

## CHAPTER 21

### FIRESIDE CHAT WITH PAMELA PICHER<sup>1</sup> AND MICHEL PICHER<sup>2</sup>

**Michel Picher:** Thank you for being here and welcome to our fireside chat. I don't know whose idea it was to have a couple do the fireside chat, but we want to start off by stressing that we are not unique in this Academy. The Gershenfelds were a couple in the Academy, the Brogan-Winograds are a couple in the Academy and the Das-Millers are a couple in the Academy, to be sure. Here's hoping there will be more.

You'll be seeing a few pictures from our lives and interspersed with those will be some family art. What you're seeing on the screen at the moment is the work of my cousin Claude Picher, now deceased, a fairly well-known Quebec landscape artist. We have some nice things of Claude's to throw in with some of our pictures, to make it more fun.

And with that, I present the love of my life, Pamela Picher.

**Pamela Picher:** Oh, I like the way that sounds. It's a good start.

Everything for us started in 1963. That would be almost 50 years ago now – it is kind of scary, at a place called Colby College, which is a “small ivy” college in Waterville, Maine, a liberal arts college. I think something as simple as a glass of milk played a role.

**Michel Picher:** When I was in high school I had never heard of Colby. I grew up in Ottawa. If you are a French Canadian Catholic kid in Ottawa you are going to go to Ottawa U where the Oblate Fathers will teach everything you need to know. That was the plan.

Except my brother came home one evening after a party and, before going to bed, he decided to have a glass of milk. Doing so, he looked down at the newspaper on the kitchen table and there was a little headline that said, “Colby College.” It went on to say that high school hockey players who might be interested in meeting Colby Coach Charlie Holt should go to Pat Guzzo's

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Sport Shop, 5:30 Wednesday. The next morning my brother said, “You know, you’re playing high school hockey, why don’t you go take a look at this?” So I did, and the rest is history. I sometimes think, you know those fateful moments, if my brother decided not to have a glass of milk, we wouldn’t be here. That’s how it started.

As a kid from Ottawa, I was all excited to go to Colby and to Maine. Of course, it is a beautiful campus and a beautiful state. One of the things I was looking forward to was seeing the ocean, which I had never seen, being a landlocked Ontarian. Early in freshman year, the day of an excursion of the freshman class down to the coast, to Camden, Maine, was really special for me. I found myself standing up on this hill with some buddies from my dorm, looking out to see the ocean for the first time. I looked down and there was another group from the Colby freshman class. Standing out among them was a blonde girl from Pennsylvania, wearing a green sweatshirt. I thought I was there to see the ocean, but little did I know, I was first laying eyes upon the person I would share my life with.

And share we have. This is almost scary—we have been almost lock-stepped since the time we met at Colby. We were both chief justices of the respective men’s and women’s judicial boards at Colby. That’s how we got to know each other, actually. Carrying on the togetherness, we married shortly after graduating and worked together as teachers in Africa as part of the Canadian Peace Corps, CUSO. We then came home and both became law students together at Queen’s, then went to the Harvard Law School graduate program together and were hired to teach law at the University of Ottawa law school together. We moved from there to the Ontario Labour Relations Board as vice-chairs together and, after that, phased in as labour arbitrators together, joining the Academy in 1985 in Seattle, where we stood at the podium together, as we do today, 28 years later.

**Pamela Picher:** Shall I tell people how we actually got together? That freshman year, eye sighting was about all there was. We didn’t really get in touch with one another until our senior year. But, sad as it may sound, what drew us together was not a romantic attraction. I was going out with Michel’s best friend and...

**Michel Picher:** Well, former best friend.

**Pamela Picher:** He was going out with this very athletic, good looking underclasswoman. But our relationship was passionate, just not of the sexy kind. Believe it or not, the passion was a judicial passion, a quest for justice. To understand what happened

you have to know that at that time—and I should say this for Arnie Zack, his son went to Colby—Colby at that time was pretty straight-laced. It was divided into two campuses, really: the men were on one side and the women were on the other side, with a half mile between.

That dichotomy was held together by a framework of Victorian rules. Those rules were designed for men to keep their respectable distance from women, so that there would not be any premarital mishaps. That was the whole intent. So to enforce those rules, the college created judicial boards, one for the men, one for the women. It just so happened that Michel and I, virtually unknown to each other at that time, were each elected to the chief justice positions of our respective boards. That was in our senior year.

But unfortunately for me, most of the rules related to restraining women. So, the women's judicial board had the gruesome task of trying and punishing wayward women who would crawl into windows after hours or not return to their dorms.

