

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Eva Robins

NAA President, 1980

Interviewed by Marian Warns

May 31, 1989

EVA ROBINS
PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS
1980
INTERVIEWED BY MARIAN WARNS
AT
THE CHICAGO HILTON AND TOWERS, CHICAGO, ILLINOIS
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Warns

At the 42nd Annual of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It's May 31, 1989. My name is Marian Warns. I'm interviewing Eva Robins who President of the Academy in 1980. This project that we're doing is sponsored by the Academy History Committee in order to preserve the account of activities and the background of Academy Presidents for the future Academy members. Eva let me ask you, where were you born and raised?

Robins

Well, I was born in Canada and I guess raised a little in Canada and a little in New York City. My mother and father went to Canada well before I was born. They came back to the United States when I was fourteen. I had siblings who were born in the United States and siblings who were born in Canada. There were eight children in my family. I guess

the major education that did me some good was the grammar, english, spelling and all the rest of it that you did get, in large measure, in Canada with great emphasis. The quality of writing that was taught there was not taught when I came into high school in New York.

Warns

That still is not taught as well as it should be.

Robins

I'm afraid that's true. I had my high school here in New York. I had my college in New York. College was really pre-law and law. Then I was working all the time I went to law school. I went to law school at night. I went to pre-law school at night. What I did was to discover that you don't die from this. It's absolutely a fact that you don't die.

Warns

It's hard to do at the time.

Robins

Oh yes, it's hard to do. It's hard to study at night and into the morning. It's hard to do all kinds of things, but you do it. You get up the next morning and go to work. It doesn't kill anybody. I'm tough about work, I guess, for myself and for others.

Warns

Well I can understand that. I feel the same way. Were you working in practical labor relations at the time you were getting your law degree?

Robins

No. I was working doing anything; clerk or whatever. I was working for the same company but whatever they wanted to do with me they did. Labor relations came just about the time I got my law degree. Just about the time that I was quitting that job in order to find someplace where I could use the law degree, the labor laws were being passed. All industry - not just the company I was working for - was very much interested in getting people to do some work for them who knew something about labor relations. That was no problem. I got to start work in what they like to call personnel, at the time, but not really personnel, and labor relations just as it began. That was really very useful. I knew a lot of the people who were engaged in that work. I knew a lot of the people in the Mediation Board of New York State who mediated the Borden Company of the ice cream division of the Borden Company disputes. It was not very difficult, to see a potential for translating my experience into labor relations work outside, the neutral work. When I made up my mind

to leave industry, it took some time because the money was not all that great. When I made up my mind to go, I took the civil service test for mediator. I passed, and I was one of the top ones. The one who was ahead of me didn't want the job, so I took it. I must say it took some courage to do that, if I may so, because I took a \$5,000 a year cut and I lost all those great stock options and all the rest of it. I did get into mediation and it was the best move I ever made.

Warns

You really are one of the people that had a good deal of practical "hands-on" experience before you really went into arbitration. You had not been in the academic world at that point.

Robins

No. I taught some for some of the places that wanted to get some idea what it was like to practice labor relations. The Cornell people had classes in New York, but that came a little later. I think that the best experience I ever had was the mediating and there was some arbitrating at the same time. Then I began to get arbitration experience outside of New York State; not New York state because I wasn't permitted to, but outside New York state in New Jersey, Connecticut and

wherever.

Warns Would you say that you had a mentor at that time, or did you just learn through doing?

Robins I just learned through doing. If there were mentors around at that time, I didn't know who they were. I would be doing a disservice if I didn't say that the time I was at the Mediation Board was the golden period of the Mediation Board. Where you have people like Jim Hill, Arthur Stark, Milton Friedman, Ben Wolff, Howard Ganzer and I don't know who many else, these were people who taught the business all the time so that you learned it. You became immersed in the thinking that they had. You never had a mediation case that you worried about because you knew that if you really got into a bind you could get two or three of them around you and talk it out. They were great. I like to think that I've paid back that loan of help to new arbitrators.

Warns I certainly think you've contributed in that way over the years to help many of us including myself.

Robins That is nice of you, and thank you. I think we owe

the repayment of that in kind. I don't hold with internships all that much because I just don't think they work that well. I think it's great to have access to people who will listen and help. That's great.

Warns That's really the best way to learn.

Robins Yes.

Warns What amount of volume of cases did you have? We're always talking about changes that occur. In the early years, were there as many arbitration cases or was the work primarily mediation?

