

## CHAPTER 13

### REMINISCENCES

#### I. INTRODUCTION

ANTHONY V. SINICROPI\*

I'd like to welcome you to the first Coffee Lounge Chat. This is, in effect, a continuation of the Fireside Chat that started back in 1991. Up until the great interview Howard Block had with Dick Mitterthal last year, I believe most of the honorees were Labor Board arbitrators or immediate prodigies thereof. If you recall, when Franklin Delano Roosevelt was president of the United States, he was noted for his Fireside Chats. Maybe that is one of the reasons we had Fireside Chats. At the present time, the "in thing" happens to be a coffee lounge, so maybe this is the transition keeping up with the current times, although I have a certain affinity for the term Fireside Chat.

A little earlier today I received my 30-year pin. When I joined the Academy 30 years ago, I was more than a little awe-struck by all these great names and great people I saw. Among those was this rather patrician looking, tall, rather aloof appearing arbitrator from California. He already had a legendary reputation, and not only was he an arbitrator of national stature, he exuded all of the above characteristics in this very urbane manner. His reputation as Future Arrangements Chairman of the Academy was already well noted, having taken us from the Holiday Inn to the Hiltons and the Hyatts. I said to myself, "I want to be like Tom Roberts. I want to be Tom Roberts." Then I said, "I am not tall, I am not urbane, I am not patrician looking, I don't have a national reputation." In fact, I was short, rather ordinary, and with a name like Sinicropi you could never be Roberts. So I figured the next best thing to being Tom Roberts or being like Tom Roberts was getting to know Tom Roberts. I thought that might be a little difficult, given the impression I had. But, I found out it was easy. It has also been one of the

---

\*President, National Academy of Arbitrators, 1991.

great delights of my life, both in my professional career and my personal life, to become Tom's friend.

Tom's aloof manner is nothing more than what I consider to be modesty and shyness. Tom's manner is reserved, but he is a regular guy. While I have unmasked him, I'd like to briefly tell you about two or three sides of this man.

Tom is a devoted family man. He deeply cares about his wife Kathy, a lovely lady indeed, his two children and his grandchildren. It might surprise some of you to know that Tom Roberts' son, Gary, was a member of the Boy Scouts when he was a youngster. Tom was involved as an Indian Guide father. Now think of this: Can you imagine Tom Roberts in the woods, in a tent, camping with a bunch of Boy Scouts? Well, it is true—he did that, and what's more, he became friends with many of the Indian Guide parents. On occasion, he and Kathy meet with them to this very day.

When Tom's daughter Lisa went off to college, Tom found many ways to get down to Duke University to visit her. When Gary was at Stanford University Law School, I know he was up there lecturing at the Law School on occasion. Every year the Roberts family goes to Alisal, which is a family vacation ranch resort in the Santa Barbara area. Those family visits began many years ago when the kids were small. Now that they are grown, and there are four grandchildren, the staff at Alisal gives them the same rooms. I think the kids think it is their own private reserve. There is the family side of Tom Roberts.

Tom Roberts has a love affair with trains. I don't know where or how it began, but he knows trains. He attends meetings with other train aficionados. He rides trains when and wherever he can. He subscribes to train magazines. I think I can say with certainty that he knows more about trains than anyone else in the Academy. There was a lot of e-mail about taking train trips from Vancouver across Canada, and I want to tell you, at the risk of enduring his wrath, any member looking in that direction should get hold of Tom Roberts, and he can tell you what to do. I know I had a great train trip from Vancouver to Jasper Lake with Tom and some of our friends.

There is another side to Tom Roberts. He loves sports. I know Ted Jones and he share UCLA football tickets. However, Tom's highest and greatest regard for sports is reserved for baseball. Within baseball, it is the Dodgers. Tommy Lasorda claims to be the greatest Dodger because he bleeds blue; but Tom's a Dodger blue blood.

