

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Thomas T. Roberts

NAA President, 1988

Interviewed by Leo Weiss

October 2, 1990

THOMAS T. ROBERTS

PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS

1988 TO 1989

INTERVIEWED BY LEO WEISS

AT

ROLLING HILLS, CALIFORNIA

OCTOBER 2, 1990

**Leo weiss:**

Good morning. We are in Los Angeles, California and today is Tuesday October 2, 1990 at 11:00 am.. My name is Leo Weiss. I am interviewing Thomas T. Roberts who was president of the Academy in 1988. This project is sponsored by the Academy History Committee in order to preserve the accounts of activities and the backgrounds of Academy presidents.

**Tom Roberts:**

Let me interject. A small correction. This is Tom Roberts. We're actually in Rolling Hills, California.

I stand corrected. We're in Rolling Hills now, but where was it you were born Tom, and raised, educited.

I was born in Chicago and I lived in a suburb of Chicago until I was ten. At that time, in the mid 1930's my father died rather suddenly and my mother brought my

sister and I to Southern California. She had a brother here, who's the only one in the family who had a job and that seemed to be the attraction. I was raised from the age of ten by my mother in Southern California. I went to Loyola University, attended Loyola University in Los Angeles for one semester at the outbreak of World War II. After the war was over I returned to Loyola and completed my undergraduate studies. I have a degree, a Bachelor of Business Administration with a major in Industrial Relations. Following the completion of my undergraduate studies, which were financed by the GI Bill, I determined that I wanted to pursue a legal education, but my benefits had expired and it was necessary that I get a job and go to school at night.

Why don't you tell us something about your military service.

I was a aerial gunnery instructor in the navy. I was fortunate enough to spend all of my time in the navy, which was from 1942 until 1946, stateside. Most of that time I was attached to a training squadron at , what is now, Merrimore Naval Air Station in San Diego County, flying the navy's version of the B-24. The navy called it the Privateer and assigned it the designation PB4Y2.

You didn't have any labor relations experience during that time?

) None at all. I was on the short end of every stick that came along. After the war was over, and as I indicated, I decided I wanted to go to law school, and I needed a job. One of my professors at Loyola had put me on to a man at Douglas Aircraft and they hired me in their industrial relations department as kind of a gopher. After I had been, that was at the Santa Monica Plant, after X had been there for a few months I was transferred to the El Segundo Plant by LAX. There I worked first as a wage and salary analyst and next as an industrial relations representative of an office out on the assembly floor, dealing at the first levels of the grievance procedure with the union representatives, who were primarily machinists. Following that I began to assist in the preparation of arbitration cases for Douglas and ultimately presented cases for Douglas. That generated, I think, my interest and intrigue with the arbitration process.

When did you first begin to think about becoming an arbitrator?

I think it was while I was in law school and going through that experience at Douglas.

I would think that in the last three of those five years I hoped and entertained an ambition to be an arbitrator someday.

Was that at Loyola Law School?

Yes

When did you leave the Douglas employment?

That was in 1957. I had a friend who was practicing law in Gardena, California and he explained to me that, only because we were friends from school, he was going to offer me an extraordinary arrangement and that was he would pay me fifty dollars a week as a draw against any business I could bring into the firm. But in any event, I began working in a general office law firm. After I'd been there for about eight months, my friend and his partner came to me and asked me to become a partner, which I did. In the mean time I had applied to the various appointing agencies in an effort to convince them that they should put my name on their panels and that was really the beginning of the arbitrating.

So you were getting arbitration cases while you were in this law practice?

Yes.

What year was your first case?

Well, the first case I heard was in 1958. My career took off in a spectacular fashion. My income in 1958 from arbitrating was seventeen hundred dollars. I think I probably heard, maybe, seven or eight cases that year. As luck would have it, this is something of a confession, I may not have been the greatest labor relations representative for management because my best customer, during those early years was the machinists union, the people I was supposed to be holding down through my employment at Douglas.

Did you ever have an apprenticeship with any other arbitrator?

