

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Howard S. Block

NAA President, 1990

Interviewed by Lois Rappaport

October 30, 1993

HOWARD BLOCK, 1990 PRESIDENT of NAA
INTERVIEW

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LR This Project is sponsored by the Academy History Committee in order to preserve the activities and background of special members of the Academy, including the founding members of the Academy. I'm talking to Howard Block.

First, let's start with your personal background

HB I was born in Winnipeg, Canada, spent about 13 years in Chicago and the balance of my life in Southern California. I was educated at the University of Southern California for my Bachelor's degree and I received my law degree from UCLA. As far as honors, I was a Phi Beta Kappa when I graduated from USC. After my Bachelor's degree and before I went to Law school, I spent seven years working. I worked two years as a wage analyst for the Federal Government and five years as a director of Industrial Relations for a middle-sized manufacturing company. I think this was a good background for my current career as an arbitrator.

LR Were there specific people who were involved in developing your arbitration career?

HB Yes, primarily one, and that was Paul Prasow whom I met in undergraduate school. He was a professor in one of the classes on Personnel Management that I took. I needed some money, so I went to work for him as a reader. We became

friends and I was working on the book he was doing. One day he was going out for a hearing and he asked me if I'd like to see what an arbitration was like. I said, "Sure, why not?" So I went out and it was a very interesting case and it impressed me as something I'd like to do sometime. I graduated from undergraduate school and went to work, but I maintained my friendship with Paul Prason and he encouraged me to go to law school with the idea of becoming an arbitrator. Which I subsequently did.

LR How long after law school did you started arbitrating?

HB I went to Law school with the idea of becoming an arbitrator but the parties didn't embrace me as soon as I graduated from Law school. I had a wife and child and had to make a living, so I began practicing general law, as lawyers do, and at the same time working at arbitration. Actually, it took about four or five years before I had enough cases so that I had to make a choice between the law practice and arbitration. And I opted for Arbitration.

LR When was it that you applied to the various agencies?

HB Yes, I graduated from law school in 1960 and I did my first arbitration case in 1960. I applied to the agencies for admission to their rosters shortly thereafter.

LR What did you find to be the biggest problems when you started arbitrating?

HB Well, it was much easier for me at that time than I think it is for people starting out now. I had a good background. The people in the Los Angeles area, like Paul Prasow, were my mentor, Ted Jones, who was a law professor of mine and others who were very supportive in recommending me. So I never had a particularly difficult time getting started.

LR Who recommended that you join the Academy?

HB .It was Paul Prasow. It was 1966 when I was admitted into the Academy in Puerto Rico.

LR When you started out with the Academy were you immediately involved with various activities, and what committees were you involved with.

HB Yes. Irving Bernstein, who was the Program chair, hoodwinked me into doing a paper which was captioned "Criteria in Public Sector Interest Disputes." This was 1969 and the Public sector had erupted at the time. When I was doing some of my law work I had done work in the municipal law area and I got involved in the public sector, as a result. I was probably one of the only arbitrators around who had

done work as a city attorney and was also an arbitrator. Since aineo people in the cities and counties were suspicious of arbitrators, they thought they could trust me because I had been a city attorney when I was practicing law. As a result, I was retained by the League of California Cities in Californici to speak with City Councils and County Board of Supervisors and State officials to let them know what was happening in the Public sector and how to respond to it.

"Shortly thereafter, I became regional chair of the Southern California Region and I decided to have a meeting that would help educate not only the parties, but also the arbitrators as to what was happening in the public sector. This turned out to be a regional meeting with about 400 people in attendance. And I think that got me really involved in the Academy. One kind of interesting side light, at the time I thought I'd accomplished a major triumph to have that many people when we usually have about 8 or 10 people at a regional meeting, and here we had 400 people. Because it was financially successful and so well attended, I invited Jim Hill who was president at the time, to come out and address this one day meeting we had. I thought Jim would bring with him the royal order of the Academy to pin on me, but when he got off the plane and I greeted him he said, "Well, Howard, you didn't get the approval of the Academy to put on this

meeting?" Well, Jim, I said, I'll send them all home.

