

APPENDIX C

SURVEY OF THE ARBITRATION PROFESSION IN 1969 *

The Executive Committee of the Board of Governors of the National Academy of Arbitrators authorized this survey of the arbitration profession in 1969.

The questionnaire was reviewed and copies were mailed to members of the Academy in June 1970. By mid-October 1970, 222 responses had been received. This represents 60.5 percent of the Academy's membership at that time. This is the fourth statistical survey conducted by the Academy, others having been made for the years 1952, 1957, and 1962.¹

In the following narrative summary, comparisons with the 1962 data have been drawn, wherever possible.

I. The Arbitrator

The average age of the respondents as of December 31, 1969, was 57 years. This compares with 52.7 years in 1962. Only four respondents (1.8 percent) were under 40; in 1962, eight (4.6 percent) were under 40; in 1957, 10 (11.2 percent) were under 41. In 1962, 36 (20.7 percent) were 60 years of age or older; at the end of 1969, 93 (41.9 percent) were in this category. While the 1962 data showed that the majority of arbitrators were in their

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¹ See "Survey of the Arbitration Profession in 1952," Appendix E, in *The Profession of Labor Arbitration*, Cumulative Selection of Addresses at First Seven Annual Meetings, National Academy of Arbitrators, 1948 through 1954, ed. Jean T. McKelvey (Washington: BNA Books, 1954), 176-182; "Research and Education Committee Report and Recommendations," Appendix D, and "Statistical Tables Based on the Survey of Arbitration Work of Members of the Academy in 1957," Appendix E, in *Arbitration and the Law*, Proceedings of the 12th Annual Meeting, National Academy of Arbitrators, ed. Jean T. McKelvey (Washington: BNA Books, 1959), 179-190; and "Survey of Arbitration in 1962," Appendix C, in *Labor Arbitration—Perspectives and Problems*, Proceedings of the 17th Annual Meeting, National Academy of Arbitrators, ed. Mark L. Kahn (Washington: BNA Books, 1964), 292-316.

forties and fifties, the latest study finds almost three quarters of the arbitrators (72.5 percent) to be in their fifties and sixties.

The average number of years of schooling reported by the respondents has remained constant with the exception of years in high school. Arbitrators spent an average of 4.0 years in high school (3.9 in 1962), 3.9 years at college, and 3.6 years in graduate or professional schools.

As was evident in previous surveys, the typical arbitrator is well educated. Only three of 222 do not hold any college degree. The others, among them, have 546 degrees. At the collegiate level there are 129 B.A. degrees and 60 B.S. degrees. The most widely held advanced degrees are LL.B., 81; M.A., 75; and Ph.D., 65. Among the leading fields of concentration in college are economics (70), political science (46), history (21), and law and prelaw (14). While most arbitrators received their basic college training in the social sciences, it is noteworthy that 11 arbitrators majored in English, 10 in engineering, four in accounting, two in agronomy, one in library science, and one in zoology. Arbitrators did their professional or graduate study in two primary fields: law (122) and economics (75).

Only 19 (8.6 percent) of the arbitrators have worked full time with unions or the labor movement. A larger number, 37 (16.8 percent), have worked full time with companies or employers' associations. In the former group the average amount of time spent in such work was 5.0 years; in the latter, 8.3 years. On the other hand, the arbitrators have performed a large amount of service for the Federal Government in labor relations. A total of 139 (64.6 percent) have done such work full time or part time. This service was primarily with three agencies—NWL, WSB (1950-52), and NLRB—in that order. Experience in working with state or municipal agencies was reported by 33 (15.2 percent), with the New York State Board of Mediation as the leading agency.

The great majority entered arbitration work between 1940 and 1950. There were 42 (19.4 percent) who received their first case in the period 1940-44; 52 (24.0 percent) in 1945-49; and 45 (20.7 percent) in 1950-54. Thirty-one (14.3 percent) got their first case in 1960-64, and five (2.3 percent) got theirs during the following year. No respondent reported a more recent initial case. The typical arbitrator received his first case at the age of 37.4 years.

Sixty-six (30.3 percent) of the arbitrators first arbitrated between the ages of 30 and 34; 59 (27.1 percent) between 35 and 39; and 36 (16.5 percent) between 40 and 44 years. The principal sources of the first case in descending order were the parties (30.4 percent), the AAA (19.1 percent, as compared with 24.2 percent in 1962), a state mediation board (13.2 percent as against 11.6 percent in 1962), and the NWLB (11.4 percent compared to 16.8 percent in 1962).

Seventy-seven arbitrators waited an average of 8.4 months from the time of acceptance on an AAA, FMCS, or state agency panel to receipt of the first case. During the first five years of the arbitrators' membership in the profession, they heard an average of 14.8 cases in the first year, 19.7 in the second, 22.8 in the third, 28.4 in the fourth, and 33.6 in the fifth. A majority of 173 (79.7 percent) have been continuously available for arbitration since entering the field.

At the outset of their arbitration careers, most of the respondents derived their income primarily as teachers (115 or 52.2 percent) or as lawyers (55 or 25.1 percent). Among the other principal sources of income were consulting (8), government employment (7), and membership in state mediation agencies (7). Arbitrators ascribed their achievement of initial acceptability chiefly to their NWLB experience (63), other governmental board experience (61), and reputation as a teacher (59).

