

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Dallas L. Jones

NAA President, 1993

Interviewed by Lois Rappaport

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## INTERVIEW FOR PAST PRESIDENT

DALLAS L. JONES

LR Let's start with a brief description of your background and education.

DJ I was born in Dallas, Texas in 1920 My parents moved to Kansas soon thereafter. It was there that I lived through the havoc caused by the Great Depression; my father was unemployed for over five years. This experience shaped my social, economic and political views, hi 1936, my father was recalled to work, and we moved to Illinois. I graduated from East Moline High School in 1938. I was offered a tuition scholarship to a college in Illinois, but they could not ensure me of work to pay for lodging, meals and books. My father did not have the funds to support me after so many years of unemployment; thus. I had to refuse the offer. I held a number of jobs over the next couple of years - there were not many job opportunities for young men with no meaningful work experience in those years - until some time in 1940 when I was accepted into an apprentice program to become a Journeyman Machinist. I was in that program when my draft number was drawn from the hat, and I became a foot soldier in the U.S. Army in early 1943. I sailed from Hoboken on Christmas Eve 1943 for England where my company was attached to the 29th Infantry Division. It was with that Division that I made the long trek from Normandy to the Elbe.

When I was discharged from the Army in the late fall of 1944, I was determined to obtain a college degree. This decision was made possible because Congress had enacted the so-called "GI Bill of Rights." Two years of Army pay had not increased our assets! Thus, in the fall of 1945, I became a student at Augustana College, in Rock Island, Illinois seven years after I had completed high school. At Augustana, I majored in history and economics. I received my

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Bachelors degree in 1950 with honors. In the spring of 1950, I received an offer from the History Department at Cornell to become a teaching assistant in the History Department. The offer included a small stipend and a waiver of tuition. I accepted the offer and obtained my Master's degree in history. By that time I had become interested in labor history and labor relations in general so I transferred to Cornell's School of Industrial and Labor Relations and received my Ph.D. in 1954. I might note that during that time I wrote a seminar paper for Jean McKelvey, which was published in January 1954.

LR Jean remembers your Ph.D. dissertation. What was it about?

DJ It dealt with President Woodrow Wilson's attitude toward unions and the legislation that was enacted during his presidency. Jean was a member of my dissertation committee.

LR When did you start your arbitration career?

DJ In late 1956 or early 1957, I had taught at the University of Colorado for two years, and in the fall of 1956, I became a faculty member in the Business School at The University of Michigan in Ann Arbor. There, I became friends with Mike Ryder, a colleague in the Business School, and Russ Smith who was a Professor and Associate Dean of the Michigan Law School. Both men were Academy members. We began to have lunch together on a fairly frequent basis. Then one day at such a lunch, I was asked if I would like to accompany them to arbitration hearings with the intent of becoming an arbitrator. I gladly accepted their offer. By that time I had recognized the need to know something about arbitration if I was to be successful in teaching collective bargaining courses. I knew little about it except the little I had learned in a course that I took from Pete Jenson, an Academy member, when I was a student at Cornell. There were no arbitration classes at that time. I heard my first case in 1958.

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LR When did you become a member of the Academy?

DJ In 1963. I was sponsored by Russ and Mike.

LR What were the biggest problems that you encountered in getting started as an arbitrator?

DJ Becoming known and accepted as an arbitrator. That of course depends on the total number of cases that are available. At that time the volume of cases for a novice arbitrator was not large. My cases, at the beginning, were all from the American Arbitration Association, and the volume of cases they handled each year was not large. I cannot tell you what that volume was, but I can tell you that the staff of the AAA office at that time consisted of the director and one secretary! After the first year or so, my case load began to increase, and I began to receive cases by direct selection.

LR You became an Academy member in 1963 and quickly became active in Academy affairs. Tell me about that.