LR What was your progression through the Academy?

HB Well, I served on a couple of committees in addition to serving as Regional Chair. I was Chair of the Legal Affairs Committee. Then I chaired a Committee to study committees. There was a certain overlap in committees and we weren't sure what all of them were doing and whether we ought to continue them. So, I made a comprehensive report on committees. I was Treasurer at one time, when the Office of Secretary and Treasurer were separate. Rich Bloch was the secretary at that time and I was the Treasurer and we were known as "H & R Block."

LR Over the years, has membership in the Academy had any impact on your case load?

HB I think its probably beneficial to be an Academy member. Its one of those intangible things that is not always discussed. I think the parties are very conscious of the Academy and it has a prestigious meaning in the field and I think it helps all of us to be members of the Academy.

LR When they asked if you would be interested in being President-Elect what was your reaction?

HB Actually that question is not really asked. What happens is that after the Nominating Committee has agreed that you're the choice, the Nominating Committee will call you and ask if you will serve. Actually I was out of town, and Bea and I were at a wedding and we couldn't go to that meeting. I think it was in Milwaukee and we had a family wedding. So I was not at the meeting where the Nominating Committee met. Normally the person selected is there, or else he/she is called. I wasn't there and they tried to reach me and it was only a few days later that I was asked. But I was very pleased about it. It certainly is a great honor to be selected by the members of this Academy to serve as President.

LR When you serve as President-Elect, what does the President-Elect do?

HB It became apparent to me, and my experience reinforced this that the one year term as President is really too short to get anything accomplished. So I actually, with the approval with the incumbent President, appointed some committee chairs to do some preliminary work on committees, because it simply was not possible to do the work in the course of a one year term. And I had given serious consideration to what I wanted to do while I was President and who the people were that I thought would best carry that out.

LR When you began your committee appointments, how difficult was this task?

HB One of the great things about the Academy is the willingness of everybody to work. I don't think I ever found anybody who said "no" to a request I had. They're very good about it. I had a few people who squirmed a little, but ultimately, it's almost not in the vocabulary of an Academy member to say "no" when another Academy member calls upon him or her to do some function in the Academy.

LR Once you've been nominated for President-Elect was there an impact on your case load?

HB I would say that probably the Presidency took about 25% of my time, so actually my case load went down. I suppose in the long run, however, its very prestigious to be President of this Academy and probably has been helpful, although for the past 20 years or so I've always had more cases offered to me than I could do.

LR Now looking at the years, as the President-Elect and the Presidential year, what were your major goals that you wanted to accomplish and what were some of the problems that you had.

HB I thought the role of president, is to try to move the organization forward somehow. There were a couple of major problems at the time. One was a periodic eruption that takes place in the Academy whereby some of the younger members express their resentment at a perceived role of the older members occupying the key positions. That became particularly vocal in 1989 at the Annual Meeting in San Diego. There was almost a movement. As a result of that meeting I appointed a committee called the Committee on Academy Governance chaired by Ben Aaron. Ben Aaron is a real magician, he's an incredible person and as controversial as all those issues raised at the 1989 meeting were, I believe this Committee lasted about two years and when the Committee made its final report it was the least controversial item on the agenda at that time. He did an incredible job.

I think what I'm most proud of though, is my determination to have the Academy explore alternative labor dispute resolutions procedures. I was aware that many Academy members were getting involved in wrongful termination cases, employer promulgated arbitrations, mediations, and questions were increasing arising over whether they were covered by the Code, whether they're entitled to use our Legal Representation Fund and questions of that nature. It appeared that the newer members, and many of our present

members, would be increasingly involved in those other kinds of arbitration.

So I appointed a Committee chaired by Mike Beck called, the "If Any Committee." The Committee to consider the Academy's role, If Any, with regard to alternative labor dispute resolution procedures." When Mike Beck agreed to serve as chair, he said o.k. I'll take it, but am I stuck with that title? I said, No, Mike you can change it to anything you want, just let me know. About a month later he called me and said, "I can't think of a way to shorten it."

