

Interview of George R. Fleischli

By Edward B. Krinsky

ED: Why don't we start with your vital statistics. When and where were you born and where did you go to school?

GEORGE: I was born in Springfield, Illinois in 1940. For the first eight years I attended a very strict parochial school, Saint Peter and Paul's. It was run by an order of nuns, whose motherhouse was in Germany. My father, who was 42 when I was born, had two of the same nuns for 7th and 8th grade. In his day they taught half days in German. They had to stop that with the outbreak of the Great War. I went to a public high school—Springfield High School. I lived outside the area it normally served, but it had the best reputation for college prep.

ED: Tell us a little bit about your family background.

GEORGE: I'm either a second or third generation American, depending on which side of the fence you examine. Grandpa Fleischli emigrated from a little village outside Lucerne, Switzerland. He ran a saloon in "Swiss town" in Dixon, Illinois that was frequented by the Swiss immigrants who worked for the Helvetia Cheese Company. He married a German girl who lived on the Germantown side of the Rock River in Dixon, Illinois. She came from Baden in Baden. He was put out of business by the prohibition movement that came to Lee County early, in 1908 or so. They moved to Springfield, where he drove a horse-drawn beer wagon for Reisch Brewery, and eventually had 7 boys. My dad was in the middle.

My mother's father was born in Springfield. His parents had emigrated from a little village near Trier, Germany. He married "up." His wife was of German heritage too, but her father was one of the founders of the first grain mill in Springfield.

Mom's father led a tragic life. He operated a combination saloon and grocery store. They and their 4 children lived in an apartment above the business until he lost everything. National prohibition forced him to close his saloon and he was run out of the grocery business by cash and carry supermarkets. His few remaining customers needed credit and then couldn't pay. He and

his family moved in with his parents and he spent the last few years of his short life as an apprentice to his father who was a tailor. That was something he hated and swore he would never do.

My parents both went to work after graduating from grade school. My dad attended "business college" at night, while working at the local Peabody mine. He worked above ground as a bookkeeper in the office. He read a lot and had a polished manner and it was generally assumed by those that met him that he had a college education. He held a series of sales jobs and eventually spent a career as a mid level executive for the local utility company. My mom worked as a secretary for my father before they got married. It was not frowned upon to date the boss in those days. My dad was 33 and my mom was 29 when they got married in 1931, at the start of the Depression. Even so, they had 7 children in less than 9 years, 3 girls followed by 4 boys. I was number 7. My oldest sister died as a young girl.

ED: Wasn't it crowded in your home?

GEORGE: Not really. We were very fortunate. We lived in a large, wonderful home that my dad rented from a wealthy aunt. It had been built in the wrong end of town.

ED: I know from stories you have shared that some of your activities as a youth were not necessarily predictive of a responsible adulthood. Tell us a little about that.

GEORGE: Fortunately, the records that are not lost are sealed. I didn't know it until I went to high school, but I grew up in the wrong end of town. Perhaps you can imagine what it was like to have 4 energetic boys, close in age, trying to entertain themselves in such an environment. I think I told you, I am thinking about writing a book some day, tentatively titled "Running Wild on the Streets of Post-War Springfield." Most of our classmates and friends lived in public housing or very modest houses and apartments. Some had run-ins with the law and were "not a good influence," according to our parents. I'm sure their parents said the same thing about us.

ED: Did you work while growing up?

GEORGE: We all did. It was expected. We used the money to buy our own clothes and pay for our own entertainment. During the summers, when we could work full time, we paid "room and board."

ED: What kind of jobs did you have as a youth?

GEORGE: I started out, along with a friend (Lacy Wright), peddling newspapers (the Chicago Daily News) from room to room in a hospital, because I was too young to get a paper route. That was a little tricky, because we didn't have permission to do so. I then got a morning paper route, servicing the heart of downtown Springfield. That was a real education. I dealt with a lot of interesting characters. For the first couple of years of high school, I worked at a corner newsstand, before and after school and on weekends. When I turned 16, I got a minimum wage job working for the local newspaper, delivering advertising proofs and manning the advertising morgue at nights. I learned a great deal about various printing trades—knowledge that became totally obsolete not too many years later. I finally broke loose from the newspaper business and got a job working as a drugstore clerk and pharmacist's assistant. I did that through two years of junior college and during breaks and summers after I went away to college.

ED: What impact did your family background have on you in your later life?

GEORGE: I would have to say that the impact was great and it was positive. Basically, I was inculcated with immigrant values, combined with the values so many families acquired as a result of living through the depression and World War II. Things like the importance of getting a good education, working hard, saving, living within your means, getting ahead in life and "protecting the family name."

