

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

John E. Dunsford

NAA President, 1984

Interviewed by William Rule

May 31, 1989\*

JOHN E. DUNSFORD  
PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS

1984

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At

The Chicago Hilton & Towers, Chicago, Illinois

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WSR: We are attending the 42nd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton & Towers in Chicago, Illinois. It is Wednesday, May 31, 1989. My name is Bill Rule. I am the interviewer. I'm interviewing past President Jack Dunsford, President of the Academy in 1984-5. This project is sponsored by the Academy History Committee in order to preserve the account of activities and background of Academy Presidents. To start with, let's talk a little bit about your personal background. Where were you born; where were you educated; and all those good things.

JED: All right. I was born in St. Louis where I still live. Incidentally, my wife is also native born in St. Louis. We're rare birds these days. We still live where we were born. I was educated at Southside Catholic High School, St. Louis University. I got my 2nd Bachelor's and basic law degree from St. Louis University and then taught several years before doing graduate work at Harvard Law School.

WSR: When did you get your law degree?

JED: Did I mention I was born in 1927. I got the law degree in 1956, and then Master's from Harvard in 1960.

WSR: Was your Master's also in law?

JED: It was in law, yes, after I had been teaching for a while. I've taught ever since 1956, which gets us into employment.

WSR: And all at the same institution?

JED: All at the same institution. I've been teaching at St. Louis University now since I graduated as a law student in 1956. When you count the figures, it seems like more years than are possible.

WSR: Yes, you've been there a while. Has it all been in the law school?

JED: All of it has been in the law school.

WSR: In that process, did you get into the administration side of the law school?

JED: No, I did not. When I wanted to be Dean, I was too young and was not accepted by the faculty. When I could have been Dean, I was already arbitrating and getting to the point that I did not want to get involved with that much administrative work. Now I'm Director of a Center for Employment Law that was started a few years ago as a subunit of the law school. The administrative work there is minimal.

WSR: Are you still teaching on a full-time basis?

JED: I'm still teaching on a full-time basis. I hold the Chester Myers Chair in Law. I'm 61 now, so that presumably if I wanted to I could continue to teach for another 9 years, since 70 is currently the retirement age.

WSR: I discovered that was also true at UCLA when I had the interview with Ted. They have the same 70 retirement age.

JED: Right now I think the law lists teachers and I guess it's pilots ~ there are one or two categories of people who still can be forced to retired while Congress studies whether or not the law should continue to retain exceptions to the policy against mandatory retirement.

WSR: How did you first get interested in arbitration? Where did all that begin?

JED: Former Academy President Father Leo Brown was a Jesuit and really one of the outstanding people in this field. He was associated with St. Louis University all of his life. At one time, indeed, he was a Regent at our law school. There used to be an office called Regent. He was a trouble shooter. The University once sent him in to the law school when it was having internal problems to get them straightened out. I didn't meet him directly through the law school. We knew each other generally. There was another Jesuit, Edward Duff. Both Brown and Duff are now dead. I did editorial work on a magazine that Father Duff ran as part of the Institute of Social Order at St. Louis University. He prevailed on Brown to kind of take me over and start breaking me in as an arbitrator. I was then a young law teacher. Father Brown knew me anyway and wanted to do it, because he assisted so many people. I can't put a number on it now, but I guess for a year or a year and a half to two years, I performed kind of a clerkship function with Father Brown.

WSR: Do you know about what year that was?

JED: Yes. That would have been in the early 1960s, probably right at the beginning of the 1960s; in that area. I would go out with Father Brown and listen to the case. We would talk about it later. He took me around even out of town on some of his trips. I didn't go on every one, but many I did. He paid me a sum to do some of his write-ups of facts. He usually wouldn't use what I did, because he wanted to do it his own way. However, in the process of that experience and talking with him about arbitration, I obviously had the opportunity to learn a great deal. He was just outstanding. Father Brown undertook then to try and get the parties to use me. He would introduce me at

the hearings. When his calendar was full, as it usually was, he would write letters saying, "I can't take it, but there is a young law professor, my protege." Of course, they never would accept his invitation to invite me to arbitrate. Finally, lo and behold, I did get my first case from some local parties in St. Louis who were very close to Father Brown. Bob Vining was an attorney who was a former law professor in St. Louis representing management, and Fred Speckman was a machinist's agent who was very close to Father Brown as well. They selected me for a give-away case. Neither party cared what happened to the thing. It involved burnt records and seniority claims. It was one grand mess on the facts, but it was an opportunity to get my first case.

WSR: What year do you think that was?

JED: That would have been around 1962; right in that area. Then there was very slow movement. Possibly that first year ~ I would have to go back and look — I would have had 3 to 5 cases or something like that. In that connection, I later got into the Academy and served on the Membership Committee and had an opportunity to observe some of the patterns in development in different parts of the country. I realized that in the Midwest area the difficulties of breaking in were very great, because until you could get on the Federal Mediation and Conciliation list, it was very hard to get your name circulated. Of course, the business of passing the name from mouth to mouth was just so slow, along with the reluctance to try a new arbitrator. You didn't have and still don't have anything like state agencies who may need arbitrators. You didn't have an active American Arbitration Association office. It was only about 4 or 5 years ago that AAA put an office in Kansas City. Now they have one in St. Louis. Even so, they're doing a minimal amount of labor arbitration work. Even today, a young arbitrator in that area has a great difficulty in getting those initial cases to get a foothold of any kind. Some people do it if they have people in labor management that know them who will offer their name. Otherwise, it is quite slow.