DJ That was due to Russ Smith. He became President of the Academy in 1965 and asked me to become Editor of the Proceedings. How could I refuse? It turned out to be a larger job than I anticipated. Although BNA was publishing the Proceedings, BNA was not providing any editorial assistance. When the volume contained only prepared speeches, it was not too difficult. The 1966 volume, however, was much different. Russ, who was President in 1965, and Bob Fleming, the President-Elect, had developed a two year project. During Russ' presidency, he and Bob established labor-management panels around the country chaired by an Academy member. These panels were given a list of issues that they were to discuss - such as, "Should the employer have the right to call the grievant first in a disciplinary case?" The panels met several times during the year to discuss the issues and attempt to reach agreement. The panels presented

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their conclusions at the Annual Meeting and were then discussed by the attendees. The remarks of the chairs of each of the panels and the attendees were transcribed, but the spoken word is much different from the written word in terms of its grammatical construction. There were two good things, however, that came out of that experience. First, I learned a great deal from editing the volume; and second, it was a best seller and BNA made a profit on the sale of the volume!

LR When did you become Secretary-Treasurer?

DJ hi 1983, the year Mark Kahn became President. I was called by the Chair of the Nominating Committee who asked if I was interested in becoming Secretary-Treasurer and if so would I give it the time the position required? I knew where the question of time was coming from because, inasmuch as I had been on the Board for three years, I was aware of certain problems that had developed, hi any event, I said yes, I would accept the nomination and I would set aside the time required.

LR When did you resign as Secretary-Treasurer?

DJ hi 1990. My second term as Secretary expired in 1989 and the Nominating Committee called me and asked if I would stay on as Secretary. I was reluctant to do because I thought it was time for someone else to assume the job. At the urging of Al Dybeck, the incoming President and a close friend, I agreed to accept the nomination with the caveat that I might not serve the full term. Then, during the 1989-1990 year, two events occurred which led to my resignation. The first was that we began to have problems with our equipment. Although it was state of the art when it was purchased, several years of constant use had taken its toll and frequent service calls were necessary. I was advised that it should be replaced. Then, my long time secretary, Dorothy, came to me and told me that because of health problems she planned to retire in the summer after we had completed the work associated with the Annual Meeting. She

was, and is, a wonderful woman in every respect and, moreover, very efficient. At that moment I decided to resign. I did not want to train a new secretary, and I was of the opinion that the incoming Secretary-Treasurer should choose the new equipment.

As an interesting footnote, I served, in one fashion or another, 13 continuous years and thus under 13 presidents.

LR Their styles must have been different.

DJ All of them were very competent, but they differed in how they presided over the Board Meetings. Eva, Jack Dunsford, Bill Murphy and Mark Kahn ran, for lack of a better description, what I will call "a tight ship." The others were more casual in their approach, but all them made certain that the work was finished. To illustrate what I mean by a tight ship let tell one short story. In 1980, my first year on the Board, we were meeting in Hawaii and the Board was meeting in a room that had large windows looking out over the ocean. A school of whales came swimming by, and we jumped up and ran to the windows to watch them. Eva in a loud voice said, "Please return to your seats. We are having a meeting!" I learned a great deal from Eva, and I told her that the other day.

LR The seven years you were Secretary-Treasurer, you were also teaching and arbitrating. How were you able to do all at the same time?

DJ I had to prioritize my time. My first obligation was to the University and to my students; The University paid my salary, and the students were paying a hefty tuition. My second priority was the Academy. I was able to meet the time demand by limiting my arbitration practice. This was not too difficult to do. Under the U of M Regents' By-laws I was entitled to one day a week for such activity as arbitration. I simply began scheduling only two hearings a month.

LR Let's talk about your time as President. What do you think was the most difficult job you had as President of the Academy?

DJ The one job that gave me the most worry was my Presidential Address. For those few moments you are the face of the Academy, and you want nothing more than to do well. I also had two tough acts to follow in Tony Sinicropi and Dave Feller.

LR What do you believe were your most important accomplishments as President of the Academy?

DJ The implementation of the ADR report was a top priority. The report had been submitted to Dave Feller and accepted by the Board at the Annual Meeting in Denver. However, the report did not deal with a number of questions that had to be resolved, such as, should an employer-promulgated case be counted in deterring the 50 cases necessary to apply for membership in the Academy? We were not able to answer all of the questions and some of them spilled over to Arnie Zack's presidency. We did, however, recommend to the members that the Constitution of the Academy be amended to provide for the arbitration of employment disputes, and they approved this amendment

Dave Feller was ill for most of his term and two months before the Annual Meeting, I suffered a heart failure. Tests indicated that I had four clogged arteries and surgery as soon as possible was recommended. I was able to attend the Annual Meeting in Denver where I became President, but had to spend much of the time in my room. I might add it was the same hotel in which my wife and I stayed 51 years before on our wedding trip. These experiences led me to the conclusion that a constitutional provision providing for the succession of the presidency was in order in the event a president could not serve. I prepared such an amendment, the Board approved it as did the membership.