Thirty-one respondents (14 percent) served an arbitration apprenticeship. In the 1962 study, 19 arbitrators (10.9 percent) reported that they had served as apprentices. One arbitrator began his apprenticeship in 1939, five during the 1940s, 12 during the 1950s, and nine began during the last decade. The average duration of these apprenticeships was approximately 3.1 years as compared with 2.6 years reported after the 1962 survey. The principal activities performed during the apprenticeship in descending order of incidence were sitting in at hearings, writing entire decisions subject to review, drafting decisions, and performing background research. In all but four cases the parties were aware of the apprenticeship. The average amount of time spent in the apprenticeship during the period was 49.6 percent compared with 55 percent noted in the previous survey. Again, the method of compensation was varied: six apprentices received annual salaries averaging \$7,133; seven received no remuneration; five received a per diem

averaging \$90. Other apprentices received a board salary, a weekly salary, hourly pay, and remuneration on a per case basis. Four apprentices received their first cases concurrently with their apprenticeships; 18 others waited an average of 17 months; six others had received their first cases before the commencement of their apprenticeships. Twenty-nine respondents (15.8 percent) have trained apprentices, the average number trained per trainer being 3.3. In 1962, 24 (14.5 percent) had trained an average of 3.1 apprentices.

Almost three quarters of the respondents (74.8 percent) arbitrate on a part-time basis. On the average, these arbitrators devote 30.9 percent of their time to arbitration as compared with 33.4 percent in 1962. Ninety-seven of the 160 part-time arbitrators cited teaching as their regular occupation; 36 are lawyers; 10 are consultants; six are educational administrators; and six are members of governmental labor relations agencies.

II. Opinions on Shortage of Arbitrators

Of 214 respondents to the first question in this section of the survey, 131 (61.2 percent) had recourse to a waiting list of cases yet to be heard during 1969. Ten arbitrators, an additional 4.7 percent, either scheduled cases from two to six months in advance or declined appointments when they were not available. Eighty-three arbitrators specified how frequently they had a waiting list: 62 (74.7 percent) reported that they had a continual backlog; 10 (12.0 percent) that they had a list on two to five occasions; and three (3.6 percent) that they had a list monthly. Thirty-five (34.3 percent) of 102 respondents had waiting lists which averaged from one to five cases; 28 (27.4 percent) averaged six to 10 cases; and 19 (18.6 percent) averaged more than 20 cases.

Eighty-seven percent of the 186 respondents to the second question asserted that certain educational backgrounds are particularly suited for gaining entry into the arbitration profession. Law, industrial and labor relations, and economics, the most frequently cited fields of study, were suggested by 130, 65, and 51 arbitrators, respectively. Numerous proponents of legal training reasoned that through it the potential arbitrator could obtain knowledge of the rules of evidence, procedures, and contract interpretation, and practice in analysis and the exercise of judgment. Others argued that the value of a legal background has grown due to the increas-

ing use of lawyers by the parties. Advocates of the study of industrial and labor relations and economics proposed education in these fields as the means by which the novice could gain familiarity with the techniques of collective bargaining, knowledge relevant to substantive issues, and insight into industrial problems. Generally these arbitrators believed that education in these three disciplines would impart superior understanding of labor relations issues and would encourage the parties to place more confidence in, and thus be more likely to select, the aspiring arbitrator. The 24 respondents who denied the importance of any specific educational background emphasized the desirability of a broad educational experience and the significance of personal traits and abilities in the achievement of acceptance.

Suggestions as to the most important criteria for gaining acceptance as an arbitrator, in descending order of incidence, were (1) impartiality and fairness; (2) technical competence, especially with respect to knowledge of industrial relations principles and practices; (3) analytical ability and intelligence; (4) suitable temperament and personality; (5) integrity; (6) ability to write lucid and reasonable discussions; (7) related experience; (8) recommendations of established arbitrators and prior personal relations; (9) exposure to the parties; (10) objectivity; (11) ability to conduct an orderly hearing; and (12) education. Similarly, respondents proposed the following means of acquiring acceptance as an arbitrator: (1) apprenticeship and association with, and sponsorship by, senior arbitrators; (2) experience with government agencies such as the FMCS, NLRB, and state mediation and labor boards; (3) teaching, especially in the fields of labor law, labor economics, or industrial and labor relations; (4) educational background in the aforementioned areas; (5) contacts with management and union representatives; (6) making availability known by listing with AAA, FMCS, and appointing agencies; (7) exposure to the parties; and (8) writing on subjects of collective bargaining.

In all, 176 respondents offered their opinions on the possibility of a shortage of qualified arbitrators upon the retirement of the "war-labor-board" arbitrators. Ninety-three (52.8 percent) asserted that there would be a shortage because they felt that: (1) generally, the parties are reluctant to select new and unknown neutrals; (2) new arbitrators are not being trained in sufficient

numbers; (3) arbitrators establish themselves slowly, and failure to provide for the effective entry of aspirants limits the number of new arbitrators who gain wide acceptability; and (4) the growth of demand for arbitrators in the public sector threatens the supply available to the private sector. The 83 respondents (47.2 percent) who took the opposite view argued that: (1) young people are available and can be trained as replacements through apprenticeship and training programs under the auspices of the AAA and the FMCS; (2) younger arbitrators are gaining acceptance, especially as a result of their work in the public sector; (3) other qualified but underutilized neutrals will be drawn upon when the "war-labor-board" arbitrators are no longer available; and (4) demand has its way of causing supply to appear.

Eighty-five percent of the 200 arbitrators who expressed a definite opinion in response to Question 6 opposed the institution of standardized entrance requirements for facilitating the acceptance of new arbitrators. The major arguments advanced by this group were that the field is too varied to yield itself to standardization and that inasmuch as it is the parties' right to select arbitrators on the basis of their qualifications, the profession should offer flexibility and diversity of training and experience. Others asserted that standards would not facilitate acceptance or change the attitudes of the parties and appointing agencies, but rather would tend to restrict entry to the field. Finally, it was argued that rather than risk the exclusion of desirable candidates by the institution of standardized requirements, the doors should be left open and the selection process would serve to eliminate the unfit. The remaining 30 arbitrators suggested that the employment of standardized entrance requirements would be useful: (1) in that rigid criteria would be in keeping with the responsibility of the profession; (2) so that aspirants will know what is necessary in order to become an arbitrator; and (3) in placing a visible imprint on the potential arbitrator which may contribute to his acceptability. Some of these arbitrators noted, however, that the requirements would facilitate acceptance only insofar as the standards met with the approval of companies and unions.

