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DEDICATION

In October 1972 a Joint Steering Committee to revise the Code of Ethics came into existence, created by the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service. At my request, Bill Simkin agreed to serve as joint chairman, while Ralph Seward and Syl Garrett agreed to serve as members designated by the Academy. The work of the full committee was completed and a new Code of Professional Responsibility was approved in April 1975.

There is occasionally an instance, and this is one, when the bare bones of the record completely fail to reveal the essential core surrounding that record. An important project was started in October 1972 and came to fruition in April 1975. To verbalize its progress is to minimize, during the intervening two and one-half years, the hard thought, the testing and balancing of conflicting ideas, and the many drafts of basic principles difficult to agree upon in substance and equally difficult to express in acceptable language. The committee stayed with a tough job and brought it through to completion, expressing man at his noblest in elevating his standards of conduct. And for this we gratefully dedicate this volume to Bill, Ralph, and Syl, and to Dave Miller, who gave much in 1974 to the final success of the Code.

Gerald A. Barrett



For David P. Miller

March 22, 1975

I think the first thing to be said about David Miller is that all the accolades we will be hearing will be wholly genuine and wholly deserved. I think the point is worth making because it is true, after all, that kind words are spoken about any recently deceased person. It would be wrong to lump Dave with the multitude or to assume that those who speak or write about him are doing so in pro forma fashion.

I knew Dave well for something like a dozen years. Running through my mind have been a series of instances in our relationship which in one way or another are reflective of who Dave was and which I'd therefore like to share with you.

I remember the Annual Meeting held in Washington about 10 years ago. Dave was the Academy's secretary—full of concerns over all sorts of last-minute things to be taken care of, as is true of any secretary at the time of the Annual Meeting. On this occasion, he had brought not only Hazel but also the children. I remember his intense interest in their welfare—what their sleeping accommodations would be, where he might take them to an unusual restaurant, what museums or memorials were the most suitable for them. Dave was a man who declined to be preoccupied with himself and who was capable of truly caring for his family even under stressful circumstances.

I remember the occasion, eight or nine years ago, when Dave came to me to ask whether I'd be willing to take over the Membership Committee. He came to me in his capacity as secretary and at the request of then-president Fleming. I am not saying that they chose wisely, but it is a fact that the Board of Governors' meeting at which a chairman of the committee would have to be announced was only a day or two away and that Dave therefore was on a selling mission. But hard-sell and aggressiveness were foreign to Dave's nature. So was drippy verbosity. In his usual soft manner, Dave did indicate that he'd like me to take the job. Except for that, however, he simply asked whether I'd be willing to do it. Had I given him a "no" answer, he would have graciously and understandingly accepted it.

I remember the occasion when I called him with the question of whether he thought it would be all right if I missed a Board of Governors' meeting because my daughters were in a piano recital. One could sense that he did not really approve, for he did not hesitate to observe that attendance at Board meetings was the important part of accepting election as a Board member. But Dave could do it straightforwardly. His own fibre spoke. There was no need for a sermon

about duty and obligations. And as to my particular question on this occasion, there was Dave's exceptional balance and empathy: He thought the excuse was valid, and he allowed me to feel comfortable about staying away.

I remember the occasion, less than a year ago, at Lew Gill's place at the shore. When on a sojourn of that sort, I seem incapable of repressing the urge to throw a ball around. It was about noon, and Dave and Lew were ready for good conversation and a preluncheon martini. Selfishly, I nevertheless suggested that we have a game of catch. Dave made it appear that he was genuinely agreeable, he became a spirited participant, and it was not he who called a halt to the game when it finally ended. Dave was a giving person. He had fun in life because he was capable of deferring to the wishes of others.

I remember the occasion when Dave's shining humor came to the fore. The occasion was a discussion at a tri-regional meeting devoted to the problems facing the Reexamination Committee. At one stage of the discussion, I presented a series of statistics that had been compiled from the committee's questionnaire. One set of statistics went to the extent of formal education of Academy members. It showed us to be a group of exceptionally extensive education. Only a small handful had not progressed beyond a B.A. or B.S., and only a similarly small handful had not progressed beyond an M.A. or M.S. I knew that both Dave and I were in the latter category. I looked up from my paper, turned to Dave in the audience, and said: "Mr. President, you and I are among the least educated in the Academy." Dave came right back with "We didn't need it."

