

APPENDIX A

NATIONAL ACADEMY OF ARBITRATORS

Officers and Committees, 1964-65¹

I. *Officers*

Peter M. Kelliher, President
Irving Bernstein, Vice President
Robben W. Fleming, Vice President
Bert L. Luskin, Vice President
Robert L. Stutz, Vice President
Jean T. McKelvey, Treasurer
David P. Miller, Secretary
Russell A. Smith, President-Elect

II. *Board of Governors*

Gerald A. Barrett
Thomas C. Begley
Louis A. Crane
Donald A. Crawford
Milton Friedman
Harold M. Gilden
James C. Hill
Thomas Kennedy
Paul Prasow
Peter Seitz
Rolf Valtin
Jerre S. Williams

¹ For a list of prior Academy Officers, Standing Committee Chairmen and Boards of Governors, see *Labor Arbitration and Industrial Change* (Washington, BNA Incorporated, 1963), Appendix A.

III. *Appointments and Committee Rosters*

(a) *Executive Committee*

Peter M. Kelliher, President

Donald A. Crawford
Sylvester Garrett

David P. Miller
Russell A. Smith

(b) *1965 Annual Meeting*

Arrangements Committee

Rolf Valtin
Carl R. Schedler } Co-Chairmen

Nathan Cayton
Howard G. Gamser
Samuel H. Jaffee

Jerome A. Levinson
Edward A. Lynch
Francis J. Robertson

Program Committee

Lewis M. Gill, Chairman

Sylvester Garrett

Donald A. Crawford

(c) *Editors*

Mark L. Kahn, Annual Volume of Proceedings

Lewis M. Gill, The Newsletter

(d) *The Standing Committees*

Membership

Laurence E. Seibel, Chairman

Nathan Cayton
Wayne E. Howard

David H. Stowe
Rolf Valtin

Ethics

Patrick J. Fisher, Chairman

Thomas C. Begley
Louis A. Crane
David L. Cole
Harold T. Dworet
I. Robert Feinberg
Raymond F. Hayes
Jay Kramer

Robert E. Mathews
Peter Seitz
John F. Sembower
Ralph T. Seward
Abram H. Stockman
David A. Wolf

Law and Legislation

Edgar Allan Jones, Jr., Chairman

Harry Abrahams	Whitley P. McCoy
Marion Beatty	Maurice H. Merrill
Joseph Brandschain	Richard Mittenhal
Alfred A. Colby	Thomas T. Roberts
Alex Elson	Meyer S. Ryder
Howard G. Gamser	Carl R. Schedler
Robert F. Koretz	Russell A. Smith
Bernard P. Lampert	Clarence M. Updegraff
Berthold W. Levy	Carl A. Warns, Jr.

Research and Education

J. Fred Holly, Chairman

Lloyd H. Bailer	James A. Morris
Monroe Berkowitz	Arthur R. Porter, Jr.
Irving Bernstein	Joseph A. Raffaele
Jacob J. Blair	Arthur M. Ross
Harold W. Davey	Irving Sobel
Pearce Davis	Howard M. Teaf, Jr.
Mark J. Fitzgerald	Maurice S. Trotta
Lewis M. Gill	Rolf Valtin
Ronald W. Haughton	Martin Wagner
Mark L. Kahn	Thomas P. Whelan
John W. May	Ralph Roger Williams
John T. McConnell	Louis Yagoda
Jean T. McKelvey	

(e) *The Special Committees**Development and Long Range Goals*

Ralph T. Seward, Chairman

Benjamin Aaron	Harry H. Platt
Sylvester Garrett	Saul Wallen
Paul N. Guthrie	

Grievance Machinery

Abram H. Stockman, Chairman

I. Robert Feinberg	Eli Rock
Patrick J. Fisher	Milton H. Schmidt
John Gorsuch	Peter Seitz
Benjamin C. Roberts	John F. Sembower

Cooperation with NLRB

Benjamin Aaron, Chairman

Robben W. Fleming	David H. Stowe
Paul H. Sanders	Saul Wallen

Financial Policy

Harry H. Platt, Chairman

Paul N. Guthrie	Saul Wallen
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Training New Arbitrators

