

## APPENDIX C

### SURVEY OF ARBITRATION IN 1962

The Board of Governors of the National Academy of Arbitrators authorized a survey of arbitrators and arbitration for the calendar year 1962. It named an *ad hoc* Survey Committee consisting of William Gomberg, Richard Mittenthal, Frank C. Pierson, Arthur M. Ross, and Irving Bernstein, chairman. This committee drafted a questionnaire that was approved by the Board at its meeting on April 27, 1963 (see page 297).

The Secretary of the Academy mailed copies of this form to all members of the Academy in the spring of 1963. A procedure was set up to preserve the confidentiality and anonymity of the responses; in fact, only one person, the statistical clerk who made the computations, saw the results and she destroyed the forms when her job was done. By the end of August 1963, 175 responses had been received, or 58 percent of the Academy's membership. This may be considered a good response. The statistical tabulations are shown at page 303.

This is the third statistical survey conducted by the Academy, others having been made for the years 1952 and 1957. The present survey is considerably wider in scope than its predecessors. Nevertheless, there is some basis for comparison.

A narrative summary of the statistics follows, drawing these comparisons wherever possible.

#### I. *The Arbitrator*

The average age of the respondents as of December 31, 1962, was 52.7 years. This compares with 49.7 in 1952. In 1962, only 8, 4.6 percent, were under 40; in 1957, 10, 11.2 percent, were under 41; in 1952, 13, 11.6 percent, were under 40. In 1962, 36, 20.7 per-

cent, were 60 years of age or older; in 1957, 10, 11.2 percent, were over 60; in 1952, 18, 16 percent, were 60 or older. The majority of the arbitrators in all three surveys were shown to be in their forties and fifties.

As was evident in previous surveys, the typical arbitrator is well educated. Only 3 of 175 do not hold any college degree. The others, between them, have 424 degrees. At the collegiate level there are 113 B.A.s and 40 B.S.s. The most widely-held advanced degree is LL.B., 79, and several have higher legal degrees. There are 66 Ph.D.s. The leading fields of concentration in college were economics (63), political science (28), history (25), and law and prelaw (15). The leading minor fields of concentration were economics (30), political science (29), history (16), and English (14). Thus, most arbitrators received their basic college training in the social sciences. It is worth noting that 5 arbitrators majored in college in literature, 4 in mathematics, 4 in English, 3 in chemistry, 1 in library science, and 1 in Oriental languages. They did their professional or graduate study in two primary fields: law (80) and economics (68).

The arbitrators became interested in labor problems and arbitration primarily as the result of their education (81) and/or their experience with the War Labor Board (42). Two arbitrators attributed this interest to "fate."

Only 11, 6.3 percent, of the arbitrators have worked full-time with unions or the labor movement. A moderately larger number, 29, or 16.7 percent, have worked full-time with companies or employers' associations. In the former group the average amount of time spent in such work was 2.9 years; in the latter 5.5 years. On the other hand, the arbitrators have performed a large amount of service for the federal government in labor relations. One hundred and thirty-one, 74.9 percent, have done such work full-time or part-time. This service was primarily with three agencies—NWLB, WSB of the Korean War period, and NLRB—in that order. Experience working with state or municipal agencies was shared by 28, 16.3 percent, with the New York State Board of Mediation as the leading agency.

The great majority entered arbitration work between 1940 and 1955. There were 45, 25.7 percent, who received their first case in

the period 1940-44, 57, 32.6 percent, in 1945-49, and 35, 20 percent, in 1950-54. One got his first case in the years 1915-19. Only 17 got theirs in the period 1955-59, and none are more recent. A majority of 132, 75.4 percent, have been continuously available for arbitration since entering the field. The principal sources of the first case in descending order were the parties (30 percent), the AAA (24.2 percent), NWLB (16.8 percent), and a state mediation board (11.6 percent).

Nineteen arbitrators, 10.9 percent, served an arbitration apprenticeship. These apprenticeships were widely dispersed over time. Three arbitrators began theirs in 1956 and two each in 1939, 1940, 1942, and 1947. The average duration of these apprenticeships was 2.6 years. The principal activities performed during the apprenticeship in descending order of incidence were sitting in at hearings, drafting decisions, and writing decisions subject to review. In almost all cases the parties were aware of the apprenticeship. The average amount of time spent in the apprenticeship during the period of apprenticeship was 55 percent. The method of compensation varied. Seven apprentices received annual salaries averaging \$5,709; 5 received no remuneration; 4 got a *per diem* averaging \$39.50. Four apprentices received their first cases concurrently with their apprenticeships; 14 others waited an average of 21 months. Of all the arbitrators who responded, 24 (14.5 percent) have trained apprentices, the average number trained per trainer being 3.1.

The caseload of 55.8 percent of the arbitrators in the past few years has been spreading out over more companies and unions. Only 14.7 percent reported a greater concentration of their work and 29.5 percent said it was unchanged.