Robins No, when I was at the Mediation Board, the cases at the Mediation Board were mostly mediation cases, but there were arbitrations. Unions were coming up and they didn't have the money to pay for outside arbitrators and the state felt that they were entitled to have an opportunity. There were free cases. All the mediators worked on free cases as well as on mediations. Of course the number of cases have gone up. Everybody says the arbitration caseload is down, and I guess it is a little in the last five to seven years. But with the amount of

public sector work that came in, the work has been steady and very very heavy; nothing like it was in the days I'm talking about like the 40's. I know that I had a lot of cases in New Jersey before I applied for the Academy.

Warns

Did the A.A.A. and the F.M.C.S. have rosters as widely distributed?

Robins

I think so. I think they did, but I didn't get my cases from A.A.A. and from F.M.C.S. For one thing A. A. A. did not choose to use anyone who was permanently employed. At that time they didn't. F.M.C.S. had very little caseload up in the Northeast. The work was there because New Jersey State Board of Mediation had a lot of cases that they farmed out to arbitrators. They handled it the same way by lists and selections by the parties. After awhile you got to know them and you got named. Mostly you got known because of the quality of the mediation work. If that was good then those of us who were working at that got to be well known through that.

Warns

A natural evolution based on your performance in the field.

Robins Sure. I don't remember what my caseload was, I can't recall. I know it met whatever the requirements were. We were more worried about whether we were being recognized and selected. If we were, then we knew we had it. If we weren't being selected, there were a lot of people who tried it out and then quit because they couldn't get selected. As I say I think the quality of our performance as mediators was very significant.

Warns I know that one of the outstanding areas of recognition in your career was your appointment by President Carter to the National Board of Inquiry in the coal industry.

Robins Yes, I remember that.

Warns I can imagine that that led to a tremendous increase in your caseload.

Robins As a matter of fact, I don't think it did. I really don't. I think that it was a flash in the pan. It was fine, but it didn't last. Wasn't Carl . . . ?

Warns Yes

Robins Of course, I had forgotten. Carl Horns was on it.

Warns Yes, you and Carl and Gentry.

Robins Yes, and that was a fine experience. I must say that I watched Carl handle the press with considerable admiration because I didn't think I had the qualities for that. I'm not sure I do now, but he taught me a great deal from just that one little experience. I don't think that experience increased my caseload. I think the caseload increased because more and more people talk about you and they tell each other. If they are led to believe that you are working on a case and you are going to decide that case on the merits of that case and not because you want another case from the same parties, or whatever else the other motivations are, I think the parties recognize that.

Warns Did you find that any time there was a particular difficulty in going on with your career like this? I know today we talk so much about the fact that there were not all that many top women in labor and the labor area. Do people emphasize that quite as much?

John

Robins

No. I'll tell you the truth. I think that it was easier more me, for Mable Leslie who was a member of the Board of the New York State Board of Mediation and was a fine arbitrator, and for Jean McKelvey and for a few others. It was easier for us then it is for today's females. There are more today. They are more anxious to succeed right away. We knew we had to wait. We knew it would be slow, but we knew we would get there if we worked hard and did the job well. I don't remember ever having had any problem once I left industry; any problem about being a female or any other minority aspect to myself. Everybody complains today. I don't recall being aware of a problem.

Warns

Don't you think, as you said, that the quality of your work in the final analysis is what determines whether you're a successful professional or not? It really has nothing to do with your sex.

Robins

No, it doesn't and it shouldn't. I think today, that the contribution that we made then through the Mable Leslies and the McKelveys and some names I can't recall helped pave the way for today.

Warns

I don't think there is any question about it.

Those of us who came after had a much easier time because of it.

Robins I think so. We had a reputation and even though people said "well you're unique," we weren't unique. We were just the first ones around. That was all. The value of being first was that there shall be seconds, thirds, and fourths. That was all.

Warns And on and on.

Robins Yes.

Warns When you got into the Academy, did you start working on committees and that sort of thing in the early years, or did it take you awhile?

Robins No, I started on committees right away. I cannot for the life of me remember the first committee I was on. I remember being named to the Board of Governors in Rob Fleming's term as President. I don't remember when that was, but I was named to the Board of Governors then. I remember being named to committees. I think I've served on every single committee of the Academy. I know I worked

on the Education Committee, on Research and all of them I think. I Chaired lots of committees: Nominating Committee and the Membership Committee several times. I did a lot of work for the Academy.