Pearce Davis, Chairman

Thomas J. McDermott	Joseph G. Stashower
Paul Prasow	Ralph Roger Williams

Arbitration Survey

Irving Bernstein, Chairman

William Gomberg	Frank C. Pierson
Richard Mittenthal	Arthur M. Ross

The Regional Chairmen

Pearce Davis	Chicago
Nathan Cayton	District of Columbia
E. J. Forsythe	Michigan
Donald J. White	New England
Burton B. Turkus	New York
Harry J. Dworkin	Ohio
Howard M. Teaf, Jr.	Philadelphia
Thomas J. McDermott	Pittsburgh
Russell S. Bauder	St. Louis
Gerald A. Barrett	South East
Byron R. Abernethy	South West
Edgar A. Jones, Jr.	West Coast
Irving R. Shapiro	Western New York

gram was an unexpected development which reduced greatly the value of the trainees' attendance at hearings.

The 14 trainees were selected by the appointing agencies after a preliminary meeting between representatives of these organizations and national representatives of the Academy.

The American Arbitration Association and the Federal Mediation and Conciliation Service appointed a local Labor-Management Advisory Committee to assist and support the program.

The Chicago program was initiated by a one day "training institute" held at the Palmer House in September, 1962. Morning sessions were devoted to arbitration procedures and practices and were conducted by major representatives of the appointing agencies. Afternoon sessions included a talk by a regional member on problems and pitfalls confronting new arbitrators and a panel discussion by arbitrator, union, and management representatives on the subject "What Labor and Management Expect of *Ad Hoc* Arbitration."

The table on page 324 summarizes the statistical aspects of the Chicago program. The statistical record has been updated to December 15, 1963.

Comments on the foregoing record are the following: Three trainees did not complete the full-year program. One transferred to another locality in June, 1963. Two others withdrew on their own initiative, in April and June, 1963. One of these two had received no appointments either before or during the program. Arbitrator H, obviously the most successful member of the group, withdrew because he felt identification with the program was hurting more than it was helping him. It is highly doubtful that the program can, with accuracy, cite arbitrator H as one of its successes. Prior to commencement of the program, he had been closely associated with a prominent Chicago arbitrator and, certainly as a consequence, he had in the prior period already received more appointments than he received from the American Arbitration Association office during the time he participated in the program (a total of three). His total score of 10, stated in the table, demonstrates that his acceptability has continued up to December, 1963.

RECORD OF CHICAGO ARBITRATOR-TRAINING
PROGRAM

Sept. 17th, 1962 through Dec. 15, 1963

<i>Arbitrator</i>	<i>Name submitted</i>	<i>Company acceptance</i>	<i>Union acceptance</i>	<i>Selected as arbitrator</i>
A ¹	3	0	2	0
B	16	8	6	2
C	23	3	2	0
D	9	0	1	0
E	19	1	3	0
F	16	0	2	0
G	22	3	5	0
H ²	63	22	25	10
I	20	2	11	1
J	12	0	4	0
K	23	3	3	0
L	4	0	0	0
M ³	14	1	4	0
N ⁴	9	0	4	0
<i>Totals</i>	253	43	72	13

¹ Not participating in program after April, 1963.

² Not participating in program after June, 1963.

³ Not participating in program after June, 1963.

⁴ Deceased, December, 1963.

If Arbitrator H is excluded from the results of the program, the record shows that only two of the other 13 trainees received a total of three appointments over a period of approximately one year, in spite of the very creditable general exposure which the table reveals. Eleven of the 13 received no appointments.

It is worthy of emphasis that the table shows that company representatives were almost twice as reluctant to accept an untried arbitrator as were unions. Unions accepted 72 times and companies 43 times. This reaction is believed to be representative of a reaction that may well exist in other areas of the country.

As a summary judgment, it can be said that the Chicago program was highly successful in terms of Academy cooperation, American Arbitration Association regional office administration, and in terms of time and effort expended by member-trainers. It is possible that one or two established arbitrators may yet emerge from

the program. It is still too early to draw a final conclusion. One of the aspects of the 1963 Member Survey suggests that eventual success or failure may be fully revealed only over a considerable period of time. The Survey reveals that Academy members who began their careers by apprenticeship average 21 months before they received their first appointment.