**Michel Picher:** I didn't know about any of that!

**Pamela Picher:** The further problem was that two of my roommates were the most blatant rule breakers on campus. One of them actually moonlighted as a go-go girl at a local bar downtown to earn a little extra money. But, Piche, where did this all go?

**Michel Picher:** Well, the notion came up between us that this was not a fair and equitable social system. So, we essentially started a movement. We didn't intend for it to be a movement, but we started a campaign to change the social rules of Colby College. Our modest proposal was that men should be able to visit in the rooms of the ladies of the college. This, needless to say, met with some consternation and stern opposition from the administration, but it seemed to strike a chord with our fellow students. While we didn't lead any marches and we weren't firebrands by any means, there were some spontaneous demonstrations that erupted and some strong student sentiment backing our proposals.

While nothing happened in our senior year, the year after we left, everything changed. They merged the two sides of the campus and, to this day, Colby is mainly coed dorms, with more or less the kind of thing that we had hoped to see. So I guess we did leave a mark on Colby's beautiful campus.

**Pamela Picher:** But, through all that our passion didn't stay just a judicial passion.

**Michel Picher:** Well, no. As a matter of fact, in the spring of our senior year, while pursuing this activity, we fell in love. In the

spring a lot of the senior guys would rent cabins out at the Belgrade Lakes, not far from campus. Pam and I spent some pretty lovely times that spring canoeing, sailing, playing music, and just being the kind of kids we were in that glorious springtime in beautiful Maine. It was a wonderful time.

**Pamela Picher:** But, by the time things kind of got a little hotter between us, it was June and in two weeks we were going to graduate. Michel was going to go back to Ottawa, I was going back to Pittsburgh, so we just let events take their course and we graduated. We were actually going to be in for quite an extended separation, because I had signed up for the U.S. Peace Corps and was heading off to Liberia for two years. But sometime in late July or early August I got this little phone call from Ottawa and Michel says, “This Liberia thing, is that carved in stone?” That was the extent of his proposal.

**Michel Picher:** Well it was a little bit more than that.

**Pamela Picher:** I knew what he meant. So, our lives changed course at that point. Michel hitchhiked down to Pittsburgh the next day. We were only 22, we really didn’t know each other that well. We liked what we saw, and we had worked together, but... you know, we thought, okay, let’s go, let’s go to Africa. But the Peace Corps would not accept a Canadian.

**Michel Picher:** So much for peace.

**Pamela Picher:** But the Canadian Peace Corps, CUSO, would accept me.

**Michel Picher:** That’s Canada!

**Pamela Picher:** So we joined the Canadian University Service Overseas (CUSO), the Canadian Peace Corps, and were assigned to teach in Ghana for two years. Oh, yes, we got married first, in New Canaan, Connecticut, my childhood home town.

**Michel Picher:** We did. We were very, very fortunate.

So we get to Africa. We were assigned to a secondary school in Tarkwa, Ghana, where we taught kids in grades seven through twelve at the Tarkwa Secondary School. You can see its picture there. Those buildings along the front of the picture are the student residences and the one in the middle was our house, which was quite a comfortable situation. One of the things we did was to build our own little garden to grow vegetables and, lo and behold, to have fresh eggs, we raised our own chickens. We learned a few things about farming in a modest way. But the great thing about being a teacher in this school was that it was on a tropical routine.

Because it was so hot there, the school day was over at one o'clock. We had a Honda 125, which you can see here. Every day we would hop on our motorcycle and scoot off to local villages and take in as much as we could of the surrounding area. We might go down to the coast where there were some gorgeous beaches. Actually, there were some old slaving castles there as well. So it was just an endless National Geographic experience for us, exploring villages and the area around us. We went up to the sub-Saharan region as well. We had a lot of vacation time. Actually, our headmaster had a way of saving as much money as he could by giving the school maximal time off. So that became just a great part of our time in West Africa.

We used to go down to the port of Takoradi where once we ended up talking to some British sailors. We had about two and a half months on our hands and they said, "Why don't you put your motorcycle on our ship and come up to Rotterdam with us?" So, crazy as we were, we did exactly that. I think it cost us something like \$75 for passage on that freighter, the Bamenda Palm, hauling palm oil nuts to Europe. So we tramped along the African coast to Abidjan, Dakar and Gambia, through the Canaries and past Gibraltar. Lo and behold, we landed in Rotterdam with the entire summer of 1968 ahead of us. That's the same summer as the Paris student riots and the Prague Spring. It was an interesting time to be in Europe.