Warns

I suspect you did a lot of special projects?

Robins

Yes. When anything like that came up and I can't remember the special projects. I remember being named to a variety of things that were one shot deals where the President wanted somebody to do something quickly and give him a report right away. We did it. I say give him a report, but I think I did some work for Jean McKelvey as well when she was President.

Warns

I expect you've attended all of the annual meetings?

Robins

I've attended all except one. When I started to work with Arvid Anderson at the New York City Office of Collective Bargaining which I think must have been in 1966 or 1967, Arvid went to the annual meeting that year and I didn't because I was his First Deputy.

Warns You were tapped.

Robins I was tapped. That was the one that was in Colorado Springs or someplace around there. In any case, that was the only one I didn't attend. I enjoy the annual meetings. I don't enjoy the people who get up and talk for the hell of it. But I do like the quality of the survey studies they are making and the ability to talk with other arbitrators for whom I have great regard.

Warns I think that's one of the great benefits of being in the Academy, don't you?

Robins Yes indeed. It's hard for people to understand the quality that the arbitrators in this organization hold out to the new ones coming up the pike. There is such a willingness to help them too. To offer the comfort of knowing that somebody else has been through this before. It's a great thing that people do.

Warns That's an extraordinary thing, I think in an organization like this. Of course, the Academy has always been THE outstanding group.

Robins

I had a call once from someone in Hawaii asking me a question about how would I handle something or other. I told her. She thanked me, and I said "why did you call me all the way here?" She said "that's alright I got somebody else's view someplace in the middlewest and now I wanted to get yours and I think there is one other person I may call." She was just tapping the various areas and that's fine. There are a lot of people in the Academy who hold out this help.

Warns

We certainly get various viewpoints and all types of participation. This comes up almost every year. What type of experience do you think best prepares someone to be President?

Robins

I think that to be a good President you have to have time. I don't believe that anybody can be President of the Academy and keep up the normal work load. I know that mine must have gone down by perhaps one-half. I know one President who didn't do any work while he was President. It is very difficult, I think, to have any notion of what you're going to be doing. If you do it right and you go to some of the regional meetings in order to get the feel of what's happening, you're just not

going to have the time for arbitrating, at least not that much.

Warns

This is one of the remarkable things about us. It's the great amount of time and dedication that you find in the Academy on the behalf of the people who do it freely and generously. I'm sure that it affects their livelihood in many ways.

Robins

There is just no doubt about it. In the first place, you spend a lot of money on the presidency that you never get reimbursed for, which is fine. In the second place, you do not take the amount of caseload. You can't, it just won't work.

Warns

But this is really the essence of a professional, that they want to contribute to their profession.

Robins

Sure, now there are a lot of people who want to be President, but don't really, all that much, want to give up that much work. You can't do it. You have to do a good job on it. And you can't even do all the things you plan to do. When I took the presidency, in the first place I turned it down when it was first offered to me because I wasn't well at the time. Then I said I would talk to my

doctor and let them know. I did and the doctor said take it. So I did. I knew that it was going to be a very difficult and time consuming and hard job. But I thought well we had to help and we had to do something about structuring help to new arbitrators. We had to do something on education. We had to do something on something else. So I had all these great visions. I didn't do any of them really to the extent that I wanted to do them, not nearly. You can't.

Warns

Did you have any particular goal in mind that you wanted to accomplish during your term?

Robins

I wanted to set up a good continuing education system, and I didn't do it. This was the time when a lot of people in the Academy were worried about the standards for membership. There was a great deal of what I considered thoughtless effort to jack up the standards so that you couldn't become a member for the same kind of case numbers or years of arbitrating. I thought that was pulling up the ladder. I wasn't about to participate in it. Some of the other things that you wanted to do which are constructive you don't do because your preventing some things from happening that you don't want to

see happen. I don't know what the answer to that is. I think that two year terms for Presidents is warranted.

Warns

Of course we have the office of President Elect, which is in essence a preparatory office for President. Then you remain as an advisor for a year afterwards. I often wondered myself if perhaps it wouldn't provide more continuity if we had a longer term.

Robins

I think there should be a two year President Elect status and a two year presidency. I wouldn't care if right after that you weren't part of it at all. This is because what goes on after your presidency is over is really interference with the next President, so you don't do it. I don't think you need that. I think what you need is a longer presidency. But I've never really suggested it because anytime I've talked about it there hasn't been much interest. And I don't have dreams of being either a king maker or a rule breaker.