III. Arbitration, Mediation, and Fact-Finding

The 174 arbitrators who responded to the first question in the final section of the 1969 survey had a total of 8,875 cases; of these,

65.5 percent were received on an ad hoc basis, 24.4 percent were heard by permanent umpires, and 10.1 percent were decided by a permanent panel of arbitrators. The percentage of ad hoc to all cases has declined since 1962; on the other hand, the percentage of permanent umpire cases showed a marked increase, reversing somewhat the trend discovered in the previous survey. Of a total of 201 respondents, 151 arbitrators served as umpires under 489 collective agreements and/or as panel members under 425 agreements. By way of contrast, in 1962 arbitrators served as umpires and panel members under 235 and 308 agreements, respectively. In descending order of incidence, umpireships are most common in steel, garment, rubber, electrical and electronics, airlines, and metal fabrication. Similarly, panels are most common in airlines, electrical and electronics, steel, trucking, rubber, and metal fabrication. Arbitrators have become active as panel members and/or umpires in several areas of employment not included in the 1962 survey statistics; most notable among these fields are public education, government service, shipping, aluminum, aerospace, communications, and broadcasting.

Among the major sources of ad hoc cases the parties themselves led with 40.7 percent of the total, a moderate decline from 44.0 percent in 1962. In this respect, however, it is interesting to note that appointment by the parties characterized 64.7 percent of the ad hoc cases reported in 1952. The parties were followed in order by AAA (23.7 percent), FMCS (21.5 percent), NMB-NRAB (8.0 percent), and state agencies (5.5 percent). The AAA and FMCS raised their shares since 1962, as they had over the previous decade; however, the state agencies have fallen off noticeably, while the percentage of NMB-NRAB appointments increased slightly.

During the calendar year 1969, 83 respondents served in a neutral third-party capacity in a labor dispute in which they were not acting as arbitrators. The total number of cases in which arbitrators performed such service was 806; in 1962, 37 arbitrators were similarly engaged in 499 cases. A majority of arbitrators, 72.2 percent, have participated in dispute settlement in the public sector at some time. During the past three years, 86 served as fact-finders (490 cases), 77 mediated (604 cases), 37 arbitrated (163 cases), and 27 were involved in elections (125 cases). In 1969, 73 (35.1 percent) of the arbitrators served as fact-finders in 214 cases and

58 (28.7 percent) served as a neutral in 225 mediation and conciliation cases in the public sector.

SURVEY STATISTICS

I. The Arbitrator

1. Age as of December 31, 1969 (222 responses) :

	1969	1962
Average age	57	52.7

Age by decade intervals:

	1969		1962	
	Number	Percent	Number	Percent
30-39	4	1.8	8	4.6
40-49	43	19.4	59	33.9
50-59	82	36.9	71	40.8
60-69	79	35.6	28	16.1
70-79	14	6.3	8	4.6
	<u>222</u>	<u>100.0</u>	<u>174</u>	<u>100.0</u>

2. Average number of years of schooling:

	Years	
	1969	1962
High school (205 responses)	4.0	3.9
College (208 responses)	3.9	3.9
Graduate or professional (207 responses)	3.6	3.6

3. Degrees held (responses exceed 222 due to the fact that many persons hold more than one degree) :

Degree	1969	1962
None	3	3
B.A.	129	113
B.S.	60	40
M.A.	75	65
M.S.	9	8
M.E.	4	2
LL.B.	81	79
LL.M.	19	8
J.D.	49	8
S.J.D.	12	6
Ph.D.	65	66
D.D.	0	0
LL.D.	10	6
M.B.A.	5	5
M.P.A.	2	2
Ph.B.	2	1
L.H.D.	1	1
D.Litt.	1	1

M.L.	1	—
A.M.P.	1	—
B.B.A.	2	—
B.S.P.	1	—
B.C.S.	1	—
B.L.S.	1	1
B.S.A.E.	1	—
B.S.S.	1	—
B.S.M.E.	1	—
B.Ed.	1	1
B.Sc.	—	1
L.S.T.	1	—
S.T.L.	—	1
M.C.L.	—	1
J.S.D.	—	1
LL.D. hon.	4	3
D.C.S. hon.	1	—
D.H.L. hon.	1	—
L. H. D. hon.	—	1
D.Sc. hon.	1	—
	<u>546</u>	<u>424</u>

4. *Major field of concentration in college* (215 responses; 18 double majors, 1 triple major) :

	1969	1962
Economics	70	63
Political Science	46	28
History	21	25
Law & Pre-Law	14	15
English	11	4
Engineering	10	6
Industrial Relations	8	6
Business & Business Administration	6	8
Philosophy	5	4
Accounting	4	3
Social Science	4	5
Sociology	4	3
Agronomy	2	—
Chemistry	2	3
Finance	2	—
Liberal Arts	2	1
Literature	2	5
Physics	2	—
Psychology	2	2
Statistics	2	1
None or General	2	2
Biology	1	—
Education	1	—