Now I'd like to get to the Academy. I don't know that anybody loves the Academy more than Tom Roberts. He has served this organization in many capacities. I've already mentioned how the culture of our meeting places changed for the better under the long tenure of Tom as the Future Arrangements Chair. We all know he has been president of the Academy, and he is a model for many of his colleagues. But I learned something I didn't know: Tom has never missed an annual meeting or an annual fall educational meeting since 1963, when he became a member of the Academy. I think some of the other members may say they haven't either, but I don't know that they have been in the Academy as long as Tom.

Finally, there is Tom Roberts the arbitrator. I know we all have a great love for and dedication to arbitration. But, I do not believe anyone likes to arbitrate more than Tom Roberts. I do not believe there is anyone who continues to have that great burning desire to arbitrate for as long as Tom Roberts has. He does this because he wants to and because he is dedicated to it.

Now that I have gone on for some time, I'd like to hear from Tom Roberts, and I am sure you would also.

## II. COFFEE LOUNGE CHAT

THOMAS T. ROBERTS \*\*

**Anthony V. Sinicropi:** How did you get into arbitration in the first place, Tom?

**Thomas T. Roberts:** At the risk of revealing my antiquity, I will tell you that I grew up in an entirely different social climate than that which exists today. Discrimination was rampant. Where I lived, if you were of the Jewish faith, you couldn't join the country club and you could not own property in the more attractive parts of town. If you were a Catholic, your highest political ambition would be service as a Tammany Hall alderman. If you were black, you couldn't play baseball in the major leagues. Perhaps even more invidious, throughout the 4 years of Naval service I experienced during World War II, African Americans were strictly segregated and routinely discriminated against. That made a deep impression

---

\*\*President, National Academy of Arbitrators, 1988.

upon me. I was blessed thereafter with a Jesuit education and the overwhelming theme of that experience was the precept that every man is equal in worth and dignity, a lesson to be applied not only in social settings but also in the workplace. This concept has remained with me and I still embrace that precept. It seems to live with me.

It is strange how fate twists and turns experiences during our lives. I went to college on the GI Bill at Loyola University in Los Angeles. While I was there, a sprinkling of the Jesuit institutions across the United States determined to develop programs dealing with industrial relations. That opportunity attracted me, and it became my introduction to the world of the workplace. One such twist of fate is the fact that, at St. Louis University, there was a Jesuit who held a doctorate in economics from Harvard and who had established a labor school there. His name was Leo Brown. I will return to Father Brown in a minute.

**Anthony V. Sinicropi:** Didn't you go to work at Douglas Aircraft, where you started to deal with grievances at a grass roots level?

**Thomas T. Roberts:** I had my undergraduate education paid for by the GI Bill, and that was a sweet deal. I was a philosophy major. To this day, my library at home contains the many books of philosophy the government bought for me under that program. They also paid me \$50 a month, but by the time I finished college I had exhausted those benefits and I was determined to go to law school. So in order to pay my tuition, I secured a job at the Douglas Aircraft plant in El Segundo, by LAX. I worked there in the Industrial Relations Department during the daytime and I went to law school at night.

While I was at Douglas, I was involved in handling grievances on the factory floor and preparing cases for arbitration. Finally, after 2 or 3 years I was invited to sit in on an arbitration hearing. I had a terrible shock—I didn't know what to expect. In walks a young professor from the law school at UCLA, one Edgar A. Jones, Jr. Ted was the first arbitrator I had encountered. We have since become close friends.

**Anthony V. Sinicropi:** After you got out of law school, you started out almost immediately as an arbitrator. Did you have anybody who was a mentor or teacher?

**Thomas T. Roberts:** My experience was a bit unique. I didn't then know any arbitrators. I did not have a mentor but somehow I managed to convince the Federal Mediation and Conciliation Service and the American Arbitration Association that the experi-

ence I had gained correlating second-step grievance hearings at Douglas was the equivalent of the requisite training for admittance to their arbitration panels. They placed me on those panels and for some reason it all developed from there.

