

should not concern himself with this fact of life. As in the selection of advocates, a party gets just what it deserves when it selects an incompetent system board member.

In closing, let me join Iz Gromfine in noting that I am not now and never have been guilty of any of the sins of which Arnold complained in his presentation.

Rejoinder—

ARNOLD M. ZACK

I have sat here patiently through these vituperative comments made by allegedly informed experts on the subject of tripartite panels. I can take it no longer. I am at the end of my wits' rope. The clearly blind adherence to the concept of tripartitism leaves me speechless. I must therefore renounce anything favorable I might have said about tripartitism and revert to extolling the conventional wisdom of the single neutral. After a detailed and cursory examination of the literature, I can find no better recitation of the benefits thereof than in Chapter IV, pages 18 and 19, of the 1694 volume, *Arbitrium Redivivum or the Law of Arbitration*:

The arbitrator's "power is larger than the power of any ordinary or other extraordinary judge; for an Arbitrator hath power to judge according to the compromise or submission after his own mind, as well of the Fact as of the Law, but the other Judges are tyed to a prescript form, limited to them by the Law of Magistrate.

"And since his power is so great and incontrollable, Men ought to be cautious how they make choice of Arbitrators; therefore it is thought fit that such persons be Elected as are sufficient and indifferent.

"That they have sufficient skills of the matter submitted to them, and have neither legal nor natural impediments. That they be not infants who by reason of their few years may want discretion and knowledge.

"That they be neither Mad nor Ideots, for such are void of understanding.

"That they be neither Deaf, Dumb or Blind, for thereby their principal senses necessary for the apprehension of the Matter may be impaired.

"As for indifferency, That they be void of Malice and Favour to either of the parties, that they be not notorious by Outlawry, Excommunicated, Irreligious, nor Covetous. . . ."¹

¹See note 2 in John Kagel's paper, Chapter 5, *supra*.