Economic History	1	—
Industrial Management	1	—
Insurance	1	—
Journalism	1	—
Library Science	1	1
Marketing	1	—
Meteorology	1	—
Political Economy	1	—
Science	1	2
Social Service Administration	1	—
Theology	1	—
Zoology	1	—
Mathematics	—	4
Oriental Languages	—	1
Social Institutions	—	1
	<u>235</u>	<u>193</u>

Minor field of concentration in college (177 responses; 15 double minors, 3 triple minors) :

	1962	1962
Economics	36	30
English	23	14
History	23	16
Political Science	23	29
Philosophy	15	9
Psychology	11	5
Mathematics	10	6
None	8	3
Engineering	6	—
Sociology	6	4
Business Administration	4	4
Speech	3	—
Statistics	3	2
Accounting	2	2
Biology	2	1
Chemistry	2	—
Education	2	2
French	2	—
Social Sciences	2	1
Aviation	1	—
Comparative Literature	1	—
Farm Management	1	—
Humanities	1	2
Finance	1	—
Industrial Management	1	—
Industrial Relations	1	—
Foreign Languages	1	7
Journalism	1	3

Latin	1	—
Pre-Medical Science	1	—
Romance Languages	1	—
Public Speaking	1	—
Social Studies	1	—
Industry	—	3
Geology	—	2
Science	—	2
Literature	—	1
Anthropology	—	1
Advertising	—	1
Mechanical Engineering	—	1
Labor Law	—	1
Music	—	1
Chemistry-Physics	—	1
Personnel	—	1
	<u>198</u>	<u>155</u>

5. *Fields of graduate and professional study* (213 responses; many double and triple fields) :

	<i>1969</i>	<i>1962</i>
Law	122	80
Economics	75	68
Industrial and Labor Relations	22	19
Political Science	16	18
Unspecified	11	18
Business Administration	5	—
Industrial Engineering	5	—
Sociology	5	4
History	3	4
Personnel Administration	3	—
Public Administration	3	—
Education	3	—
International Relations	2	—
Labor History	2	—
Psychology	2	3
Statistics	2	2
Adult Education	1	—
Accounting	1	—
Economic History	1	—
Finance	1	1
Industrial Engineering & Administration	1	—
Insurance	1	—
Marketing	1	—
Political Economy	1	—
Social Insurance	1	—

Speech	1	—
Theology	1	—
Administration	—	10
Mathematics	—	1
Cost Analysis & Control	—	1
Comparative Literature	—	1
Library Science	—	1
	292	231

6. *Full-time work with union or labor movement* (222 responses):

	1969		1962	
	Number	Percent	Number	Percent
Had none	203	91.4	163	93.7
Had some	19	8.6	11	6.3

(Of the 19 who specified the years of this work, the average was 5.0 years; in 1962, 10 arbitrators averaged 2.9 years in this work.)

7. *Full-time work with companies or employers' associations in labor relations* (220 responses):

	1969		1962	
	Number	Percent	Number	Percent
Had none	183	83.2	145	83.3
Had some	37	16.8	29	16.7

(Of the 37 who specified the years of this work, the average was 8.3 years; in 1962, 26 arbitrators averaged 5.5 years in this work.)

8. *Full-time or part-time work with Federal Government in labor relations* (215 responses):

	1969		1962	
	Number	Percent	Number	Percent
Had none	76	35.4	44	25.1
Had some	139	64.6	131	74.9

Federal Agency and Number of Years of Service:

	1969			1962		
	Full-Time	Part-Time	Average Number of Years	Full-Time	Part-Time	Average Number of Years
NWLB	53	30	2.4	51	35	2.5
WSB (1950-52)	28	20	1.4	27	20	1.6
NLRB	26	5	5.1	15	5	5.5
NWSB (1945-47)	8	9	1.5	9	12	1.1
FMCS	8	5	6.2	4	10	1.3
Conciliation						
Service	6	7	2.5	6	7	3.9
NRA	6	2	1.8	6	3	1.3
NMB	3	7	10.3*	2	10	7.1
Other	30	11	—	20	10	—

* Based on three responses only.

9. *Full-time work in state or municipal labor relations* (217 responses) :

	1969		1962	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Had none	184	84.8	144	83.7
Had some	33	15.2	28	16.3

(Of those with such service, the average number of years served was 8.2 in 1969 and 9.1 in 1962.)

<i>Agency</i>	<i>Number</i>	
	<i>1969</i>	<i>1962</i>
N.Y.S. Board of Mediation	16	8
State board of mediation (unspecified)	—	5
State labor relations board (unspecified)	—	4
City agency (unspecified)	1	2
N.Y.S. Labor Relations Board	5	2
Wisconsin Employment Relations Board	3	1
N.Y.C. Office of Collective Bargaining	2	—
Massachusetts Board of Conciliation	2	1
Pennsylvania Bureau of Mediation	1	—
Pennsylvania Labor Relations Board	1	1
Pennsylvania Department of Labor	—	1
Pennsylvania Workmen's Compensation Board	1	—
Missouri Employment Service	1	1
Michigan Employment Security Appeal Board	1	—
N.Y.S. Public Employment Relations Board	1	—
Division of Labor Relations, N.Y.C.	1	—
Louisville Labor-Management Commission	1	1
Alabama Department of Industrial Relations	1	1
Iowa Department of Labor	—	1
California Conciliation Service	—	1
	<u>38</u>	<u>30</u>

(Several persons worked for more than one agency.)