**Anthony V. Sinicropi:** How did you get in the National Academy?

**Thomas T. Roberts:** My wife, Kathy, who has contributed so much support in my efforts over the years, had a role in that. When we were married in 1961, I didn't have any money. Fortunately, however, Kathy was a flight attendant. She was required to leave her employment, but one of the benefits she had earned was a round trip ticket for two anywhere on the American Airlines system. I had not traveled a great deal in my arbitration work, and I talked her into going to New York and then down to the Caribbean. We came home through Washington, D.C. When we arrived in Washington, I remarked that I had been sending FMCS awards to some place called the Labor Department and I would like to see what it looked like. Kathy thereupon excused me for the afternoon and I went down to the FMCS offices. George Strong, who was then General Counsel, was at that time responsible for overseeing the arbitration panels. He was very gracious and asked me to join him in his office. At the end of our discussion he asked, "You are in the National Academy of Arbitrators aren't you?" I replied, "No, what is that?" He responded, "It is an organization with some wonderful people in it, and you should be a member." I said, "I have only been at this for 2½ years—do you think I am eligible for admittance?" He replied, "Don't worry, you are very busy and thereby eligible for admittance." I then went right home and filled out an application for membership and was immediately rejected. But after waiting another two years I did manage to gain acceptance into the Academy.

**Anthony V. Sinicropi:** When you got into the Academy, what was it like? Did you meet anybody? That was before they had the new membership orientation program. Did anyone talk to you at first?

**Thomas T. Roberts:** I was admitted in October of 1963. The next annual meeting was in January of the following year in New York City. Kathy and I went to that gathering. I knew absolutely no one in attendance. You have to understand that at the time the Academy had a population of around 250 members. At the business session, a gentleman came up to me and said, "I want to welcome you to the Academy. My name is Benjamin Aaron." Ben was the first arbitrator I ever shook hands with, and I treasure our friendship to this day.

As it turned out, 3 years earlier a young labor economist from St. Louis University named Leo Brown had served as the president of the NAA. Father Brown had established a tradition of hosting a poker game one night during the annual meetings. I said to myself, "I am in. I am a Jesuit product and with that credential Father Brown will surely see that I win a significant amount of money." I asked Kathy for her permission and she agreed, but she limited my bankroll to \$20. Well, I was in that poker game for all of 3½ minutes before that kindly Jesuit wiped me out.

**Anthony V. Sinicropi:** You became a national arbitrator. Some arbitrators are very successful, but they are primarily regional. How did it happen that you got all these national appointments? How did that come about?

**Thomas T. Roberts:** Along with Howard Block, who has also become a valued friend, I was doing rubber industry cases, and they tended to expand their arbitrator panels from regional to national panels. The same sort of thing happened with the airlines and also within the telephone industry.

**Anthony V. Sinicropi:** Were there any advantages to traveling, particularly in the early days when there were two young children at home?

**Thomas T. Roberts:** Well, when there were diapers to be changed it was great to get out of town. But perhaps the greatest advantage has been the fact that I haven't had to buy a bar of soap for the past 35 years.

**Anthony V. Sinicropi:** Did you ever take the family on any of these trips?

**Thomas T. Roberts:** We did. God has been good to me. I have a marvelous wife and two great children. We have always been very close as a family. For example, the Alisal resort you referred to grew out of a series of arbitration assignments at Vandenberg Air Force Base. I would take the family there and enjoy their presence after work was concluded. There were family train trips to places like Denver and Salt Lake City for arbitration hearings. On one occasion we took the children to hearings in Billings, Montana, and stayed over to explore a great deal of that entire area. I had a series of hearings in Hawaii, and I managed to schedule them around school holidays so the children and Kathy could accompany me.

**Anthony V. Sinicropi:** You have had a lot of high profile cases and umpireships. You have dealt with airline mergers, the baseball collusion situation, and the General Motors/United Auto Workers

umpireship. Let's talk a little about the Northwest-Republic airline merger situation.

