

NAA ORAL HISTORY INTERVIEW

MARGERY F. GOOTNICK

NAA President, 2005

Donald S. McPherson, interviewer

DON MCPHERSON: *It is Sunday, August 1, 2010. I'm interviewing Margery Gootnick at the Chautauqua Institution in Chautauqua, New York.*

Margery, let's start by talking about your growing-up days, your family background, what sort of childhood you had, what your family life was like.

MARGERY GOOTNICK: I was born in Rochester, New York. I went to the public schools in Rochester. Then I went on to Radcliffe College, which is now Harvard University.

When I got out of college, I didn't have the one thing that I really wanted and that was a husband. And, I also didn't have any pre-med courses. So I decided I would go to law school. I went from college into Cornell Law School, where there were about nine women.

I didn't find a husband at law school. I met Lester at a wedding of a friend of mine. When we decided to marry, I had done a year and a half of law school. I had done reasonably well. I was all set to leave school and go back to Rochester, where Lester was the chief resident in orthopedic surgery at the University of Rochester Medical School. My major ambition was to learn to make lamb chops, peas and rice and have them all come out at the same time. However, that wonderful man said he wouldn't marry me if I didn't finish law school. He was not only wonderful but he was impoverished. He borrowed the money to pay for my tuition because he didn't want my parents to pay for it.

At the time I met him, the only thing he had in the world was a \$1,000 war bond, a steamer trunk with white coats, some 78 RPM records and some books. I did finish law school. I did not cover myself with glory. As a matter of fact, I graduated second from the bottom of my class because I spent the next year and a half going back and forth from Rochester to Ithaca.

DON MCPHERSON: *Did you have any favorite professors there?*

MARGERY GOOTNICK: Yes, I did. There was a professor named George Thompson, who taught contracts. He was probably the most compelling professor I had ever had anywhere. To make the law of contracts exciting is a very difficult undertaking. Perhaps that had something to do with my later career as an arbitrator. My first job, where I made \$35 a week, was in a law firm. My job was to search titles and to repossess refrigerators and television sets at the salary of \$35 a week. A male who was hired at the same time as I was had an office. He made \$50 a week. I was very lucky to have my desk with the secretaries because they certainly knew more about repossessing refrigerators and television sets and searching titles than I did.

DON MCPHERSON: *Now before we get beyond that job, let's go back a little bit. Tell me some things about what it was like growing up? What were you mother and father like? What was your childhood like? What was it like growing up in Rochester?*

MARGERY GOOTNICK: Although a psychiatrist may say that there is no such thing as a happy childhood, I know that I had a very happy childhood. I had wonderful parents. I was an only child. They supported me in every way and gave me great confidence.

My father was a graduate of the University of Vienna and the University of Vienna Medical School. He was a great intellectual. Our favorite activity was going to book sales where we would buy a huge box of books. We would find out what was in the box when we got home. I remember it as one of the most exciting things of my life. Most of the books were pretty bad. We always got one or two "keepers" out of every box.

My mother said she graduated from high school, but I never saw any evidence that she did. They had a very happy marriage. My father was a prisoner of the Americans in World War I. He was in the Austria-Hungary Army. Most of his family perished during the Holocaust. He was too poor to stay in Europe so he came to the US. He did his residency near where you live, I think, Altoona, Pennsylvania.

DON MCPHERSON: *Nearby.*

MARGERY GOOTNICK: My father was a general practitioner. He had his office behind our house. Every afternoon at four o'clock, he would come to the back of the house when I was a little girl. My mother would serve tea, no matter how busy he was. He went out on house calls for fifty cents a house call. Sometimes he'd even take me along with him in the middle of the night. I got to hold the box with the fifty-cent pieces. That was the first time I felt important in my life.

My mother was a homemaker. She was very, very content. She had no conflict about a career. Few women had careers in those days. In some respects, it was easy for her because she had no choices. She was a wonderful mother and I am, indeed, fortunate that I grew up with the parents I had.