10. *Year of first arbitration case (217 responses) :*

<i>Years</i>	<i>1969</i>		<i>1962</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
1915-19	0	0.0	1	0.6
1920-24	0	0.0	0	0.0
1925-29	1	0.5	1	0.6
1930-34	4	1.8	2	1.4
1935-39	12	5.5	17	9.7
1940-44	42	19.4	45	25.7
1945-49	52	24.0	57	32.6
1950-54	45	20.7	35	20.0
1955-59	25	11.5	17	9.7
1960-64	31	14.3	0	0.0
1965	5	2.3	0	0.0
	<u>217</u>	<u>100.0</u>	<u>175</u>	<u>100.3</u>

11. *Age at which first arbitration case heard (218 responses) :*

<i>Average age</i>	<i>37.4</i>	
<i>Age by five-year intervals:</i>		
<i>Age</i>	<i>Number</i>	<i>Percentage</i>
20-24	1	0.5
25-29	22	10.1
30-34	66	30.3
35-39	59	27.1
40-44	36	16.5
45-49	15	6.9
50-54	13	6.0
55-59	4	1.8
60-64	2	0.9
	<u>218</u>	<u>100.1</u>

12. *Source of first case (220 responses) :*

	<i>1969</i>		<i>1962</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Parties	67	30.4	52	30.0
AAA	42	19.1	42	24.2
State Mediation Board	29	13.2	20	11.6
NWLB	25	11.4	29	16.8
FMCS	19	8.6	8	4.6
Another Arbitrator	14	6.4	7	4.0
Conciliation Service	10	4.6	7	4.0
NMB	6	2.7	3	1.7
Other	8	3.6	5	2.9
	<u>220</u>	<u>100.0</u>	<u>173</u>	<u>99.8</u>

13. *Length of time from acceptance to AAA, FMCS, or state agency panel to receipt of first case (77 responses):*

<i>Average</i>		
	8.4 months	
<i>Months</i>	<i>Number</i>	<i>Percent</i>
1	10	13.0
2	8	10.4
3	18	23.4
4	3	3.9
6	17	22.1
9	1	1.3
12	6	7.8
18	2	2.6
24	8	10.4
36	4	5.2
	77	100.1

14. *Average number of cases heard during first five years in arbitration profession (188 responses):*

<i>Year</i>	<i>Average Number of Cases</i>
1st	14.8
2nd	19.7
3rd	22.8
4th	28.4
5th	33.6

Distribution:

<i>Cases</i>	<i>1st</i>	<i>2nd</i>	<i>3rd</i>	<i>4th</i>	<i>5th</i>
0- 20	159	152	135	120	107
21- 50	17	21	35	44	47
51-100	9	12	15	17	25
101-200	2	2	2	6	8
Over 200	1	1	1	1	1
	188	188	188	188	188

15. *Availability for arbitration (217 responses):*

	<i>1969</i>		<i>1962</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Continuously available	173	79.7	132	75.4
Not continuously available	44	20.3	43	24.6

(Of those not continuously available, they were on the average unavailable for 4.9 years (1969) and 4.0 years (1962).)

16. *Principal source of income at outset of career in arbitration* (219 responses):

	<i>Number</i>	<i>Percent</i>
As a teacher	115	52.5
As a lawyer	55	25.1
As a consultant	8	3.6
From retirement income	3	1.4
Other	38	17.4
	219	100.0

17. *Grounds for achievement of initial acceptability as an arbitrator* (218 responses):

	<i>Number</i>
NWLB experience	63
Other governmental board experience	61
Reputation as a teacher	59
Experience as apprentice arbitrator	22
Affiliation with an institute of industrial relations or like institution	21
Publications in the field of labor	18
Other	41
Not known	16
	301

(Several persons cited more than one contributing factor.) The larger groups of "other" were: recommended by established arbitrators (10); labor law practice (5); prior labor relations experience (8); acquaintance with unions and employers (6); association with George Taylor (3).

18. *Arbitration apprenticeship* (222 responses):

	<i>1969</i>		<i>1962</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Did not serve	191	86.0	156	89.1
Served	31	14.0	19	10.9

19. *Starting year of apprenticeship* (31 responses):

	<i>1969</i>	<i>1962</i>
1926	—	1
1939	1	2
1940	2	2
1941	1	—
1942	1	2
1946	1	1
1947	—	2
1950	1	—
1952	2	1
1954	2	1
1955	1	1

1956	3	3
1957	2	1
1958	1	—
1960	2	—
1961	3	—
1962	2	—
1964	2	—
Unspecified	4	2
	<u>31</u>	<u>19</u>

Average duration of apprenticeship

Years	
1969	1962
3.1	2.6

20. *Nature of the apprenticeship (31 responses) :*

	1969		1962	
	Number	Percent	Number	Percent
Sitting in at hearings	21	67.7	17	89.5
Office work	11	35.5	8	42.1
Background research	14	45.2	9	47.4
Drafting decisions	16	51.6	12	63.2
Writing entire decisions subject to review	17	54.8	12	63.2
Writing decisions without review	2	6.4	4	21.1
Hearing officer	10	32.3	8	42.1

21. *Awareness of parties of apprenticeship (30 responses) :*

	1969		1962	
	Number	Percent	Number	Percent
Were aware	26	86.7	17	89.5
Were not aware	4	13.3	2	10.5

22. *Percentage of time spent in apprenticeship (30 responses) :*

Percent	
1969	1962
49.6	55.0

23. *Rate of compensation during apprenticeship (24 responses) :*

Type of Compensation	1969		1962	
	Number	Average	Number	Average
None	7	—	5	—
Annual salary	6	\$7,133.00	7	\$5,709.00
<i>Per Diem</i>	5	90.00	4	39.50
Weekly salary	1	150.00	1	100.00
Board salary (unspecified)	1	—	1	—
Hourly pay	2	3.25	—	—
Pay per case	1	100.00	—	—

One respondent began his apprenticeship with an annual salary of \$7,500 and concluded with a *per diem* of \$180.