So, fortunate as we were, we travelled from Rotterdam to Casablanca on our motorcycle, going through France, Switzerland, Italy, Spain, and a bit of Morocco as well. I don't think we've had a more wonderful and unique adventure than that in our lifetime.

**Pamela Picher:** In fact, we just played for two years. It was idyllic. But we had to get back to reality at some point and we had to figure out what we were going to do with our lives, how we were going to earn money, the last thing we had been thinking about. But coming home, though, was a bit of an abrupt landing and I should tell you how we ended up at Queen's Law School in Kingston, Ontario.

Michel had lined up some interviews at the two big law schools in Toronto, and then a further interview at a smaller law school, Queen's, in the small city of Kingston, down the way. We were only days back from Ghana, from the dirt roads and the jungle, where we had been for two years. We made our way up from the U.S. and landed on highway 401 in Toronto. It's a major highway,

16 lanes across, a jumble of exit lanes, and entrance lanes, and feeder lanes ...

**Michel Picher:** Pure culture shock.

**Pamela Picher:** Culture shock for sure. We were so overwhelmed by the traffic, the onslaught of cars, that we just put the blinders on, white-knuckled it in one lane, driving all the way through and out of Toronto. We just threw the Toronto law school interviews to the wind and vowed never to return there again. We drove straight on until the road became rational with four lanes and continued on to Kingston, with a smaller school, in a smaller town. This was something that we could cope with, so we stayed there for four years.

Now, I should also tell you how I ended up going to law school. The plan had been for only Michel to go, but I just kind of fell into law school, like the way we kind of fell into getting married. Michel knew from Colby that he was going to go into law, but I didn't have that kind of direction yet, or vision. I knew better what I didn't want to do than what I did want to do. We had to earn money, so the concept was that I would get a job, earn the bread, and Michel would get educated.

**Michel Picher:** She was so agreeable.

**Pamela Picher:** But events took a different course and one of the lasting joys of our lives developed. Every night at dinner, Michel and I would vigorously discuss the cases he was studying. First year law is so exciting, contracts, property, criminal law, torts. It was all fascinating. So we had these impassioned discussions. It was just so intriguing to me, the ins and outs of the facts and the law. After a few months Michel, in his generous spirit, said, "Pam, why don't you go to law school? We can get student loans." I mean, it would have been nice if we had thought of that back at the beginning, but I did apply and the next year both of us were full-time law students.

So, what, Piche, would you say about it?

**Michel Picher:** I think the thing about Queen's was that, and I'm not exaggerating when I say this, it was clearly at that time the leading law school in Canada for labour law. It had on its faculty Don Carter, who went on to chair the Ontario Labour Relations Board, Innis Christie, our dear departed friend who was an Academy member, who chaired the Nova Scotia Labour Board, among other things. Queen's also had Morley Gorsky, Gord Simmons, another deceased member of the Academy and Bernie Adell. All of them were among the best academics in labour law in Canada

and, in fact, they were all leading arbitrators. We, very fortunately, came to work for these guys as summer research assistants, putting together casebooks for them.

One of the things Pam and I also ended up doing as students was to edit scope notes for the Labour Arbitration Cases. In the reported Labour Arbitration Cases in Canada, there is a headnote, but in front of the headnote there is something called the scope note, about eight or nine words that give you the key elements of what that case is. So to write these scope notes we had to read 4,823 labour arbitration awards (I make that number up) and write the scope notes for them. We had no idea this was going to lead us anywhere, but as it happened we became familiar with labour arbitration at a very early age.

**Pamela Picher:** As law school was winding down for me, Michel was out articling, clerking in a law firm in the Thousand Islands, and I was in my third year. It's then we hit what I would say is the first bump in our relationship. Colby had been easy going, Ghana had been a playground, law school was exciting, and now it was time to make a few decisions. It was the first time our mutual goals didn't match each other. I am not sure we even had goals prior to that. But the initial difference was in having kids. It was early in my third year and Michel raised the topic of kids.

**Michel Picher:** French Canadian Catholic, right?

**Pamela Picher:** He was ready, and he was anxious, and he wanted to get at it. I always knew that one day I wanted to have kids, but I had worked so hard in law school, I had not even started a career and I certainly was not anxious. But Michel was persistent. He said we'd been married five years, we were in our late twenties, and it'll be fun. ... So before we knew it I was pregnant and we were starting a family. But that decision immediately led to another decision, which was what kind of environment did we want to have for the kids. From way back Michel had toyed with the idea of going into politics and attaining the highest office.