DON MCPHERSON: *Are any school experiences particularly memorable?*

MARGERY GOOTNICK: Not really. I don't remember much about my early education. I went to the public schools. I'm not sure about the public schools today, but I got quite a decent education although when I went to college, I was well behind my classmates in any kind of intellectual development or life experience.

DON MCPHERSON: *What did you major in?*

MARGERY GOOTNICK: I majored in Government.

DON MCPHERSON: *Let's jump ahead to that repossessing refrigerators and TVs job. How did you get from there to an interest in labor arbitration?*

MARGERY GOOTNICK: Well, after I had a brilliant career repossessing refrigerators and televisions, and occasionally searching a title, I became pregnant with my first son, Jonathan, and ten and a half months later, had my second son, David. They called me into the office and said, "Look, we're going to have to let you go. You had a choice between your career and your job as a mother. You've obviously not chosen your 'career.'" I also had a daughter, Amy four years later. I stayed home for what I call my famous fourteen-year maternity leave. I am glad that I had the opportunity to bring up my children.

My children were growing up, and Jean McKelvey started one of the first arbitrator development courses. There were fifteen or eighteen people in the class. I think probably close to ten of them are now members of the Academy. Jean not only taught us but helped us to get some cases. When I was asked to join the class I had never heard the word arbitration in my life. I never had heard of the Cornell School of Industrial and Labor Relations. I had never taken a course in Labor Law. I came out of nowhere. Lester was very supportive. He could not believe there was anything I couldn't do if I tried and he was willing to support me for the first years when I didn't have one true labor arbitration case.

And then, and this was before I was accepted into the Academy, I got two cases that started out as very small matters and turned out to have national importance. All of a sudden, I went from practically no practice to 81 cases in the next year.

One was an interest arbitration under the New York State Police and Fire statute. What I didn't know: It was mid-November. I did not know and no one told me that there had been an election. The person who was representing the Village on the tripartite Arbitration board was returning very shortly to the bargaining unit.

The Village representative wanted to award a remarkable raise to the union, about 9% more than comparable units. The union representative on the tripartite board sat very quietly and never opened his mouth. I tried to explain to the Village representative that he was not a neutral, that I was the neutral and he was an advocate for the village. I told him people would think he was dishonest.

Eventually as the neutral, I decided that I had to write a dissent! I was told by PERB that it would **try** to protect me, but didn't know if it could. What kind of an interest arbitrator writes a dissent when the management and the union are in agreement? After I wrote the dissent, I took to my bed. I was certain that was the end of my new career. The Village appealed it to the New York State Supreme Court. I do not believe the Court had proper jurisdiction. However, the judge thought that he did have jurisdiction. During the testimony it came out that the Village representative was going back to the bargaining unit. So suddenly, from the biggest idiot in the world, I became Ms. Ethics and Honesty.

In the same year, there was an interest arbitration involving all of the hospitals and nursing homes in New York State. I know that the reason I was selected was that no neutral in New York State, would accept that case. I don't think I'd accept the case today. When they finally got down to the bottom of the barrel, I was selected. The Union was angry after my report, although they really knew what the outcome would be. They

plastered my name all over New York. In their newspaper they said, "No-Gootnick Issues Unacceptable Award." My name as, "No Gootnick," was all over New York.

Those two cases were almost at the same time. My practice just increased incredibly in that very short time, after five years of no success.

DON MCPHERSON: *What was that like at home? How did you explain that to your family?*

MARGERY GOOTNICK: My husband did not understand it. I'm not even sure. I understood it. I was extremely lucky to get those two cases and to have them talked about all over the state. To this day, I still get requests to go to classes and talk about my dissent in the police arbitration. I was a very lucky person. I think I have been lucky for most of my life.

DON MCPHERSON: *The labor arbitrator development course that Jean McKelvey did - Jean was from Rochester?*

MARGERY GOOTNICK: Jean was from Rochester.