For most arbitrators arbitration remains a part-time activity. The average share of their professional time spent in arbitration in 1962 was 33.4 percent. The principal other activities were university work, 42.1 percent (mainly in industrial relations, law, and economics), law practice, 10.4 percent, and government employment, 7.3 percent. In contrast with the 1952 and 1957 surveys, the ratio of university people to lawyers has been rising. Only an insignificant amount of arbitrators' time was spent in consultation with employers, 1.4 percent, or unions, 0.3 percent.

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The average percent of net income from arbitration to net income from all sources in 1962 was 36.2 percent. Net income from arbitration varied widely. The most common ranges were \$2,500 to \$5,000 and \$15-25,000, followed by \$1,000 to \$2,500, \$5,000 to \$7,500, and \$7,500 to \$10,000. Seven persons (4.7 percent) had no income from arbitration; no one netted more than \$50,000; 10 (6.7 percent) made \$25-50,000. There has been a marked rise in income from arbitration since 1952.

## II. *Arbitration*

The 158 arbitrators who responded to this question had a total of 6,279 cases in which decisions were rendered, of which 6,045 were grievance and 234 contract issues. The average number of cases per arbitrator was 39.8, which compares with 35.7 in 1952. In addition, these arbitrators were designated in 1,550 cases in which no award was rendered due to withdrawals, settlements, or cancellations, an average of 9.8 cases per arbitrator. Most of these cancellations, 83.4 percent, occurred prior to the hearing; 16.6 percent after the hearing but before the award. In the case of cancellations, 57 percent charge a fee; 43 percent do not. The most common reasons for charging are inadequate notice (39), if the arbitrator appears for the hearing (19), and for travel and expense time (15).

Of the 1962 caseload of arbitrators, 72.7 percent consisted of *ad hoc*, 18 percent of permanent umpire, and 9.3 percent of permanent panel of arbitrators cases. The percentage of permanent umpire to all cases has declined since 1952. Of a total of 160 respondents, 102 arbitrators served as umpires under 235 agreements and/or as panel members under 308 agreements. Umpireships are most common at the plant level, in steel, textiles, chemicals, metalworking, aircraft, and meat. Panels are most common in steel, glass, chemicals, mining, shipbuilding, and air and motor transportation.

Thirty-seven arbitrators served as neutrals in 1962 other than as an arbitrator in a labor dispute in a total of 499 cases. These cases were heavily concentrated in mediation work for state and city agencies. Other leading activities were presidential boards

outside the railroads and Taft-Hartley (24), health, welfare, and pension plans (10), railway emergency boards (9), and Atomic Energy panel (9).

Of a total of 6,225 cases for which data are available, the arbitration system was a single arbitrator in 5,019, a tripartite board in 996, and a neutral board in 210. The single arbitrator system has become more prevalent since 1952.

Umpires were almost invariably selected by the parties themselves. In a handful of cases selections were made by AAA, FMCS, the Secretary of Labor, NMB, and the impartial chairman.

Among appointing agencies, the parties themselves led with 44 percent of the total, a sharp decline from 64.7 percent in 1952. They were followed in order by AAA (20.6 percent), FMCS (17 percent), state agencies (9.8 percent), and NMB-NRAB (7.9 percent). The AAA, FMCS, and the state agencies have raised their shares since 1952; NMB-NRAB have fallen off.

Twenty arbitrators had a total of 42 cases in non-labor disputes, overwhelmingly commercial or related arbitrations.

Of a total of 159 respondents, 105 reported the publication of 645 awards, 37 published none, and 17 did not know.

In cases before 151 arbitrators, 55.7 percent of the employers were represented by attorneys or consultants and 31.2 percent of the unions were so represented. Stenographic records were made in 24 percent of the cases.

Arbitrators attempted mediation in 323 cases, 5.1 percent of those before them. They succeeded in 171 cases, 52.9 percent of those in which they tried. Most arbitrators, 109 of 156 respondents, made no attempts to mediate. Six arbitrators served in a total of 15 cases in which the parties agreed on the outcome in advance and chose an arbitrator to render their decision as an award. A number of respondents volunteered that they would have no traffic with such an arrangement.

Of 159 arbitrators who responded, 11 had decisions appealed to the courts to be set aside and 7 had decisions appealed to confirm. Of the 14 cases of appeal to be set aside, 12 were confirmed, 1 was

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pending, and 1 was set aside. Of the 23 appeals for confirmation, 21 were confirmed, 1 was pending, and 1 was settled.

The average daily rate arbitrators charged in grievance cases in 1962 was \$126, in contract cases \$152.60. The prevailing daily rate in grievance cases in 1952 was \$100, somewhat higher in contract cases. Twenty arbitrators served in a total of 294 cases in 1962 in which they made no charge. In 218 cases, 25 arbitrators were unable to collect their fees. Fee arrangements for umpireships varied widely. The leading forms were the usual daily rate (34), case-by-case or *ad hoc* fee (13), \$150 a day (10), and unspecified retainer (8).

The time elapsed in 1962 cases between the date of filing the grievance and the date of the arbitration hearing clustered at 1 to 3 months (33.7 percent) and 3 to 6 months (23.2 percent). A handful of arbitrators served in a substantial number of cases in which this period exceeded two years, apparently, many of them railroad cases. The time elapsed from the final submission to arbitration to the date of the award concentrated at 16 to 30 days (49.2 percent), followed by 1 to 15 days (25.6 percent), and 31 to 60 days (15.9 percent). Only 4.3 percent were 61 to 90 days, and 5 percent over 90 days.