ED: What impact did your experiences as a youth have on your later life?

GEORGE: It caused me to grow up very fast, perhaps too fast. Because I hung out with my older brothers and the questionable characters that I referred to, I was always "older than my years." I learned "the facts of life" and sampled what we considered "adult conduct" (smoking and drinking) long before my contemporaries. On a more positive side, I learned how to relate to

others—ignoring economic and class differences in the process. From that I believe I learned empathy. Eventually, I learned that foolish behavior has consequences and one needs to “outgrow” such behavior. As my wife Ann has often put it, she would not have had anything to do with me, if she had met me before she did.

ED: What impact did your work experiences have on your later life?

GEORGE: The impact was both positive and negative. On the positive side, it taught me how to budget my time. It also taught me “how the real world works.” I learned the importance of working hard and doing a good job. I also learned the importance of setting a goal and saving the money necessary to meet that goal. On the negative side, I learned that money gives you the freedom to engage in selfish and juvenile behavior. Also, working too many hours detracts from schoolwork and prevents you from engaging in worthwhile extracurricular activities.

ED: In spite of your youthful activities, you managed to get through college, law school and graduate school. What motivated you?

GEORGE: That’s an interesting question. In my opinion it was due to family expectations. My father and mother both had an 8th grade education. My father and his three older brothers had helped send his three younger brothers to medical school. Consequently he placed a high value on education. All five of my brothers and sisters went to college. They became, in order, a newspaper executive, a registered nurse, a veterinarian, a radiologist and a skilled electrician. It was obvious that I had the aptitude to go to college and my father was willing to help me financially. I had an epiphany during my first year of junior college—I didn’t have to be there. Either get serious or get out. My grades improved every year thereafter, all the way through law school and graduate school.

ED: How did you accomplish that financially?

GEORGE: At first I didn’t have any scholarships or financial help. I could have been a much better student in high school. I just wasn’t motivated to get good grades. I was too busy

working and having fun. The relative cost of education in those days was much more reasonable. I lived at home and went to junior college, like my brothers and sisters before me.

At the university, my work ethic served me well. There were lots of ways for me to earn room, board, tuition and spending money. After I transferred to the University of Illinois, my father only contributed about \$2,000 to the cost of my education, during my junior and senior year. That is when he retired.

ED: What kind of jobs did you hold in college and afterward, before you became an arbitrator?

GEORGE: At Illinois, I worked part time as a bar tender and served meals in a sorority. Throughout law school, I worked as a Counselor in the men's residence halls. One summer I worked for the US Department of Agriculture, checking on compliance with the program limiting corn production. And one summer I finally did something I had wanted to do for years—I hitchhiked through 10 countries in Europe.

After that, I held a series of jobs that had relevance to my career as an arbitrator. In graduate school, I worked as a Research Assistant for Bill McPherson and Martin Wagner. In between, I served as a Judge Advocate or military lawyer in the Air Force for 3 years. After graduate school, I worked as a staff member for the Wisconsin Employment Relations Commission for 6 years, followed by 5 and a half years there as General Counsel.

ED: How did you develop an interest in labor relations and labor arbitration in particular?

GEORGE: At the University of Illinois College of Business, the classes that dealt with personnel management were among my favorites. I joined the Folk Song Club (to listen, not sing or play) and found that the labor and protest songs really resonated with me. I took classes in comparative labor economics and studied the soviet economic system.

Needless to say my advisor and professors became suspicious of my commitment to the capitalist system, and my claimed interest in becoming a captain of industry. I made up my mind to get a master's degree from the Institute of Labor and Industrial Relations. However, when I was

offered a job as a Residence Hall Assistant that would pay my way through law school, I decided to postpone that goal.

In law school, I had some limited contact with Robben Fleming, who was then one of the brightest stars on the faculty. But it was not until I met and began to work for Bill McPherson and Martin Wagner that I developed a special interest in labor arbitration.

ED: When did you decide to make a career of labor arbitration?

GEORGE: That didn't happen until after I had worked for the WERC for a while. I had an opportunity to do a lot of arbitration as a staff member and on my own, and found that I really enjoyed it.

ED: Tell us about your military service. How did that come about, and what did you do in the military?

GEORGE: In my first year of law school, I did well academically, but I was somewhat disillusioned. I had several friends in law school who were flying for the Illinois National Guard. I thought about applying for a commission in the Air Force Reserves in order to train as a fighter pilot. There were no guarantees that you would get what you wanted. Due to inertia, and the threat of the draft, I decided to stay in law school and apply for a commission as a Judge Advocate. Six months after I got out of law school an offer came, just in time. My draft board had just revoked my deferment due to public pressure to stop allowing students to reach age 26 and thereby avoid service in Viet Nam.