24. *Length of time from inception of apprenticeship to receipt of first case* (28 responses) :

	1969	1962
	18 averaged 17 months	14 averaged 21 months
Received first case concurrently with apprenticeship	4	4
Received first case before inception of apprenticeship	6	—

25. *Those who trained apprentices* (183 responses) :

	1969		1962	
	Number	Percent	Number	Percent
Did not train	154	84.2	141	85.5
Did train	29	15.8	24	14.5

26. *Average number of apprentices trained by those who trained* (28 responses) :

1969	1962
3.3	3.1

27. *Time devoted to labor arbitration* (214 responses) :

	Number	Percent
Arbitrate on full-time basis	54	25.2
Arbitrate on part-time basis	160	74.8
	214	100.0

28. *Regular occupations of part-time arbitrators* (158 responses) :

	Number
Teacher	97
Lawyer	36
Consultant	10
Other	29
	172

(Several respondents indicated more than one regular occupation.)

29. *Percentage of time devoted to arbitration by part-time arbitrators (152 responses):*

Average: 30.9 percent

Distribution:

<i>Percentage of Time</i>	<i>Number</i>	<i>Percent</i>
1-15	47	30.9
16-30	55	36.2
31-45	14	9.2
46-60	14	9.2
61-75	13	8.6
76-90	6	3.9
91-99	3	2.0
	152	100.0

II. Opinions on Shortage of Arbitrators

1. *Waiting list for cases to be heard in 1969 (214 responses):*

Did have a waiting list	131
Did not have a waiting list	73
Others *	10

* Eight respondents indicated that they scheduled cases from two to six months in advance and two more refused appointment when not available.

Frequency of overload (83 responses):

<i>Number of Responses</i>	<i>Percent of Year</i>	<i>Frequency Number of Times</i>	<i>Monthly</i>
62	100		
3	75		
2	50		
1	25		
68			
1		1	
2		2	
2		2-3	
3		3	
2		3-4	
1		4-5	
1		10-12	
12			
3			x
83			

Number of cases waiting to be heard (102 responses) :

<i>Number of Cases</i>	<i>Number of Responses</i>
1-5	35
6-10	28
11-15	13
16-20	7
21-25	5
26-30	3
31-35	1
36-40	8
Over 40	2

2. *Special educational fields suited for facilitating entry to the field of arbitration (186 responses) :*

	Yes	No	
	162	24	
<i>Educational Field</i>			<i>Number of Times Cited</i>
Law			130*
Industrial and Labor Relations			65
Economics			51**
Business Administration			9
Social Sciences			6
Political Science			5
Engineering			3
Sociology			2
Mathematics			2
Physical Sciences			2
Labor History			2
Accounting			2
Industrial Management			2
Industrial Engineering			2
Psychology			2
Mechanical Engineering			1
Philosophy			1
Statistics			1
History			1
Social Psychology			1
Industrial Sociology			1
Behavioral Science			1
Banking and Finance			1

* Includes 21 suggestions of Labor Law.

** Includes 20 suggestions of Labor Economics.

3. *Important criteria for gaining acceptance as an arbitrator:*

<i>Criteria</i>	<i>Number of Times Cited</i>
Impartiality and fairness	100
Technical competence	63
Analytical ability and intelligence	53
Suitable temperament and personality	44
Integrity	41
Lucid, reasonable decisions, promptly rendered	39
Experience	31
Recommendations and prior personal relations	19
Exposure to the parties	15
Objectivity	12
Conduct orderly hearings	10
Education	6

4. *Possibility of a shortage of qualified arbitrators (205 responses):*

Yes	93
No	83
Do not know	29

5. *Means of acquiring acceptance as an arbitrator:*

<i>Recommendations</i>	<i>Number of Times Cited</i>
Apprenticeship and training	86
Related government experience	62
Related teaching experience	27
Related educational background	25
Contacts with parties	23
Availability and listing with AAA, FMCS, and appointing agencies	23
Exposure to parties	21
Related writing	14

6. *Desirability of standardized entrance requirements for facilitating acceptance (207 responses):*

Yes	30
No	170
Do not know	7

*III. Arbitration, Mediation, and Fact-Finding*1. *Caseload by tenure of arbitrators (174 responses):*

	1969		1962	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Ad hoc	5,814	65.5	4,684	72.7
Permanent umpire	2,161	24.4	1,160	18.0
Permanent panel of arbitrators	900	10.1	600	9.3
	<u>8,875</u>	<u>100.0</u>	<u>6,444</u>	<u>100.0</u>

2. *Service as umpire or member of panel of arbitrators* (201 responses) :

In 1969, 151 arbitrators served as umpires under 489 agreements and/or as panel members under 425 agreements. (115 arbitrators served as umpires under 489 agreements, and 112 served as panel members under 425 agreements.)

In 1962, 102 arbitrators served as umpires under 235 agreements and/or as panel members under 308 agreements.