WSR: How long did it take you to get on the FMCS list?

JED: I think it must have been about a year. I'm trying to recall now if FMCS had the standard then that they have now of requiring decision in five cases. I'm not sure; maybe they didn't. What they did require is that you give five names of management or business representatives who knew your work. What I remember about it particularly is that all of my early work was with the Machinists. The big hurdle involved getting 5 Machinists' representatives, each with different cases and different locals, to make up the 5 unions. I don't remember how it was resolved. It put the strain on you to try and come up with 5 separate and independent recommendations.

WSR: I don't think the 5-case thing came in until later than that - about 1970 or somewhere along in there. I got in about 1972, and I don't think they had the 5 cases to get on the FMCS list, because I didn't have 5 cases. I know that at that point, you had to show the recommendations, and that was difficult. So that got you in the FMCS?

JED: Once on the FMCS list, you were at least assured that the parties would know you were available. Then, gradually the caseload began to build up. Early on, Father Brown had said that he hoped as I developed that I would not leave teaching. He thought that it was good to have both arbitration and teaching for personal reasons for the diversity of the occupation. It wasn't as if I had any immediate objective of becoming a full-time arbitrator. Indeed, I remained teaching ever since. Although for 2 years in the late 1970s, I think it was 1978-80, I took leave. I got a little burned out with teaching. I arbitrated full-time for the 2 years. I enjoyed that very much, but there is something nice about having the combination of teaching along with the arbitration work.

WSR: I would think so. Getting on the AAA list — was that a problem?

JED: I don't recall that it was. Although again, to repeat, the volume of AAA appointments was very low in that area. At that time, it was the Chicago office. Maybe you would get a couple of cases a year. Occasionally it ballooned to 6 a year, and then down again to 2. That's still pretty much the pattern. The parties tend to use FMCS in Missouri and Illinois.

WSR: They don't have to pay for one, and they do have to pay for the other. Whether that's a factor, I don't know.

JED: Part of it is historical, I'm sure. The AAA just didn't plow that ground out there. Everybody knew the FMCS agency through its mediation efforts and tend to use its roster.

WSR: That's logical. What was your greatest hurdle in developing an arbitration career? I guess the old one of exposure and acceptability and being known to the parties.

JED: That's right.

WSR: That's still the number one problem, I guess.

JED: Although, looking back in retrospect, the big advantage was that I had Father Brown training me. Although we didn't call it mentor-trainee relationship, that is exactly what it was. There was nothing formal, such as the U.S. Board of Arbitration where you were hired full-time as an arbitrator. It nevertheless was truly an orientation period, because Brown would sit and talk about the case. We would do a lot of cases that involved driving out into the state. He loved to drive anyway. Sometimes he would let me drive. He did a lot of arbitrations in the shoe industry then. You would hit 3 towns in 3 or 4 days. That was International Shoe. He had done his Ph.D. work, I think, on some incentive rates in the shoe industry, so he knew it thoroughly. In addition to that, the parties knew him so well they would have their regular poker games every night in the motel: the union and the company representatives. Everybody was on the road from St. Louis traveling around to the small towns and

the shoe factories. After the cases, driving back, he would talk them over. Then we might stop for dinner. After dinner for a half hour, he might just sit there and dictate what he was thinking about the cases. I would take it down as a secretary. Then later I would try and revise it to set it up as a set of facts. That was just a great experience. All of his thinking on testimony, credibility, and contract problems; it was really quite a training.

WSR: What a wonderful way to have gotten into it. Okay, let's talk about your joining the Academy. When did that happen? Who recommended it? How did that happen?

JED: I'm sure it was due to Brown's identification with the Academy, which was one of the great loves of his life: The National Academy of Arbitrators. As soon as I started, that obviously became an objective to try and get in. I was accepted in 1967, which would suggest it was only a period of about — without going back and looking ~ 5 or 6 years after I started. That meant I must have had no more than 50 cases, because again it was slow developing. At that time — and I learned this very shortly afterwards within a few years when I was on the Membership Committee — the standard was 30 to 50 cases for consideration. Then the Committee would evaluate your background and whether you were part-time or full-time. I'm not exactly sure how many cases I had to come in, but it would have been right at the minimal amount since I entered in 1967. The Committee would have taken into account the fact that, first of all, I was trained by Brown; secondly, that I was teaching. Therefore, this was not a full-time effort on my part. Also taken into account was the area of the country I came from and so forth.

WSR: What was your first job in the Academy; do you remember?