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LR How did you find doing the committee assignments?

DJ It's a very difficult task. I tried, and I think that most presidents try, to balance the committees with some newer members with old-timers as well as keeping in mind the gender question. I also wanted to make certain that the people I appointed would share in the work of the committee. I was aware of too many instances in which people had agreed to become a member of a committee and did not do any work. Apparently, they wanted to become a member of a committee so that their names would appear in the Directory, and thus hope to garner more cases. Thus, I moved carefully in making the appointments. I might add that the job was made easier with the use of the computer. Dana was able to provide me the back<sup>^</sup>ground of those people who were seeking a committee assignment

LR A database is very helpful.

DJ Yes, but you need another computer to categorize it all. First choice, second choice and so on.

LR Looking at labor relations in general, what are the changes that you saw in your labor arbitration practice, what was the climate and a general view of over 30 years of arbitrating.?

DJ It is a much different world today than when I became an arbitrator. At the beginning, as I noted earlier, arbitration was primarily in the private sector. And while I can speak only for myself, it was not the "legalistic" process it has become. Normally, the case was presented by a Union Representative and by the Company's Personnel Director. To give one example, I did a substantial amount of arbitration for a company and the UAW in a city just north of Kalamazoo, approximately 125 miles from Ann Arbor. I would start the hearing at 10:00 a.m. I never heard less than two cases and sometimes more. The parties called few witnesses and gave

a brief summary of their positions. They were not easy issues; many of them were in regard to their incentive plan. Nevertheless, I was always able to be home for dinner.

But all of that has changed. Now you are fortunate to finish a case, and forget about dinner. Multiple day hearings are not uncommon, and post-hearing briefs are part of the process. I believe that one of the reasons for this change is that more and more employers use attorneys to represent them. And some unions have followed suit. I may be wrong, but I think this trend was abetted by the rise of public sector unionism, and especially in the schools, where administrators did not believe they were capable of dealing with a union. This is also true of the Academy in terms of our membership. When I joined the Academy we were half and half, and that ratio is rapidly changing. I only hope that I will not be regarded as a dinosaur, because I believe that I have a some good years left!

LR Do you have any suggestions for future presidents?

DJ Not really. By the time a person becomes president, that person has gone through the various steps leading to that office and is fully aware of the normal tasks that have to be done. So, my only suggestion is to be prepared for the unexpected. For me, it was in regard to the ADR report. At about the same time that the report was released, the Committee on Professional Responsibility reprimanded a member for placing an advertisement in the Yellow Pages of his local telephone directory stating that he was available not only for the normal arbitration case but for cases such as employer-promulgated arbitration cases. This led to numerous letters and telephone calls protesting the CPR's decision. The rationale for their protest was that the CPR's action placed them at a competitive disadvantage for these cases. They argued that if another organization to which they belonged allowed it, and retired judges were advertising to obtain

such cases, then the Academy should permit it. Some of these communications bordered on the vitriolic. It was not a pleasant experience, and one that consumed a great deal of time.

LR Are there other areas that you want to mention in your time in the Academy?

DJ I believe there were some important events that occurred during the years I was Secretary that were important in the development of the Academy into the institution it is today and should be mentioned. I was not always the initiator of them, but in some way played a part in them.

After I became a member I soon learned that the Academy was in a precarious financial position. The dues system made no sense whatever and there was a reluctance to ask for a dues increase and a greater reluctance to pay it. Thus, when I became Secretary, and for reasons I prefer not to discuss, we were broke. In fact, I had to write a personal check to pay the expense of moving our equipment and files to Ann Arbor. The University generously volunteered to pay Dorothy's salary for the first three months. To say that we lived on an austere budget for the first couple of years is to put it mildly. As our financial situation began to improve, we were able to do things that could not be done before, such as publishing *The Chronicle* on a regular basis and permitting the sitting President to visit the regions. When Dana became Secretary\* the one problem he did not have to deal with was lack of funds.