I was lucky. I didn't end up in Viet Nam. I barely missed being sent to Korea during the height of the Pueblo crisis. I had just gotten married and some one else volunteered.

I got a lot of useful experience, representing the Air Force and defendants in court martial cases and administrative board proceedings. I once served as co-counsel with F. Lee Bailey, defending a Captain in a General Martial that lasted 5 days. I also served as legal officer to a variety of administrative boards, including one involving a plane crash and one involving the job

performance of civilian managers of the BX. I wrote an article for the JAG Law Review, dealing with the duty to bargain under President Kennedy's Executive Order 10988, and helped negotiate two collective bargaining agreements under the terms of that law.

ED: How did you become an arbitrator?

GEORGE: The decision to try to make it as an arbitrator was a long time coming. I honestly didn't think that was a field that was open to me. To me, the field of labor arbitration belonged to law professors, economics professors, and a few retired individuals, nearly all of whom—at least those who were successful—had national reputations in the field.

I arbitrated cases as part of my work for the WERC. At first, those cases were assigned to me. As time went on, the parties began to request me by name. Then I managed to get my name listed on the FMCS roster for out-of-state assignments. I was pleasantly surprised when I started to develop acceptability. My background as a state bureaucrat didn't matter to the parties—they were looking for competence, impartiality and good service. The profession was changing and I learned that I could be a part of the change. At a certain point I found it necessary to turn work away and decided that I needed to either quit my job and go full time, or risk losing the opportunity to do so. I informed Morris Slavney of my plans and went home that night and told my wife and children.

Ann's jaw dropped and my two young daughters' eyes grew wide when I informed them of my decision. Ann knew that friends of ours, like you and Howard Bellman, had "daytime jobs" to protect you when you made the break. Ann quickly took actions designed to cut expenses, such as canceling our subscriptions and buying hamburger in quantities on sale—a practice she continued for at least a year, even though it didn't prove necessary.

ED: Who were the biggest influences on your career?

GEORGE: That list includes Bill McPherson and Martin Wagner, of course. I will always give Martin Wagner credit for steering me to the right job out of graduate school. But the greatest influence came from Morris Slavney and my colleagues at the WERC. My personal experiences

as a mediator, arbitrator and hearing officer, combined with the daily seminars we held at the coffee table and in our offices had a profound influence on my knowledge of the field of labor relations and labor arbitration in particular.

ED: Did you ever consider pursuing a different career?

GEORGE: I did. Originally, I thought I would like to work in the field now known as Employee Relations. From time to time I also toyed with the idea of going to work for a law firm and making a lot of money, like so many of my classmates from law school had done. I had some experience working as an advocate, while in the Air Force. Eventually, I realized that I am most comfortable working as a neutral. It suits my personality, and I enjoy it. One of the most valuable things you can find in this life is a job that you truly enjoy.

ED: What are some of the most significant cases you have decided?

GEORGE: Well, one of the most significant cases I have ever decided was not an arbitration case. It was an unfair labor practice I handled as a hearing examiner for the WERC. It involved a refinement in the law pertaining to federal preemption. Wisconsin has a provision in its 1939 private sector law prohibiting "mini strikes." In the *Briggs & Stratton* case, an early preemption decision by the U.S. Supreme Court, the Court left open the possibility that that provision of the Wisconsin law was still enforceable. I wrote a decision enforcing the prohibition, clearly indicating that its enforceability was contingent on the viability of the Court's decision in *Briggs & Stratton*. I cited a law review article by Archibald Cox, urging reversal of *Briggs & Stratton*, and got a nice letter from him, agreeing that my reasoning was correct and expressing the hope that my decision was overturned along with *Briggs & Stratton*.

My decision was affirmed without modification at every level of review, until it got to the Supreme Court. The Court reversed my decision, but not without first reversing *Briggs & Stratton*. I was present for the oral argument, but did not participate directly. I must say, I believe the Court did the right thing. The Court made it clear that the states are not free to regulate the exercise of economic power in the context of a labor dispute, even though it is neither protected nor prohibited by the NLRA.

One of the most significant cases I ever decided as an arbitrator involved the prelude to the infamous Hormel strike in Austin, Minnesota. Actually, it was a series of 4 decisions. Hormel had agreed to build a \$100 million dollar, state-of-the-art plant at its headquarters facility in exchange for a seven-year agreement, insuring that there would be no strikes. The agreement called for Hormel to follow the national industry pattern, something it had done since the 1930s, when it experienced its first and only strike.