**Michel Picher:** You know, President of the United States.

**Pamela Picher:** In fact, he would have been good at it. Who knows what he could have accomplished if he put his mind to it? But, as we discussed it, we realized that nothing could have been farther from the atmosphere that we wanted for raising our kids. Happily, Michel loved the law so much that he realized that he could actually be happier pursuing a legal career than a political career. So, through talking things out at this stage we were able to

make two alignments relating to kids and career, and our road was once again a happy one.

**Michel Picher:** At the end of Pam's third year we had our first child, Jean-Michel. He was no more than five days old when we packed everything into our Volvo and headed down the road to Cambridge, Massachusetts, to do the Harvard Law School's LLM program. At least, for me to do the Harvard LLM program while Pam was to work at a law firm in Boston to put bread on the table and get me through. That was just a wonderful year. As things happened I was talking one day with Dean Troutman, who was then the Dean of Graduate Studies at Harvard, and I mentioned my wife, Pam, who in fact had been a better law student than I at Queen's and who was working in a law firm downtown. He said, "Well, why doesn't she come here?" So the next thing you know, Pam was enrolled at Christmas into the LLM program at Harvard as well. Ever lock-step, we went through that experience together and thoroughly enjoyed it.

The idea was that we'd go on and be law teachers. At that point, the University of Ottawa Law School had a new building. It had not been a leading law school, but it seemed to have a good future. So we went back to my hometown of Ottawa, hired as law professors, after our year at Harvard. The fact is we didn't take to teaching law like a duck to water. We certainly didn't find ourselves necessarily happy with the rather thin collegiality that we found at that law school at that time. So we were weighing our options. After a year of teaching Pam decided to go work at the Law Reform Commission of Canada where she did some significant research and writing.

**Pamela Picher:** And we had another little addition.

**Michel Picher:** That would be Grégoire. He is our family artist, now a professional film animator. So now we have two kids, I'm still teaching, and the phone rings. On the other end of the line is our former law professor Don Carter. We were hoping Don would be here today because we were going to ask him to stand up at this point. Don is the next "glass of milk" in our lives. Don, unbeknownst to us, was then being appointed Chair of the Ontario Labour Relations Board. He said, "Listen, guys, how would you like to come and be vice-chairs of the OLRB?" It took us all of a nanosecond to say yes, and we found ourselves shortly thereafter visiting Toronto and moving in July of 1976, always lock-step together, to commence our careers as neutral labour relations adjudicators.

**Pamela Picher:** But you know what, Piche, it almost didn't happen. It almost did not happen because our appointment had to be approved by the Ontario Cabinet. All the ministers, sitting around a table, didn't really like the idea of two married people being appointed to the same administrative tribunal.

**Michel Picher:** These were Progressive Conservatives.

**Pamela Picher:** But, luckily, the Minister of Labour was a woman, the formidable Betty Stephenson. She promptly blasted the naysayers, told them to get with the times, and stop discriminating. I'd love to know what she actually said. But when she was done our appointments went through. Here is a picture of the OLRB from the 1970's. You'll recognize quite a few arbitrators in there.

**Michel Picher:** What we don't see in this picture is some other people in this room who also were, and some who may still be, vice-chairs of the OLRB. It's a tripartite board, so we had the benefit of being assigned to sit with lifetime unionists who were the union side-persons on the panels that we sat on. As we generally sat as a three-person panel, we also got the mentoring help of seasoned management side persons. One of my favorite management Board members was a guy named John Bell. He spent his career with Massey Ferguson. I always enjoyed working with him. When I left the Board they had a little lunch for me and John Bell was asked to say a few words. I'll never forget his comment. He said, "You know . . .," they used to call me Mike in those days, "You know, the best thing about Mike Picher . . . is Pam Picher." No truer words were ever uttered.

**Pamela Picher:** Well, early on, once we were appointed, we faced another hurdle. Piche and I had two different hearings relating to the same employer, a fruit canning company down near Niagara. It just so happened that we each rendered decisions favouring the union. So the employer took us on judicial review on grounds of bias, to overturn us. Well, the gods were looking out for us again because the judge, after listening to the employer's case, turned to the union and said, "Do not even stand up." He threw the case out and we never heard another peep about problems with being married and rendering judicial decisions.