DON MCPHERSON: *Was the course in Rochester?*

MARGERY GOOTNICK: Jean brought in prominent members of the Academy to speak to us. The whole course was in Rochester. Jean brought in the likes of Arnold Zack and many of our most prominent members to speak to us such as Larry Schultz, who was then the Director of Arbitration for the FMCS. She exposed us to many of the stars of the Academy. I fell in love with arbitration and I still feel the same way today.

DON MCPHERSON: *How did you first hear about the course? Did you know Jean?*

MARGERY GOOTNICK: I did know Jean because I used to travel back and forth from Ithaca to Rochester with her on the Lehigh Valley Railroad when I was in law school. She was going back and forth to Rochester on weekends because her husband lived there. She told me what she did, but I didn't understand what it was. Years later she called and asked me if I'd like to be in the course. It was when I was about to go back to work for what was then the Lawyers Cooperative Publishing Company.

DON MCPHERSON: *After that course and before lightning struck, and while you were waiting for those cases to come in, what did you do to prepare, to get ready to be acceptable?*

MARGERY GOOTNICK: I knew very little, except that I wanted to be an arbitrator. I am probably the only person who has ever read several volumes of *Labor Arbitration Reports* from cover to cover. Jean took me to some cases and Alice Grant took me to some cases. I tried to get and study transcripts from cases. I was a hearing officer for the New York State Division of Human Rights at the princely sum, in those days, of \$80 a day.

I learned to run a hearing from a court reporter who worked for the New York State Division of Human Rights. When I was stuck, which was often, I'd call a recess. She and I

would go into the "ladies room" and she would tell me what to do. I probably learned more about running a hearing from her than I learned any other way. I also did some ALJ work for the New York State Health Department. I was willing to work for any amount of money to get experience.

DON MCPHERSON: *How did you manage this exploding career as well as what had been full-time family responsibilities?*

MARGERY GOOTNICK: My children were growing up. They were teenagers. I just did it, because I wanted it so much.

My first real labor arbitration case was a sleeping case. I read every sleeping case in BNA. It probably took me three weeks full time to write that case.

DON MCPHERSON: *What was your first awareness of the National Academy of Arbitrators?*

MARGERY GOOTNICK: My first awareness was when Jean McKelvey invited me to be her guest at a meeting in San Francisco, the one where David Feller gave his famous speech on "The Coming End of the Golden Age of Arbitration."

DON MCPHERSON: *Oh my.*

MARGERY GOOTNICK: I was blown away by the meeting and David's speech. I thought, this is an organization worth joining! I asked who was the membership chair. Someone pointed out Jack Dunsford. Of course, Jack is a real gentleman. I went up to him and said, "Mr. Dunsford, my name is Margery Gootnick and I'm so impressed with your organization. I would like to join immediately. In fact, I have my checkbook here, and I would like to write you a check for my dues." He didn't quite know how to handle that. He said, "Give me your card" - I didn't even have a card at that time - and I will send you a list of what the qualifications are to join." When I saw the membership standards, I realized I didn't I didn't have any of them.

In those days you had to have just labor arbitration cases. About five years later I had 108 cases. I put in my application and I was turned down. So the next year I put in an application with 143 cases and I was accepted. At that time, we had one meeting a year. After you applied you had to come down to the meeting and find out if you were accepted. The membership committee met just once a year, the day before the meeting. The meeting that year was in New Orleans. When I got to Chicago, I decided this was "ridiculous" and that I should go home. I hardly knew anybody and I believed that they were going to turn me down again anyway. I did go to New Orleans and I was accepted.

I made up my mind that my next ambition in life was to be president of the Academy. I really wanted it very badly. I quietly pointed all of my efforts, professionally and personally, to that goal. I think many feel the same way but of course do not say it. The organization did not disappoint me. The majority of my life's best friends are people I've met in the Academy. The Academy has been one of the major joys in my life.

DON MCPHERSON: *What was the Academy like when you were admitted in 1978?*

MARGERY GOOTNICK: When I was admitted to the Academy, they did not have the New Member Orientation program. We just came and that's all. We didn't have those wonderful green dots. Maybe we were introduced, but if so, it was just quite offhand.

