

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Gladys Gershenfeld  
NAA Vice President, 1997-1999

Interviewed by Joyce Najita

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**TRANSCRIPTION  
GLADYS GERSHENFELD INTERVIEW  
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**Najita:** This is the interview with Gladys Gershenfeld on May 25, 1994 in Minneapolis, Minnesota. And this is the interview to record Gladys' work with the National Academy of Arbitrators. And we should begin first of all, Gladys, with your personal background, and I guess the appropriate question here would be where were you born, raised, educated, all those particulars please.

**Gershenfeld:** All right Joyce, I'm happy to be here with you. I started out in Newport, Rhode Island and after growing up in a small town I was eager to get out and experience the big city. So I went to Boston University as an undergraduate. When I became interested in the field of labor relations through one job that I had and needed advice on how to proceed, everybody I asked said, "Go to the Cornell School of Industrial and Labor Relations," which was just becoming well known. I went in 1950 and received a Masters Degree. And at the time, the School was in postwar prefabs and Quonset huts. When I entered, the graduate student body had increased from perhaps 25 to 40 people, and when I left it had gone up to 75, which was considered a stable graduate body. And as is true with most Cornellians, I developed lifelong professional associates and feel an instant response to all those who identify themselves as Cornell ILR people. After I graduated, I went to Washington along with a group of other recent ILR graduates. The Wage Stabilization Board was functioning during the Korean crisis and was hiring people whom it classified as Labor Economists and assigned to a variety of jobs. When I walked in

the door for an assignment, I was told that a specialist in the shipbuilding industry was needed; so I became a specialist in the shipbuilding industry and worked on the cases in that industry during the life of the Board. It happened that during that period, Walter Gershenfeld was working for the Industrial Union of Marine and Shipbuilding Workers, and on one occasion the Vice President of the Union, who came to Washington frequently to check on the progress of his cases, brought Walter down and introduced us.

When the Board folded, I received an invitation from the Research Director of the Shipbuilding Union, then headquartered in Camden, New Jersey, to work there as a Research Associate. I moved to Philadelphia and married Walter, as people in the Academy know by now. For the next ten years, during the birthing and raising of three sons, I spent a great deal of time at home and did occasional research, part-time jobs.

Around 1970, the Academy was actually concerned about where the next generation of arbitrators was going to come from, and particularly why there weren't many women in the field. In Philadelphia there was an active region of the Academy, and together with the American Arbitration Association, they developed a two-day training program for potential arbitrators. I was asked to join. It was marvelous, very intense, including some of the best people in the area.

**Najita:** Who might some of these be?

**Gershenfeld:** Well, I worked with some of them. What I did after the two days was devise what I call a self-directed apprenticeship program, and the Academy arbitrators who took part in the training

offered their services. I sat in with them, wrote opinions after each hearing, was critiqued by Lew Gill, Eli Rock, Perry Horlacher, Herb Unterberger in particular. And of course Walter's advice was always helpful. I had the valuable experience of learning from a wide variety of arbitrators, and I count Herb Unterberger especially as a mentor. In addition to just sitting in on a case, I worked with him on a couple of his projects, and I felt that any advice Herb gave was right. He wrote some popular articles on technical issues. And what's interesting, one of the sessions in this year's program is on disputes of professional employees. He wrote an article on that way back in the early days of public-employee bargaining.

I was elected to the Academy in 1980 and admitted at the Washington, D.C., meeting in 1981. I remember feeling a great sense of welcome because there was a U.S. Marine band arrayed up and down a long flight of stairs at the members' reception, and as you walked up and down they were playing. It was a great feeling of importance and welcome.

I gathered you wanted to know about committee activities in the Academy. I've served on a host of committees. I've been on the Program Committee twice, including the one this year; I've served on the Nominating Committee; I had three years on the Membership Committee. Then there was the very busy year of co-chairing with Walter the Arrangements Committee for the annual meeting that was in Philadelphia 1986, which is well remembered for the string bands that entertained us at the closing banquet. I was on the Board 1989 to 1992, and a couple of things that I did at that time are a little different from the standard committees. I spent—I don't know how

many years we count now—on what we call the "If any" Committee, the committee on alternative labor dispute: resolution. It was a great experience working with a committee of outstanding people on very difficult issues. We expected two years were needed to get a report out, and then we thought each year would complete the whole process, but here we are this year still dealing with the changes from that committee.

