

ARBITRATION 1987
THE ACADEMY AT FORTY

**ARBITRATION 1987
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**PROCEEDINGS OF THE FORTIETH
ANNUAL MEETING
NATIONAL ACADEMY OF ARBITRATORS**

New Orleans, Louisiana

May 25-29, 1987

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DEDICATION

This 40th Anniversary edition of the *Proceedings* is dedicated to the founders of the Academy, especially to the first officers of the organization in 1947.



Academy's first officers at 1947 founding meeting in Chicago. Left to right: Peter M. Kelliher, Secretary-Treasurer; Ralph T. Seward, President; and William E. Simkin (inset), Vice-President.



Academy's first officers at 1987 annual meeting in New Orleans during videotaping session sponsored by Committee on Academy History. Left to right: Ralph T. Seward, Peter M. Kelliher, William E. Simkin.

Ralph T. Seward, the Academy's first president from 1947-1949, the only president to hold office for more than one year, had been executive secretary of the National Defense Mediation Board in Washington, D.C. He was appointed a public member of the National War Labor Board during World War II. He had already served as impartial chairman for the New York City Milk Industry, and became impartial umpire for General Motors Corporation and the United Automobile Workers Union in 1944. When the Academy was founded in 1947, he was appointed impartial umpire for the United States Steel Company and the United Steelworkers of America.

Peter M. Kelliher, the Academy's first secretary-treasurer in 1947, had been an ad hoc arbitrator in Chicago, Illinois, for a number of years before the Academy was founded. He served as a mediator for the former United States Conciliation Service under its director John Steelman in Washington, D.C. He became president of the Academy in 1964.

William E. Simkin, one of three vice presidents elected in 1947, was chairman of the Shipbuilding Commission and associate member of the National War Labor Board during World War II. At the time the Academy was founded in 1947, he was serving as permanent umpire for Bethlehem Steel Shipyards, Goodyear Tire and Rubber Company, and the Men's Clothing Industry, based in Philadelphia, Pennsylvania. He was elected the second president of the Academy in 1950.

In a news item dated September 14, 1947, the New York Times labeled the newly formed National Academy of Arbitrators "an organization dedicated to the elevation of their work to the highest possible professional and ethical standards." It stated: "Most of the best-known names in the arbitration field are among the charter members" and, in addition to the officers pictured here, listed the following:

Vice Presidents: Clark Kerr and Whitley McCoy

Board of Governors: Douglas Brown, Alfred Colby, Lloyd Garrison, Aaron Horvitz, Harry Shulman, Edgar Warren, Willard Wirtz, David Wolff, Paul Dodd, and Saul Wallen.

PREFACE

The Academy's 40th Annual Meeting was held in New Orleans, Louisiana. In his Presidential Address, William P. Murphy goes on a nostalgia trip through Academy history and sets our sights for the future. His vision for the 21st century is reinforced by the remarks of Stephen I. Schlossberg, who discussed "Challenge and Change," setting some new goals for arbitrators in the changing atmosphere of labor-management cooperation.

At the opening general session three points of view were given on the topic, "Arbitration And the Courts: Is the Honeymoon Over?" Taking part in the analysis were Judge Stephen R. Reinhardt, Bernard D. Meltzer, and Abraham H. Raskin. The afternoon session was dedicated to "Substance Abuse: The Problem That Won't Go Away," with discussion by William A. McHugh, Jr., Willis J. Goldsmith, and Leroy D. Clark.

The second day's general session began with presentations on "Memory and Searching for the Truth," with participants including Paul Ekman of San Francisco, David Raskin, and Elizabeth F. Loftus. Since Dr. Ekman and Professor Raskin relied on slides and video clips for much of their presentation, they did not submit papers. Professor Loftus' remarks appear in Chapter 5, along with those of Thomas T. Roberts, who addressed the assembly on "Evidence: Taking It For What It's Worth," assisted (if a gadfly can be said to assist) by Clare B. McDermott. Thereafter the audience broke up into small groups to discuss the subject further.

The first members-only session began with the Report of the Special Committee on Professionalism under the chairmanship of Ralph T. Seward. The report elicited a lively discussion from the floor. Thereafter, continuing the tradition begun at the behest of the Future Directions Committee, two volunteer papers were presented: the first on the topic, "The Arbitrator's Immunity From Suit and Subpoena," by Dennis R. Nolan and Roger I. Abrams; the second, entitled "Standards of Behavior for Tenured Teachers: The New York State Experience," by James A. Gross. A concurrent session was held to acquaint

Academy members with their obligations under the new tax law, presented by Edward B. Benjamin, Jr., and Edward F. Martin. Their remarks and a summary of the discussion which followed appear in Chapter 6.

Finally, to commemorate the 40th anniversary of the Academy, this volume includes a 40-year index of all papers and reports published in the Academy Proceedings from the year 1947 through 1987.

The editor wishes to express appreciation to the Program Committee, chaired by Richard I. Bloch, and to the Arrangements Committee, chaired by John F. Caraway, for the time and effort they devoted to making the 40th Academy meeting a great success, culminating in an appropriate Mardi Gras celebration at the traditional Friday night dinner-dance.

Since this is the first *Proceedings* for which the editor is responsible, the ease with which she was able to take over the editorial reins was the result of the previous editor's assistance and for this we thank Walter J. Gershenfeld. We are also appreciative of the contributors' promptness in submitting their manuscripts, and of the cooperation of BNA's editor, Camille Christie.

July 1, 1987

Gladys W. Gruenberg
Editor

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