I should add here, that it was apparent to me at the time that the work of that Committee probably could not be completed in two years. So I coordinated with Tony Sinicropi who was President-Elect at the time and then actually became a joint committee to spend two years. It actually took three years to complete its work, but I thought that was necessary to move the Academy in that direction, to consider what our role was. I'm pleased to see that that's happening.

LR Was there anything that was left open from that Committee?

HB The Committee has raised a number of questions and what we

have done is to take a few modest steps in the direction of recognizing that our members are doing that work. It has raised a number of questions. One of the big questions that has certainly just surfaced, but we will hear about in the future I'm certain, and, that is now that it appears that our Code will cover employer promulgated arbitration, for example. Then we have our members who are competing for work that is being performed by retired judges who are free to advertise. I think many of our members feel that they need to be competitive with judges who advertise. Some of the retired judges have formed a corporation called JAMS. There are a large number of retired judges who have a public relations arm and do wide spread advertising in the area of mediation and other areas where our members actively compete with them. I think I can safely predict that when you speak with future presidents this will be one of the issues, that is a desire on the part of our younger members to be able to advertise in opposition to some of the older members.

In addition, as far as Committees, one other committee I appointed was, because I feel education is very important and education in the regional level is very spotty, I asked Mario Chiasa to undertake a job that would coordinate programming of education at the regional level. And Mario undertook that and he's done a tremendous job.

LR Do you have any recommendations or suggestions for future Presidents.

HB The only recommendation I would have is, I think, the importance of really beginning to think about appointments, think about what has to be done. Start the day after you become President Elect. Because if you wait until they hand you the gavel on that Friday or Saturday night dance before you officially take over, there's simply not enough time to get anything done. And I would think that's probably the most important thing, is the advance planning.

LR Now, during the years that you've been arbitrating, what do you see as some of the most significant developments in the field.

HB The ones that have taken place are kind of sad to comment on. A decline of collective bargaining, and a corresponding decline in arbitration, and I guess it was due partly to global competition with some of our major industries, like steel, auto, lumber and so forth. That sharply reduced Union membership, and I think that's reflected in the number of arbitration cases.

In addition, the permanent replacement position taken by many employers now, whereby Unions are really afraid to.

strike. If the Union doesn't really have the power to strike then it really has very little bargaining power. As a result we've come to an era that's often known as concession bargaining, where the employers sit down now and say "hey what will you give us back". So, during the period that I've been arbitrating, particularly in the last decade, I've seen a weakening of the whole labor movement.

LR From the "Reagan years" to what we now call the "Clinton years," do you see a significant change in the labor movement and labor relations *peir se*.

HB I don't know if there will be significant change. I think there will be a change and Clinton will be a little more responsive.

HB The Reagon/Bush era is merged together. That was a disastrous period for organized labor and I think the Clinton administration will certainly improve the atmosphere. But a sign of the times, is one of the subjects discussed today in one of our meetings. Dave Felllfr talked about all of the legislation being passed in areas that were typically collective bargaining. So we see Unions really being replaced to some extent by legislation, at both the state and federal level. The health bill which is now pending is a big area where unions expected to negotiate

with employers to set standards and so forth, but now employers are now dealing with the government instead of dealing with labor unions. And I'm not sure it's a result they anticipated or are all that fond of. Perhaps they should have been more far sighted and dealt willingly with the labor union. They might have done that if they knew they were going to stuck with dealing with the Government.

LR Are there any areas or comments that you want to make that I haven't covered.

HB Well, one I ought to mention in today's milieu, is the Committee that I ^{asked} Gladys Gershenfeld, who is a very effective worker, to Chair * ,dL Committee, to make our documents Gender neutral. She did the job very effectively and as a result, and I want to make sure I get credit for this, the Academy's Constitution, By-Laws, Code, are now gender neutral.

LR I think that should cover it.

HB That wasn't as painful as I thought