**Najita:** Was this the first "if any" committee that was formed in 1986?

**Gershenfeld:** No, not that far back, it was 1990.

**Najita:** Okay.

**Gershenfeld:** Howard Block as President appointed the committee with Mike Beck as Chair. We worked very hard, and some of the issues, the outcome of those, what other committees have to do involving changes in the Constitution and in the Code, are still being developed. Also during that period on the Board, Howard Block was receptive to the suggestion that many of the governing documents of the Academy were not gender neutral, and he asked me to put together a committee to review these documents and make recommendations on gender-neutral terminology for the governing documents. We did, and all of the changes were accepted, with a certain amount of leg-pulling by some of the members who find it difficult to use the term "Chair."

**Najita:** I remember.

**Gershenfeld:** They had less trouble with finding alternatives to the he/she syndrome, and by now I hear in Academy presentations that the members do use the term "Chair." Most members seem to accept it despite the jokes, and some look at me as if to say "See Gladys, I've

changed." But that's fine, all to the good. In addition, I served on the Board of the Research and Education Foundation, and before all of that I served two years as Chair of the Eastern Pennsylvania Region.

One of the questions that you were interested in was the frequency of our attendance at meetings, and I must say I think I've attended every annual meeting since I was admitted. Walt has been equally active on committees, and where either one of us has committee appointments, we tend to go together to the annual meetings.

**Najita:** That's a record.

**Gershenfeld:** During my period on the Board I pushed for one thing that I think has helped the Academy, which was to increase the Nominating Committee to a larger number, this following the general feeling that the Academy should spread the responsibilities to more people. I was pleased that came about.

**Najita:** I was going to ask whether, when you made your application to the Academy back in 1980, was there anyone who had recommended you to join the Academy, or were there some special circumstances there?

**Gershenfeld:** I was surrounded by the arbitrators in Philadelphia, of course; they were a close group. We have a region in Eastern Pennsylvania, primarily Philadelphia and suburbs, and across the river into the south New Jersey, that has met very regularly year after year for a monthly dinner meeting. Generally I think it became a strong region because there were a group of people, the arbitrators whom I had mentioned to you, and I could add Wayne Howard, Stan Alderfer, Howard Teaf, and others, who enjoyed each others' company. And meeting together once a month for dinner was something they

wanted to do anyway, and it became an active region. The same people were members of the local Industrial Relations Research Association, and we would see each other frequently; so joining the Academy was something that I would aspire to just from being surrounded by these people, and Walter was already a member. I really didn't need any outside suggestion that it would be a good idea to apply to the Academy.

**Najita:** There's so much of your professional lives that are tied one to the other, you and Walt, and your being in the same area, for example, that's not a common thing, and I've been wanting to ask you that question about whether that common background, training, work interest, what does that do to your work. Similarly with respect to your relationship, one to each other, it takes you to the same, sometimes the same meetings. But how does that affect your work as an arbitrator, and if so, how does it affect your work as an arbitrator?

**Gershenfeld:** Well, first of all, in terms of the lifestyle of an arbitrator, we understand each other. If you're late on the road coming home, it's perfectly understandable. If you have to go off to some inaccessible place overnight, we understand such things. As far as how we might rely on each other, it's wonderful having somebody nearby who will listen when you want to think something out logically, and often, unless you try thinking through your line of reasoning out loud, it doesn't quite come together. We always say, and many of our friends say, every arbitrator needs a buddy. I have a buddy. We try ideas out on each other, and I think we find each other patient about a problem or a knot in a problem because we have them ourselves, although we don't always agree. Of course we don't

have the problem of who's going to whose professional meetings, and because we were both working in the field when we met, we've done a lot of similar things. We had both been teaching over a period of years, which I didn't cover, and I should.

