

ARBITRATION—1977

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PROCEEDINGS OF THE THIRTIETH
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NATIONAL ACADEMY OF ARBITRATORS

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Edited by
Barbara D. Dennis
Editorial Associate
The University of Wisconsin
and
Gerald G. Somers
Professor of Economics
The University of Wisconsin

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In Memoriam

Abram H. Stockman

1911-1977

To Abe Stockman, the Academy was like a second family. From the time he joined its ranks in 1951 until the day of his death on April 24, 1977, his interest and enthusiasm never flagged. Except for the 1977 Toronto convention, he missed only one Annual Meeting—and that because of a Presidential Emergency Board appointment. His attendance at regional and interregional conferences was unfailing, his participation invaluable.

While he was modest almost to a fault, Abe's presence was always felt, his views always solicited. Over the years he was asked to assume increasingly responsible positions. He declined only one—the presidency.

The contributions Abe made in the assignments he accepted have had a lasting impact on the Academy and its members. Of particular importance was his work during 1962-1964 as chairman of the Special Committee on Grievance Machinery. Among his numerous other activities were: Regional Chairman, 1956; participant on the program, 1956; member, Board of Governors, 1958-1960; chairman, Special Committee to Consider Membership Status, 1959-1960; Vice President, 1962-1963; co-chairman, then chairman, then member, Committee on Professional Responsibility and Grievances, 1965-1974; member, Special Committee on Membership and Related Policy Questions, 1973-1976; member, Committee on Legal Protection, 1976-1977.

Like many of the Academy's early members, Abe's interest in arbitration dated back to the War Labor Board, where he served as Chief Enforcement Attorney, Region II, and then in Washington, D.C., as Assistant General Counsel and Chairman of the Appeals Committee, 1943-1945. He was also Executive Director of the National Wage Stabilization Board, and later Region II Vice Chairman, 1946.

Those of us in the Academy who were privileged to have Abe as a friend also knew of the broad scope of his interests, which included work on behalf of the Westchester Ethical-Humanist Society, Cor-

nell University, Harvard Law School, and his college fraternity. He was a gifted violist and chamber music participant; he loved the theater; he was a railroad buff, a tennis addict, and a voracious reader of contemporary social history. But most of all, he was a devoted friend.

Abe was always available and helpful to young people who came to him for advice. To newcomers in the Academy, he was the elder statesman par excellence, giving freely of his time and wisdom. To old hands with perplexing problems, he was the patient and reliable sounding board. To all, he was gracious and thoughtful—indeed, a person who loved both his work and his colleagues. And they reciprocated:

- “Abe left a heritage to inspire and sustain.”
- “His gentility, sympathetic understanding, never-ending desire to help his fellow man have earned him a universal respect.”
- “He was, I think, probably the most loved and revered member of the Academy. Many attract affection or respect, but few arouse both emotions and none so universally as Abe did.”
- “What attracted so many persons to him, I think, was his natural sweetness and gentleness, combined with an absolutely pure integrity, an unerring instinct for making those nice, but crucial, distinctions between the appropriate and the unacceptable.”
- “I admired Abe. I loved him. As long as I remember anyone, I will remember him. He was distinguished in his profession, but above all else he was distinguished as a man.”
- “I loved Abe like a brother, and I shall miss him with a deep sense of loss that will remain with me always.”
- “Abe was outstanding among arbitrators—really in a class by himself. He always wrote so carefully, wisely, and beautifully. And he was, naturally, the one to whom many others turned to share torments and seek counsel, which he always gave generously, as a shared discussion.”
- “Abe had a calm, broad comprehension of the nature of justice and law and the tribulations of the arbitrator that was tantamount to wisdom. For many years, when faced by personal and professional problems, it was Abe I called for advice and guidance. I do not recall ever having failed to value and follow it.”
- “One of my pleasantest associations with the Academy was the all too rare opportunity to see him and do the society’s business with him. He had the beautiful old-fashioned qualities in generous measure of intelligence, decency, civility, gentleness, and love.”
- “I will remember Abe as a warm and valued friend and col-

league. I consider it among the true privileges of my life that I shared much with him. Common to all Abe did—his very hallmark, by which I will always remember him—was his unbending adherence to standards of excellence. Nor did he merely strive for excellence. He achieved it through an endless array of magnificent products. Abe combined gentle manners with commitment to self-discipline and ethical behavior of the highest order. And when I additionally think of his humor, dignity, compassion, and culture, I see him as one of the very few genuine aristocrats I have known.”

No person is indispensable. But some are irreplaceable. Abe Stockman, a treasured friend, was such a person. We miss him deeply.

*Arthur Stark, President
On behalf of the Board of Governors*

PREFACE

In this 30th anniversary meeting, the National Academy continued its appraisal of the arbitrator's role and the place of arbitration in society. Reflecting its location in Toronto, the meeting also emphasized comparisons of Canadian and U.S. methods of dispute settlement.

President Woods saluted the charter members of the Academy and noted the growing "legalization" of the profession. His Presidential Address stressed important Canadian experiments in public policy regarding arbitration. Drawing heavily from Canadian experience, A. W. R. Carrothers's paper presented various alternatives for dispute settlement in the public sector and concluded that "voluntary binding arbitration appears to be the most plausible alternative."

In the discussion of judicial review of awards in the 17 years since the *Enterprise Wheel* decision, the speakers examined the complex interaction between judicial restraint and arbitral restraint. In the session that followed, alternatives to grievance arbitration were explored. They included the role of British Columbia's Labour Board, changes aimed at broadening the scope of collective bargaining in the federal sector, and expedited handling of grievances prior to the rendering of the arbitrator's award.

The issue of due process was discussed in a session devoted primarily to public-sector grievance arbitration. The principal question raised by the speaker and discussants was whether the arbitration process satisfies the procedural due-process requirements of the U.S. Constitution.

In revisiting the certification issue, the speaker and discussants at the final session concluded that the requirement of formal certification of arbitrators is not called for at this time and, indeed, might bring about results contrary to the intentions of proponents of certification. At the same time it was noted that a recent survey by the American Bar Association disclosed considerable sympathy for certification, and it was concluded that elements of "informal certification" now exist in the listing procedures for arbitration panels and in the admission standards of the National Academy.

In the "members only" session, discussions were concerned with

the future directions of labor arbitration and of the Academy. The speakers noted the problems arising from the diversity of backgrounds and interests of arbitrators. Their views of the arbitral process and their role in it were reported from responses to a formal survey of Academy members.

We are grateful to President Woods and the Program Committee for an excellent program and to the Toronto Arrangements Committee for the gracious Canadian hospitality. As ever, we are indebted to the speakers and discussants for their cooperation in preparing their manuscripts for publication.

THE EDITORS

Madison, Wisconsin

July 1, 1977

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