Unfortunately, during those 7 years, things started to fall apart in the national meatpacking industry as a result of vicious non-union competition and the inability of the UFCW to organize IBP and start-up slaughterhouses operating new, efficient plants. It began with the Wilson bankruptcy filing and its repudiation of the national agreement. It was followed by the closing of all but one of the Morrell plants, the breakup of Swift and the uncontrolled sale and contracting-out of the slaughterhouse end of the business. The national union made the strategic decision to stop the loss of membership and downward spiral of wages and benefits by establishing a new floor around \$8 per hour, with significantly reduced benefits. The new floor was agreed to at plants all over the country, including several Hormel plants.

A majority of the membership at Austin, which included a lot of new hires, disagreed with the decision of the national union, at least as it applied to the new facility at Austin. The new facility was efficient and the Company was still managing to show an overall profit at the corporate level. They reasoned that the Company couldn't afford to close the new plant and would not jeopardize 50 years of good labor relations by insisting that the union agree to the new national pattern.

First, I had to decide—as a matter of contract interpretation—whether Hormel had the right, under the terms of the 7-year agreement covering the Austin plant, to reduce wages and benefits. I decided that they did. Then, I had to decide, in light of the chaos in the industry, if and when a new national pattern had been established. After I made a finding that it was established, the union would not bargain over the changes Hormel proposed, so I had to decide if the changes Hormel was proposing properly implemented the new national pattern. In a final decision I was

asked, at the Union's request, to establish the exact date on which the 7-year agreement expired so that the strike could begin.

Barbara Kopple's Oscar-winning, documentary film, *American Dream*, is an incredibly sensitive, insightful and accurate portrayal of the behind-the-scenes events leading up to the strike and the effects of the strike on the employees and citizens of Austin. It brings tears to my eyes every time I watch it. My only consolation is that even if I had decided the case differently, the strike would have occurred anyhow.

I will mention just one other case of importance. It involved the 1999 USPS interest arbitration covering the Letter Carriers. The Letter Carriers were seeking to establish a pay differential. For roughly 100 years, Letter Carriers had been paid at the same rate as Postal Clerks. A number of changes had occurred in the work performed by Letter Carriers over the years and the issue had been presented to Arthur Stark in a prior interest arbitration. Arthur indicated that the issue needed to be decided, but was not then ripe for decision. In 1999, the Letter Carriers broke away from the coalition it had previously formed with the Postal Clerks and pulled out all the stops in an effort to justify the differential.

After 24 days of hearing, involving hundreds of witnesses and thousands of exhibits, I was asked to decide the issue on an up or down basis. Hundreds of millions of dollars were at stake. However, it was the wage parity versus pay equity dispute that truly separated the parties. There are of course many significant differences between jobs performed within the Postal Clerk and Letter Carrier classifications. However, when forced to a decision, I had to agree with the Letter Carriers that, on balance, the differential was justified.

ED. Significance aside, what are some of the most interesting cases you have decided?

GEORGE: The thing I love the most about labor arbitration is the opportunity to deal with people from all walks of life, performing an infinite variety of jobs. In a sense, almost every case you hear is interesting. The work people perform is not only interesting to me, it is important to them. It helps define who they are.

Many cases are routine and involve issues that are not unique. But some border on the exotic. You may remember the case I had with a Teaching Assistant from Formosa who was claiming bias in a decision to terminate her appointment. As part of my decision, I had to evaluate the testimony of competing expert witnesses, concerning the proper interpretation of some Chinese ideograms.

One other case that comes to mind involved an employee who was terminated for excessive absenteeism. I don't know if, scientifically speaking, there is such a thing as being "accident-prone." If not, this 6 foot, 8 inch ex-Marine set a world record for bad luck. In his testimony, he described dozens of actual accidents, both job-related and off-duty, that caused him to miss work. While we all agree that it is wrong to find humor in the suffering of others, even the court reporter and his own attorney broke into uncontrolled laughter at one point. After testifying that he was off work for a week because he tripped over his dog and fell down the basement steps, he explained his absence one day the following week by stating, "My dog died." I was the only person in room who was not laughing and finally called a recess!

ED: Why did you seek membership in the Academy?

GEORGE: It grew out of a pleasant surprise. When I was a student, I formed the opinion that in order to be a member of the Academy, you either had to be a nationally recognized member of the faculty and/or have a national reputation as an arbitrator. I had sufficient modesty to assume that I would probably never qualify. After I went to work at the WERC and began to arbitrate some cases, I was pleased to learn that it was possible to join the Academy, if you were able to develop sufficient acceptability as an arbitrator. I was sufficiently immodest to conclude, "I can do that."