JED: My first job in the Academy, I believe, was as a member of the Membership Committee. That's rather extraordinary. It happened solely because of Rolf Valtin. Rolf was Chairman of the Committee. I'm not sure why he suggested my name, but serving on the Committee, I know that he was such a positive affirmative off-beat person that he sees good in everybody. Every file we ever discussed on that Committee when he was Chairman, he was always impressed with the abilities of the person coming in and the qualities they had. But for whatever reason, Rolf suggested me as a relatively new member, maybe 2 or 3 years in the Academy, to become a member of his Membership Committee. I was just delighted, of course. You learn so much in that Committee seeing the patterns of arbitration across the country. Then Rolf became something of a patron in promoting me throughout my life in the Academy. Really to the point, and this was amusing, some years later when he was leaving the Membership Committee — or maybe it was after Sandy Porter was leaving — Rolf was responsible for getting me appointed as Chairman. This was done in Eli Rock's term. I remember when he steered me up to Eli Rock at the annual meeting and introduced me to Eli as the new Membership Committee Chairman. Of course, that's a big appointment for a President, but Eli was willing to accept whatever Rolf would recommend. I could tell as Eli looked at me, he was saying to himself, "Who the Hell is this guy? He's my Membership Committee Chairman, and I really don't

know much about him." He did it strictly on Rolf's suggestion. Really, the opportunities I got to serve on committees in the Academy were all due to Rolf Valtin.

WSR: When do you think you became Chairman of the Membership Committee? Do you know about when?

JED: I'm not sure; I would have to go back and look, because my memory gets confused on this. I think Rolf served 4 or 5 years. That would have been in the early 1970s. I believe Sandy Porter came in for 2 or 3 years. Then I was on for maybe 3 years as Chairman of the Committee. That's what I'm guessing now.

WSR: Did you come off Chairmanship of the Membership Committee?

JED: Another good opportunity I got was again through Rolf. At some point, we had our first reevaluation of the Membership standards. There were these perennial complaints from members about the Committee being too easy and letting people in that shouldn't be admitted, and the standards should be raised. A special blue ribbon committee was named to investigate that. It was blue ribbon except for me. Rolf got me on there along with all of the more important people in the Academy with the rationale being that I now had experience because I had served on the Committee for 4 or 5 years. That was a big assignment, because we did a questionnaire. Rolf has probably described how the Committee operated. He had Bernstein out on the West Coast prepare a questionnaire of professional caliber to send to the membership. It was an exhaustive survey of attitudes about who should be in and what the standards should be. A long report was written. Then we had a very exciting meeting because part of the issue ~ I don't know if Rolf got into all of this in his interview — at the annual meeting was kind of a tilt that we recommended in favor of minority groups. Some of the minority groups did not like the idea. There was sharp exchanges made at the meeting. It was a hot session. We ultimately dropped the notion of any kind of affirmative action. It was an interesting era in that regard.

WSR: God, it must have been.

JED: Our report came down pretty much with the same endorsement of the standards that had been used since the Academy began. I mentioned a range of 30 to 50 cases. It edged up a little bit toward 50. Later on, when Mark Kahn chaired the Membership Committee, he pushed it up a little further. He had it up around 75 as a working rule. Still later, there was another committee that Peter Seitz was Chairman of, to reevaluate again the Membership standards. I was on that one, too, and so was Mark. By this time, we had established that if you were going to express the rule of thumb for consideration by the Committee, it was 50. At one of the Regional Meetings years ago up in the East, I had run into an early Membership Chairman. To my embarrassment, I can't think of his name. He was a very well known member early in the Academy. He was the second or third Membership Committee Chairman. I asked him at that time, because he wasn't regularly attending the annual meeting

anymore, what the standards had been. He said, "It was about 30 cases, in that area; 30 or more." It's interesting, I think, to note that through the years, once the Academy started to formalize the Committee to do the screening of the candidates, the standards have remained pretty much the same. They've stiffened them to the degree that instead of 30, it's now up to 50, but it had been 30 to 50 when I got in. It's still 50 for consideration. Then, after that a whole set of factors are taken into account. There has been a gradual kind of historical stiffening, but nothing in the way of any serious deliberate changes in standards. It's pretty much what it was when it began, but maybe just a little bit of age on it.

WSR: It's still debated today, and will probably always be debated.

JED: Absolutely; still debated today.

WSR: Did you go from Membership Chairman ...? You were probably on the Board of Governors anyway; weren't you?

JED: At some point after I was Membership Chairman, I got on the Board. Then in the normal sequence of events, after having die Board service, I probably was on some other committees other than Membership. I was on, for awhile, the Development of New Arbitrators Committee. I'm trying to think if there weren't still other committees I was on. At some point, I was nominated for Vice President. Again, I don't remember those years or when that was.

WSR: Then you became President-Elect and, of course, then President.

JED: Right. The only intervening things after the Vice Presidency was the Future Directions Committee, which Ted Jones started during his term of office, and he appointed Bill Murphy and me as Co-Chairmen. It was over a 2-year term. Bill handled it the first year. Bill was going overseas on a leave the second year, anyway. So it worked out very efficiently. He got the thing set up, and then I came in in the second year as Co-Chair. We hammered out the report for the Future Directions of the Academy. That was a major committee because we, again, had an elaborate survey on a whole set of questions this time, not just membership. It led to a group of recommendations, many of which have been adopted and proved successful.

WSR: Absolutely. How did you feel about the President-Elect job when you were in that job?

JED: Well, that's an euphoric year. I mean, it's like the business of when you're going to write a speech six months down the line. You just kind of dream big dreams of what you'll do. You look from a very high pinnacle at what's going on. You don't have to worry about details. It's a great year since you have no responsibilities. You can sit back and dream. Then at some point the time begins to expire, and you realize that you're going to have to do something particular in the way of making appointments or projects and things of that sort. Some of the poetry goes out of it then. But during the

year as President-Elect, that's a lovely year. You have the honor of the Office and none of the responsibilities.