3. *Industry distribution of umpireships and panels* (179 responses) :

	1969		1962	
	<i>Umpireship</i>	<i>Panel</i>	<i>Umpireship</i>	<i>Panel</i>
Plant	—	—	29	—
Steel	21	15	17	12
Garment	18	3	6	—
Rubber	15	10	6	3
Electrical & Electronics	13	16	7	6
Airlines	10	23	1	4
Metal Fabrication	9	10	8	5
Public Education	9	9	—	—
General Manufacturing	8	9	—	—
Construction	8	1	2	1
Textile	7	6	9	3
Food Products	7	6	—	2
Maritime	7	5	—	—
Machine Manufacturing	7	4	3	1
Railroad	7	4	3	—
Government Service	7	4	—	—
Auto Parts	7	3	6	—
Meat	—	—	7	1
Air & Motor Transportation	6	6	—	7
Aluminum	6	2	—	—
Plastics	6	1	2	2
Trucking	5	12	—	—
Newspapers	5	9	1	4
Aircraft	5	8	7	5
Shipbuilding	5	5	1	7
Auto	5	1	6	1
Chemical	4	9	8	7
Retailing	4	9	—	3
Aerospace	4	5	—	—
Printing	4	3	—	—
Utilities	4	2	1	3
Hotels & Restaurants	4	2	3	—
Paper	4	1	—	—
Mining	3	8	3	7
Copper	3	5	—	—
Shoes	3	3	1	2
Furniture	3	3	2	—
Cement	3	2	3	—

Hospitals & Nursing	3	2	2	—
Publishing	3	—	1	3
Munitions	3	—	—	—
Agricultural Equipment	3	—	2	1
Glass	2	8	3	8
Communications	2	5	—	—
Broadcasting	2	5	—	—
Warehousing	2	2	—	—
Appliances	2	2	—	—
Instruments	2	1	—	—
Optical	2	1	2	1
Office Equipment	2	1	1	2
Building Service	2	—	—	—
Laundry	2	—	—	—
Breweries	1	5	1	2
Refining	1	3	—	—
Wholesale Distribution	1	2	1	2
Oil	—	2	1	2
Auto Repairs	—	—	2	—
Truck Manufacturing	1	1	2	—
Bearing Manufacturing	—	—	2	—
Lumber	—	—	2	—
Hats	1	1	—	2
Woodworking	—	1	—	2
Nonferrous Metals	—	—	1	2

A substantial number of additional industries were represented by only one umpireship and/or panel.

4. *Participation as neutrals in labor dispute (139 responses) :*

	1969	1962
Railway Labor Act Emergency Board	15	9
Taft-Hartley Title II Board	2	5
Presidential Board Other Than Railway or Taft-Hartley	—	24
Other:		
State Board of Mediation (unspecified)	—	116
N.Y.S. Board of Mediation	—	100
State Mediator & Hearing Officer	—	75
Private Mediator & Consultant	—	53
City	10	40
NRAB & NMB	1	35
Health, Welfare & Pensions	—	10
Atomic Energy Panel	—	9
FMCS & Labor Department	—	7
Railroad Public Law Boards	6	—
Executive Order 10988	6	—
Special Boards of Adjustment	—	6

N.Y.S. Public Employment Relations Board	3	—
AEC Labor-Management Relations Panel	2	—
State Minimum Wage Board	—	2
U.S. Minimum Wage Board	1	—
National Protection Agreement	1	—
Miscellaneous	4	8
	<u>51</u>	<u>499</u>

5. Sources of ad hoc arbitrations (184 responses) :

	1969		1962	
	Number	Percent	Number	Percent
Parties	2,466	40.7	2,337	44.0
AAA	1,440	23.7	1,096	20.6
FMCS	1,306	21.5	903	17.0
NMB-NRAB	485	8.0	418	7.9
State Agencies	334	5.5	518	9.8
Courts	6	0.1	12	0.2
Other	28	0.5	28	0.5
	<u>6,065</u>	<u>100.0</u>	<u>5,312</u>	<u>100.0</u>

6. Cases in which arbitrators served as neutrals but not as arbitrators in labor disputes (207 responses) :

1969		1962	
Arbitrators	Cases	Arbitrators	Cases
83	806	37	499

7. Participation in dispute settlement in the public sector (216 responses) :

	Number	Percent
Have participated at some time	156	72.2
Have never participated	60	27.8
	<u>216</u>	<u>100.0</u>

Area of participation in public sector dispute settlement during the past three years:

	Number of Arbitrators	Number of Cases
Fact-finding	86	490
Mediation	17	604
Election	27	125
Other:		
Arbitration	37	163
Hearing Officer	3	4
State Labor Relations Board	1	50
Unspecified	20	57

8. 1969 service as a neutral in fact-finding cases in the public sector (208 responses) :

	<i>Number</i>	<i>Percent</i>
Served	73	35.1
Did not serve	135	64.9
	<hr style="width: 50px; margin: 0 auto;"/> 208	<hr style="width: 50px; margin: 0 auto;"/> 100.0

73 arbitrators served in 214 cases (average: 2.9) .

9. 1969 service as a neutral in mediation and conciliation cases in the public sector (202 responses) :

	<i>Number</i>	<i>Percent</i>
Served	58	28.7
Did not serve	144	71.3
	<hr style="width: 50px; margin: 0 auto;"/> 202	<hr style="width: 50px; margin: 0 auto;"/> 100.0

58 arbitrators served in 225 cases (average: 3.9) .

SURVEY OF THE ARBITRATION PROFESSION IN 1969

I. The Arbitrator

1. How old were you on December 31, 1969? _____
2. How many years of schooling have you had? Years
 High School _____
 College _____
 Graduate or professional _____
3. What degrees do you hold? (Check)
 None _____
 B.A. _____
 B.S. _____
 M.A. _____
 M.S. _____
 M.E. _____
 LL.B. _____
 LL.M. _____
 J.D. _____
 S.J.D. _____
 Ph.D. _____
 D.D. _____
 Other _____
4. What was your major field of concentration in college? _____
 Your minor field? _____
5. What type, if any, graduate or professional study did you do? _____
6. Have you ever worked for a union or the labor movement on a full-time basis? Yes _____ No _____
 If the answer is "yes," give the years of this experience: _____

7. Have you ever worked for a company or an employers' association in labor relations on a full-time basis? Yes _____ No _____
 If the answer is "yes," give the years of this experience: _____

8. Have you ever worked for the federal government in labor relations work on a full-time or part-time basis? Yes _____ No _____