**Thomas T. Roberts:** Northwest Airlines merged with Republic Airlines. Among the pilots, it was an intrafamily affair—the Air Line Pilots Association represented all of them, a total of 4,960 pilots. It was my job to assign each and every one of those 4,960 pilots a seniority number. You all know the importance of seniority to a pilot—it means everything. It determines where he or she works, when he or she works, where he or she flies and on what type of equipment, all of which fixes the amount of their earnings. There were eight different models of airplanes between the two that had to be merged in terms of qualifying pilots. In constructing the seniority list, I made one friend (the individual I assigned seniority number 1) and 4,959 enemies. The hearings were intensely contested, and they were conducted all across the country. We had somewhere in the neighborhood of 40 days of hearings, over 5,000 pages of transcript, and 400 exhibits.

**Anthony V. Sinicropi:** Where did these hearings take place?

**Thomas T. Roberts:** That engendered the most enjoyable aspect of the assignment. The two pilot groups could not agree on anything, absolutely nothing. After I accepted the appointment, I asked, "Where are we going to have the first round of hearings?" They answered, "We couldn't agree on that; you decide, Roberts." I took great pleasure selecting sites. We went up to the lake at Traverse City, Michigan. We had hearings in Monterey and Carmel, California, as well as at Berkeley. We spent a week at Scottsdale, Arizona and 2 weeks at Vail, Colorado. We did it properly.

**Anthony V. Sinicropi:** You issued this award. Is that all done now?

**Thomas T. Roberts:** I heard a little talk this morning about residual benefits as established in collective bargaining agreements. I am looking for some residual benefits from my friends in the Academy. After the Northwest-Republic award went out, I had a series of 11 hearings in which my job was to tell them what I meant by certain provisions in the original award. They finally gave up on me and then hired about every third person here in this room to try to figure out the balance of the award. I really think that at the least you all owe me a martini.

**Anthony V. Sinicropi:** How long do these residuals run? Your award was prospective in some respects.

**Thomas T. Roberts:** It is still in place. It remains in effect until January 1, 2006.

**Anthony V. Sinicropi:** When did you hear this case or issue the award?

**Thomas T. Roberts:** It was in the 1980s sometime—I can't quite remember.

**Anthony V. Sinicropi:** That is retention of jurisdiction. Let's go to baseball, your great love. You were one of the original salary arbitrators in baseball. Do you remember what year that was?

**Thomas T. Roberts:** I do indeed. The first year they had salary arbitration was 1974. As you know, at that time there was just one arbitrator assigned to each case rather than the current panel arrangement. I had one of the cases that first year. The player was Clarence "Cito" Gaston. At the time, he was a young outfielder with the San Diego Padres (he has subsequently enjoyed a very successful career as a major league manager). At that proceeding, Gaston asked for \$50,000 for the 1974 season. The club offered him \$42,000, so there was \$8,000 on the table. Compare that with the millions at issue today.

In the beginning of baseball salary arbitration, the presentations were amateurish. It was not quite like it is now. As you may know, their collective bargaining contract sets forth the specific procedures by which salary arbitration is to be conducted. Each side gets 1 hour for their case in chief and one-half hour for rebuttal. The criteria to be applied are set out in explicit detail.

One of the early participants in the salary arbitration process was Charlie Finley, the owner of the Oakland Athletics. Finley was quite a character. I won't identify the player, but at one hearing involving Oakland I opened the session by turning to the representatives of the player and stating, "You have 1 hour in which to present your case." They proceeded to talk very rapidly for the full hour in order to get in as much as they could. When that was over, I turned to Finley and announced, "Mr. Finley, we have heard from the player; now it is your turn. You have 1 hour initially." He cleared his throat, looked at me, and said, "No son-of-a-bitch in this world is worth \$100,000." I looked at my watch and replied, "Well, I have that statement in my notes. You now have another 59½ minutes for your opening presentation." He replied, "I have nothing further other than to repeat. 'No son-of-a-bitch is worth \$100,000.'" That was his case.

**Anthony V. Sinicropi:** Do you remember some of the other salary arbitrators at that time in the beginning?

**Thomas T. Roberts:** Lew Gill was doing them, a man I loved very much. Ben Aaron and Howard Block did a number of the cases.