No, I didn't. I was pretty much on my own all the way. I actually had no relationship with any arbitrator other than appearing in front of a half of dozen men who were serving as arbitrators there at Douglas Aircraft. But, after I left Douglas, and I don't know the reason, I never sought out any kind of an apprenticeship or training with them. I had handled a ~~very~~ very substantial number of grievances and participated in probably thirty or forty arbitration hearings and I, right or wrong, I

felt that I could handle it without any more help.

What hurdles did you find as you were developing your arbitration career?

I don't think I really encountered any hurdles. I was very fortunate. In the 1950's and '60's, the unions were strong and active in California and other areas of the west. There were not that many people doing arbitration and I seemed to be able to cultivate and expand my practice without any real major problems.

Would you be able to recall the volumes of cases you had in your early years? And give us an idea of how they progressed.

I think I can. I reviewed my files, Leo, and I didn't keep, I never kept track of the number of cases, unfortunately, but beginning in 1963, five years after I started arbitrating I did keep a record of the total number of hearing days in each calendar year. By 1963, the end of the fifth in my practice, I was hearing a hundred or more, I logged a hundred or more hearing days a year and that persisted through this last year. In some years, it was as high as one hundred and sixty hearing days. In others it was down to eighty. The average, I would think, has been since 1966 around a

hundred and twenty hearing days a year.

So it's safe to say that by the time you were in practice for five years you had a full time practice that was taking up all of your time. You were not engaged in other professional activities at that time?

No, I was still doing a little bit of the legal work but, clearly, ninety percent of my time was spent arbitrating.

Alright, let's turn to your membership in the National Academy. Do you remember who first recommended that you join the Academy and when that was?

Well, I do. I was married in 1961 and enjoyed a honeymoon on a pass that my wife had earned as a flight attendant. One of the stops we made was in Washington D.C. and as we were riding down the street I saw a sign on a building that said Department of Labor or perhaps it said Federal Mediation and Conciliation Service, I don't recall, but I told her that that was the place where I'd been sending all my awards and I thought I'd like to go in and see what it looked like. She didn't express any interest and left me on the corner there. I went in and, the director of the FMCS at that time was a fellow named Finnegan, and he was quite gracious and he turned me over to George

Strong who was the general counsel and was in charge of the panel of arbitrators, that they provided the parties. George was very generous to me and explained to me that he knew who I was because of my awards and he said "You certainly have joined the National Academy of Arbitrators, haven't you?" And I said "Well, what is that and how much does it cost?" He explained a little bit about it and told me who to write to get an application. I did so and I made application and was promptly turned down, as not having had enough arbitration experience. So I waited two years and applied again and I was admitted to the Academy in 1963.

I know that you have had, just in the time that I know you, more jobs for the Academy than I can count. Could you give us some idea of what those various committee assignments and officers positions have been?

Well, I think probably the first one might have been Regional Chairman of the Southern California region. Then I served on a kind of informal, ad hoc committee assisting Secretary David Miller, the late David Miller, with the arrangements for the annual meeting. After that, Jim Hill, who was then president of the Academy, created this kind of continuing committee called Future Arrangements and I served on that committee.

Additionally, I've been on the Board of Governors. I served on the Nominating, two Nominating Committees. I've been a vice president.

I know you were on the Membership Committee.

I was on the Membership Committee and the Executive Committee. I think that's about it.

And plus you were the president elect and president.

Yes, yes. I also served on the Legal Affairs Committee for a couple of years.

Sounds like you've been on one committee or another, or on one assignment or another almost every year since you joined the organization.

I think that's just about right and it's been one of my pleasures and joys in this profession, that's the opportunity to participate in that fashion in the affairs of the Academy.

Do you think that being a member of the National Academy affected your caseload in any way?

Not that I could ever see. Although, I must say that I've noticed with interest over the years the increasing number of collective bargaining agreements that provide that the arbitrator that there going to use, be a member of the National Academy of Arbitrators. If there's some business fallout from those clauses, I perhaps have benefitted. But other than that, I don't, nothing has occurred that I can measure that would suggest to me any particular increase in business.

Well, at least nobody has said to you that they wouldn't select you because you were a member of the National Academy.

That hasn't happened yet.

How about your nomination for president elect. When did that take place?