WSR: So you enjoy that. Okay, so then you become President. What is most significant, do you think, in your year? What kind of things do you remember? Some Presidents have indicated they had a lot of trouble doing the committee thing. That is was terribly time-consuming to make all of the selections. I don't know whether that was a problem to you.

JED: It is time consuming. I benefited in many ways from work that Mark Kahn had done as my predecessor. Mark has done so much for this Academy. I hope I'm not mis-attributing this to Mark, but I'm almost positive Mark was the one to think up the idea of the forms to be distributed to the members asking what committees they wanted to serve on. Prior to that time, what would happen is that the President-Elect at the Annual Meeting would normally be going around the corridors asking people, "Will you Chair this committee?" "Give me the names of people you would like on the committee." It was very informal. This new device was a great organizing device where all of the members had an opportunity to list the committees they would want to be on. It was done in the Spring of the year, so you had maybe 250 or 300 of these slips come in to you a President-Elect. Then you had the organizational job of lining up people. You always had more people than you had spots on the committees, which was a problem. You tried to work in new people in some of the committees. It was not as onerous as I thought, although it took a lot of time. It was Mark's suggestion, I think, the business of having that in a notebook and then getting a secretary to list under each committee heading the names of the people who want to be on there. Then you could start to play with it. It was kind of a challenge. I might mention in connection with that, though, when you talk about the work of the Presidency, I had the great advantage of being at an institution that was willing to subsidize me to the extent that I could use some University time on this project. In other words, it was thought of as being something legitimately connected to my academic duties. I didn't get any concession on teaching time, but I could use my secretary there. I was not a full-time arbitrator. I could kind of regulate my caseload as I always do anyway as a teacher to make the time I needed for the job. I'm sure for a full-timer suddenly being confronted with taking that much time to work out committees and not being able to cut back on the caseload very much, it would be a lot more burdensome. With me, I understood and my Dean understood that I was going to devote a substantial part of my time that year to the Academy. I didn't mind it at all.

WSR: How much did you cut back on your caseload, would you say?

JED: I think I made more of an adjustment in my University duties. My caseload has always been regulated. It is just one pari; of my total professional life, the majority of which is spent as a teacher. I didn't get committee assignments at the law school. I avoided some of that kind of work that you can't easily avoid as an academic. If I cut back at all in the caseload, it wasn't even noticeable. It was not measurable. It was

not deliberate. I just maintained my regular caseload. I would venture to say that I spent 30% of my full professional time that year on Academy work. That would not by any means be exaggerated. It might be underestimated. I would say 30% of all my time that year, other than personal time, would have been on Academy work.

WSR: Let's talk about a few of the triumphs, a few of the problems. What went on in your Presidency year?

JED: First of all, I might mention that all of my files I did box up and send to Dallas Jones for the archives. It was appropriate that I did that because this question of archives was still an active question during the time I was President. Tony Sinicropi was at that time doing some work with Cornell trying to pin down what the arrangement was. That had been going on for years. There are certain questions in the Academy that are never resolved. They are purported to be resolved, but they bounce up two years later. The archives was always one of them. We finally did get it pinned down. Of course, I didn't get those files boxed up until August of 1987. I have a letter to Dallas saying, "Here are my entire files." I had files on every committee that year. I had files on the Board of Governors. I had two big loose-leaf binders that represented all of the work at the two different meetings: the midyear meeting and the annual meeting. All of that went to Dallas. It's all in the boxes there.

The Bylaw does call for the President to kind of announce what his objects are in a given year. When we had the first Board of Governor's meeting at the end of the annual meeting in 1984 when I took over as President, I had a statement that I prepared as to what my major objectives were going to be. One of the purposes of the Academy was to promote the study and understanding of the arbitration of labor/management disputes. So, among other things, what I announced to the Board was that I was going to create a special committee on the Academy's role in the development of new arbitrators. I had previously contacted Ben Aaron. That was going to be a flagship committee area. I really had great hopes for that committee.

Let me just list some of the other major things. I was going to form, as I did form, a committee on Academy history. You're part of this right now. This is one of the things that came out of that committee. That had been a recommendation of the Future Directions Committee. The Future Directions Committee had been approved in 1983. Mark Kahn, my predecessor, immediately instituted one of the recommendations for a continuing education program in the Fall. I'm sure Mark did other things, but one of the things left over from his year was this committee on Academy history, which I formed in my year following Mark.

Then, a third objective was to re-establish the committee on Academy publications under the Chair of the preceding editor, to examine the adequacy of the distribution of our educational materials to the public. I don't think that led anywhere. I don't even know now exactly what I had in mind then.

Another objective was to have the Board of Governors examine the prospects for the establishment of a tax-exempt educational foundation to support various educational activities of interest to the Academy. Of course, that did materialize into the Foundation. In connection with that project, I might give credit to Dallas Smith from Cleveland. He had originally been the person with the germ of the idea. Although he brought it forward in terms of asking that Academy members be solicited to make voluntary contributions to the Academy and to put the Academy in their wills. That idea had been floating around because of Dallas Smith's letter to the Board. I took the idea and at the Annual Meeting in 1984, sitting next to Alex Elson, I asked him if he thought we could do that and if he would be interested in playing a major role in doing it. He was enthusiastic about the idea. We got it launched that year. Alex then became President of it and has been President up until the current time.