I remember the long walk I took with Dave shortly after he had become president and when he was pondering what steps he should properly take in connection with the new Code. It cannot be doubted that he inherited an undertaking of very substantial controversy among us. Not once did I hear even the slightest complaint about this from him. His sole concern was how best to proceed—how to be fair with those who had gone on record with beliefs other than his own, how to compose differences, how to avoid apparent or actual partisanship on his part while still steering, and how to gauge the question of whether the Academy's best interests lay in substantial further chances for discussion and dissent or in taking a prompt route to action. Dave worried. But he worried without self-pity, and his worries were the fruitful prelude to resolute confrontation.

And I vividly remember, as do all of us who were there, the October Board meeting devoted to the Code. I assume it to be true that no Board meeting of greater potential Academy importance has ever taken place. As the members of the Executive Committee who met with him on the night before can attest, Dave had made the most thorough preparations for every eventuality. With painstaking attention to detail, he was ready for procedural debate, for substantive choppy waters, and for smooth guidance should he have an essentially tranquil and conciliatory Board. At the meeting itself, he led with the

quiet effectiveness which was his—without arrogance or pompousness, but also without timidity or undue deference. The results of the meeting are now history. Dave succeeded in obtaining an accommodation between the Board and the Simkin committee, and the Board, at its January meeting, unanimously voted for adoption of the Code. I think that Dave's was nothing short of a triumphant performance. And I am pleased beyond measure that I told him so at the time—before he landed in the hospital and before he died.

Dave's beautiful modesty should not go unmentioned. I simply do not recall a single occasion on which he sought to display his goods in the "I had a case" fashion. He had his share of uncertainties about some of his holdings, but swaggering talk to overcome them was not his way. And there is, finally, what I regard as the height of modesty and good taste in the entry among the biographical sketches in the *BNA Digest* published in June 1974. Dave was the Academy's president at the time, and, as we all know, we prepare our own biographical sketches for purposes of BNA publications. Under "Miller, David P.," with respect to affiliations, there is merely "Member and officer, National Academy of Arbitrators."

Dave was a dignified man, yet thoroughly capable of joviality and levity. He was endlessly devoted to duty, yet never pious. He was pleased to have been nominated and elected for president, but he was without ego-feeding need and he performed without ego-created obstructions. He could not stand Watergate-type abuses, but he was a man of compassion. He deeply cared for excellence and accomplishment, and he drove himself hard to be a man of excellence and accomplishment; but he was without intolerance toward those who were less gifted than he. He looked for the goodness in them, not their titles or degrees. He was not ashamed to strive to make a good living, but he was generous to a fault. He was a decent man.

Rolf Valtin

Farewell to a Friend

In October and November of 1974 David Miller sustained a series of heart attacks from which he was never to recover. He died peacefully at home, watched over by those he loved best, on 22 March 1975, at the age of 55.

In the practice of arbitration, to which Dave devoted all of his adult years, 55 is not an advanced age. The years since 1950, when his career as one of the country's leading arbitrators began, shaped and matured his judgment; at the time of his heart attack he was probably at the height of his powers. The great void created by his death, however, cannot be explained simply by his stature as a professional arbitrator: What we mourn is the passing of a fine man, a truly rare spirit who inspired not only respect but also deep affection among all of those who knew him well.

messages from well-wishers, in his words, buoyed his spirits and added to his will to improve. When untimely death came, Dave was already at peace.

Benjamin Aaron

Dave was the most generous and loving of teachers to me. I was privileged to know this man, and I would offer some words in consolation. When we lose someone this close, it seems to me the powerful and inevitable thought is: "I wish I could have said something I've always felt." And the consolation I offer is my view, which I believe you share with me, that as between Dave and us, there was nothing left unsaid. If we had that extra five minutes, we could not have put into words our feeling for that man any more than he could for us. And it was not necessary. I know he knew. And you know he knew. And the reason this unspoken communication was possible was the love he shared. It is the same love he put into his every written word, and which made him treat the Academy and his friends in the Academy with such boyish pride and, above all, which made him treasure Hazel and their family. All aspects of his life were regarded with the same devotion. That's why there is nothing left unsaid.

The question then is, why are we here? And the answer is so we can talk to each other about these things. Dave was always good about getting us to talk. And if this fuss insults the logic which was Dave's guiding light, he'd forgive us, I know, for it is a concession to the compassion which was his other constant companion.

Dave, you wouldn't approve of all this ceremony over you. But bear with us—we've all lost family, and it helps for us to know there was nothing left unsaid.