The overwhelming majority of the decisions (95 percent) were issued in the form of an award and an opinion. Only 0.3 percent were awards without opinions and 4.7 percent were memorandum or summary statements. Only 13 percent of the arbitrators customarily offer the parties the choice of these three alternatives, the remainder, apparently, issuing an award and an opinion as normal practice.

## THE QUESTIONNAIRE

### I. *The Arbitrator*

1. How old were you on December 31, 1962? \_\_\_\_\_
  2. How many years of schooling have you had? \_\_\_\_\_  
*Years*
- |                          |       |
|--------------------------|-------|
| High School              | _____ |
| College                  | _____ |
| Graduate or professional | _____ |

3. What degrees do you hold? (Check)
- |        |       |
|--------|-------|
| None   | _____ |
| B.A.   | _____ |
| B.S.   | _____ |
| M.A.   | _____ |
| M.S.   | _____ |
| M.E.   | _____ |
| LL.B.  | _____ |
| LL.M.  | _____ |
| J.D.   | _____ |
| S.J.D. | _____ |
| Ph.D.  | _____ |
| D.D.   | _____ |
| Other  | _____ |
4. What was your major field of concentration in college? \_\_\_\_\_  
 Your minor field? \_\_\_\_\_
5. What type, if any, graduate or professional study did you do?  
 \_\_\_\_\_
6. How did you get interested in labor problems and arbitration?  
 (briefly) \_\_\_\_\_  
 \_\_\_\_\_
7. Have you ever worked for a union or the labor movement on a full-time basis? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If the answer is "yes", give the years of this experience: \_\_\_\_\_
8. Have you ever worked for a company or an employers' association in labor relations on a full-time basis? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If the answer is "yes", give the years of this experience: \_\_\_\_\_
9. Have you ever worked for the federal government in labor relations work on a full-time or part-time basis? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If the answer is "yes", give the agency and years:
- | <i>Agency</i>        | <i>Full-time</i> | <i>Part-time</i> | <i>Years</i> |
|----------------------|------------------|------------------|--------------|
| NRA                  | _____            | _____            | _____        |
| NLRB                 | _____            | _____            | _____        |
| Conciliation Service | _____            | _____            | _____        |
| NWLB                 | _____            | _____            | _____        |
| NWSB (1945-47)       | _____            | _____            | _____        |
| FMCS                 | _____            | _____            | _____        |
| NMB                  | _____            | _____            | _____        |
| WSB (1950-52)        | _____            | _____            | _____        |
| Other                | _____            | _____            | _____        |
10. Have you ever worked for a state or municipal government in labor relations work on a full-time basis? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If the answer is "yes", give the agency and years:
- | <i>Agency</i> | <i>Years</i> |
|---------------|--------------|
| _____         | _____        |
| _____         | _____        |
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11. In what year did you hear your first arbitration case? \_\_\_\_\_
12. Excluding short periods have you been available for arbitration continuously since that time?  
 Yes \_\_\_\_\_ No \_\_\_\_\_  
 If the answer is "no", give the years during which you did *no* arbitration: \_\_\_\_\_
13. From whom did you receive your first case?  
 NWLB \_\_\_\_\_  
 Conciliation Service \_\_\_\_\_  
 FMCS \_\_\_\_\_  
 NMB \_\_\_\_\_  
 State Mediation Board \_\_\_\_\_  
 AAA \_\_\_\_\_  
 Parties \_\_\_\_\_  
 Another arbitrator \_\_\_\_\_  
 Other (name) \_\_\_\_\_
14. Did you serve an arbitration apprenticeship with an established arbitrator? Yes \_\_\_\_\_ No \_\_\_\_\_
15. If the answer to No. 14 is "yes", give the years in which this apprenticeship took place: \_\_\_\_\_
16. What did the apprenticeship consist of? (check)  
 Sitting in at hearings \_\_\_\_\_  
 Office work \_\_\_\_\_  
 Background research \_\_\_\_\_  
 Drafting decisions \_\_\_\_\_  
 Writing entire decisions subject to review \_\_\_\_\_  
 Writing decisions without review \_\_\_\_\_  
 Hearing officer \_\_\_\_\_
17. Were the parties aware of the apprenticeship? Yes \_\_\_\_\_ No \_\_\_\_\_
18. During the apprenticeship what proportion of your time was spent in the arbitration apprenticeship? \_\_\_\_\_ percent
19. What was the rate of compensation during the apprenticeship? (specify) \_\_\_\_\_
20. How long was it from the inception of the apprenticeship to the first case you received on your own? \_\_\_\_\_
21. Have you ever trained an apprentice arbitrator? (This means in an organized program and excludes occasional visitors to hearings.)  
 Yes \_\_\_\_\_ No \_\_\_\_\_
22. If the answer to No. 21 is "yes", how many apprentices have you trained? \_\_\_\_\_
23. Is it your impression that over the past few years your caseload has tended to—  
 concentrate among *fewer* companies and unions: \_\_\_\_\_  
 spread out over *more* companies and unions: \_\_\_\_\_  
 remain *unchanged*: \_\_\_\_\_