I wanted to join because I knew that the Academy included most if not all of the best minds in the business and reading the Proceedings convinced me the meetings were extremely worthwhile. I knew that it would have a favorable impact on my caseload, but I honestly believe that was not a major motivating factor. As a staff member of the WERC, I was limited in the number of out-of-state cases I could handle.

ED: You have told me that you were not very active in the Academy for the first few years. Why was that?

GEORGE: In truth, it was partly due to self-inflicted intimidation. At meetings, I would look around the room and see individuals whose names were well known to me, through published opinions or other publications. But I had another, overriding reason as well. I had just taken the position of General Counsel. My focus was on labor law and administrative law. I was active in the labor law section of the state bar and in the Association of Labor Relations Agencies.

ED: What caused you to become active in the Academy?

GEORGE: In 1981, I decided to go into private practice. When it became clear that I had a future as a labor arbitrator, I decided that it would make sense to be active in the Academy. My good friend and office mate, Bob Mueller, proved to be an excellent role model. He rarely missed an Academy meeting. Even though he rarely spoke up, he listened carefully and loved to talk about cases.

ED: What impact has membership had on your work and your life?

GEORGE: Far more than I expected. It has become part of who I am. I expected to learn a lot from the presentations and from informal discussions. However, I did not expect that many of those discussions would be one-on-one with some of those members who I have always considered giants in the field, who had wisdom to impart and did so with great generosity. Some of those members, like Dick Mitterthal, have become personal friends.

Another thing I gained was in the area of self-confidence. I found that there were times when I disagreed with the opinions of others and was able to say so without fear of being put down or proven wrong. In fact, there were times when my ego surfaced and I would tell myself, privately of course, "that person doesn't know what he or she is talking about!" But most importantly, I discovered that Academy meetings are a place where you can have fun and develop lasting friendships. I have learned that it is unique among professional associations. While we all have our egos and "compete" for the same work, most Academy members seem to recognize that we

have no way to control who the parties decide to select. It may be trite, but it is true—the life of an arbitrator is an isolated one. It is a great relief to have someone you can go to for advice or to share experiences, and do so without fear of adverse consequences.

ED: Who got you involved in Academy activities?

GEORGE: Well, as I said, it really started with Bob Mueller. He agreed to be regional chair, but only if I would agree to help him with the job. I think that was the only official Academy position that Bob ever accepted for himself. Based on the committee appointments I received after that, I would have to say it was George Bowles, Arvid Anderson, Alex Elson, Arnold Zack, Jim Harkless, Ted St. Antoine and John Kagel in that order. I got encouragement and support from many others as well. Tony Sinicropi, Howard Block and Ben Aaron come to mind.

ED: What were some of your earliest activities?

GEORGE: I helped Bob with the duties of the regional chair. Then, I became a member of the Legal Affairs Committee, where George Bowles gave me some assignments of substance. Then Arvid asked me to be chair. After that, I served as a member of the Board and then went to a position as a member of the Committee on Professional Responsibility and Grievances. Next came an appointment by Arnold Zack to serve as chair of the CPRG. After that, I served on the Board as a Vice President, as a member of the Executive Committee and the FMCS Focus Group. I was then asked to be chair of the Special Committee on the Academy's Future—an appointment that I thought might end my future in Academy leadership, but didn't.

ED: What was your favorite assignment on behalf of the Academy?

GEORGE: Hands down, it was chair of the CPRG. I had a wonderful committee, comprised of some of the best minds in the Academy. The issues were challenging and the discussions were always intellectually stimulating.

ED: What was your most difficult assignment on behalf of the Academy?

GEORGE: It's a toss up between service as chair of the CPRG, when we sat as a committee of the whole to consider the question of whether to continue the general ban on advertising, and chair of the Special Committee on the Academy's Future.

ED: What was your most time-consuming assignment?

GEORGE: Being president. Being chair of the CPRG and chair of the special committee both ran a close second. But the big difference is, when you are president, you have less control over when you deal with a problem—you deal with problems when they come up.

ED: You have spent a lot of time dealing with the issues of advertising and the role of employment arbitration. Why is that?

GEORGE: Those are the two issues that needed attention at the time. They were dividing the membership and simply would not go away. My efforts in dealing with the advertising issue were designed to find a middle ground, and I feel that I succeeded for a time, until the voices of change simply overwhelmed the voices that supported the ban. I now believe that we have finally put an end to the debate over advertising. I am truly sorry that bringing it to the conclusion that we did was so painful and abhorrent to some of the most honorable and well-respected members of the Academy.