If the answer is "yes," give the agency and years:

<i>Agency</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Years</i>
NRA	_____	_____	_____
NLRB	_____	_____	_____
Conciliation Service	_____	_____	_____
NWLB	_____	_____	_____
NWSB (1945-47)	_____	_____	_____
FMCS	_____	_____	_____
NMB	_____	_____	_____
WSB (1950-52)	_____	_____	_____
Other	_____	_____	_____

9. Have you ever worked for a state or municipal government in labor relations work on a full-time basis? Yes _____ No _____

If the answer is "yes," give the agency and years:

<i>Agency</i>	<i>Years</i>
_____	_____
_____	_____

10. In what year did you hear your first arbitration case? _____

11. At what age did you hear your first arbitration case? _____

12. From whom did you receive your first case?

NWLB	_____
Conciliation Service	_____
FMCS	_____
NMB	_____
State Mediation Board	_____
AAA	_____
Parties	_____
Another arbitrator	_____
Other (name) _____	_____

13. If your availability was made through application to AAA, FMCS, or state agency, how long was it from the time of acceptance for the panel to first case received? _____

14. Approximately how many cases did you have during your first five years as an arbitrator?

1st year	_____
2nd year	_____
3rd year	_____
4th year	_____
5th year	_____

15. Excluding short periods, have you been available for arbitration continuously since that time? Yes _____ No _____
If the answer is "no," give the years during which you did no arbitration:

16. When you started as an arbitrator what was your principal source of income?
As a teacher _____
As a lawyer _____
From retirement income _____
As a consultant _____
Other (specify) _____
17. How do you believe you were able to achieve your first acceptability as an arbitrator?
From your NWLB experience _____
From your other governmental board experience _____
From your publications in the field of labor _____
From your experience as an apprentice arbitrator _____
From your reputation as a teacher _____
From your affiliation with an Institute of Industrial Relations or like institution _____
Other (specify) _____
Do not know _____
18. Did you serve arbitration apprenticeship with an established arbitrator? Yes _____ No _____
19. If the answer to No. 18 is "yes," give the years in which this apprenticeship took place: _____
20. What did the apprenticeship consist of? (check)
Sitting in at hearings _____
Office work _____
Background research _____
Drafting decisions _____
Writing entire decisions subject to review _____
Writing decisions without review _____
Hearing officer _____
21. Were the parties aware of the apprenticeship? Yes _____ No _____
22. During the apprenticeship what proportion of your time was spent in the arbitration apprenticeship? _____ percent
23. What was the rate of compensation during the apprenticeship? (specify) _____
24. How long was it from the inception of the apprenticeship to the first case you received on your own? _____
25. Have you ever trained an apprentice arbitrator? (The means in an organized program and excludes occasional visitors to hearings.)
Yes _____ No _____

26. If the answer to No. 25 is "yes," how many apprentices have you trained? _____
27. Do you do labor arbitration on
 Full-time basis _____
 Part-time basis _____
28. If part-time, what is your regular occupation?
 Teacher _____
 Lawyer _____
 Consultant _____
 Other (specify) _____
29. If part-time, what percent of your time is devoted to arbitration? _____

II. Opinions on Shortage of Arbitrators

1. During 1969 did you ever have a waiting list for cases yet to hear?
 Yes _____ No _____. If yes, how often did you have a list and what was the average number of cases: _____
2. Are there any special educational backgrounds particularly suited for facilitating entry into the field of arbitration? Yes _____ No _____
 Why or why not _____
3. What is (are) the important criterion (criteria) for gaining acceptance as an arbitrator? _____
4. Will there be a shortage of qualified arbitrators when the "war-labor-board" arbitrators retire? Yes _____ No _____ Why or why not? _____
5. How would you recommend that a younger person interested in becoming an arbitrator should go about obtaining the necessary acceptance?

6. Should standardized entrance requirements be instituted for facilitating the acceptance of new arbitrators? Yes _____ No _____.
 Why or why not? _____

III. Arbitration, Mediation and Fact-Finding

1. Of your total 1969 caseload, how many were
 Ad hoc _____
 Permanent Umpire _____
 Permanent Panel of Arbitrators _____
2. Under how many collective bargaining agreements in 1969 were you serving as umpire (or with some other "permanent" title)? _____
 Under how many were you designated as a member of a panel of arbitrators? _____
3. Indicate the industry or industries in which you held umpireships:

 In which you were designated on panels:

4. Have you participated in 1969 on any of the following: Number
- | | |
|-----------------------------------|-------|
| Railway Labor Act emergency board | _____ |
| Taft-Hartley Title II Board | _____ |
| Other Presidential boards | _____ |
| Other (specify) | _____ |
5. For your *ad hoc* arbitration in 1969 give the number obtained by each of the following means:
- | | |
|-----------------------|-------|
| Parties | _____ |
| FMCS | _____ |
| AAA | _____ |
| NMB and NRAB | _____ |
| State agencies | _____ |
| Courts | _____ |
| Other (specify) _____ | _____ |
6. During the calendar year 1969, in how many cases did you serve in a neutral third-party capacity in a labor dispute on problems in which you were not acting as arbitrator? _____
7. Have you ever participated in dispute settlement in the public sector? _____ How many cases have you had in the past *three* years of the following types:
- | | |
|--------------|-------|
| Mediation | _____ |
| Fact-finding | _____ |
| Election | _____ |
| Other | _____ |
8. During the calendar year 1969, did you serve as a neutral in fact-finding cases in the public sector? _____
If so, how many? _____
9. During the calendar year 1969, did you serve as a neutral in mediation and conciliation cases in the public sector? _____
If so, in how many cases? _____