24. During the calendar year 1962, what percentage of your professional *time* was spent in:

	<i>Percent</i>
Arbitration	_____
Law practice	_____
Government employment	_____
University work:	
Law	_____
Industrial relations	_____
Economics	_____
Business Administration	_____
Other (specify) _____	_____
Consultant to unions	_____
Consultant to employers	_____
Other (specify) _____	_____

25. For the calendar year 1962, check the range of your *gross* and *net* income from arbitration:

	<i>Gross</i>	<i>Net</i>
None	_____	_____
Below \$1,000	_____	_____
\$1,000 - 2,500	_____	_____
\$2,500 - 5,000	_____	_____
\$5,000 - 7,500	_____	_____
\$7,500 - 10,000	_____	_____
\$10,000 - 15,000	_____	_____
\$15,000 - 25,000	_____	_____
\$25,000 - 50,000	_____	_____
Over \$50,000	_____	_____

26. From the actual figures rather than the class intervals, what was the *actual percent* of your *net* income from arbitration of your *net earned income* from all sources? \_\_\_\_\_%

## II. Arbitration

1. During the calendar year 1962, in how many arbitration cases did you render decisions?

Grievance cases	_____
Contract cases	_____
Total	_____

2. During the calendar year 1962, in how many arbitration cases in which you were designated as arbitrator did you *not* render decisions due to the action of the parties to withdraw, settle, or cancel the matter? \_\_\_\_\_

3. How many of these cancellations, settlements, or withdrawals took place prior to the hearing? \_\_\_\_\_ After the hearing but prior to the issuance of the award? \_\_\_\_\_

4. In the case of a cancellation, settlement, or withdrawal, what is your policy regarding the fee? Do *not* charge: \_\_\_\_\_  
 Do charge both parties: \_\_\_\_\_ under the following circumstances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Of your total 1962 arbitration caseload, how many were,  
*Ad hoc* \_\_\_\_\_  
 Permanent Umpire \_\_\_\_\_  
 Permanent Panel of Arbitrators \_\_\_\_\_

6. Under how many collective bargaining agreements in 1962 were you serving as umpire (or with some other "permanent" title)? \_\_\_\_\_ Under how many were you designated as a member of a panel of arbitrators? \_\_\_\_\_

7. Indicate the industry or industries in which you held umpireships:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In which you were designated on panels:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. During the calendar year 1962, in how many cases did you serve in a neutral third-party capacity in a labor dispute on problems in which you were not acting as arbitrator? \_\_\_\_\_

9. Specify these cases:

	<i>Number</i>
Railway Labor Act emergency board	_____
Taft-Hartley Title II board	_____
Other Presidential board	_____
Other (specify) _____	_____

10. Of your 1962 arbitration caseload, give the following breakdown:

	<i>Single</i>	<i>Neutral</i>	<i>Tripartite</i>
	<i>arbitrator</i>	<i>board</i>	<i>board</i>
Grievance cases	_____	_____	_____
Contract cases	_____	_____	_____

11. If you held an umpireship in 1962, how were you selected?

By the parties \_\_\_\_\_  
 \_\_\_\_\_  
 Other means (specify) \_\_\_\_\_  
 \_\_\_\_\_

12. For your *ad hoc* arbitration in 1962 give the number obtained by each of the following means:
- |                       |       |
|-----------------------|-------|
| Parties               | _____ |
| FMCS                  | _____ |
| AAA                   | _____ |
| NMB and NRAB          | _____ |
| State agencies        | _____ |
| Courts                | _____ |
| Other (specify) _____ | _____ |
13. In how many nonlabor disputes did you serve as arbitrator in 1962? \_\_\_\_\_ How many of these were commercial arbitrations? \_\_\_\_\_ Others (specify)? \_\_\_\_\_
14. How many of your 1962 labor arbitration awards were published in the BNA, CCH, or Prentice-Hall arbitration services? \_\_\_\_\_
15. Of your 1962 caseload, in how many cases was the union represented by an attorney or consultant? \_\_\_\_\_  
The employer so represented? \_\_\_\_\_
16. Of your 1962 caseload, in how many cases was a reporter present to compile a stenographic record? \_\_\_\_\_
17. Of your 1962 caseload, in how many cases did you seek to mediate a settlement? \_\_\_\_\_ In how many were you successful? \_\_\_\_\_
18. Of your 1962 caseload, in how many cases did the parties agree on the outcome in advance and select you on the condition that you render the decision they had reached? \_\_\_\_\_
19. Of awards issued by you in 1962, how many were appealed to the courts to be set aside? \_\_\_\_\_ To be confirmed? \_\_\_\_\_  
If you had any such cases, what did the court decide? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
20. For *ad hoc* work performed during 1962, what usual daily rate did you charge in:
- |                 |       |
|-----------------|-------|
| Grievance cases | _____ |
| Contract cases  | _____ |
21. In 1962, how many free arbitrations did you have? \_\_\_\_\_
22. In how many of your 1962 cases were you unable to collect the fee?  
\_\_\_\_\_



