

Concluding Comments

It should be fairly obvious from the foregoing analysis that the National Academy of Arbitrators is a full-fledged professional society. Its stated objectives are generally consistent with benchmarks associated with professional associations, and its performance over the years meets appropriate professional standards. Clearly, the Academy has room for improvement as a professional society. The establishment by President Murphy in 1986 of a Special Committee on Professionalism¹⁶ was a step in the right direction. If past performance is any measure of what the future may hold, the Academy should maintain its status as a professional society well into the 21st century and beyond.

III. COMMENTS ON GOVERNANCE

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When I talked to Panel Chairman Bruce Fraser about my role on this panel, we agreed that I would discuss members' perceptions of governance. He shared his survey results¹ with me this morning, and I have discussed the subject with many of our recent and long-standing NAA colleagues over the past several months.

Bruce's questionnaire, which was sent to 315 NAA members who have joined the Academy since 1980, yielded a number of interesting statistics: 315 "newer" members are almost half our membership; 190 members returned questionnaires, and Bruce recently reported results based on 165 of the responses on hand at the time of his tabulation. The response rate is quite high. In the context of recent rumors and grumbling among the rank and file, the most interesting statistic is that 76 percent of the respondents agreed with the statement: "The NAA reflects well my sense of what it should be." Only 11 percent disagreed.

The survey questions which touch on the governance of the Academy are as follows: "The NAA is under the influence of a

¹⁶The Committee's report can be found in Seward, *Appendix B: Report of the Special Committee on Professionalism*, in *Arbitration 1987: The Academy at Forty*, *supra* note 1, at 221-68.

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¹The results of the questionnaire sent to newer members by Bruce Fraser appear in Appendix D of this volume.

small elite group of older members.” Of the respondents 60 percent agreed, 20 percent disagreed, and 19 percent had “no opinion.” But 45 percent of the respondents agreed that “nomination of officers fails to reflect the entire NAA.”

The perception that access to the governance (including committees) of the Academy is restricted and that the governing body does not reflect the membership is widely held, even among the allegedly elite (many of whom denied the title). My perception (and what emerged from my own unscientific survey of friends and colleagues) is that the NAA is run in the way that many collegial professional associations are run: by a hard working group of volunteers who are dedicated to perpetuating the stated purposes of the organization. Those who move up in the ranks of the offices do so through proven service. They have the respect and faith of the interested members—at least of those who vote.

Members who are satisfied in general, those who are disaffected, and those within the loyal opposition are frustrated by the apparent inability of the existing structure to represent our increasing numbers and our evolving and varying interests. As President Al Dybeck pointed out in his most recent *Chronicle* column, “there is an undercurrent of dissatisfaction among some members . . . with the current practices in nominating and electing officers.”

The disinclination of the membership to respond in print to the provocative statements in Jonathan Dworkin’s *Chronicle* column—for example, that the Academy is an undemocratic institution run by an “Eastern Mafia”—suggests to me that there is either little agreement with the statement or general satisfaction with the existing order.

As to committee membership, many people were of the opinion that if a member really wants to get involved, there are ample opportunities for service. Most committee jobs and offices require a tremendous sacrifice, which few are willing or able to make. Some positions require a particular expertise, which is well met by incumbents.

There is no dispute that the opportunities for service should be increased. The Committee to Review Inter-Committee Relationships and Functions recommended regulating committee service “to permit our expanding membership to participate in the governance of the Academy.”

On the other hand, the survey responses show that only 27 percent who offered to serve on a committee had been turned down, and 26 percent felt that committee membership fails to adequately represent newer members. Some of us have neither the time nor the desire to do more than pay dues, attend some meetings, and vote when asked.

There is some sentiment that we need a more representative governing body. It is clear that we now have greater diversity among our membership than was the case 10 or 20 years ago. Full-time practitioners have different needs from those with other primary institutional connections, such as full-time academic appointees. It is also a fact that there are regional differences among us.

A recent communication from the New England Region of the American Arbitration Association (and a similar report from the Federal Mediation and Conciliation Service) reflects these geographic differences in labor arbitration practices, including fee structure and case load. There are few whose practice includes major umpireships; more of us are hearing public sector cases with an emphasis on mediation. There have been dramatic changes in the environment of labor arbitration as reflected in our midyear and annual meeting programs.

Our increasing numbers suggest, as our leaders already have acknowledged, that we must expand the opportunities for newer members. Debate over constitutional amendments is an appropriate means of airing and bringing new ideas to a vote. The committee to study governance issues (proposed at our business meeting) is a satisfying response to the challenge.