I think that many of the proponents of change did not appreciate what the fight was all about—solicitation. As usual, David Feller cut to the quick on that point. After the ban on advertising was repealed, I asked him if he thought it was possible to fight for a prohibition on solicitation. He observed bluntly, "we conceded that point when we repealed the ban on advertising." I am thankful that we were able to adopt a rule that requires disclosure of solicitations that are not bilateral. If it is ever challenged, I believe we should fight to enforce that standard with all our resources.

ED: What contributions/changes occurred while you were chair of the Legal Affairs Committee?

GEORGE: While I was chair of the Legal Affairs Committee I wrote several legal opinions for the Board of Governors. One dealt with the power of the Board to create a particular class of Honorary Life Memberships without an amendment to the Constitution. Another dealt with the legality of our general ban on advertising under the anti-trust laws.

The Board was considering a proposed arrangement whereby the CPRG would review factual scenarios involving possible violations of the Code, submitted by FMCS and AAA, and render advisory opinions for their consideration. The Board was concerned about the possible risk of liability under the anti-trust laws mentioned in an earlier opinion written by George Bowles. I did some research and wrote an opinion dealing with the legality of the Academy's general ban on advertising under the anti-trust laws. The assignment was particularly rewarding because of complements I received from some of the legal scholars then serving on the Board. In particular, I remember some kind words from Ted St. Antoine. That was a good example of an experience where the Academy helped me gain self-confidence.

ED: While you were chair of sub-committees of the CPRG?

GEORGE: The Beck Committee had recommended that the Code be amended as necessary to cover arbitration of what we today refer to as "workplace disputes," and the Board agreed. Alex Elson named me chair of a sub-committee to evaluate the existing Code provisions and propose any needed changes. The CPRG approved the changes that we recommended, and most of them were ultimately adopted. I was very upset at the time that, prior to submission of the changes to the ratification process, several proposed changes were eliminated out of concern that they gave the appearance that the Academy was endorsing employment arbitration. They essentially dealt with an arbitrator's obligation to consider the fairness of a workplace dispute procedure before accepting an assignment. Later, that gap was filled by the Board's adoption of the Guidelines.

ED: While you were chair of the CPRG?

GEORGE: The biggest change was the modifications we adopted to the ban on advertising. They were hammered out in a meeting of the committee as a whole, held at the Chicago O'Hare Hilton. Reg Alleyne served as informal spokesperson for the members who wanted to repeal the

ban and David Feller served as informal spokesperson for the forces resisting change. The committee was comprised of some of the best and brightest minds in the Academy and included a number of past and future presidents. I brokered the meeting, which ultimately produced a list of activities that would not be considered to be banned. After they were adopted we needed to revise and revoke a number of advisory opinions. At the time I privately predicted that the compromise would not last forever, but would last for many years. It didn't.

One contribution that has survived the test of time is the opinion on serving as an expert witness. I asked David Feller and Rich Bloch, who had expressed strong opposing views on the subject, to serve on a sub-committee chaired by Tim Bornstein. The idea was for the sub-committee to come up with a document reflecting what they could agree on as permitted and prohibited under the Constitution and Bylaws. The result was an extremely readable and useful guide. It turns out that there was no real disagreement among the three as to what is permitted and what is prohibited. The only differences are to be found in what they were personally willing to do.

Finally, I would point to the results of the Special Committee on CPRG Jurisdiction that I chaired. Again I had a "dream team," that included Arthur Stark and Alex Elson. Arthur and Alex and their wives went on vacation to Puerto Rico and came back with an idea that ultimately formed our recommendation. The Board approved and the CPRG has adopted a procedure for dealing with cases where an alleged violation of the Code becomes a matter of public knowledge, but none of the parties directly affected files a charge with the CPRG. Basically, if there is reason to believe that a member has violated the Code because it has been reported publicly, through the news media or a decision of a court or an administrative agency, and no affected person has filed a charge, the matter is brought to the attention of the immediate past president, who may file a charge with the CPRG.

ED: While you were chair of the Academy's Future Committee?

GEORGE: It's hard to say. A lot of what we recommended was adopted as Board policy or forwarded to the appropriate committees for their consideration. The guts of the report had to do with the question of whether the membership standards should be modified to include arbitrators of workplace disputes. Our recommendation on that subject was adopted as Board policy. Based

on subsequent events, it is probably correct to say that that policy was superceded by the changes in the constitution and Bylaws adopted in Ottawa. However, I recently looked at its wording and there is nothing in the policy statement that conflicts with what was agreed to in Ottawa.