23. If you held an umpireship or umpireships during 1962, what were the fee arrangements (specify retainers, minimum guarantees, etc.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

24. Break down your 1962 caseload by showing the number of cases for each of the following categories, giving the time elapsed between the filing of the grievance and the arbitration hearing:

<i>Months</i>	<i>No. of Cases</i>
<i>Less than one</i>	_____
<i>1 - 3</i>	_____
<i>3 - 6</i>	_____
<i>6 - 12</i>	_____
<i>12 - 18</i>	_____
<i>18 - 24</i>	_____
<i>Over 24</i>	_____

25. Break down your 1962 caseload by showing the number of cases for each of the following categories, giving the time elapsed between the final submission of the case to arbitration (hearings or briefs) and the issuance of the award:

<i>Days</i>	<i>No. of Cases</i>
<i>1 - 15</i>	_____
<i>16 - 30</i>	_____
<i>31 - 60</i>	_____
<i>61 - 90</i>	_____
<i>Over 90</i>	_____

26. Of your 1962 caseload, in how many cases did you render an award and an opinion? \_\_\_\_\_ A Memorandum or summary statement? \_\_\_\_\_ An award without an opinion? \_\_\_\_\_

27. Is it your custom to offer the parties their choice of the alternatives indicated in the preceding question?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

SURVEY STATISTICS

I. *The Arbitrator*

1. *Age as of December 31, 1962* (174 responses)

*Average age* 52.7

*Age by decade intervals:*

	<i>Number</i>	<i>Percent</i>
30-39	8	4.6
40-49	59	33.9
50-59	71	40.8

60-69	28	16.1
70-79	8	4.6
	<hr/>	<hr/>
	174	100.0

2. *Average number of years of schooling*

		<i>Years</i>
High school (169 responses)		3.9
College (170 responses)		3.9
Graduate or professional (165 responses)		3.6

3. *Degrees held* (responses exceed 175 due to the fact many persons hold more than 1 degree; 2 persons held the same degree from more than one institution)

None	3
B.A.	113
B.S.	40
M.A.	65
M.S.	8
M.E.	2
L.L.B.	79
L.L.M.	8
J.D.	8
S.J.D.	6
Ph.D.	66
D.D.	0
Other:	
LL.D.	6
M.B.A.	5
M.P.A.	2
Ph.B.	1
L.H.D.	1
S.T.L.	1
B.Ed.	1
B.Sc.	1
M.C.L.	1
D.Litt.	1
B.L.S.	1
J.S.D.	1
LL.D. hon.	3
L.H.D. hon.	1
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4. *Major field of concentration in college* (172 responses; 20 double majors, 1 triple major)

Economics	63
Political Science	28
History	25
Law and pre-law	15

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Business	8
Industrial relations	6
Engineering	6
Literature	5
Social science	5
Philosophy	4
Mathematics	4
English	4
Sociology	3
Chemistry	3
Accounting	3
Psychology	2
Science	2
None or general	2
Statistics	1
Liberal arts	1
Library science	1
Oriental languages	1
Social institutions	1

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*Minor field of concentration in college* (148 responses; 7 double minors)

Economics	30
Political science	29
History	16
English	14
Philosophy	9
Languages	7
Mathematics	6
Psychology	5
Business	4
Sociology	4
Journalism	3
Industry	3
None	3
Accounting	2
Statistics	2
Geology	2
Humanities	2
Science	2
Education	2
Literature	1
Anthropology	1
Biology	1
Social science	1
Advertising	1
Mechanical Engineering	1

Labor Law	1
Music	1
Chemistry-physics	1
Personnel	1

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5. *Fields of graduate or professional study* (168 responses; many double or triple fields)

Law	80
Economics	68
Labor relations	19
Political science	18
Unspecified	18
Administration	10
History	4
Sociology	4
Psychology	3
Statistics	2
Mathematics	1
Cost analysis & control	1
Finance	1
Comparative literature	1
Library science	1

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6. *Source of interest in labor problems and arbitration* (168 responses; many cited several factors)

Education	81
WLB	42
State & local agencies	9
General interest	9
Government employment	9
Law practice	9
Work with unions	8
Work with industry	8
Depression	8
Friends or arbitrators	7
Work experience	6
NLRB	5
Wartime experience	5
Family	5
WSB	4
Department of Labor	3
FMCS	3
Legal work for U.S. govt.	2
AAA	2
NIRA	2
Socialism	2

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Fate	2
Social Security Board	1
Newspaperman	1
Work in strikes	1
	234

7. *Full-time work with unions or labor movement* (174 responses)

	<i>Number</i>	<i>Percent</i>
Had none	163	93.7
Had some	11	6.3

(Of the 10 who specified the years of this work, the average was 2.9 years)

8. *Full-time work with companies or employers' associations in labor relations* (174 responses)

	<i>Number</i>	<i>Percent</i>
Had none	145	83.3
Had some	29	16.7

(Of the 26 who specified the years of this work, the average was 5.5 years)