Right at this moment, I'm Chair of the New Member Orientation Committee. I realize how important that committee is in welcoming the new members. I've taken it more seriously than any job I've ever had in the Academy. I think a warm welcome to new members, many of whom have not been to an NAA meeting before, is vital if they're going to become good, productive, dedicated members.

DON MCPHERSON: *Were there many women in the academy when you joined?*

MARGERY GOOTNICK: Helen Witt and I got in at the same time. Helen and I have been close friends since then. We got our thirty-year pins together. I would say there were no more than nine women in the Academy when we got in. That was not because the Academy was in any way discriminatory but because there were not many women arbitrators.

There was a time just before I got into the Academy, where the committee considered if it should accept women and other minorities, African-Americans, Asians, on lower standards. This proposal was objected to by the women and the minorities in the Academy and was defeated. If the proposal had passed, we always would have been looked upon as second-class members. When I was accepted there were four or five African-Americans and no Asians. There may have been one or two Hispanics. And now, I think the Academy is about 25 percent women and minorities.

Jean McKelvey was the first woman president of the Academy and that was in the 60s. There were no other woman presidents until 1980 when Eva Robins was President. And then it was a quarter of a century until I was President. Barbara Zausner was president two years after I served, Roberta Golick will take over in May 2011 and Sara Adler will follow in 2012.

DON MCPHERSON: *You talked about wanting to be active in the Academy as soon as you joined. What sorts of things did you do? Where did you spend your time? What were your committee activities like?*

MARGERY GOOTNICK: Well, first of all I was overawed to be in the Academy. I really wanted to contribute to the organization in any way that I could. I accepted every assignment that I was given. The first assignment of any importance was when Arvid Anderson asked me to be on his Membership committee.

The first application that I looked at was a woman named Ida Klaus. When I looked at that application, I was stunned because she had done more in the profession than I could ever hope to do.

And, the next application I looked at was Dennis Nolan, who had a very modest caseload. Most applicants needed well over a hundred cases to be accepted. Dennis had fewer. I didn't know him. I kept saying, "this applicant smells good - he just seems like someone we should have." I sent that file all around the table. And finally, people agreed that he should be accepted. One of the smartest things the Academy ever did, to take Dennis. Little did I know that he would follow me as President many years later.

I was also chair of Legal Representation.

I was on the Board of Governors and was Vice-President. The committee that I enjoyed the most is the one I chair now. I think that welcoming our new members is one of the most satisfying jobs I've ever had. I always wanted that job. Those are the major things that I've done in the Academy.

What would I not do for the Academy? One of the things I wouldn't do is a job that you did, and that was being editor of *The Chronicle*. I think that is probably one of the hardest jobs in the Academy.

I believe I was appointed to the Board of Governors a bit early in my Academy career because I am a woman. My service on the Board of Governors enabled me to meet one of my dearest friends, Reg Alleyne. I know so many of us miss Reg and I won't even try to describe him in the limits of this interview. He was an unusual and wonderful person. If I had no other reward for being in the Academy, it would be my friendship with Reg. I also met you, Don, through a committee. I met you the first time I had a meeting with the Continuing Regional Education Committee.

And you and I did what I thought was a wonderful project. Unfortunately the rest of the world didn't agree. We organized an NAA library to be kept in the Secretary's office. The Academy agreed to distribute tape recordings. Some of them were presidents reading their own presidential address. The tapes were free to any member. Bill Holley, who was Secretary-Treasurer at the time was very supportive. I still hope maybe someday members will use the library if we can locate the materials again.

DON MCPHERSON: *You were also on the Research and Education Foundation board?*

MARGERY GOOTNICK: Yes, I was.

DON MCPHERSON: *And you've also chaired the Nominating Committee?*

MARGERY GOOTNICK: Yes, I chaired the Nominating Committee, which is a difficult job at best. Since you are the current chair you know there are members who try to influence you. It was a somewhat uncomfortable job. I don't know that it's the best way the organization can pick leaders, but I don't know any better way. So until a better way comes along we will stick to what we have now.