I started teaching at the School of Business in the Philadelphia College of Textiles and Science around the same time that I started arbitrating. Walt was teaching at Temple University at the same time, so we had similar academic concerns. In fact, one year a class of mine negotiated with a class of his, and we called in a professional mediator whom the students really needed, and they were successful in negotiating a contract.

I gradually developed from part-time teaching to full-time teaching and got deeper involved in the college activities as my arbitration work was growing. I reached a point--I think it was around 1984--when I said I really don't need two full-time jobs and decided that I would prefer doing the arbitration and quit teaching. Actually the college teaching not only became a problem with scheduling cases, it also became a little discouraging at a time in universities and colleges when the labor relations field was just not uppermost in everybody's mind. And the students, in the School of Business particularly, had the notion that they were going to be the hot-shot managers of the future, and they would have no problem with employment matters; they would just be able to handle those instinctively. As far as unions were concerned, for many of them they just felt unions would never be part of their lives, so this was not an important area to study. It was very discouraging, except for the MBA classes who are out in the field working; they come back and



they discover these are the things they really have to deal with. Teaching the students was much more enjoyable and productive, because they had experienced employment problems and really cared. And similarly, I've done a fair share of training in the field, and that's very rewarding, because when ycu're doing training programs such as those of the American Arbitration Association, you're dealing with an audience that really needs material that they can use tomorrow in their work. So while not doing regular teaching, I continue doing that. And for several years, since 1985, I've served on the American Arbitration Association Labor-Management Education Advisory Committee. We meet twice a year and discuss the content and nature of the program that AAA produces, and I think we do have an influence on what programs and topics are current and important.

Aside from the arbitration, during the course of teaching and developing in arbitration, I've been active in the Industrial Relations Research Association, both locally and I've served on the National Board. And like the Academy region, the Philadelphia IRRA is a very active group that meets every month and is the heart of the labor-management community.

I also did some work for a number of years with SPIDR and served on the SPIDR Board, in particular bringing together arbitrators and mediators in my area. There was one meeting that was quite significant, when SPIDR wasn't as well known as it is now. I ran a meeting with different mediation groups in New York, Philadelphia, Washington, all along the East Coast, that had never known each other, had never met together, had never had a network. They were

delighted with what they experienced, and it turned out that that's what SPIDR could do nationally and internationally.

**Najita:** It's really caught on, hasn't it. What about the work that you and Walt have done in terms of training arbitrators? How did that start, and what did that entail?

**Gershenfeld:** Well, neither one of us has served as a full-time or regular mentor for any one individual. My approach has been to encourage people to do what I did. Mentors are hard to find, people who will take on an intern on an almost daily or weekly basis, and I haven't done that. People will come to us, people in our area and say, "Can you help me? I'd like to do some work with you." My approach has been the same with these people as it was with me. I say I'm not likely to be able to serve as a full-time mentor for you, but if you don't find one, this is what I recommend. I recommend a self-directed apprenticeship program. There are many arbitrators in the Philadelphia area who are willing to have you come in and attend some hearings. If you want to sit in with me, I welcome you, but I want you to write a sample award. It's very easy to sit in and absorb the style of different arbitrators, but unless you've put your hand to writing the award, it's not going to really serve the purpose that you want. Also, like other people in our area, Walt and I get frequent calls from arbitrators saying, "I'm stuck on this problem. I've got to get through it. Let me try it out on you, what do you think?" or "I've made this ruling and I'm a little bit troubled. Was it the wrong thing to do?"

**Najita:** Like a confessional. You're holding their hand. Have you ever done, there was a period when the Academy was involved in

several training programs; I've read some of the old proceedings where I think Jean McKelvey did some, and I was wondering whether you and Walt also were involved in some of these Academy training.

**Gershenfeld:** We were. During the term of being the Chair of the Region, one of the responsibilities has been to work with AAA, where we have a continuing relationship for training of developing arbitrators. The approach of our group has been not to take people who just come off the street and say "I want to be an arbitrator," but to encourage people who have had a few cases and are ready for a little more intense kind of training. We call upon both local arbitrators and some of the parties in the area, and these are also once a month meetings. So during my years as the Regional Chair I administered that program, and then I have spoken at some of them off and on, because different members of the Academy are called on to conduct sessions on particular topics.