9. *Full-time or part-time work with federal government in labor relations* (175 responses)

	<i>Number</i>	<i>Percent</i>
Had none	44	25.1
Had some	131	74.9

*Federal agency and number of years of service:*

	<i>Full-time</i>	<i>Part-time</i>	<i>Average number of years</i>
NWLB	51	35	2.5
WSB (1950-52)	27	20	1.6
NLRB	15	5	5.5
NWSB (1945-47)	9	12	1.1
Department of Labor	7	8	2.5
NRA	6	3	1.3
Conciliation Service	6	7	3.9
FMCS	4	10	1.3
NMB	2	10	7.1
Other	20	10	—

10. *Full-time work in state or municipal labor relations* (172 responses)

	<i>Number</i>	<i>Percent</i>
Had none	144	83.7
Had some	28	16.3

(Of those with such service, the average number of years served was 9.1)

<i>Agency</i>	<i>Number</i>
NYS Board of Mediation	8
State board of mediation (unspecified)	5



State labor relations board (unspecified)	4
City agency (unspecified)	2
NYS Labor Relations Board	2
Iowa Department of Labor	1
Missouri Employment Service	1
Wisconsin Employment Relations Board	1
Alabama Department of Industrial Relations	1
Massachusetts Board of Conciliation	1
Pennsylvania Department of Labor	1
Pennsylvania Labor Relations Board	1
Louisville Labor-Management Commission	1
California Conciliation Service	1

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 32

(Several persons worked for more than 1 agency)

11. *Year of first arbitration case* (175 responses)

Years	Number	Percent
1915-19	1	.6
1920-24	0	0
1925-29	1	.6
1930-34	2	1.4
1935-39	17	9.7
1940-44	45	25.7
1945-49	57	32.6
1950-54	35	20.0
1955-59	17	9.7
	<hr/> 175	<hr/> 100.3

12. *Availability for arbitration* (175 responses)

	Number	Percent
Continuously available since first case	132	75.4
Not continuously available since first case	43	24.6

(Of those not continuously available, they were on the average available for 13 years and unavailable for 4 years)

13. *Source of first case* (173 responses)

	Number	Percent
Parties	52	30.0
AAA	42	24.2
NWLB	29	16.8
State Mediation Board	20	11.6
FMCS	8	4.6
Conciliation Service	7	4.0
Another arbitrator	7	4.0
NMB	3	1.7
Other	5	2.9
	<hr/> 173	<hr/> 99.8

14. *Arbitration apprenticeship* (175 responses)
- |               | <i>Number</i> | <i>Percent</i> |
|---------------|---------------|----------------|
| Did not serve | 156           | 89.1           |
| Served        | 19            | 10.9           |
15. *Starting year of apprenticeship* (19 responses)
- |             |   |
|-------------|---|
| 1926        | 1 |
| 1939        | 2 |
| 1940        | 2 |
| 1942        | 2 |
| 1946        | 1 |
| 1947        | 2 |
| 1952        | 1 |
| 1954        | 1 |
| 1955        | 1 |
| 1956        | 3 |
| 1957        | 1 |
| unspecified | 2 |
- (average duration of apprenticeship—2.6 years)
16. *Nature of apprenticeship* (19 responses)
- |                                     | <i>Number</i> | <i>Percent</i> |
|-------------------------------------|---------------|----------------|
| Sitting in at hearings              | 17            | 89.5           |
| Drafting decisions                  | 12            | 63.2           |
| Writing decisions subject to review | 12            | 63.2           |
| Background research                 | 9             | 47.4           |
| Office work                         | 8             | 42.1           |
| Hearings officer                    | 8             | 42.1           |
| Writing decisions without review    | 4             | 21.1           |
17. *Awareness of parties of apprenticeship* (19 responses)
- |              | <i>Number</i> | <i>Percent</i> |
|--------------|---------------|----------------|
| Were aware   | 17            | 89.5           |
| "Yes and No" | 2             | 10.5           |
18. *Percentage of time spent in apprenticeship* (17 responses)
- 55%
19. *Rate of compensation during apprenticeship* (18 responses)
- 7 received annual salary averaging \$5,709  
 5 received no remuneration  
 4 received per diem averaging \$39.50  
 1 received a weekly salary of \$100  
 1 received an unspecified board salary
20. *Length of time from inception of apprenticeship to first case* (18 responses)
- 14 averaged 21 months  
 4 received their first cases concurrently with apprenticeship
21. *Those who trained apprentices* (165 responses)
- |               | <i>Number</i> | <i>Percent</i> |
|---------------|---------------|----------------|
| Did not train | 141           | 85.5           |
| Did train     | 24            | 14.5           |

22. *Average number of apprentices trained by those training* (24 responses)

23 averaged 3.1 apprentices  
1 answered "many"

23. *Caseload in past few years* (163 responses)

	<i>Number</i>	<i>Percent</i>
Concentrates among fewer companies and unions	24	14.7
Spreads out over more companies and unions	91	55.8
Remains unchanged	48	29.5
	163	100.0

24. *1962 percentage of professional time spent in* (154 responses)