Then, another objective was listed as the pursuit of initiatives already launched by the Research Committee to identify areas where research is needed and to consider the design of a research plan to take a census of arbitration activities in this country. Of course, that culminated in the report last year, which is really a major professional report. There I ought to give credit to Mark Kahn, who had already conceived the idea. He kept talking about the idea that we needed a study of the Universe of Arbitrators. He had already picked Mario Bognanno as Chair of that Research Committee. Of course, I kept Mario on. The initiative for this really came from Mark. It was a leftover idea from his year. I tried to implement it by encouraging Mario to proceed with it, which he did to great success finally culminating last year.

Then there were some minor things. We still had from the Future Directions Committee a suggestion that the membership be polled regarding the time of the year for holding the annual meeting. That's another perennial problem, every 5 years. I told Tom Roberts, who was head of the Arrangements or On-Sites Committee, to do that. I don't think it was ever done. It comes up as a grand idea and then peters out with the regularity of the seasons.

Then there was another possibility of making arrangements for the publication of the opinions of the Committee on Professional Responsibility. We were hoping to get one of the commercial publishers interested in putting out a short pamphlet with those opinions. We pursued that for a couple of years. It never really materialized except that I think it was kind of an opening for the Committee to AAA to reprint some of them in its Study Time and things of that sort.

Then I had Ted High, who was a Governor that year, review our disability insurance program and to reevaluate it for those members who use it. That finally culminated a year or so later in whatever changes were made in that program.

We also had the Board that year consider whether we ought to adopt a program of conferral of honorary life membership status. That got passed a year or so later. Then I was on a sub-committee appointed by Bill Murphy to come in with a report. Two

years later, Arnold Zack came in with a report reproducing my report. We're still dragging our rear ends on that.

WSR: We now have another committee that's going to come in with actual recommendations of individuals, presumably at midyear. That's moving forward, but it hasn't quite got there yet.

JED: Another major impetus that year was to follow through on the Legal Representation Plan that had been adopted during Mark's year but now is going to be put into effect. I successfully persuaded Milton Rubin, who had chaired the committee that set up the program, to continue as Chair of the regular committee to administer it. Milt wrote the rules for the Legal Representation Program just as they stand today. We began to administer it that year. We were really implementing what had been adopted in Mark's term of the Legal Representation Program.

We also continued to use an Auditing Committee, that again Mark had started, to really seriously look at the finances of the Academy. Howard Cole was Chair of that. What I remember about that is that Harold had a disposition to want to increase the dues because he could make a very strong case in numbers as to how we were going to need money down the line. I had a very strong disposition to resist that as President because we had just approved the Legal Representation Fund a year before, and it did not seem to me to be an appropriate time to be talking about dues increases.

We also, in a statement to the Board on that Saturday when I took over, talked about the establishment of the Academy Archives. That was what I mentioned earlier; a perennial topic. They finally got it pinned down.

We talked about the preparation of a policy handbook. I'll bet that is a forgotten topic. It gets kicked around.

WSR: It's still alive. There were comments on it the last Board meeting and this time.

JED: You see it's easy to describe the problem. It's a voluntary organization. When you're President, you are intimately involved in it for about three years: when you're President-Elect, the year you're President, and then you're an Ex-Officio Board Member the year after it. At that point in time, you know more about what is going on in the Academy than anyone else except the Secretary. The Secretary would be the institutional memory. Once you're out after that year of President, then there is a new Board. Since it is a private voluntary organization, there is some continuity in problems, but there is not a lot of continuity in policy. People will be trying to recall what is our policy on this. The idea is very simply to put together some kind of a handbook which has our up-to-date policy in it. This time, it was thought that we ought to be able to do this by putting it on a computer; you know, the panacea for everything. In part, there were some people who didn't deliver on their assignments to do it as is often the case when these things fall through. It went on for several

years. Then, for all I know, it just fell into the black hole. But now you say it is revived.

WSR: It's still alive.

JED: Obviously it's got to be done someday, doesn't it?

WSR: Absolutely.

JED: Where you have to up-date it.

WSR: The need is still there. I think it's going to come forward.

JED: I would like to go back to the first project, because I know one of your questions is about my biggest disappointment. One of my disappointments was this special committee on the Academy's role in the development of new arbitrators. It was a disappointment because, when I conceived it, my idea was that the Academy would make its resources of personnel — people like Ralph Seward, Ben Aaron, and all these people who represented just the highest in the arbitration process ~ available for educational programs to be offered nationally to people who were getting into arbitration. This included people who were new arbitrators and not Academy members. That was my idea. Of course, you cannot tell a committee what you want them to do. You appoint them. You tell them their objectives and then hope they'll do it. That committee was a blue ribbon committee with outstanding people that got on it. They took the subject and turned it into a proposal for the training of new arbitrators in areas where there was scarcity of new arbitrators. They did that in part because this was in a period when we were beginning to experience those first real signs of decline in the number of arbitration cases. It didn't seem to be a period in which there was any major shortage of arbitrators. What you were talking about is the continuing obligation to train those who were going to come into the field anyway. They compromised, and I think reasonably so, as a committee rather than make any proposal to scare the membership to say we're going to train new people even though the caseload is declining. They came in and said we will only train in areas of scarcity, and we will only train in minority areas and women. That was a disappointment to me, because it was a different idea than the one I had had when I started the committee. I still think my idea is a good one that the Academy should be involved in offering training programs with tuition in different regions of the country just to help new arbitrators acquire some of this wisdom of people who are just not in this as a business but who really understand some of its professional characteristics. That was, I must say, a disappointment to me.