DON MCPHERSON: *And you've chaired Legal Representation at an interesting time, a litigious time.*

MARGERY GOOTNICK: Oh, yes.

DON MCPHERSON: *A time for insurance development?*

MARGERY GOOTNICK: I was the chair of Legal Representation. At one point, the phone was ringing I would say twice a week. It was a brief period between one fall meeting and an annual meeting. It caused us to raise the fund assessment. Yes, I would say it was the most litigious period that we ever had. I think that on the whole the legal representation insurance has been an excellent addition to NAA services. Some of our members who did not have insurance have paid large amounts for litigation costs.

DON MCPHERSON: *Is it possible to address those things in your Academy activity that you're proudest of or that have given you the greatest satisfaction?*

MARGERY GOOTNICK: I loved being President! I was very nervous about my presidential address and probably put more work and more worry into it than was required. It was on my mind during the entire time when I was President-elect and President.

The most enjoyable job in the Academy is Immediate Past-President. But, I really enjoyed my year as President. I happened to have had a year that was very free of problems. It was the beginning of the New Directions Committee but the difficulty which the Academy had over the issues of the New Directions Committee actually started five minutes before I gave Dennis the gavel. It was a very happy year. I had great cooperation from people. As I said before, I worried and worried about the presidential address. Your introduction was really a wonderful introduction. I enjoyed so much having all of my family at the Presidential luncheon.

Our luncheon speaker was Justice Antonin Scalia. Some of our members were somewhat upset about that. Justice Scalia was on one side of me and I suddenly realized I would have to have conversation with him during the meal. I panicked. I asked him one of the most intelligent questions I've ever asked in my life. I said, "Justice Scalia, do you have any grandchildren?" Well, it turned out that Justice Scalia had, at that time, 17 or 18 grandchildren. He proceeded to tell me about each one individually. He never did ask me if I had any grandchildren despite the fact that my entire family, including my three grandchildren, were sitting at a table right in front of us. But, people saw us in a very close conversation, and many asked, "What were you talking about?" I said, "Well, of course, we were talking about great, important legal issues." The truth is I heard in detail about each of his grandchildren. In case you are interested, nobody has a perfect life or a perfect family. He told me about the problems of some of his grandchildren. So even somebody in that position has family issues.

DON MCPHERSON: *During your term as president, what was it like working with the Operation Center and their staff?*

MARGERY GOOTNICK: The Operations Center is remarkable. I'm not sure how Katie and Suzanne do everything that they do with such efficiency and good humor.

Anything I asked them to do was done immediately, properly and with good humor. We owe them a debt of gratitude because this is not a simple organization to run.

And, of course, what can I say about David Petersen? What would we do if David Petersen ever left his job as Executive Secretary – Treasurer. He is amazing. Don't ask me why, but he loves that job. He does it so well that it is astounding.

DON MCPHERSON: *And what was it like going out to the regions?*

MARGERY GOOTNICK: I dreaded it because if there's one bad part about being an arbitrator, it's the travel. And, I thought all those trips were going to be a drag and were going to cut into my hearing time. It was actually wonderful! I enjoyed going to every one of the regions. Each of them welcomed me in a different way. I felt that I got to know another part of the Academy — the regions. I feel that getting to know the regions, helped me to understand, again, some of the strengths and some of the weaknesses of the organization.

DON MCPHERSON: *You ended your year in Washington and kicked off Dennis' year with your presidential address, which included a video of Dennis bungee jumping. That seemed like the perfect set-up for the year followed in terms of the Academy dealing with some of those issues. Is there anything during your presidential year that you found either especially satisfying or especially frustrating?*

MARGERY GOOTNICK: I didn't find anything frustrating. By the end of the year, I was very happy to turn the presidency over to Dennis. I always intended to stay very active in the Academy and I have not changed my mind. Dennis and I worked very closely together during his year as President-elect. I felt the Academy was in perfect hands.