Warns

Do think that possibly this is because we have so many people in the Academy who have outstanding qualifications. We have a lot of people to choose

from and perhaps the idea is that they want more participation. Do you think this is the reason?

Robins

Yes I think that is a good part of it. I think so[^] Marian. Everyone of us has had a different emphasis. Mine was the education thing that I wanted to produce and the help of the new arbitrators. You know that you are always going to have some one person or two people who are going to say "well we don't need to hold up help for new arbitrators, let them find their way but you don't have to spend Academy money on that." I think you do. I think you have to spend Academy money on it and I think you have to help new arbitrators. What I'm about to tell you started when I was President and it hasn't stopped at all. There's hardly a year that goes by whcm I don't have 25 or 30 people who either come in to see me or want to talk to me on the phone about arbitration, about getting into the field, about how you overcome some of the problems they've had in lack of education, or whatever, and that's fine. One of the best things I ever did in my whole life, for which I'm so pleased I can't tell you, is the thing Peter Seitz and I did: the discussion groups which Tom Christensen and I are now continuing. They helped

people to become comfortable with arbitrating, so they don't walk into an arbitration hearing scared to death.

Warns I can understand that.

Robins Me too.

Warns Do you think in that year, do you have any particular thing that you believe was an outstanding source of satisfaction to you as President?

Robins I don't guess so. I don't guess so. The Academy was having some financial problems at about that time or the year before. There had been an Academy meeting and the program was so ambitious that one slew of money was spent on it. There wasn't any money. I thought that the best thing I could do was to just cut out the nonsense. I cut back on expenses to a point where, I will tell you, I spent a lot of my own money because I wasn't about to take it out of the till. I think that's okay. I had no objection to that. I think that was a thing I should have done. But I think that I tried in that year to put the Academy on a somewhat more

steady money footing. Maybe it helped some to do it. I did some anyway.

Warns Certainly at some point there had to be that biting the bullet.

Robins Oh yes indeed, and I don't spend money I don't own. I wasn't spending Academy I didn't own either.

Warns I think this is one of the important points that members need to know about how dedicated, in many ways, our officers have been. It wasn't just giving time of themselves but often in terms of their own money.

Robins Oh sure. There's quite a good deal of it that comes out of the pockets of the arbitrators. Even travel expense which you just automatically think of billing because we all arbitrate and we all bill for traveling someplace. But when your traveling for the Academy you don't really do that all that much. At that time, I didn't because the Academy needed the funding. They survived it.

Warns I can remember that period very well.

Robins I'm sure, I'm sure. It was unnecessary maybe but it didn't hurt me.

Warns I think that too was the period where we were just beginning to grow and expand out in various directions.

Robins Yes, and we were so afraid of raising dues, which was kind of silly. We were because there were voices raised in opposition to it. We've done things that we shouldn't have done. We allowed ourselves to use the facilities of employers of our unions or whatever for Academy work. We should not have done that. I know we owe a debt of gratitude to Syl Garrett, to Al Dybek and "Mickey" for all the work that came out of their offices and the housing of records. We had to grow up at some time. We did eventually. Maybe I had a little hand in the growing up, and if I did I'm glad. It was necessary.

Warns I think that was a time when there was a great deal of change going on. I wonder if over these last few years, if you've noticed any significant changing, both in arbitration and in the national labor policy, that you think has affected

arbitration?

Robins

I don't know about the national labor policy affecting arbitration. I think that there is something that's going to affect arbitration if we don't stop it and I don't know how to stop it. I think the arbitration in the federal public sector which has within it this obligation to consider things that aren't even put before you by the parties and which envisages independent research by the arbitrator is very very risky. It changes the look of arbitration. It changes the arbitration. The fact of the appeals procedures that are available in the federal public sector no longer makes it arbitration really. It makes it a decision making process' first step. That's all it is. I hate to see that because if it continues the way it has been going it's going to spill over into some of the private sector. That I would hate to see.

Warns

Do you think possibly that some of the recent court decisions have started in that direction?