**Najita:** I see, yeah.

**Gershenfeld:** Walt will probably tell you more, because he was one of the people that was instrumental in getting that program started.

**Najita:** I want to follow up on this a little more in terms of the training of developing arbitrators. And I have a sense that, as you say, you don't have a general announcement saying "Anyone who wants to become an arbitrator, we're here to train you," but you perhaps take it at another level of perhaps people who've already done some.

**Gershenfeld:** Gotten a foot in the door.

**Najita:** Right.

**Gershenfeld:** And actually we don't select the people, we've decided that the American Arbitration Association should do that because the

Academy is not in the business of selecting potential arbitrators. We felt it was a better approach to have AAA select the people.

**Najita:** So that the selection of these developing arbitrators would be done by the triple A, so that it's done, the region works with the triple A in this program.

**Gershenfeld:** Yes.

**Najita:** Is that an unusual arrangement, or is that one common throughout the regions, or--because I don't know of any in our area.

**Gershenfeld:** No, I think New York, the New York Region started one and it wasn't as long lasting; I don't know if they still do it. Boston I believe has regular workshops, sharing ideas, arbitrator get-togethers, to express concerns, ideas, problems, share things like that--I think they do regularly. There was a time when there was an active group of developing arbitrators in New Jersey that developed a common bond to discuss their mutual concerns, but most of those are now well-established and Academy members, and they don't meet as a group anymore. So I do believe there have been from time to time different ways that people have done training. As to the formal connection that we had, and still have, with AAA to do these sessions, I don't know whether that has occurred elsewhere. Other parts of the country don't have people closely knit in terms of geography, so they can't get together. And in some of the regions, if the region is holding a meeting, which may not be as often as ours, they will invite arbitrators who are coming along to join them, and it becomes kind of a training session.

**Najita:** My sense is that these training programs are either short lived or they don't prove to be as successful as first thought to be.

Of course to a large extent you can depend upon the acceptability of the arbitrator by the parties themselves, but I think the development is very important. And what kinds of programs are available, I think I wanted to learn more about that area, and if Walt is going to talk a little bit more about that that's fine. Anything, what about the training, any thoughts about that as you reflect upon it? What about the future? Is there need for further training, and if so, what kind of training? What do you see coming down the pike?

**Gershenfeld:** Well, I guess at this point the Academy is not going to reach out as it did in those earlier periods, because the great need for more arbitrators is not present. Of course there were the programs a few years ago, one developed women arbitrators, another minority arbitrators, and I believe those programs have produced Academy members. I don't hear any rumbling to do it at this point. I think the thing that concerns me most about training is that the newer arbitrators, and we know that the majority of new arbitrators have a law background, see this as an extension of their legal profession. And the younger lawyers, and this actually applies to advocates also, discuss "trying" a case, not taking it to "hearing." They feel strong about rules of evidence, and their whole nature is to give arbitration the trappings of what they're used to from their legal training. That may not be too bad, but the thing that's missing is a background in collective bargaining, labor history, labor economics, the kinds of things that make them more understanding of the problems at work versus the problems with the contract.

**Najita:** The real problems?

**Gershenfeld:** Now I don't think you can send the lawyers who move into arbitration back to school for courses in collective bargaining, but perhaps we could find a way to get them to attend more meetings of the Industrial Relations Research Association. They are concerned with their Bar Associations, and they certainly are concerned with the Sections on Labor and Employment Law, is fine, but often, I wonder whether the future will bring arbitrators out of the industrial relations fields. One of the problems is that they're not studying these fields in as great number.

**Najita:** Exactly. The colleges or schools of business are shutting down on our programs.

**Gershenfeld:** Right. I had the same experience that other people have had. I've talked to other associates who were ready to leave teaching. And when they leave their college, the courses are not filled.

**Najita:** The positions are not filled.

**Gershenfeld:** Or there's something else urgent in the school like strategic planning and more quantitative courses, and they'll hire a part-timer to continue the collective bargaining.

**Najita:** I think that's the pattern that's developed all over the country.

**Gershenfeld:** I have seen it, and I've talked with other people who've had the same experience. You sort of hold down the industrial relations segment, and if you leave, it leaves with you.