DON MCPHERSON: *The whole idea of reexamining mission and membership standards, strategic planning - that was all something that occurred after your term. How did that get started?*

MARGERY GOOTNICK: There was a retreat for the Board in Chicago the year that George Fleischli was President. The purpose of the retreat was to discuss the Report of the Strategic Planning Committee that was headed by Bill Holley. It's a good thing that Bill Holley is such a good-natured man because his group worked extremely hard and it worked for a long time on their recommendations. However, at the retreat, almost all of the committee recommendations were turned down. The Report was important because it served as a basis for the discussion of other issues that had begun to be important during the period that Strategic Planning was meeting. The issues involved were standards for admissions to the academy, including employment arbitration, and the increasing importance of other methods of resolving disputes. Many of us believed that we would become irrelevant in the field of dispute resolution if we did not recognize other methods of dispute resolution.

In Chicago, the group decided to form a New Directions Committee. That decision came directly out of the recommendations of the Strategic Planning Committee. Nothing, at

least in the years I have been in the Academy, threatened to divide the Academy so much as the issues raised at the Chicago retreat.

This was the first time I'd seen bitterness in the Academy, and the division of good friends. But, what are we? We are dispute resolvers. If we can't resolve our own disputes, shame on us!

DON MCPHERSON: *The retreat was facilitated by Chris Knowlton?*

MARGERY GOOTNICK: She facilitated in her usual excellent style. One of my great memories of that retreat is that a whole group of us went out together for dinner. That evening, the restaurant had their special, which was wine at one cent a glass. I've never seen that anyplace. I am a non-drinker, so I drank diet Coke at \$2.45 a glass. Everyone said it was reasonably decent wine. After that day's meeting, I think they all needed one cent wine.

DON MCPHERSON: *We should say, for the record, that everyone paid his or her own way to the retreat.*

MARGERY GOOTNICK: Absolutely. Everyone paid his or her own expenses, including that meal and one cent wine.

DON MCPHERSON: *Whether it was the wine that helped or not, the group came to a general consensus about how to approach the issues?*

MARGERY GOOTNICK: Not totally. Jeff Tener, who at first was very much against the idea of counting employment cases or anything except labor arbitration for membership, agreed to serve as the co-chair of the New Directions Committee with Barry Winograd, who was all for counting employment arbitration cases. They both did an incredible job. I think the outcome has given us more visibility and some very interesting new members.

DON MCPHERSON: *There has been, at least in recent decades, a sort of undertow of tensions of various sorts. Should the Academy be a fraternal and educational organization versus a trade association for arbitrators? Is arbitration strictly the creature of the parties, or is labor arbitration something that could take a place institutionally in dispute resolution leadership? Do you have any reflections on those sorts of tensions and how they affect the Academy?*

MARGERY GOOTNICK: Our major focus should be the education of our members. I think we do a very good job at that. Most of our members do not come to our conferences to have a social time outside of the meetings but to learn. The meetings are very well planned. They are very well attended. I am definitely prejudiced, because as you said in your introduction to my presidential address, I always think every meeting is the best meeting we ever had. And, of course, that is true! I get great joy out of the programs. I find them very exciting. It may be because I never took a course in labor law or because I came to the profession knowing much less than most members who have had a full career in the field. Whenever I go to a meeting, I learn something. I'm probably the wrong person to ask

because I love the meetings so much. I also love seeing so many of the dear friends that I have made in the Academy.

DON MCPHERSON: *Are there particular challenges that you think the Academy still has to take on?*

MARGERY GOOTNICK: Well, I think the visibility initiative is very important, as is getting new members involved in the Academy. They are entitled to just pay their dues and get their name in the directory. There are many members who do that. They come one time and we never see them again. That is true of every organization that I've ever belonged to, I think the Academy has a large percentage of participation. We have 600 members and, we get sometimes a third of them at our annual meeting. I belong to other organizations. I don't go to their meetings. I don't participate in their activities. The Academy is the most important organization in my life. I think that's true of many of members for both personal and educational reasons.