**Anthony V. Sinicropi:** There weren't too many, were there?

**Thomas T. Roberts:** I don't know if they ever told me the size of the panel. I know the original panel was constructed during a series of interviews initially conducted around the country by Richard Moss, the then general counsel of the Players Association, and a representative of the clubs.

**Anthony V. Sinicropi:** This was back in the days when Marvin Miller was still representing the players. This preceded Don Fehr and everyone else. Do you have greater longevity in the baseball industry than all the people in the union, the managers, and the owners?

**Thomas T. Roberts:** I do. I have more seniority than anybody at the Major League Baseball Players Association, as well as at the Office of the Commissioner.

**Anthony V. Sinicropi:** I think you were the first salary arbitrator to award a million dollars.

**Thomas T. Roberts:** That is true. I remember that it was in February of 1983. The Dodgers had a young pitcher from Mexico on their team, who really could not speak much English at all. He was then 22 years old; he had but 2 years and 6 days of major league service (it required 2 years of such service to be eligible for salary arbitration). In 1981, Fernando Valenzuela had been named the National League Rookie Pitcher of the Year, as well as Major League Player of the Year. There was a great deal of interest in his case. I was about 10 minutes into the hearing when we discovered one of the radio stations had managed to put a microphone under the door at the back of the hearing room. We had to stop the proceeding and remove the device.

One of the negotiated salary arbitration criteria in the collective bargaining agreement is fan appeal and popularity. On the other hand, one of the negotiated factors the arbitrator is prohibited considering is public statements of endorsement of the abilities of a player made by representatives of the club by whom he is employed. The Valenzuela hearing had scarcely begun when Richard Moss, who was representing Fernando, announced, "At this time Mr. Roberts, I'd like to show a 3½ minute video in support of our contention that Fernandomania is gripping the entire country with the result Fernando puts 15,000 additional fans in the stadium every time he pitches, whether it be in Los Angeles or at any other park." With that, Robert Walker, the lawyer for the Dodgers and a very talented representative, came out of his seat objecting on several grounds to the presentation of a video. One

such ground was that a video tape had never before been presented during a salary arbitration proceeding. With even more vigor, however, Walker declared that through the means of the video, Fernando's representatives would attempt to sneak in some club testimonial evidence contrary to the proscriptions of the collective bargaining agreement. In response, I announced, "I am going to allow the showing of the film, but I want to assure you that if it contains any testimonial-type declarations, I will not pay a bit of attention, and such evidence will play no role in my decision."

The hearing room was then darkened and the video commenced. It first showed a very large group of fans gathered outside of Dodger Stadium waiting for the gates to open. They were all waving flags that said "Viva Fernando." That, of course, was a proper demonstration of fan appreciation. The next thing that came on the screen, however, was a close-up of Tom Lasorda, then the manager of the Dodgers. Lasorda is looking directly into the camera. He declares with some emotion, "Throughout my career as a manager, my greatest ambition was to have on my team the most outstanding left-handed pitcher in baseball, and I have finally reached that goal. I have Fernando Valenzuela on my team!" Bob Walker, the Dodgers' lawyer, stopped the video and with considerable energy stated, "Mr. Roberts, I told you they would do just that, insert a testimonial." I attempted to calm him down by stating, "Don't worry. I again assure you that any improper testimonial presentations will not be permitted to impact my judgment in any way." With that, we darkened the room again, and the next scene displayed by the video was an interview of a father and mother accompanied by their eight children waiting for the gates at Dodger Stadium to open. The father explains that he lives in Chihuahua, Mexico, and after saving his money for 2 years the family came to Los Angeles to see Fernando pitch. That is not a club testimonial. But the next scene was that of Al Campanas, then the general manager of the Dodgers. Campanas states for the camera, "When Walter O'Malley was alive and he brought the Dodgers to Los Angeles, he would frequently tell me his greatest desire was that of including an outstanding Mexican player on our team." The focus of the camera then came in closer on Campanas, who thereupon looked up at heaven and called out, "Walter, Walter, we now have that outstanding Mexican player. It is Fernando." With that, a tear came to the right eye of Campanas and trickled down the side of his face. This caused an even greater reaction from the Dodger representatives, and the lights in the hearing room came

back on. I felt that I had to do something to quiet the situation. I turned to Walker and said, "Bob please sit down and calm down. I told you before if anything of that sort is shown I am not going to pay it a bit of attention and I do not intend to do so." But as I said this, I pulled a handkerchief from my back pocket and wiped an imaginary tear from my right eye!