**Michel Picher:** Our time at the OLRB was quite rich. We were there, I guess, for seven or eight years and it was a true experience of collegiality. Every Thursday at lunch, we had something called the Vice-Chairmen's meeting, where we would all share our cases and the problems we were dealing with. The mutual support and the exercise of discussing these things were extremely

rich and educational. One of the big pluses for us was having Don Carter as a mentor because Don was a superb writer and editor. I'll never forget, early in my time with the Board, having come from being an august law teacher, I had written a draft of a decision that had lots of Latin in it. So Don sits me down in his office and he says, "Now, Michel, you see this phrase here, this *res ipsa loquitur* part of your decision, do you think the shop steward is going to understand that?" We quickly learned how to write, hopefully, for the right audience. We certainly benefited immensely from our time at the OLRB. I think it's worth saying, at this point, that that tribunal has been a breeding ground for leading arbitrators, certainly in Ontario, and for members of this Academy. I think of Ted Weatherill, who was a vice-chair there, Howard Brown, Owen Shime, Ian Springate, and some others who are in this room. It was just one of those wonderful places where we got nurtured.

**Pamela Picher:** Well, do you remember a couple of other things that happened in there?

**Michel Picher:** Oh, you mean kids?

**Pamela Picher:** Jean-Mi and Gregoire. Then, do you see that bump?

**Michel Picher:** That bump would be Andre, we call him Coach. He's six foot four today.

**Pamela Picher:** Early on at the Board we had another pivotal moment in our lives. To make it a little more memorable, it happened in our double tub. We renovated our basement, so the kids would have a playroom. We loved a double tub, so we installed a double tub down there in the basement. Every night after the kids went to bed, we'd take a glass of wine and go soak in the double tub.

**Michel Picher:** Two glasses of wine.

**Pamela Picher:** Right. Disappointing as it may sound, the conversation often turned to our cases. Just like in law school, we loved hashing over the ins and outs of our cases. In law school it didn't really matter what was decided or what we thought of it, but in the double tub, these were our own cases. At first, when the other person would criticize and say, "You know what, I don't think that's the proper conclusion to draw from whatever and whatever..." our backs got up a little bit. We found we were getting very possessive about our own decision and what we were finding. Saving the day, actually, was the fact that we soon realized that it wasn't a whole lot of fun to feel defensive and P-O'd when you're sitting there naked, in a double tub, each holding a glass of wine.

**Michel Picher:** And the bottle was at her hand, so ...

**Pamela Picher:** So we realized we had come to a crossroads and that we had to do something about this. And since we loved the double tub, and we loved the glass of wine, and loved talking about cases, we just simply made a decision, to dissolve the defensiveness and to listen to the other's view, build on it, to respond to it. There were immediate benefits because we always felt that the conclusion we reached after our tub discussion was solid. Even if the decision was not any different from what we had originally thought, it had been hashed out. Our good fortune is that this orientation to our cases stands to this day. The truth is that, through these chats, we have become one another's most trusted sounding board.

**Michel Picher:** And we still have a double tub. We'll always have a double tub.

**Pamela Picher:** But a few other things happened at the Board.

**Michel Picher:** They did and let me tell you one of the things I learned about Pam. You know, Toronto is a pretty fast track. We were no longer the country kids in Kingston, much less Waterville, Maine. So you need to have a professional wardrobe, proper clothes. Pam has no clue about buying clothes. I realized this fairly soon when she wasn't doing anything about her wardrobe. So from that time until now, I have been Pam's valet and clothier. I drag her to these ladies' clothing stores where I sit ensconced in some chair and I command them to bring racks of clothes out for my wife. The people in these stores love me. They see me coming, as every two or three years we go and refresh Pam's wardrobe and get it back up to date.

We loved our time at the Labour Board in Toronto, but we obviously realized that we didn't want to spend our lives as public servants and stay there until we got our pension. Being vice-chairs we would occasionally be invited to arbitrate. People would say "Well, listen, on your day off can you come and do a hearing?" or in an evening or whatever it might be. The Board didn't mind us doing that, as it broadened our knowledge. So we became more and more exposed to labour arbitration and loved it. We enjoyed getting to know the labour bar, obviously, and the greater independence that we could have as arbitrators as opposed to public servants.

As that evolved, also evolving was our family. Soon enough we went to having not just three boys, but also a young girl on the way. That would be Marielle, who is our fourth child. We now have

one girl and three boys. So when Pam was waiting for Marielle, we knew this was going to be a big event.

By necessity our lives became very, very focused. I'm sure some are going to ask, "How did you do it, with four kids and your careers?" because we really never worked part-time. It was full bore both at the Labour Board and as arbitrators. I think the answer to that is that we really had to close ranks and focus. If people were our friends, most likely they were our friends and colleagues from the Labour Board or other arbitrators. If I was coaching a hockey team, which I did, it was going to be my kids' team. So family and our work basically occupied 24 hours out of every day. It was just that way.