DON MCPHERSON: *Are there particular qualifications, do you think, that a president needs to have?*

MARGERY GOOTNICK: No. I don't think so. I think each of us brings something very different to the office. I am certainly not like Dennis. I'm certainly not like George Fleischli. But, each of us brings our own vision to the office. Although I've heard some members say the office should be for two years because it so hard to get anything accomplished in one year, I disagree with that very much. It would be personally and financially difficult to serve for two years. There are many people who want to be president of this organization. A one-year term gives more members the opportunity to serve.

DON MCPHERSON: *How about other changes? As you reflect back, since you've been in the Academy, 1978 to the present, are there major things that stick out as changes?*

MARGERY GOOTNICK: I think the dine-around, which was proposed initially by Janet Spencer, has made the Academy a much friendlier place.

DON MCPHERSON: *The Academy has become a more international organization. How have you seen that?*

MARGERY GOOTNICK: Well, I see really very enthusiastic participation of the Canadians due to the work of Michel Picher. He has made enormous, successful efforts to bring Canadian arbitrators into the Academy. Some of them are very active. Allen Ponak is another Canadian who's made great contributions.

DON MCPHERSON: *I heard a rumor and you'll probably want to comment on the rumor. The rumor is that going all the way back at least to Tony Sinicropi, there is a short arbitrators' conspiracy to take over the Academy that you're part of. Is that true?*

MARGERY GOOTNICK: I think the time has come to talk about two secret organizations of the National Academy of Arbitrators. One is the Short Arbitrators

Association. It is a very exclusive club that is limited to short arbitrators who have been President. It was started by Tony Sinicropi. I don't have to tell anyone who Tony was. He is greatly missed. The Short Arbitrators Presidents Association includes me, Tony, Howard Block, John Kagel and Dennis Nolan. And the next two members who are going to be initiated into it will be Roberta Golick and Sara Adler. It is a real organization and that is a tribute to Tony. We elected him the permanent president. He was the most wonderful member we've ever had. Tony started it, but we have expanded it. And it is a secret organization.

There's another organization in the Academy that also requires specific qualifications. It is not as exclusive as the Short Arbitrators Association. It is getting less and less exclusive. It is the Grandmothers of the National Academy of Arbitrators. I've declared myself President for life of the Grandmothers of the National Academy of Arbitrators. I'm afraid, Don, that you will never qualify for either secret club.

DON MCPHERSON: *All right. This is the freewheeling part of the interview but we will try to be both broad and focused about it. Let's talk about your life outside of arbitration.*

MARGERY GOOTNICK: Don, is there any life outside of arbitration? (That's just a poor joke.) My marriage and my family have always been the central part of my life outside of arbitration. And if it wasn't for the support of my husband, both financial and personal, I never would have been an arbitrator. He encouraged me in every possible way. Nobody has a perfect marriage but I had a wonderful, close marriage. I will never totally recover from Lester's death. I think everybody in the Academy who knew Lester knows what a great person he was. Now is a different part of my life. I'm working more than I did before Lester died because I have no hesitation about being away for two or three days.

I have three children. Jonathan is my oldest, and ten and a half months later David came along. I have a daughter who is about four years younger than they are. I would have loved to have had a son who is an arbitrator. You and Ira Jaffe are about as close as I have gotten to having a son who is an arbitrator. Both of my sons chose to go into the medical field. And my daughter, my daughter--well, let's say that nobody has a perfect life, and my daughter has chosen to spend her life being as different from her parents as she can possibly be.

I have three sensational grandchildren. Rachel, my oldest grandchild, is working at the Rochester Institute of Technology. She is working on a grant that is attempting to define the practical interfaces between publishing, self-publishing, and e-publishing. She has a wonderful job. She has about 40 students working for her. She is also teaching two courses in computer graphics and how to use computers to the students in the medical photography department. She's extremely happy. I see in her the same joy in her work that I have.

My other two grandchildren are just starting high school. They're twins, a boy and a girl, Benny and Ruby. Rachel is 23 and the twins have just turned 14.

They all love Chautauqua. Chautauqua is a very important part of my life. I will not even try to describe it. If you have not been here, it is indescribable. And if you haven't been here, you've made a big mistake. I could go on for another hour about Chautauqua, but I will spare you.