That took place in St. Louis at the fall Educational Conference. The, I'll never forget, the Nominating Committee was chaired by Marian Warns and quite to my astonishment, late Saturday afternoon she called me aside and said "The Committee has nominated you for president elect and we want to confirm that you'll accept that honor." After I picked myself up off the floor, I said "I certainly would."

Was that in 1987?

Must have been, Leo.

And then you took office in May of 1988.

Perhaps it was the fall of '86 and then I became president elect in the spring of '87, I think, and president in the spring of '88.

I see. It was 1986. You're right.

What were the duties of a president elect, while you were in office? Distinguishing that from the presidents office.

The president elect was the most attractive office in the Academy. The only real burden is to begin to sweat over what your presidential address is going to be. The president does the real work. The president elect, other than being subjected to some political overtures, really has no function beyond planning, subjectively, the program for his or her year, after becoming president. Toward the end of that year, as president elect, the monumental task of committee assignments becomes a reality. In recent years, including my experience, and I was counseled in this regard by my elders, the president elect has attempted to have in place almost all

of the committee assignments by the time he or she goes to the annual meeting, at which he or she becomes president. So that at that meeting, you should pretty well have in mind your committee assignments and indeed the four or five days of the annual meeting provides an excellent opportunity to talk with people who you are considering for certain assignments, ascertain their interest in whether or not they're willing to serve, and so forth.

So the idea is, that if you do your job right, by the time you get to be president you don't have the committee problem ...

The committee ... I'm sorry, I didn't mean to step on you. The committee... witnesses do this don't they. I sit there and wonder why they can't wait until the lawyer finishes the question.

That's alright.

Now I understand. The committee assignments should pretty well be in place. You're right about that but there's always some problems that arise in the sense of people not being able to serve and so forth. The designation of the committees, ideally, should go out within thirty days of the ascension to the presidency,

the formal designation.

Did you find that committee appointment job to be a difficult task?

Very difficult. It's the most difficult of all the jobs the president has, I've found. And that's for many reasons. You're dealing with very real sensitivities of some very talented people.. Some of whom, in addition to being very talented, are very ambitious in terms of their career in the Academy. You're conscious, always, of the needs of the Academy and the reality that the strength of the Academy flows through its committees and those activities. And as you know, each year the secretary sends out a solicitation for committee preferences and I believe in my year we received somewhere in the neighborhood of two hundred and sixty replies. Just the job of breaking those down and identifying first, second, third and fourth preferences for all two hundred and sixty people, then identifying the places on the various committees, that by tradition, become available in every third year, or whatever it is. Then slotting people in. Responding to more personalized requests for appointments. It took up more time than anything else I encountered as president.

Do you have any suggestions for people who serve as president

elect, in the future? Again, distinguishing between the president elect and the presidency.

I think, I don't have any real significant suggestions at all. I think the best way to proceed, one that I followed, is to begin by seeking advice from those who have held the office before you. That's immensely valuable. One of the remarkable things about Academy members is their willingness, universally, to give time to helping Academy officers and committee members.

Let's turn now to your term as president. What did you consider to be the major goals of the Academy during your term?

Well, I initiated three major undertakings. The first was the creation of the Committee on Professionalism and Programs. The appointment of Walter Gershenfeld as the chairman of that committee. I'm proud of the fact that they now have produced and are indeed distributing a film on professional ethics. That was a need in 1988 and I think continues through today. I also reacted to problems that were associated with the construction and publication of the Chronicle, by creating a committee called the New Directions and Functions of the Chronicle. That committee is likewise, still in existence. I appointed Ted Jones as, former president Ted Jones, as

the chairman of that committee because, not only of his long experience in the Academy, but also the fact that he was the founding editor of the Chronicle. I think that, as a result of the work of that committee, not by any work on my part but the work of the committee, we have improved the Chronicle today and I think the members feel that way. The third area which I concentrated on was increasing overlap between the activities and responsibilities of the various committees that were being created and in conjunction with the then president elect, Al Dyebeck, we created as a two year project, a review of the relationship between the committees and a definition of their function and I appointed Howard Block as the, now president Howard Block, as the chairman of that committee, and a wonderful report came out of their work after two years. I think those are the three goals that I set and if you were to ask me what accomplishments I could point to, I think I would refer back to the efforts of those three committees.