	<i>Percent</i>
University work	42.1
Industrial relations	14.7
Law	9.6
Economics	7.8
Other	6.9
Business Administration	3.1
Arbitration	33.4
Law practice	10.4
Government employment	7.3
Other	4.5
Consultant to employers	1.4
Consultant to unions	0.3
	99.4

25. *1962 income from arbitration* (154 responses for gross, 149 for net)

	<i>Gross Income</i>		<i>Net Income</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
None	7	4.6	7	4.7
Below \$1,000	13	8.4	14	9.4
\$1,000 - 2,500	21	13.6	22	14.8
\$2,500 - 5,000	24	15.6	25	16.8
\$5,000 - 7,500	21	13.6	18	12.1
\$7,500 - 10,000	13	8.4	16	10.7
\$10,000 - 15,000	16	10.4	13	8.7
\$15,000 - 25,000	18	11.7	24	16.1
\$25,000 - 50,000	18	11.7	10	6.7
Over \$50,000	3	2.0	0	0
	154	100.0	149	100.0

26. *1962 average percent of net income from arbitration to net earned income from all sources* (163 responses)

36.2%

## II. Arbitration

1. 1962 arbitration cases in which decisions rendered (158 responses)		
	<i>Number</i>	<i>Average per Arbitrator</i>
Grievance cases	6045	38.3
Contract cases	234	1.5
	<hr/>	<hr/>
Total	6279	39.8
2. 1962 arbitration cases in which designated as arbitrator but did not render decisions due to withdrawals, settlements, or cancellations (158 responses)		
Number of cases	1550	
Average per arbitrator	9.8	
3. Timing of these cancellations (158 responses)		
	<i>Number</i>	<i>Percent</i>
Prior to hearing	1293	83.4
After hearing but prior to award	257	16.6
	<hr/>	<hr/>
Total	1550	100.0
4. Fee policy with regard to cancellations (151 responses)		
	<i>Number</i>	<i>Percent</i>
No charge	65	43
Do charge	86	57
<i>Circumstances under which charges made:</i>		
Inadequate notice (usually 24-48 hours)		39
If appears at hearing		19
Travel and expense time		15
New parties		1
Repeated cancellations		1
If umpire		1
If parties use arbitration to tie up dates		1
8 arbitrators volunteered the amounts they charged:		
\$25 a day, if much correspondence		
\$50 a day, if much time lost, inconvenience, other opportunities declined		
\$100		
One-half day without 10-day notice		
\$75 "administrative" fee		
2/3 normal fee if settled at hearing		
5. 1962 caseload by tenure of arbitrator (158 responses)		
	<i>Number</i>	<i>Percent</i>
<i>Ad hoc</i>	4684	72.7
Permanent umpire	1160	18.0
Permanent panel of arbitrators	600	9.3
	<hr/>	<hr/>
	6444	100.0

6. 1962 service as umpire or member of panel of arbitrators (160 responses)

102 arbitrators served as umpire under 235 agreements  
and/or as panel member under 308 agreements

7. 1962 industry distribution of umpireships and panels (160 responses)

	<i>Umpireship</i>	<i>Panel</i>
Plant	29	—
Steel	17	12
Textile	9	3
Chemical	8	7
Metalworking	8	5
Aircraft	7	5
Meat	7	1
Rubber	6	3
Garment	6	—
Auto	6	1
Auto parts	6	—
Electrical	4	2
Glass	3	8
Machine mfg.	3	1
Mining	3	7
Hotels & restaurants	3	—
Railroad	3	—
Electronics	3	4
Cement	3	—
Construction	2	1
Auto repairs	2	—
Optical	2	1
Truck mfg.	2	—
Agricultural equipment	2	1
Furniture	2	—
Bearing mfg.	2	—
Hospitals & nursing	2	—
Plastics	2	2
Lumber	2	—
Shipbuilding	1	7
Air & motor transportation	—	7
Newspapers	1	4
Airlines	1	4
Publishing	1	3
Electric & gas utilities	1	3
Retailing	—	3
Hats	—	2
Food products	—	2
Woodworking	—	2
Breweries	1	2
Wholesale distribution	1	2

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	<i>Umpireship</i>	<i>Panel</i>		
Office machinery	1	2		
Nonferrous metals	1	2		
Oil	1	2		
Shoes	1	2		
(A substantial number of additional industries were represented by only one umpireship and/or panel)				
8. <i>1962 cases in which served as neutral but not as arbitrator in labor dispute</i> (154 responses)				
37 persons had 499 cases				
9. <i>Breakdown of these cases:</i>				
Presidential board other than railway or Taft-Hartley		24		
Railway Labor Act emergency board		9		
Taft-Hartley Title II board		5		
Other:				
State board of mediation (unspecified)		116		
N.Y.S. Board of Mediation		100		
State mediator & hearing officer		75		
Private mediator & consultant		53		
City		40		
NRAB & NMB		35		
Health, welfare, & pensions		10		
Atomic energy panel		9		
FMCS & Labor Dept.		7		
Special boards of adjustment		6		
State minimum wage board		2		
Miscellaneous (1 each)		8		
		499		
10. <i>Arbitration systems in 1962 cases</i> (155 responses)				
	<i>Single Arbitrator</i>		<i>Neutral Board</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Grievance cases	4903	97.7	209	99.5
Contract cases	116	2.3	1	0.5
Total	5019	100.0	210	100.0
	<i>Tripartite Board</i>		<i>Total</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
	970	97.4	6082	97.7
	26	2.6	143	2.3
	996	100.0	6225	100.0
11. <i>Method of selecting umpires</i> (76 responses)				
Of the 76 persons who replied, 73 were chosen by the parties.				
The other 3 named AAA, FMCS, Secretary of Labor, NMB, and the impartial chairman with approval of the parties.				