But sometimes things got a little crazy. I'll never forget one time, when Pam was at home and I was away at a hearing, out of town. We had a live-out nanny who would come to our house every morning and take care of the kids, so we could go off to our hearings and write our awards. This particular day, Pam had a morning flight to Sault Ste. Marie for arbitration. Our nanny phones at about six o'clock in the morning, and says, "I'm sick and absolutely unable to come today." "Okay," says Pam, "Thank you." Now, I think most of us would say, "Gee, that's too bad, I'm going to have to cancel the hearing." Not this lady. Pam jumps on the phone, calls Air Canada, and says, "Can I get three tickets for my children to get on that flight with me to Sault Ste. Marie?" "Yes, indeed." She calls the hotel, the Holiday Inn in Sault Ste. Marie, "Can I get a room down the hall from the hearing room that would hold my kids for the day, including a baby of eight months, give or take?" "Yes, we can do that." So off she goes, files and kids, to the airport. Loads the kids into the plane, goes to Sault Ste. Marie. Pam walks into the hearing room, elegant suit on, looking calm, as the kids are ensconced in another room down the hall. Now, one of the things you have to remember is Mother Nature has her ways. Pam was breast feeding at the time. I gather or I have learned, that when a baby cries the mother's milk is going to come in. So here are the kids, two rooms away. Pam is sitting there trying to run her hearing, looking calm as could be. Then she hears this baby crying, and in comes the milk. "Excuse me, we're going to have to take a five minute break here..." and down the hall she would go. The parties had no idea.

**Pamela Picher:** You know some other crazy things happened in that time. We were getting so crushed by our kids, by trying to get

it all together. I remember once being so tired during one hearing that I had in Toronto, at the lunch break, I raced to my car in an underground garage. I just laid down in the back seat, so that I could close my eyes—please, let me close my eyes, and I prayed that I would wake up before the restart at 2 p.m. Another time, I was driving to an out of town hearing, but I had to open the windows and scream as loud as I could to stay awake and, you know, chewing ice, eating lemons. . . . It was taking a toll on us. I'd go to my hearings and would have to check, "Are my buttons done up, is my zipper done up?" Speaking of clothes, one time I went to an out of town hearing, and stayed the night before in the hotel. In the morning, I'm getting dressed for the hearing and go to put on my shoes—two left shoes, two left high heels, an old one and a sort of newer one. I go, "What am I going to do?" Well, what are you going to do? You're going to stick on those damn shoes. So I went the whole day with two left high-heeled shoes and was a cripple by the end of the day. When the hearing ended, I let the parties vacate so that I could sneak out. They were gone and I thought, "Nobody can see me." Walking out of the plant, I took my shoes off. I've got my business suit on, dragging my briefcase, and a person comes by. I'm barefoot and it's cold weather and she says, "Oh, honey, is it that bad?"

But you were not immune either, Piche!

**Michel Picher:** No, no, I was not immune. I hope the doors are shut because of what I am about to tell you. This might be my last moment as an Academy member. I had one occurrence that I do not recount with great pride. You know, we all have those files, the dog file that sits in your office. You've had the hearing, you just don't want to open that thing and start writing it, right? I've had more than my share of those. So, I had this file sitting on the coffee table in my office and I looked at it for weeks and thought, "My god, I have got to get to this thing. This is just too much." So finally one day I opened up the file and there were the counsels' names, my notes, the representations, the articles of the collective agreement, the issues—it was all there. So I thought, okay, put this thing together. I write my award and send it out. About three days later the phone rings. It's Chris Paliare, a wonderful counsel from Toronto who was on the file, and he says, "Picher, this award you just sent me, don't you remember? We settled that thing at 11:00 that morning!" Then he says, "That's not all, you know, Picher. I settled for a lot less than what you gave us in that draft award!"

You know, you start to realize, maybe you're working too hard.

**Pamela Picher:** Now I want to show you a couple of pictures of our four kids. They were thriving, doing just fine, but something was really out of whack for us. We were crumbling under the weight of trying to carry on our careers and raise our kids the way we felt they should be raised. Something had to give. We were both trying to do it all. At one point, I had taken on the additional responsibility of being the Chair of the Ontario Public Service Labour Relations Tribunal and it just was not working. It was clear that if we wanted to keep our family as close as it always had been, something had to give. So we gradually slid into a major decision in the balancing of our careers and family. I don't ask you to agree with this decision; I am not sure I would even recommend it; it certainly wasn't perfect. But it's what we did to survive as a family. Essentially, on the career diversification front, relating to obligations or responsibilities in addition to arbitration, I held back and Michel went forward. So our full-time arbitration loads remained the same. I continued to arbitrate full-time with all the same energy, vigour, and commitment—I loved my work—but once I concluded my term as the Chair of the Tribunal, I would decline all requests for giving talks, writing papers, teaching courses, or taking on added responsibilities for wonderful organizations like this one. Of course, I was conflicted. But, because of the crush of time, and the appropriate demands of our kids and one another, I just could no longer see my way to taking on anything extra on the career front when to do so meant I might not play that baseball game with the kids, or I would not be there for their homework, or I would not be able to listen to their highs and lows. Michel, on the other hand, consciously went forward accepting the added responsibilities. He loves writing articles, he loves speaking at conferences. ...