What about the other side of the coin. What major problems resulted in your greatest disappointments as president?

I was very fortunate. I had a year of little or no friction. There were no institutional problems in which the Academy was involved in. I can't really say that

there were any disappointments. The years surrounding my tenure seemed to have presented a number of frictions and problems but I was lucky then. I had a quiet, easy year as president.

Nice to hear you say that. Do you think that your term of office, either as president or as president elect, had any effect on your caseload?

Not as president elect but clearly it did as president. That was by design and without any real resentment. It didn't represent a remarkable or dramatic cutback, probably about twenty five percent. One of the things that happened while I was president was, because most of the partisans, the advocates in California caught on to me. I had to stretch outside the state for business. I was able to travel to and participate in regional meetings all over the country, at no expense to the Academy. I would align hearings that would permit me to stop off on the way or the return, at the expense of the parties and I enjoyed that very much. That was one of the real pleasures of office for me, was the opportunity to have that close relationship with the various regions and to engage in some exchange regarding the regional activities, even the neitional activities.

What aspect of your activities as president took the most time? Do you relate back again to the work of the committees, or was there something else that took a lot of your time?

I think, on a continuing basis, most of the time that was involved in the Academy affairs was answering the telephone. It's remarkable. Hardly a day would go by, without two or three or four calls, either from the secretary, who, as you know, really conducts the business of the Academy during the year, telling me what to do, what I hadn't done yet, or what I'd done wrong. And also from members with questions regarding activities, appointments, have you heard that, notices of somebody dying, complaints about treatment from the Regional Office of the American Arbitration Association, things of that sort. That really was the most time consuming thing. I think once I was beyond the hurdle of the committee appointments..

In looking back at the work of the various committees that you appointed, which committee or committees did you consider the most important?

Well, I think I can identify at least three, and I don't assign a priority to these at all. The membership Committee is extremely important, I think. It's a very

difficult task they do . It's time consuming. It's vital to, I think, the character and fiber of the Academy, the people who are invited to join and the people who are denied admittance. So, I would think the Membership Committee is important. Clearly the Professional Responsibility and Grievance Committee is important. There again is an active committee that guards and guides the professional-ethical tone of the Academy and offers all of us help and assistance on problems of ethics that we all face. I think also that the Legal Representation Committee, that is involved in the... assistance to arbitrators, Academy members, who become involved in litigation, is very important. I think those three are probably the three most important committees, although, in their own way, all the committees are important.

Now that you've had a chance to look back on your term of office, what do you think is the most important qualification, that you brought to the job of Academy president?

That I brought? My pleasing personality. It's my observation, that over the years, the presidents have each had a unique contribution to the Academy. Unique with their own background, personality and so forth. I think that the demands of the job, or the honor, have

changed considerably since my membership in the Academy. Just the presence of seven hundred members, as opposed to the two hundred and twenty that were in the Academy when I joined, introduces administrative responsibilities that weren't there before. The one thing, the one constant threat and theme that I've seen, is the commitment of the presidents to the goals and purposes of the Academy. I think as long as that's with us we're going to be in good shape.

Do you have any suggestions for future presidents? As to what they might need to do or look forward to, in the future?

Oh, I think that would be presumptuous of me. I really don't.

Tom, now that you've had a chance to look back over your career, as an arbitrator, what general observations would you like to make about the changing environment regarding policy or economic conditions that you've observed, during this period of time?

Well, I think I can say with some conviction that I'm disturbed and concerned over the political, legal and agency imposed environment in collective bargaining I've witnessed in over the last ten years. The approval by government agencies and indeed courts for the aberration

of collective bargaining agreements and devices like bankruptcy and the general union bashing that I've seen, has me concerned. I think that concern is founded, not on parochial fear that if the health and vitality of the unions are necessary to my own professional pursuits but really out of belief that the workers in the United States, if not around the world, need the protection that came with the Wagner Act and I'm troubled by the abandonment of those concepts that saw that type of labor legislation.

With that observation, we come to the end of the interview. Thank you Thomas Roberts.

You're very welcome.