications. It spread to the West Coast as well, where there are a number around Calgary and Vancouver; a number of very distinguished arbitrators. The result now is that there are, I'm not sure, sixty five members of the Canadian region which is about 10% of the total population of the Academy which represents the right proportion relative to the population of the two countries.

**Dana:** It has been a phenomenal success and a very recent infusion of a tremendous amount of new blood and vitality to the Academy. Ted, would you tell us a little bit about your activities prior to your election to the Office of President. I know that you ran several highly successful annual meetings either as Program Chair or Arrangements Chair. I think our paths first crossed at the '77 meeting in Toronto, at which I was inducted and I believe you were Chair of the Arrangements for that meeting.

**Ted:** Yes, I think it was '77, Bus Woods was President. It was at the Royal York Hotel in Toronto and Howard worked very closely with me doing that. In those days the Local Arrangements Chair pretty well had "carte blanche" and I think we put on a pretty good meeting. There was wine at every dinner, including lunch and the whole thing was done really nicely. The hotel was wonderful. We got great help, of course, from Tom Roberts who had been the Arrangements Chair for Future Arrangements for many years and knew all about hotels and could make those people jump when they needed to be made to jump.

**Dana:** You had a huge piece of the Montreal and/or Quebec City meetings too, didn't you Ted?

**Ted:** Not much in Montreal. The first Montreal meeting, at least, happened because of a strike somewhere else and it was put together pretty quickly and I think it was really Bus Woods that did more of the arrangements for that one. I was never Program Chair, thank goodness, but I was later responsible for programming when I was President and Liz Neumeier was the wonderful Program Chair. But the '77 meeting, what I want to say about it is the Academy was in one of its recurring financial crunches and if I'm not mistaken, we made at least \$30,000 and maybe more than that.

**Dana:** Was that Canadian currency?

**Ted:** At the time, it was at least that and it was later on that the rule came out you are supposed to break even at these meetings but that was nonsense. In any event, without bureaucratic interference from the Secretary's office because the Secretary then was Al Dybeck and he wasn't a bureaucrat, we had a wonderful meeting. Later, I got a phone call, six years later, from Byron Abernathy when he was President and the meeting had been arranged for Quebec City and he said would I be the Local Arrangements Chair? Well Quebec City is a fair hike away and it is in another province with another set of laws and another... anyhow we had hardly any members from Quebec. As Chief Judge, Alan Gold couldn't have properly acted as the Local Arrangements Chair for that sort of thing. Frances Bairstow who was certainly very busy as Director of Industrial Relations

Center of McGill University, ran a lot of conferences but I don't think it would have been right to ask her to do this. Anyhow, I said yes because you can't say no, so I did and it justified a number of trips to Quebec City which is always beautiful and delightful. That was a pretty good meeting. Claude Foisey was helpful and Roland Tremblay who had been a member of the Academy for some time was very, very helpful with putting on dinners and making arrangements with local restaurants and things to amuse the members. He later became a Judge of The Superior Court of Quebec and retired from the Academy. Those two meetings were very enjoyable and I think very successful. They both made money for the Academy.

**Dana:** Ted, many of us remember the wonderful Presidential Address you delivered at the end of your term and one of the most outstanding features was that portions of it were multilingual; delivered in English, French and Spanish. I think another high point of your administration was your role in the development of the "Common Law of Arbitration" talk a little about that project?

**Ted:** Well, its inspiration was, I think, Arnold Zack, my predecessor as President and it was over the Presidency of three people. So my role was not very active except to approve of it very enthusiastically, which I certainly did and it has now gone into a second edition and I think has been one of the really fine accomplishment among many of the Academy. Although the NAA's greatest accomplishment perhaps is to bring a sense of collegiality to the arbitration profession and of course to continue to fight what some may sometimes think is a bit of a losing battle for professional ethics and responsibility. But it really has achieved those throughout North America.

**Dana:** I remember at the annual meeting of your presidency there was a labor dispute which erupted and I remember being present when you played a role in mediating with some of the parties. We had a little conference in the backroom, remember?

**Ted:** Well it wasn't really mediating. When we arrived, suddenly there was this work action taking place at the hotel. Arrangements Chair Dick Verity and I went to see them and we pointed out to them that there had been negotiated a "No Labor Disputes" policy. If you are going to have a labor dispute in your hotel, we are outta here. However, it was rather late in the day for that since we all had arrived. The hotel was chagrined, they didn't know what to do and we didn't know what to do either. The union was the Teamsters and I said okay and I made some phone calls to Teamsters friends, who told me the guy responsible was a name that I recalled from many, many years ago. This guy and a partner had been the Business Agent and Rep of The Doll & Toy Workers and they never had any arbitrations. The Doll & Toy Workers had apparently been taken over by the Teamsters so I got in touch with this guy and said can we meet? And we met and he greeted me like a long, lost friend and I explained to him who we were and what was going on. He said: "Listen I don't know what I can do of course, but I'll do what I can with these people, they are out of control. How long will you be here?" I said "until Sunday", and that was my mistake because I had forgotten about the Board of Governors meeting on Sunday morning. I should have said "until Monday". So anyhow, everything stopped and there was no more job action. Everything was wonderful, the staff were

good, no problems whatsoever, till Sunday morning. Then it all started again--fire alarms going off and so on. That was too bad, but it was amusing to see this rascally type (chuckle) once again.

**Dana:** I wonder if we might conclude this interview with recollection of what you might term the most memorable or finest meal that we ah, you have enjoyed at an Academy meeting.

**Ted:** There have been so many of them because we always scout out somewhere good. I remember years ago in Philadelphia having a wonderful meal with Frances Bairstow at The Le Bec Fin which was supposed to be the best place in town at that time. Another wonderful one occurred in the midst of thunder and lightening and a long drive outside of Chicago to Wheeler to La Francais where both Frances, the Shermans and others had a pretty memorable time that we talked about a lot later. The very best meal that I had associated with going to the Academy was, I believe I was on the Board of Governors, and was in Chicago for a Governor's meeting. Through skillful work with directories and telephone books I guessed that the place I really wanted to go to was a place called La Perroquet, which was only a few blocks away. I was able to get in there and it was one of the most fabulous meals in one of the greatest restaurants I've been in. It was just marvelous. It no longer exists, unfortunately.

**Dana:** Well we will have to find a suitable replacement at the next meeting in Chicago, which is coming up soon. Ted, this has been a delightful chance to talk to you and we hope that the members and those who listen to this will enjoy it as much as I have. Ted, thanks so much for recounting this portion of your rather remarkable and distinguished career as an arbitrator and a member and President of the National Academy.

**Ted:** Thank you Dana, and thanks for having me in this wonderful place here in the forest, the wilderness of Upstate New York. Thank you especially for what you have done for the Academy through your six years as being the Secretary. There is a more fancy name but we know what it means. Especially during my year as President when you made everything seem so easy and I can't tell you how much I appreciate that. Thanks.

**Dana:** Thanks so much Ted. We are going to sign off for now. Thanks for listening.