ARBITRATION 1982
CONDUCT OF THE HEARING
PREFACE

Despite the large turnout at the 35th Annual Meeting of the Academy in Washington, D.C., the format of the proceedings provided ample opportunity for members and guests to meet in small groups to discuss the conduct of the arbitration hearing. The essence of these half-dozen or more simultaneous discussions of the admissibility of evidence and procedural rulings during the hearing is contained in Chapters 5 and 6 of this volume. Ted St. Antoine, the Program Chairman for the Annual Meeting, is to be thanked for the many hours he spent in the summer, fall, and early winter of 1982 extracting the highlights from the tapes of all the individual sessions.

Ted Jones's Presidential Address was warmly received by his fellow members who found in it support for their "own brand of industrial justice." Feelings of the advocates in the audience were assuaged by Ted's assurance that the arbitrator's "brand" was extracted from the wisdom he gained from the parties. Harry Edwards gave further support to arbitrators and the arbitral process by expressing a strong preference for arbitration rather than the courts as the best forum for resolving conventional disputes about personnel and industrial relations issues. This is high praise from a former arbitrator turned Federal Appellate Court judge.

Ben Aaron set forth, and defended ably, a comprehensive role for the arbitrator in ensuring that the arbitration process would be fair. The commentators, Andrea Christensen and Judith Vladeck, representing the management and union point of view, respectively, took issue with Ben about the extent to which the arbitrator should set ground rules for ensuring fairness and, along with Ben and many members of the audience, debated this question at some length. Portions of that discussion are included in Chapter 3.

Dick Mittenthal and two advocates—Stuart Bernstein for management and Sam Camens for unions—presented their views about the art of opinion-writing. Although there was gen-
eral agreement that arbitrators should state matters clearly, precisely, and succinctly and should refrain from writing suspense stories, there was, as can be gleaned from the discussion in Chapter 4, some disagreement about the approach the arbitrator should take in developing his opinion and what should and should not be included in it.

The editors wish to express the appreciation of the officers and members of the Board of Governors of the Academy to the Program Committee and to Nick Zumas, the Arrangements Chairman, and his committee for the work that went into making the meeting so successful. The editors are grateful to the authors for getting their papers in promptly, and apologize to the members of the Academy for the somewhat lengthy gestation period required to get this volume into print. We will try to do better next year!

James L. Stern

December 1982

Barbara D. Dennis
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