WSR: You shouldn't be too disappointed by it. The problem is still there, and there are still people working on the solution, but it isn't an easy one.

JED: When I wrote to Dallas on this general subject of looking back on your year in office, I realize, and I bet this happens every year, there are certain things that surface as

major questions at the time but then, for one reason or another, drop out of sight and never appear in any correspondence or any official document. One thing I recall looking back at this letter when I sent the boxes in, I said to Dallas, "You'll recall during this year one thing that occupied a great deal of our time was complaints from the Region in Washington, DC, about our plan the following year to go to London for our annual meeting." The objection was that under the new tax law, this might not be a deductible business expense. The Washington Region was really up in arms about this. I consulted our tax man on our University faculty about the question of whether it was or not. I got an article out of one of the journals and got permission to print it, which seemed to indicate that it could be: tax deductible. Without wanting to give any legal advice, we nevertheless had it published to distribute to the members and then tell them to see their own accountant or legal counsel. As you know, the hotel rates went up in London. We never did get to London. All of this effort really went for naught, but it was something that I thought, at the time, the President out to be doing: responding to some of the complaints from one of the regions and trying to do something about it. As it turned out, it was a lot of effort that really turned out not to be required.

WSR: You're somewhat a victim of circumstances during your term?

JED: You are indeed. Among the achievements of my term that I treasure are personal ones. I needed a Chairman of the Professional Responsibility Committee. Art Stark had been kind of lingering on the vine a few years previous to that. He had been an active member as he always is, but he hadn't any major assignments. I asked him to become Chairman of the Professional Responsibility Committee. I think there is just no doubt that in the intervening years that Committee has done an amazingly wonderful job. I make some small claim to fame in having thought to ask Art to take over that job, because all of the work he's done has just been exemplary.

Another big issue that year, that I think is in the minutes, was this issue of the publication of arbitration awards. It's hard now for me to recall exactly what ignited all of the fire, but FMCS had stopped asking the arbitrators on the forms to inquire of the parties whether they objected to publication. It seems to me there was some question under the Code whether an arbitrator could ask on his own. Many of us had been doing that for years. I had some sympathy for those who said, "What do you mean that's an ethical problem." The parties can turn you down or not. In any event, there was a big squabble going on, and several members were really planning to make a big issue of it at the annual meeting. Art got to work on it. They revised the Bylaw, and we got that through at the annual meeting. If my memory is correct, because I will tell that in that 3-year span, sometimes you confuse what happens one year with the following. I think it was at the Seattle meeting — the year I was President — that we had the big rhubarb on that.

WSR: It sounds about right. I remember it, but I don't remember for sure when it was done.

JED: First of all, I might mention one of the personal disappointments of my year was at the midyear meeting, which was up here in Chicago. About a week before — when I had everything set up, and I had been working my tail off with joy, because it was just a work of love to this — I suddenly got what appeared to be a TIA (a temporary ischemic attack). One night while out to dinner with my wife, I started misspeaking myself, and it looked like the signs of a stroke. As a matter of fact, we were at the racetrack having dinner. We were having a drink preparatory for the first race and about to order dinner, when suddenly these pains began, and then I was not speaking correctly. I couldn't make the words come out the way I wanted. She was alarmed, obviously. We jumped in the car, meaning I missed the first race where I did have a winner, and I lost on that ticket because I didn't get to bet. She drove me back to St. Louis to the hospital. Everybody in the hospital, the interns, the nurses, the doctors that examined me, all said, "it looks like a TIA." It may be a prelude to a stroke. This was the week before the Wednesday the Board was to meet here in Chicago for the midyear meeting. They put me in the hospital and ran all the tests. While in the hospital, I started to get these terrible headaches. They finally figured out it was not a TIA. They couldn't find anything in the carotid artery to indicate that it was being clogged up. That was a relief, but they didn't know what it was. After a few more days of fooling around they finally concluded, maybe just in desperation, that it had to be a migraine headache. I had never had migraine headaches before, but they thought that's what it might be. During the early part of the week, I called the people on the Board and my officers to say, "I'm going to be there. I'm going to be there." I insisted that they discharge me from the hospital, although the doctor didn't want to do it. Although the tests showed I was all right, he was very nervous about what had happened. I did get discharged on Wednesday. The next morning, I had the cab ordered at 9 o'clock. We had the bag packed. I got up. I felt very weak. By this time, the doctor's apprehensions were beginning to seep down into my head. I thought this would be very foolish if it turns out it is a more serious thing. I felt so tired and exhausted that finally, when the cab arrived, I made the decision that I just couldn't go. It would be foolish to go.