Richard Bloch

Mary and I didn't get to know Dave and Hazel intimately until a few years ago. Up until then we had only admired the way Dave handled matters as secretary of the Academy and noted what a pleasant fellow he seemed to be in casual conversation. But in the last few years we've gotten to know Dave and Hazel very well indeed, and our initial impression of Dave was very badly an underestimate. A year or so ago I had occasion to write to Dave and say, "You must be the nicest guy in the whole Academy."

That is the kind of extravagant compliment that rarely passes my lips, but I will tell you now that I meant it literally and seriously. The occasion which brought on the remark throws some light on the kind of remarkable person Dave was. I had painted myself into a very awkward and embarrassing situation, and Dave had gone out of his way, with no real reason for writing me about it at all, to send me a long handwritten letter, carefully analyzing the problem and giving me warm reassurances that were very comforting. The point is not so much

Arbitrators, unlike most men, leave a tangible record of their life's work behind them. They leave a bookshelf of several thousand decisions. Dave Miller left such a legacy. His decisions reveal his good judgment, his high analytical powers, and his fine writing style. But these are merely the dry remains of past labor-management disputes. The decisions do not reveal Dave's true dimensions. He was, above all, a whole man. He cared deeply about his family, his work, and his professional associations. It is the intensity and quality of that caring that I shall always remember.

He approached his arbitration work with a high sense of responsibility and dedication. He never treated a dispute lightly. Of the arbitrators I have known, he is the man most likely to have never written a bad award. He approached people with warmth, interest, and respect. Of those I met 21 years ago when I began a career in arbitration, none was more encouraging than Dave. He approached the National Academy of Arbitrators with a devotion bordering on love. He spent more years doing more work for the Academy than perhaps anyone in its history. And his relationship to both problems and people was always suffused with a quiet dignity and a basic decency. He was a sweet, good man. All of us will miss him.

Sleep well, Dave.

Richard Mittenhal

There is a phrase that is much with us these days: the Quality of Life. It is usually taken to connote external conditions—the environment—and there is something to that, of course. In thinking of Dave Miller, what I perceive above all, what was most striking about him, are the attributes of heart and mind and spirit. I mean those attributes that have always been part of his character and nature. These are inner things, and I think of Dave as having lived a Life of Quality, not external, but characteristic of the all too brief span of his years.

I first met Dave Miller nearly 25 years ago when he came to Detroit to assume the position of manager of the Board of Administration of the Ford Motor Company and UAW Retirement Plan, the first pension plan established through collective bargaining in the auto industry. In a very short time he became the impartial chairman of that Board of Administration and later one of the umpires under the collective agreement between Ford and UAW. It was then that we had the closest association and when I learned of the nobility of his character, his goodness, and his beautiful spirit.

In every profession the people who win the greatest respect from their colleagues are those who combine superb technical competence with deep personal integrity and unflagging loyalty to the profession's high ideals. As a colleague, Dave left nothing to be desired. Friendly and buoyant in spirit, gracious and serene, his every thought and action mellowed by gentleness and humility, he was a unifying influ-

CONTENTS

CHAPTER 1. Presidential Reflections	1
by David P. Miller	
CHAPTER 2. More Peace—More Conflict	8
by Clark Kerr	
CHAPTER 3. Ministry of Reconciliation: A High and Indispensable Calling	16
by Richard F. Schubert	
CHAPTER 4. Post-Gardner-Denver Developments in Arbitration Law	24
by Gerald Aksen	
Post-Gardner-Denver Developments in the Arbitration of Discrimination Claims	36
by Winn Newman	
Arbitration of Employment Discrimination Cases: An Empirical Study	59
by Harry T. Edwards	
CHAPTER 5. Alcoholism and the World of Work	93
by Barbara J. Hill	
The Problems of Alcoholism in Industry	97
by Donald F. Godwin	
Alcohol and the Just Cause for Discharge	103
by Gerald G. Somers	
Comment	117
by Jerry R. Tucker	
Comment	120
by Harrison Trice	
Discussion	125

APPENDIX E. Reports of Overseas Correspondents: Sweden, a Country Where Law Is Used as an Instrument of Change	357
by Folke Schmidt	
Labor Relations Developments in Australia, 1974	361
by J. E. Isaac	
CUMULATIVE AUTHOR INDEX (1973-1975)	365
TOPICAL INDEX	369