

DAVID MILLER
NAA President 1974
Remembrances by Richard Mittenthal
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Initially, the arbitration profession drew people from a variety of disciplines. Most, however, were lawyers, economist, and academics. Dave was different. He had a Master's degree in labor relations from UCLA and entered our world as an administrator. He became the manager of the Board of Administration for the Ford Motor-UAW Retirement Plan. That job placed him in a large office area where the Ford-UAW Umpire Harry Shulman held his hearings. In time, Dave was promoted to the post of impartial chairman of the Retirement Plan and the, still later, he became one of a group of superb arbitrators who served as associate umpires under the Ford-UAW contract. That group included such luminaries as Harry Platt, Saul Wallen, Charles Killingsworth, Ron Haughton, and others whose names elude me.

Dave remained an associate umpire for many years, issuing more than 1000 "memorandum decisions". They were not reviewed or approved by Shulman although I feel certain that Dave learned much from that extraordinary man. They covered every phase of the employment relationship, consistent with prior Shulman rulings. It was not long before other parties became aware of Dave's good judgment and high analytic abilities and he branched out into other assignments. For instance, he served for years as the permanent arbitrator between the Aluminum Corporation of America (ALCOA) and the Aluminum Workers. He was the umpire for the American Bridge Division of U.S. Steel and the Steelworkers. And he held a few umpireships in the auto parts industry. His long service in whatever job he held was a sign not just of his ability but also how comfortable people felt with him. His graceful manner, good will and seriousness of purpose were impressive.

Dave's service to the National Academy of Arbitrators was also impressive. He was given opportunities early, perhaps in part because many of the Academy presidents had gotten to know him through the Ford-UAW relationship. He was Secretary of the Academy for roughly seven years. Anyone who holds that job learns about the Academy's history and traditions and truly gets to know the Academy's membership. Dave again performed splendidly. And he became President of the Academy in the mid-1970's. His term was memorable because of the critical issue then before the Academy, namely, a proposed new Code of Professional Responsibility which included new and different ethical responsibilities. The proposed Code was a subject of debate and controversy and it was by no means certain to win the approval of the membership. Dave helped to shepherd the proposal through its various final states and died just three months or so before the membership approved the Code at its annual meeting in 1975. Dave had supported the changes and supported the men responsible for drafting the new code -- Ralph Seward, Syl Garrett, and particularly Bill Simpkin, who chaired the drafting committee and who was responsible for the more than ten drafts which appeared before the final document.

Dave's significance to the Academy and his friends can best be expressed through the following words written after his death by our most respected members:

Ralph Seward - "... he was ... an arbitrator who never gets himself mixed up with God, who works without flair or show, and who cares deeply about what he is doing, about the problems involved and the soundness with which he discharges his responsibilities ... one of the splendid people we have had in our lives ..."

Lew Gill - "... he gave of himself to his friends, to his work, and to the Academy in a way ... which very few can do ..."

Ben Aaron - "... a fine man, a truly rare spirit who inspired not only respect but also deep affection among all of those who knew him well ..."

Clare McDermott - "... he had an innate sense of decency and assumed the best about all whom he knew ... [we] never heard [him] make a mean or petty statement about anyone ..."

Rolf Valtin - "he was devoted to duty ... without ego-feeding and ... without ego-created obstructions ..."

I suspect it is much easier to be a good arbitrator than a good person. But Dave was both as these tributes plainly state. No one ever said an unkind word about him. He had a quiet elegance which distinguished him from all others.

There is one unhappy postscript to his story. The Ford-UAW representatives decided some years ago that the only decisions that could be cited in their arbitration hearings were the umpire awards, not the associate umpire awards. This meant that Dave's 1000 plus awards will never serve as precedents and will probably never be seen or read. That is unfortunate, not because he was a great stylist but rather because his judgment was so sound and sensible and because his respect for the responsibility he had assumed was so palpable. I only wish we had been closer and my description of his life could be more personal.