**Michel Picher:** I'll talk to anybody.

**Pamela Picher:** He is energized by contributing to wonderful organizations like this one, as you have seen in the Academy. So in this way our careers took on different hues. In some respects this division really was a natural selection between us given our different temperaments.

Michel is comfortable with public speaking and being in the public eye. But I don't want to go there. I'd rather not even be here.

**Michel Picher:** That is an understatement.

**Pamela Picher:** But the fortunate thing for us is that we are not competitive. We don't try to match each other in any aspect of our lives. We each have strong personalities. If we each operated or were like the other one, I don't think we would be a team.

**Michel Picher:** No.

**Pamela Picher:** Or at least an effective team.

**Michel Picher:** It has been an enormous, enormous collaboration between us. I have the wonderful good fortune to be married to one of the world's best editors. If you recall, I gave a presidential address in Chicago. My first draft of that presidential address was gibberish. Pam looked at it and said, "You're not going to stand up and say these things in this order. God, you're contradicting yourself on the same page." She can take the most hopeless draft of whatever it may be and turn it into something logical, sequential, readable, and convincing. So we have both benefited. That's kind of a later stage of the double tub syndrome collaboration. I also look at Pam's awards and bring a critical eye, occasionally suggesting changes here and there. I think people do sort of get two arbitrators for the price of one when they hire one or the other of the Pichers.

It's interesting that we have been on panels together. We don't sit, obviously, on the same cases, but we have been on a number of panels together. For example, I think of Canada Post and the Canadian Union of Postal Workers, as well as Ontario Hydro and the Power Workers. Both of us were on their list of arbitrators. The same is true with the Ontario Community Colleges system, the Canadian Broadcasting Corporation, and what was then the National Association of Broadcast Employees and Technicians (NABET) or the Communication, Energy and Paper Workers (CEP) and Bell Canada, in addition to Queen's University, Guelph University, and Memorial University. There are lots of places where our names both appear in collective agreements. That has been a fun dimension of our lives. I forgot to mention one thing. ...

**Pamela Picher:** Oh, goodness.

**Michel Picher:** Pam was invited years ago to be on a panel of leading female lawyers of the Law Society of Upper Canada. You know, talking about being a professional lawyer and having a family at the same time. So these two really glitzy litigation ladies are on this panel with Pam. They both speak first. They are spiffed out in their Gucci and what have you. They're saying, "Well, it's just wonderful. I love my career and I love the law. I go home and

my kids are all scrubbed. Life couldn't be better." So this goes on through the two speakers and it's Pam's turn. She grabs the microphone and says, "My God, I just struggle from day to day!" She got a standing ovation.

In 1984 our very good friend Ted Weatherill suggested to us that we should consider joining something called the National Academy of Arbitrators, which we didn't know a lot about until Ted explained it. So we found ourselves in 1985 in Seattle joining the Academy, together at the podium. The Academy has been, obviously, a very wonderful part of our lives. My own experience in the Academy has been particularly rich. I owe great thanks to George Nicolau for that. George, I don't know how or why, decided to appoint me as the chair of a committee on employment arbitration, which was then a very hot issue in the Academy. His thought was, "Well, Picher knows nothing about it. He's a Canadian and he won't do any of it, so he'll be a neutral among neutrals." That committee, needless to say, was very, very special. It was made up of several past presidents, people such as Tony Sinicropi, Reg Alleyne, Arnie Zack, David Feller and Walt Gershenfeld. For me to be immersed in that group, and others by the way, was a wonderful experience. It was a great way to get a feel for the Academy and to come to love it as I have.