Further Planning

In the late spring of 1963, the appointing agencies decided to initiate arbitrator-training programs in two other reported shortage areas, northern Ohio and Pittsburgh. Plans for these additional programs were discussed at a New York City meeting of representatives of the appointing agencies and of the Academy. At this meeting, on May 17, 1963, the Chairman of the present Committee submitted a set of recommendations for the new programs, based upon the Chicago experience. These recommendations suggested the following:

1. The introductory or training "institutes" should be extended well beyond one day. At least several days (or a series of Saturday mornings) should be made available to and required of the trainees. Even a minimum educational program, worthy of the name, necessitated an indoctrination period beyond that utilized in Chicago. It was suggested, also, that the forthcoming "institutes" include a greater amount of instruction from senior Academy regional members and, perhaps, from local union and management representatives, too.
2. Members of Academy regional groups should be invited to participate more actively and at an earlier time in nomination and selection of trainee candidates. It would be understood, however, that final selection would remain with the appointing agencies.
3. Consideration should be given to assignment of each trainee to a single arbitrator, to achieve the advantages of greater concentration of instruction and simplification of the administrative problem of arranging attendance at hearings.
4. Trainees should be required to study evidence and argument and write practice opinions and awards.

5. Consideration should be given to acceptance of a smaller number of trainees than in the Chicago program.

Preliminary to establishment of the new programs, Donald Straus, President, American Arbitration Association, Joseph Murphy, Vice President, American Arbitration Association, Herbert Schmertz, General Counsel, Federal Mediation and Conciliation Service, President Sylvester Garrett and the present Chairman of Committee held luncheon meetings with invited union and management groups in Pittsburgh and Cleveland on June 19 and 20, 1963. These meetings were designed to learn the reaction of these groups and to enlist their support for the programs. On the same days, dinner meetings were held with Academy members in the two regions. In both areas the responses were favorable. Labor-Management Advisory Committees were subsequently constituted in Pittsburgh and in the northern Ohio regions. In both areas, regional Academy members cooperated with the appointing agencies and the union-management committees in nomination and selection of candidates.

The Pittsburgh Program

The initial session in the program for training new arbitrators was held at the Penn-Sheraton Hotel, Pittsburgh, Pennsylvania, on October 18, 1963. The morning sessions were conducted by representatives of the appointing agencies and considered practices and procedures in labor arbitration. In the afternoon sessions union and management representatives discussed "What Management and Labor Expect From The New And Beginning Arbitrators." The Academy's regional chairman spoke on "Problems Of The New Arbitrator."

Under the Pittsburgh program, only seven trainees were selected. It was felt that with a small number a more effective exposure could be achieved. Local Academy members were given the opportunity both to make nominations and to comment on the trainees chosen.

Attendance at actual hearings began in December, 1963, and sufficient hearings were arranged so that all but one trainee was able to attend at least one during that month. It was also determined that, where possible, two trainees would be permitted to

attend the same hearing. The reason for this was to increase exposure and also to encourage the trainees to discuss points and questions raised by the hearing among themselves.

A means of exposure instituted in this program permits trainees to attend hearings conducted by arbitrators who are Academy members, but not from the Pittsburgh district.

The goal for this program is to have each trainee attend five hearings by the end of April. Up to the present, one trainee has attended four hearings, two have attended two hearings, three have attended one hearing, and one has not attended any. Two problems have arisen with respect to the scheduling of trainees for attendance at hearings. One has been the fact that there have not been enough hearings for *ad hoc* cases in the immediate Pittsburgh area. Many hearings are outside of the city, which creates a transportation problem that has not been resolved. The other and more important problem is the difficulty of matching available dates of the trainees with dates for the hearings. This problem accounts for the failure of one trainee to participate in the hearing schedule.

While plans call for trainees to write practice decisions and to discuss those decisions with the arbitrator, this phase of the program has not yet been instituted. The belief is that it will be better for the trainees to have attended at least three hearings and to absorb the atmosphere of arbitration before entering the writing phase. Within the next month some of the trainees will be ready for this activity.

The Northern Ohio Program

The northern Ohio training program has not yet begun because of problems associated with selection of the new arbitrators. It is anticipated that a beginning will be made in the near future, however. When appropriate, a report on this training program will be made available.

Committee on the Training of New Arbitrators
Pearce Davis, Chairman
Thomas J. McDermott
Joseph G. Stashower

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