Tony Sinicropi had been alerted in advance — he was Vice President — to run the meeting. I had Mark Kahn there Ex Officio. From the previous year, I had a great group of officers. I sent out to Tony, a few days earlier, what the agenda was to be. He knew what the problems were going to be for discussion at the Board meeting. Then they did something which was very thoughtful. The other officers, on then-own, decided to set up a phone hook up so that I could address the members. This was the first education conference tied in with the Board meeting. The plan was that the President would address the conferees at the educational conference at the end of the Board meeting on Friday evening or Saturday evening, one or the other. By George, they did it. By this time, I was feeling better at home and regretting I hadn't gone but knowing it was the right decision. I was able on that Saturday evening by telephone to address the people up at the meeting in Chicago. That was some consolation. After having relished this appointment so much, not being able to chair the first Board meeting was such a disappointment. It was also a carry-over, because my wife kept thinking it might be hidden anxieties about the job that had led to this

thing. I insisted it was not. I just couldn't believe that it was. In the back of my mind, I knew that the annual meeting was going to test that out. We sailed through the annual meeting fine. I had few more headaches of the migraine type in the following months. Then they just disappeared. I still have really no clear idea what happened. I know that I functioned well in the week of the annual meeting the next May in Seattle. That was a relief, because I thought maybe somewhere deep in my psyche the anxiety to do this job well might be affecting my ability to perform. I don't think that was it.

WSR: You certainly stayed very active in the Academy since your Presidency.

JED: Yes, I have been lucky in that regard that I still get an occasional assignment to keep my hand in. I think most people in the Academy just love to do the Academy work. At some point, you realize you have to let others share in it, but I've just been lucky enough to receive some assignments that I've been able to stay active in it.

WSR: Your introductions of the new members, of course, have been certainly a highlight of the meetings.

JED: That's been a pleasure to do that program because ...

WSR: It fits in with your interest in that area.

JED: It does. It truly does. It truly does.

WSR: It shows, as they say.

JED: Another pleasure of serving as President is the opportunity to get people involved that previously may not have been recognized. Often though, you don't know who they are. For example, my Arrangements Chairman Mike Beck was a total unknown to me. When a President comes in, he has major appointments to be made that are going to determine the success of his year. One obviously is the Arrangements Chairman, because it is a big job. Tom Roberts was the one who put me onto Mike Beck. We were going to be in Seattle, and Tom had met Mike and was very impressed by his talent. So I called Beck on the telephone. Then we met somewhere or other so that at least I could see who this guy was I was entrusting all this responsibility to. He turned out to be a perfect jewel, of course. You get the pleasure of having been the vehicle by which to get involved in a more meaningful way some of the younger people in the Academy with talents.

Another person of that type was Carlton Snow. Dana Eischen had run the first educational conference for Mark Kahn, but he was going overseas on leave, I think. I had to replace him for the second year of the educational conference. Again I think Tony Sinicropi was the one who highly praised Carlton. I met with Carlton, too, and was impressed with him and gave him the assignment. He, too, has blossomed so

wonderfully. That's really one of the pleasures of helping younger people in the Academy get positions of responsibility.

WSR: You picked some great people. That's wonderful. What other thoughts on your Presidency do you have?

JED: Only this. Some of the curious things that happen at the Annual Meeting. If you'll recall, that was the year of the United Pilots' strike. You may not recall it. It was in 1985 in May. United had been chosen as our carrier for the convention. A month before, we could hear the drum beats that there was a chance there was going to be a strike at United, and it was going to affect people going into that city. I was not personally involved in it, because St. Louis had so few United flights out to Seattle. All of St. Louis transportation is through other carriers. But United was the carrier for the convention. Sure enough, the strike did not start until about a week before the convention. It just inconvenienced so many people who had to re-route themselves. There were greater expenses and all that. While we were in the hotel — it was the Weston Hotel, then owned by United — there was some picketing, for example, of a desk selling United tickets in the hotel. There was also some picketing at some service entrances. We were very nervous that maybe the pilots would seize the opportunity they had if they wanted to picket a group of labor arbitrators. They would have had us at a very great disadvantage. Of course, legally they had no need to picket us in that hotel. It probably would have been illegal for them to do it, but we were concerned they might decide to use that tactic. Even to the point, I can remember during the Board meetings, people would be coming in and whispering to me, "There are some pickets down around the desk in the lobby." Eva Robbins had volunteered, since she was on the Pilot's Board, to make some inquiries. We just thought we would wait and see if anything developed. Fortunately, it did not develop in any fashion that was an embarrassment to the convention.

The second kind of thing that happened at the meeting is that the Arrangements Committee had planned to take the members-only group over to an island in Puget Sound. It was a beautiful island, and it would be a magnificent sunset. We would be going in excursion boats across the water. There was a salmon bake outside. Indeed, it was there that we were going to initiate for the first time the presentation of pins for 30 years of membership. This had been Bill Murphy's idea that he had promoted. Bill was Program Chairman that year. He was one of my first choices. I wanted him to be my Program Chairman. He came up with this idea of a 30-year pin. This was going to be the first presentation. It was going to be a beautiful setting. You are smiling, and you know what happened. It started to rain, and it rained and it rained! The poor committee just suffered because this was the one thing they didn't want. The chances were it wouldn't occur. It was a wet blanket on the evening, no question, but we did have the nice covered little boats going over there. We had entertainment. We had cocktails. So I think by the time we reached the island, we had kind of saved the day by that kind of hospitality.