Lester and I traveled an incredible amount. I was the only arbitrator on an entire continent when we traveled to the Antarctic. There's no reason for me to go into the places we've been. He had an insatiable desire to travel. I was never that anxious to go, but I always had a wonderful time with him because of his delight and because of some of the really interesting places he showed me. I always said I wanted to be the first short arbitrator on the moon, but we never made that. Let's just say, we ran out of continents to visit.

Sports. I started playing golf at nine years old, and I've had two holes in one in my life. Both of them were really pretty bad shots.

My sons in their middle school years and in high school years were nationally ranked ski racers. I drove them every weekend all over New England because Lester could not get away every weekend. It was really wonderful life training for them. It taught them to succeed. More importantly, it taught them to fail because most ski racers fail. I was a U.S. Ski Association Certified Official timer. I was supposed to be an official at the Lake Placid Olympics but just at that time, my long, long wait for arbitration cases ended, I began to get selected for cases, and I really had to choose because the International Olympics Committee required officials to be in Lake Placid for six weeks before the Olympics and for one week afterwards. It was very hard for me to give up the Olympics but I couldn't make the time commitment when I was just beginning to get cases after such a long wait.

We did a lot of sailing on Lake Ontario. We had a 30 foot sailboat for years. We later bought a small place in the Finger Lakes on Lake Canandaigua and sailed a 20 foot gaff rigged boat there.

We had a very good, balanced life between work, family, sports and traveling. And that was due mostly to my husband's good judgment.

DON MCPHERSON: *You've said on numerous occasions that arbitration is your religion. What do you mean by that?*

MARGERY GOOTNICK: I don't quite mean it's my religion. I mean that it has been nothing but a joy, a challenge and a huge responsibility. I think it is an honor and a privilege to be chosen to make decisions on large issues or even very small issues. The day that an arbitrator believes that any issue is de minimis, she should quit the profession. I have never lost the joy, the challenge and the excitement of arbitration.

Many of you have heard me say that I intend to retire two weeks after I die. I hope I can make it. Before we end the interview I would like to tell you about my first case. My first case was a mediation from the New York State Public Employment Relations Board. The Town of Webster is a little town outside of Rochester.

The assignment sheet said: "The 1000 Club of the Webster Police." I very excitedly told Lester, "I'm going to be mediating for 1,000 policemen in Webster, NY." He said, "That can't be." I said, "Don't tell me it can't be. Look what it says on this assignment." He said, "Webster has about 5,000 residents and I think you must be wrong." It turned out that there were approximately 26 policemen. And the title came from the fact that they were located at 1000 Ridge Road in Webster, New York. That shows how experienced I was.

I've had three presidential appointments to Emergency Boards under the Railway Labor Act. Those have been very exciting. However, just because a case is a big case and gets a lot of attention doesn't mean that it is more exciting than some very small case with little at stake that has huge emotional appeal. I've been on and off many permanent panels. I think the one that I enjoyed most was the Foreign Service Grievance Board because the cases are so unusual. The grievants are all Foreign Service officers employed by the State Department. It's a very different world. I was chair of the Foreign Service Impasse Disputes Panel for fourteen years. It also has a wonderful name, but doesn't have any work. It just looked wonderful on my resume.

One of the important people in my personal and professional life was my dear friend Reg Alleyne, who died much too young. He was a very special person, "my backgammon buddy." Reg went to the wall for every issue. He was a brilliant man who could never differentiate between major issues and other issues.

Also my legal assistant, Gayle Bates. Many people in the Academy have dealt with Gayle in person or on the telephone. She's become close to a daughter to me. Although it's very difficult, it's very important to keep personal relationships and professional relationships separate. I'm certain that I could never have handled my large caseload without Gayle.

And of course, you, Don – you gave me that memorable introduction when I gave my presidential address. I just want to say in conclusion that my connection to the Academy and so many of my colleagues has been one of the most important and satisfying parts of my life.

DON MCPHERSON: *Thank you – and thank you for carving some time out of Chautauqua to do this interview.*