**Najita:** Right.

**Gershenfeld:** Where are the people going to come from if they're not coming out of unions, or not coming out of practical management

experience, and they're not coming out of the schools of industrial and labor relations? I'm not sure that we're going to maintain any of that sense of history, and maybe it's not the most important thing. I may just reflect what I see among the people who have been at the height of the profession over the past years.

**Najita:** I share that idea, and I think more so as we have more emphasis on employment law issues, you will have more emphasis on legal dialogue.

**Gershenfeld:** Right. And our cases will require statutory interpretation, and the lawyers will feel more at home.

**Najita:** Yes. And I think, as you said earlier, maybe the lawyers have to go back to school, take courses in collective bargaining. The other one would be where IR people would go into law school and get some legal training. That's another way.

**Gershenfeld:** And the combination would be very good.

**Najita:** Right, yeah. That would be the ideal.

**Gershenfeld:** Right.

**Najita:** I share your sense of this change that's taking place, which I don't think is good for the practice of arbitration.

**Gershenfeld:** But I think if you were a person just starting out, there's an expectation that if this is a goal, that you should go to law school before you try to become an arbitrator.

**Najita:** I see. You would, for example, counsel a student in industrial relations then, to get some, to get legal training.

**Gershenfeld:** It's possible to do it through practical experience in the field, and working for a union or working for management is important experience. But I think as the parties hire more lawyers,

the law degree carries a certain credibility that they want. And as you say, with employment law being so important, you would have to say that. It would be wonderful to have arbitrators who have studied collective bargaining, industrial relations, who have been out in the world working in either union or management jobs, and have a law degree. If they had all of that, it would be marvelous. But we're not gonna have all that.

**Najita:** Okay. We're approaching the end of the session, but Gladys was there anything special you wanted to speak on that you see affecting the field of arbitration, be it women arbitrators, or issues that face arbitrators that need to be brought to our attention?

**Gershenfeld:** I think getting started as an arbitrator today is probably as difficult for a man as it is for a woman. Obviously the number of women arbitrators has grown. I was welcomed as a woman in Philadelphia where there were no women arbitrators; I was the first one. So I didn't find that it was difficult to get into the field. As I said earlier, that was a time when people were being concerned about having women in the field. There were times after that when women found it more difficult. There are certain ways that you can tell that it's changed. For example, for a number of years, when I started a hearing, one party or the other would say, "What shall I call, you?" But, you know, I don't hear that much anymore. And there was a time when if I were at a difficult discharge case that involved insubordination, an advocate would apologize to me before asking the witness to tell us exactly what he said. That doesn't happen as much anymore..



As for the rest of the field, I feel we have to support the findings of the "If any," the ALDR committee. I feel we have to spread our wings; the Academy has to respond to what's going on in the world and not remain isolated, or else the world will pass us by. And I'm pleased that the question of advertising is finally going to come to the head. It has to; it's time, and I think that's a good sign. I would not want to feel that the Academy sits back and doesn't change.

**Najita:** Yesterday's session on some of the issues of ethics, I thought was a very interesting session. And I guess one of the questions that popped up in my head was the question of how are we going to govern ourselves, police ourselves, and that's a very difficult question. And I suppose if there's any bias on my part, I would sense that we must govern ourselves, we must police ourselves; the question would be how, how does one do something like that. Has that issue ever come up before the Academy? And I'm sure, I mean the Professional Responsibility Committee was in response to some of that, but it's gotten, I sensed yesterday that it was much more. \*I think it's true. Having been nurtured by the kinds of arbitrators whom I've mentioned, I've had a pretty strict standard about what we would do in terms of the dealings with clients. One reason that some people are not being as ethical as we would like is that they're in competition. Now that may change, if the Academy changes the advertising policy. We have tried in the Philadelphia training program to include things about how you conduct yourself professionally. We are concerned about maintaining quality.

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**Najita:** Well it's gotten to that hour Gladys. I really appreciate this, it's been great fun. I found this very interesting, and I've learned so much from sitting with you, and I thank you for your help.

**Gershenfeld:** I thank you for the opportunity to talk about myself.