12. *Sources of 1962 ad hoc arbitrations* (153 responses)

	<i>Number</i>	<i>Percent</i>
Parties	2337	44.0
AAA	1096	20.6
FMCS	903	17.0
State agencies	518	9.8
NMB-NRAB	418	7.9
Courts	12	0.2
Other	28	0.5
	5312	100.0

(The largest group of "other" consisted of 12 cases listed as "received from Saul Wallen")

13. *Service in non-labor disputes in 1962* (143 responses)

Of the 143 respondents, 123 reported no such service. The other 20 had 42 cases, which broke down as follows:

Commercial arbitrations	19
AAA decisions	4
Uninsured motorist disputes	4
Direct request of parties	3
AAA auto cases	2
Unspecified	10

14. *1962 awards published in BNA, CCH, or Prentice-Hall* (159 responses)

105 respondents published 645 awards; 37 published none; 17 said they did not know

15. *1962 cases, representation of parties by attorneys or consultants* (151 responses)

	<i>Number</i>	<i>Percent of Total Cases</i>
Unions so represented	1960	31.2
Employers so represented	3496	55.7

16. *1962 cases, reporter present to compile stenographic record* (153 responses)

1509 cases, 24 percent of total

17. *1962, attempted to mediate settlement* (156 responses)

Mediation was attempted in 323 cases, 5.1 percent of the total; it was successful in 171 cases, or 52.9 percent of the cases in which attempted; 109 arbitrators attempted no mediation

18. *1962 cases, parties agreed on outcome in advance and selected arbitrator to render their decision as award* (159 responses)

Only 6 arbitrators had such cases, a total of 15; many who had none expressed indignation

19. *1962 cases, appeals to courts to set aside or confirm* (159 responses)

11 arbitrators had decisions appealed to be set aside and 148 had none; 7 arbitrators had decisions appealed to confirm and

152 had none; the outcome in the courts in the cases appealed was as follows:

<i>To Set Aside</i>		<i>To Confirm</i>	
Confirmed	12	Confirmed	21
Pending	1	Pending	1
Set aside	1	Settlement	1
	<hr/>		<hr/>
	14		23

20. 1962 *ad hoc* cases, average usual daily rate charged (157 responses in grievance cases; 48 responses in contract cases)

Grievance cases	\$126.00
Contract cases	\$152.60

21. 1962 *free arbitrations* (155 responses)

20 arbitrators had 294 free cases

22. 1962 cases in which arbitrator unable to collect fee (157 responses)

25 arbitrators were unable to collect fees in 218 cases

23. *Fee arrangements for 1962 umpireships* (79 responses)

Usual <i>per diem</i> rate	34
Case-by-case or <i>ad hoc</i> fee	13
\$150 per day	10
None	9
Unspecified retainer	8
\$100 per day	6
\$125 per day	4
Unspecified minimum guarantee	4
Augmented <i>per diem</i>	2
\$2,200 retainer plus \$200 per day	2
\$300 retainer plus usual <i>per diem</i>	2
Miscellaneous (one of each)	20

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(The miscellaneous group consisted of retainers ranging from \$300 to \$40,000, daily rates ranging from \$50 to \$200, or combinations of both)

24. 1962 cases showing time elapsed from date of filing grievance to date of arbitration hearing (120 responses)

<i>Months</i>	<i>No. of Cases</i>	<i>Percent of Total</i>
Less than 1	333	8.0
1-3	1407	33.7
3-6	970	23.2
6-12	623	14.9
12-18	349	8.4



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18-24	61	1.5
Over 24	432*	10.4
	<u>4175</u>	<u>100.1</u>

\* This group was concentrated; one arbitrator reported 206, another 49; another 32; another 31 NRAB cases; another 30; and one had 25

25. 1962 cases showing time elapsed from final submission to arbitration (hearings or briefs) to issuance of award (144 responses)

Days	No. of Cases	Percent of Total
1-15	1386	25.6
16-30	2666	49.2
31-60	864	15.9
61-90	234	4.3
Over 90	272	5.0
	<u>5422</u>	<u>100.0</u>

26. 1962 cases, form of decision (160 responses)

	Number	Percent
Award and opinion	5935	95.0
Award without opinion	18	0.3
Memorandum or Summary Statement	295	4.7
	<u>6248</u>	<u>100.0</u>

27. Those with custom of offering parties choice of alternatives given in No. 26 (156 responses)

	Number	Percent
Do not offer choice	137	87
Offer choice	19	13
	<u>156</u>	<u>100</u>