ED: While you were President?

GEORGE: One thing you learn, upon becoming president of an organization like the Academy is that you can't reasonably expect to accomplish any major changes in 12 months. In fact, because of the constant need to deal with the crisis of the day, it is very difficult to do much more than put into motion the mechanisms that will bring about change you believe is needed or desirable. To me this is not a problem. The Academy is an organization of committees, staffed with talented and dedicated people, who can carry forward with an idea. If it is a good one, it will ultimately be adopted, perhaps with needed modifications or additions. No doubt the process takes longer than most people would like, but in my opinion we are better served by the delay.

I suppose the biggest change that I had a hand in bringing about, albeit with reservations, was the creation of the New Directions Committee. Agitation for a change in membership standards had reached a point where an overwhelming majority on the Board felt that we needed to consider changing our "foundation documents, policies and practices" to "include as members, neutrals who, as a significant part of their activities, hear and decide workplace disputes." This ultimately led to the adoption of the Ottawa amendments.

The one change that I initiated, that I feel the most proud of, is the posting of the Proceedings on the Academy's web site. It is typical of how good ideas are developed and ultimately adopted by the Academy. Atul Maharaja, a good friend of the Academy and now an aspiring arbitrator, suggested to me that the Academy should arrange to put the Proceedings on a disk or disks, so that they would be more accessible to scholars and practitioners. I told David Petersen that this was an idea that I wanted to implement. Working with Mark Lurie and BNA, Atul's idea morphed into a much better idea—putting the Proceedings in digital format and posting them on the Academy's web site. It took some time to implement the idea, while David and I ironed out

some legal wrinkles with BNA and the Board. Over the next couple of years, Mark Lurie did a masterful job of implementing the proposal, with the help of a number of volunteers.

One other change comes to mind. The practice of honoring those who have been members of the Academy for 50-years. That is an idea that I got from Amedeo Greco. I put the idea before the Board, got their approval and, with the help of David, the operations staff and Roberta Golick, we were able to implement it in Chicago. So, maybe I'm wrong. Maybe it is possible for a president to get a good idea accomplished in 12 months. But not without a lot of help from the existing structure.

ED: What is the most important qualification needed to be president?

GEORGE: Good Judgment. Without question, I think the single, most important attribute or qualification needed to be president is good judgment. The president is called upon to respond to a lot of little crises on a day-to-day basis. It might have to do with our relations with a hotel, the FTC, AAA or FMCS. Often, it has to do with resolving disagreements and injured egos within the organization. You need to be able to keep your cool—Obama-like—gather all the necessary information, consult with the executive committee if necessary, and then make a decision. Often the decision will be to contact the appropriate committee chair(s) and agree on what will be done. In all cases, you need to keep David and others with an interest in the matter informed.

ED: What are some of the desirable qualifications?

GEORGE: It is important that you be very familiar with the Academy's history, organizational structure, practices, etc. If you are at all uncertain, you should ask someone who knows before acting. Obviously, it helps a lot if you are articulate and a good speaker. Finally, being able to work with others, even those who are difficult at times, is very helpful. Here, of course, I am not referring to any members of the Academy.

ED: Do you intend to stay active on behalf of the Academy?

GEORGE: Absolutely. The nice thing about being an ex-president is that you have the freedom to turn down uninteresting assignments. So far I have accepted several interesting assignments.

ED: What activities have you engaged in on behalf of the Academy since you were President?

GEORGE: At our meeting in San Francisco in 2007, the membership approved the Board's proposed policy statement on the minimum caseload requirements to be considered for membership in the Academy. That policy statement, which was contingent on a vote by the membership amending the Constitution, would allow applicants to count up to 20 workplace dispute cases, 10 of which could be employment cases, out of the minimum of 60 in 6 years. The vote was very close and well short of the number needed to amend the Constitution. As indicated by the closeness of the vote, the issue was very divisive, and sure to return in the future even if the vote to amend the Constitution failed to pass.

I still served ex officio on the New Directions Committee. Several of us who did not have strong feelings for or against the proposed change agreed that it would be a good thing if we could reach a compromise on the issue and move on. With the committee's blessing, I drafted some language, the intent of which was to amend the Constitution in a way that made clear that the Academy would continue to be an organization of arbitrators of labor-management disputes—at least unless and until the Constitution was amended further—but at the same time allowed the Membership Committee to implement the proposed policy change. Any change in the numbers of workplace disputes referred to in the Board's policy statement will need to be approved by the membership. After obtaining the support of a number of past presidents and other influential members, the proposed amendments were presented to the membership in Ottawa. I am happy to say that they were adopted, albeit by one vote over the two-thirds required, rather than an overwhelming percentage that I hoped for. Even so, I believe that this divisive issue has been put to rest for the foreseeable future and beyond.