WSR: Any other thoughts on your Presidency or thought for future Presidents? Anything that you think might be helpful or directions that you think the Academy should be doing as you look from your perspective at this point?

JED: No, I really don't. I think that once you've tried this, you hope to succeed in some small way. You recognize the uncertainties of advance plans. Many of them don't pan out. No, I don't have nay. I think there is great value in having each year a new President come in with whatever new ideas he has and the opportunity to try and carry on what has been initiated by his predecessor. I don't have any thoughts about major changes in the organization. I think that it grows a step at a time. I think it has been a steady growth. Sometimes there may be a misstep. There is always the delay in implementing things, but I think it has continued to improve as an organization as it has gone along. It always has been great in terms of the personal relationships and so forth. I think in the different programs that we put together, it has continued to improve step by step.

WSR: How do you see the future of arbitration? Is it going to grow? Contract? It seems generally to have contracted a bit in the last year or two, at least from talking to people that I've talked with. The labor movement, of course, has had its problems in the last few years.

JED: Yes, that's a big question. I don't have any confidence that I have the answer to it or know what's going to happen. I could see it going either way. I keep hoping that collective bargaining will revive as a more important force than it has been lately with the decline in union membership. It does not seem to be necessarily that the union movement has come to an end. I have, on one hand, the hope that this thing is going to come back slowly and surely and, along with it, the arbitration which is part of it. On the other hand, one never knows about these forces that are larger than the ones you're familiar with. I know you think of the old proposals for labor courts and things of that sort. It could well be that at some point things would take a sudden shift in that direction. I just vacillate between these two extremes. It seems to me arbitration has been a wonderfully successful process within the time and environment in which it's operated here in this country. Whether a century from now it'll be around, I don't know. Something like it will be around. Certainly some mechanism will be necessary there to resolve personal disputes between people and in the employment setting. Whether it's going to remain what is has been, I just don't know.

WSR: That I think is a good summation of the problem. Anything else, Jack, that you want to comment on?

JED: I would just like to mention a couple of individuals. Another person I went to for help was Al Dybeck. The Membership Committee Chairmanship was open, and that is an important job. Al had done so much for the Academy. He had been Secretary for so many years, earlier. I went to him and really implored him to take that job over for me. He was somewhat reluctant. He had to check with his parties up at the Board of Arbitration as to whether or not he would have the time to do that. I think his wife

Leah was really my best advocate in trying to get him to do it, because it would get him back again more intimately involved with all the little work we do in the Academy committees.

Chuck Rehmus was another person. The Public Employment Relations Committee, which had been getting out those great reports years ago under Arvid Anderson, had finally kind of died down a little. I called Chuck and asked him if he would try and revive it with his contacts across the country and name some people who would be on the committee. He did that. I think he got it jacked up again to start doing those annual reports where you survey what's going on in that area. Individuals like that when you ask them for help and it's sacrifice to themselves, yet they agree to do these things that they have done many times before. Maybe it's not the most attractive assignment for them. When they decide to help you, I really remember those things. I would like to recognize them for that.

One or two minor things. We had during my year some correspondence with AAA over legal representation fees, where a Chicago lawyer had been sued because there had been some misunderstanding as to how a bill would be shared between AAA and us. I wrote them a couple of pretty stiff letters because frankly AAA, in my opinion, just did not carry its share of the load. They were avoiding some of the financial load that I thought they should have accepted. We had a few little exchanges of that type. I kind of formed the impression during my year as President that we're kind of vulnerable as a private voluntary organization. Going from year to year without any continuing administration, I'm afraid we often treat outsiders a lot better than sometimes they treat us. That occurred in a couple of instances that year. For example, when I learned we were giving complimentary registrations to some of the government officials and agencies, I didn't necessarily object to that, but I thought it ought to be pruned back, because it had kept growing each year. Sometimes the justification for it no longer existed. Sometimes we weren't getting reciprocal treatment. That may seem rather narrow-minded, but it seems to me that's one of the obligations of the person who is President that year to look out for those kinds of interests of the organization.

Well, that's about everything I wanted to list. There's a little humorous story about the 30-year pins. Is it Sanford Kadish out at the University of California? He is a well-know member. He was not at the meeting. We sent him his 30-year pin. Somewhere in the correspondence in the box of files, I have these delightful letters from him. He wrote back. I didn't know him personally, but I knew him by reputation. He wrote back saying, "There has got be some damn mistake. I couldn't have been a member of this organization for 30 years; that would make me an old man. Besides that, I don't want these mementos that celebrate my senility." He went on in a humorous vein like that. I responded in kind by taking the pin and sending it back to him and saying that the Board had considered the point of view he expressed, and that there had been a terrible misunderstanding. This wasn't for seniority but rather was a medal cast in his honor as a virile young new member of the Academy. He kept the medal and sent back a note that said, "I know when I'm beat." That's all it

said, but we got him to accept the medal in spite of his humorous protestations that he didn't want to acknowledge that in terms of aging.

WSR: You're right, there is that concern, but that has been a good program, too.

JED: That's all I have. I thank you very much for the opportunity.

WSR: Okay. We appreciate it very much on behalf of the History Committee. We appreciate your time. This will certainly in the future be of interest to lots of people. I appreciate it.

JED: Thank you, Bill