Robins

Well I think so. I think the whole business of the public interest - which nobody knows how to define

- and the court decisions which have talked in terms of the public interest if they continue the way they've started it's going to spoil the process. This process used to be wonderful. Do I have time to tell you how wonderful. Okay. It used to be that if you had a case that you wanted to present to an arbitrator, maybe two people from the company and maybe two people from the union, but maybe one and one, would go into the arbitrator's office, sit down and chew the fat for awhile. Ultimately when things got sufficiently calm, he would say "alright what's your problem?" Then you would tell him. You wouldn't testify. You wouldn't bring documentary evidence. You would tell him. He would ask you questions, and at some point he would say "okay I understand the problem." It didn't make any difference whether it was a problem of contract interpretation, contract application, discipline or whatever. You would tell him the problem and he would say "okay I understand it now." Then you would go. If you didn't go, he'd invite you to leave. Maybe within a day, two days or three days you would get a decision. That decision was a two-page thing, maybe sometimes three. You didn't really have these long drawn out things. The whole message

about not all decisions being published, that the value of that message is that it should be telling us that not everything is a 50 page opinion and not everything goes into things that the parties didn't even think to bring to you. What you need to have is some kind of a return, maybe not in whole but at least in part, to the simplification that we had of the process and how great it was. Douglass knew it in the trilogy cases and talked about it. Schulman has talked about it, and Cox has talked about it. I'm sure the briefs that were filed by David Philip in the trilogy cases mentioned it. These were the kinds of dispute resolution that we should try to go back to. I don't know if we'll ever do it.

Warns

It's interesting that in the last few years I've noticed that apart from an increase in legalism now we're beginning to go back again to the notion that arbitration should not be that formally structured.

Robins

Well I hope we are. I hope we are. I don't know whether we are. I'd like to think so[^] if you see it. I'm glad[^] Marian.

Warns

I hear people talking about it. I don't know, however, with the continued influx of attorneys

whether or not that's going to be feasible. I wonder what's going to happen if we continue this way because we might as well substitute labor courts if we're going to do that.

Robins

There is one thing that warms my heart about this. That is not everybody is a lawyer. We took into membership today nine members: eight are lawyers, one is not. The one who is not is the one you know. I am sure that, the quality of a hearing does not depend upon the law degree. As a matter of fact, I think that the people who want to make it a law court process can't be good arbitrators right away anyway until they shed some of that. One of the lawyers in a large company union contract in which I'm named as one of the arbitrators said to me that he used to worry about how much, when I made speeches - which is part of the presidency by the way - I talked against the legalistic approach to the presentation of cases. He told me recently "I don't worry about it anymore; I wish you would do more speeches." He said the alternative is dreadful. He thought, lawyer or not lawyer, that it was going to be a terrible thing to happen to the process.

Warns Would you have any recommendations along that line for the future Academy?

Robins Yes, I think we should stop presenting lawyers as speakers. I'd like to see us present more of the practitioners, the practical people, the labor relations people who are not lawyers, or if they are lawyers who don't really practice law. I'd let to get them to talk about the process as it should be. We present the lawyers as though this is what the new arbitrator should know. Then we put it in the books. The volumes come out and there all full of legalistic gobbledygook. We don't need that.

Warns This is one of the, I think, difficult things because we're now moving away from what arbitration was originally hoped it would do.

Robins Yes. I have great regard for some of the attorneys who were in the business to begin with, but they are not legalistic either. Not anymore.

Warns Maybe that's one of the things that we can hope that the Academy will address more assiduously in the future.

Robins

I would like to see it. I would like to see somebody think about taking these new arbitrators away from the law courses they've had. I don't want them to present, a case. I don't want to talk about a case-in-chief and cross examination, etc. I will tell you that, as often as not, when I've got people who are making objections up one street and down the other, I will call the two lawyers outside in the hall - which is what hallways are made for - and tell them not to do it because I'm not going to recognize these great legal principles that they think run the court. One of the judges in one of those programs, that we had where all those judges were called in from all over the country, said to me at one point that he wishes he had the flexibility that arbitrators have. I wish the arbitrators could keep the flexibility they have. This would be nice.

Warns

I think that's one of the things we can all think about and hope for in the future. I want to say to you that I appreciate all the time you put in in the past and this is valuable to us to get your viewpoint.

Robins

I don't know whether I'm going to cure anybody

including myself, but I sure am going to try. No, I really think it's necessary for all of us who have been in from the beginning of this to not let it get out of hand. It's bad sometimes. We talk about it being the process of the parties and it is, but if the parties are letting fall into the hands of the technicians, then the quality is affected.

Warns

Hopefully, maybe that will be a change that we can look forward to in the future.

Robins

I sure hope so. Well thank you.