I was recently appointed chair of the Tribunal Appeals Committee. We hear appeals from the decisions of Hearing Officers appointed by the chair of the CPRG. Such appeals are few and far between, but we recently had occasions to rule on an appeal filed by the charging party. The Hearing Officer found that the member had violated the Code as alleged, but the charging party was dissatisfied with the corrective action taken by the Hearing Officer (advice) and asked that

the member be expelled. The Tribunal (Walter Gershenfeld, Ted St. Antoine and I) agreed that the corrective action should be increased to censure.

ED: Are you optimistic or pessimistic about the future of labor arbitration?

GEORGE: I am optimistic. As we all know, the future of labor arbitration is largely dependent on the future of the labor movement. If the number and density of union members continues to decline, the number of labor arbitration cases will continue to decline. I believe that a turnaround is not only overdue, but possibly at hand.

There is a different political climate today. Many people who have, until recently, been indifferent or even negative about the need for unions and the collective bargaining process are very unhappy with the harm to the middle class that has accompanied the decline in the influence of labor unions. That unhappiness, combined with anger over the excesses of executive compensation and corrupt practices on Wall Street have caused a lot of voters to question wisdom of continued deregulation and mindless reliance on market forces to make things better for the average working stiff. I foresee a time when the average worker will again see the advantages of joining a union. Unions may not be able to stop globalization, or push wages beyond what the product market will allow, but they do give employees protection against arbitrary action and a voice in their efforts to exert some control over their working lives.

ED: Are you optimistic or pessimistic about the future of the Academy?

GEORGE: Very optimistic, for the same reasons. I will remain optimistic even if I am wrong in predicting renewed growth in the labor movement. So long as there is labor arbitration, there will continue to be a need for arbitrators and the Academy. The parties need some means to insure that the arbitrators they select are competent and adhere to high standards of conduct. And arbitrators need to have an organization they can turn to for training, guidance and congenial interaction.

ED: I would like to have you predict the future for the two areas that seem to have consumed the most of your time and efforts on behalf of the Academy in the past. Advertising?

GEORGE: I don't think advertising will ever become a prevalent practice among labor arbitrators, unless the arbitration of employment disputes becomes a dominant part of their practice. Even then, the only advertising that I would foresee taking place would be directed at obtaining such work. I am convinced that advertising for labor arbitration work would prove to be ineffective if not counter-productive.

On the other hand I worry a lot about solicitation. Arbitrators are human. Like everyone else, they have to make a living. The temptation to engage in direct solicitation of work has always been a matter of concern for me, not out of fear that someone else will get a competitive advantage. That is the cynical notion that motivates the FTC. The real danger is that it will bring the labor arbitration process into disrepute. Now that solicitation is allowed under the guise of advertising, there is greater cause for concern. The Academy needs to do all it can to insure that any direct solicitation of work is bilateral and in writing. To the extent that it is, it should remain free of any inappropriate suggestions or misinterpretations as to intent.

ED: Employment Arbitration?

GEORGE: My prediction for the future of employment arbitration is out of the mainstream. That is why I have been relatively sanguine about the changes in membership standards the Academy has adopted. I do not believe that the arbitration of employment disputes—and here I refer to disputes over the termination of non-exempt employees under an employer-promulgated system—will ever become a major source of work.

Already, many employers have had second thoughts about the utility of unilaterally mandating the arbitration of statutory issues. Even if the employment at will doctrine were eliminated, I would predict that arbitration will not be the forum of choice for disputes involving non-exempt employees. Ask your colleagues in California where there has been a major relaxation of the doctrine. Most employment arbitration arises under the terms of individual employment contracts covering executives and professionals. My guess is that any state that eliminates the doctrine of employment at will for rank and file employees will establish a statutory schedule of

benefits for termination without cause, based on years of employment, and provide for administrative adjudication over eligibility for those benefits.

ED: Have you found time for family, grandchildren, and hobbies (such as eating and drinking)?

GEORGE: Not as much as I would like! I have taken some steps to reduce my availability as an arbitrator, but it is difficult to do so in a way that does not cause the parties to think that you have stopped arbitrating altogether.

ED: Name your favorite interviewer.

GEORGE: Jon Stewart. But this has been an enjoyable experience anyhow.