One of the things we look back on fondly now is that, when we came to Seattle, there were then probably six Canadian members in the Academy. Today there are about sixty, and that number is still growing. That's something we take great pride in. There have been other enriching things. You may recall we had an issue in Ontario having to do with the appointment of interest arbitrators, "the judges' case." The government of the day declared that only retired judges would be appointed to chair interest arbitrations in the public sector. The Ontario Labour-Management Arbitrators' Association was not well situated to fight that policy because the challenge would be made that, "Well, you are here only to feather your own nest; you're only objecting because work that would otherwise be yours is going to be given to retired judges." The Academy didn't have that problem. So the Academy became the perfect appeal vehicle. John Kagel took all of four seconds to say, "Yes, let's intervene, the Academy will be there." So I had the very good fortune to borrow Ken Swan's gown and argue the case in the Supreme Court of Canada, which we won. I know I'm

repeating things I have said before, but I experienced first-hand the stature and respect of the Academy in the eyes of the Court. The Academy meant something and made a big difference.

At about the same time I started into the Academy, I also had the great fortune of being named the permanent arbitrator for the Canadian Railway Office of Arbitration which is in Montreal. That umpireship deals with all of the grievances in the railway industry—Canadian National, Canadian Pacific, via Rail, Ontario Northland, Go Trains, whatever railways and unions might be involved. Astoundingly, I have been able to bamboozle those people into keeping me for 27 years. Next week I'll be going to Edmonton to sit with the CROA and listen to more grievances.

**Pamela Picher:** Tomorrow.

**Michel Picher:** Well, tomorrow, yes. I'll be sitting next week. Looking back, it's been a pretty wonderful life for us, with the Academy being no small part of that.

**Pamela Picher:** You've been talking about some highlights for you. Of all the places in the world of law that I feel I should be, it's right here. Arbitration, being an arbitrator, is where I belong. I adore the process and I adore the people. The most fun part for me is getting involved with the people. Take counsel, for example. If I were not in the middle, I know I would be sitting in one of the counsel chairs. So I find it quite interesting to watch what they're doing, how they're doing it. Even more than that, through snippets of conversations that occur over repeat cases with the same counsel, I enjoy learning how they balance their careers and their family. It seems to be something that is on the minds of almost everyone, I think. With respect to the union reps and HR folks, I have so much respect for them. They are on the front lines, the firing line, receiving complaints, trying to resolve the issues in the first instance; I am just staggered by the weight of what they undertake on a day-to-day basis. I love holding hearings in plants because I feel like I am getting closer to their world. The grievor, the grievance and the witnesses, they utterly intrigue me. They are really, for me, food in this business. Watching how they react to pressure and then watching some of them come forward with so much integrity, and others not so much. Just thinking, how did you each get to those very different places? I feel a great privilege in being privy to raw emotions and traumatic events that come forward in our arbitration cases. There is an intimacy in that

experience that I find very meaningful. It's not something that is just served up in many forums. I feel very honoured to be able to get close to people's hearts.

With respect to the law, matching the evidence with the law is just a puzzle to me that I really enjoy doing. One piece after the next, it comes together inevitably. I never worry that it won't come together.

Then there are you, my fellow arbitrators. There is just not a more splendid group of people to rub shoulders with. I treasure every moment at these meetings. When I look back, at the path that Piche and I started down at Colby almost 46 years ago, it increasingly became a path of trying to find the appropriate balance between careers, kids, each other and then ourselves as individuals. I think that is the quest that so many experience. It is a universal one, but each story will have its own colour. You have been hearing ours through a bunch of twists and turns, and the making of critical compromises, I would say, at different stages. Through the absolute love of one another, and our kids, I feel and I'm sure you share, that we've created something that is pretty special for the two of us.

**Michel Picher:** And we have been much blessed. I think some of you may have been to our home at the time of the Ottawa meeting, when we were able to host a party. We have a cottage on Georgian Bay, north of Toronto, that our kids will not let us part with even though we don't live anywhere near it, because they do. We do spend the month of August there and enjoy it thoroughly. Our home on the Gatineau River, needless to say, is just a great joy for us.

One of the things you probably detected from this lady is that she loves those kids and our grandkids, as well. She's as much a mother as she is...well, she's more a mother than she is anything. She's a wonderful arbitrator to say the least, but what a terrific mom and grandmother she is, for all our kids and grandkids. Yes, we have been blessed.

We are also blessed, just as you are, to have worked in this wonderful field of arbitration that is ours. Each and every one of us is given a supreme compliment when two parties ask us to resolve their differences. If it is the mark of a free society to be able to differ, and that parties can be in strong dispute, ultimately it's the measure of our civilization as to how those disputes are resolved. That is what you do. All of you work at the very forefront of some-

thing that we should all be very proud of. That's what I think the Academy is all about.

We thank the Academy for letting us take a little time to tell our story today. Thank you all.

**Pamela Picher:** Thank you.