There was, however, one unwelcome and unexpected drawback to that affluence. Arvid Anderson, when he became President, appointed an ad hoc committee to review the work of the Secretary's office and to determine if the Secretary should receive some reimbursement to offset the loss incurred from the inability to accept as many arbitration cases. Then one day, Rolf Volitien called me and asked if we could meet and review the work of the Secretary's office, and we set a date for a meeting. On that date, Rolf accompanied by Micky McDermott, appeared in

Ann Arbor and we spent several hours reviewing the work of the Secretary's office. When they asked me if I believed the Secretary should receive some reimbursement for time lost from arbitration, I responded, "No," that the pleasure of meeting and working with so many able people was all the reimbursement I wanted. Rolf and Micky thought otherwise, however, and at the mid-year meeting of the Board, they voted to pay me \$1,000 a year. Thus, I became the first paid bureaucrat in the history of the Academy!

There were many developments in those seven years that were of importance, such as the history of the Legal Representation Fund, but I will confine my remarks to just three of them. The first is the Foundation for Research and Education. The inspiration to create the Foundation belongs to Alex Elson, a wonderful man in every respect. I worked with him for several months and when it was completed, I filed the necessary paper work to have it designated as a nonprofit entity in the State of Michigan. While the Foundation has not been able to do much to this point, I finally believe that in the future, with proper leadership, it will become an important asset in helping the Academy meet its goals.

The second event involves George Nicolau. George was something of a "radical" in his early years and had tried for several years to amend the Constitution so as to provide for contested elections at the Board level. He finally prevailed, and then a few years later, he was nominated for a seat on the Board. A member from Ohio decided to run against him and followed the procedures to do so. There was a great deal of work involved in setting up the voting procedure, but in the end George won. At first, I thought what a waste of time. Then, when I began to think about it, I changed my mind. I realized that if a number of Academy members were disturbed about something, the way to make a change is by obtaining seats on the Board. Even the threat of a contested election may have the same effect. But there has to be a

good cause, which was not true in this case. Their complaint was that no one from Ohio had ever been nominated as President!

The Education Conference is clearly one of the most important developments that occurred during my time as Secretary. The Board approved the motion to establish it at the Annual Meeting. The Board also determined that it should be held at a city in the Midwest to equalize travel time as much as possible and would be held in conjunction with the midyear meeting of the Board. Dana Eishen agreed to serve as the Chairman of the Program Committee. We selected the Airport Hyatt in Chicago as the meeting site. It required a great deal of work to prepare for the meeting on such short notice, and considerable worrying as to whether it would be successful, because we had to advance a considerable sum to guarantee the rooms, etc. As it turned out, our fears were groundless. We had some 75 members in attendance and our loss was minimal. Since then, number of members in attendance has grown and the Conference has become an important element in the life of the Academy.

LR It has become such a part of the Academy, it's difficult to think of the Academy with out having the Education Conference.

DJ Yes it is. I think these conferences have been so well accepted because the programs have been excellent, it is an opportunity to discuss our problems among ourselves without guests, and, for me, because there are no guests, there can be no solicitation!

If we have the time, there is one other development that pertains to the Academy but also goes to my own feelings in regard to it.

LR Please tell me about it.

DJ It is simply to express my delight at the increasing number of women in our membership. It was somewhat difficult for some of our male members to accept that women

could become acceptable arbitrators. I heard a few express the belief that it would be embarrassing for male union representatives to have to use "shop language" in presenting their case and embarrassing for a female arbitrator to listen to it. I had heard the same comments in the shop where I was working before the war, plus the comments that they could not perform the work so as to meet quality standards. They were wrong on both counts. When I came home from the war, and I think this was true of most of my comrades, we had only a vague sense of the part that women had played in the war effort. While I was at Augustana and still interested in history, I had the occasion to explore at length the role that women had played in helping us to win the war. I was amazed.. Let me sum it up by simply saying we could not have had fifteen million men in the armed services if it had not been for the women who stepped in to do the work that had to be done. This in turn means that it would have taken longer to win the war. For what they did, I will be forever grateful. It also means that for over forty years I have been of the firm conviction that women can do what they set out to do, and that includes becoming an arbitrator!