**Anthony V. Sinicropi:** I remember going to an Academy meeting in Philadelphia where Tommy Lasorda was present and he wanted to meet you. Subsequent to that you met Valenzuela after he got this million-dollar award. Do you want to tell us about that?

**Thomas T. Roberts:** That year the Academy met, by chance, in the same hotel in Philadelphia that the Dodgers were occupying while in town to play the Phillies. There were signs in the lobby indicating NAA registration and so forth. Tommy Lasorda saw those signs and said, "Is that guy who is screwing up baseball here with us? I want to meet Roberts." They brought me down to the lobby where I chatted briefly with Lasorda. As I left to attend Academy business, I passed the coffee shop where I noticed Fernando having a bite to eat before boarding the team bus for the stadium. I went over to him and said, "Mr. Valenzuela, it is nice to see you again." He was polite but he wasn't interested in talking to strangers. I said, "I am Tom Roberts. I am the one who presided at your arbitration." His face lit up, and he almost shouted, "Oh, Tom, sit down." We thereupon had a nice lunch together.

**Anthony V. Sinicropi:** I have to tell you in the audience that my daughter Chris moved to California before I moved to California. She got a job about two doors down from where Tom's office happened to be at that time. I told Tom, "My daughter is out there and she is going to be working on Silver Spur and she might need a place to live." He said, "We will take care of her." Kathy and Tom took in my daughter Chris and she lived with them. I think shortly thereafter, they took a trip to China, and she house sat for them. It was great they did these things.

About that same time, I was in Chicago, and I had an arbitration case with an airline. As I was walking through the hotel lobby, I saw a young man, John McPhail Jr., who was a young lawyer in Colorado. He happened to be the son of John McPhail of the Montreal Expos. John McPhail Jr. became the president of the Detroit Tigers, and now he is president of the Florida Marlins. I said, "What are you doing here?" He said, "I am here on a baseball case." I asked, "Whose case?" He said, "It is a Montreal Expos case for Tim Raines." I asked who the arbitrator was, and he said "Tom

Roberts." I said, "My daughter lives with him." McPhail did a double take.

**Thomas T. Roberts:** I had the strangest looks from those people when I walked into the hearing room that morning, and now I know why. That hearing, incidentally, began in an interesting fashion. I told you a little bit about the procedure. This is another case where there was a great deal of celebrity. Tim Raines was a marvelous outfielder. His greatest gift was his speed. He could catch fly balls from foul line to foul line, and he also was adept at stealing bases. He was very talented. I called the hearing to order. His agent is Tom Reich. Tom utilizes at his salary arbitration hearings his brother Sam Reich, who is a noted criminal lawyer here in Pittsburgh. I called the hearing to order, turned to Sam Reich, and said, "Mr. Reich, I am going to call on your side to present your case first." Sam looked at me and stated, "Mr. Roberts, I came in to Chicago 2 days ago. I have been meeting with our economists who are here. I have met with other players who know Tim's abilities and career. I met with Tim's family. I have gone over all of the baseball registers and I have decided that Tim is not worth \$1 more than the \$1,350,000 the Expos have offered him." This had never happened before. I was astounded. I asked, "Did I hear you correctly, Mr. Reich? Would you say that one more time please?" Sam replied with a straight face, "He is not worth a dollar more than the \$1,350,000 he's been offered." He then paused for a moment and added, "If you cut off his legs." Right away, I had a sense of who might prevail in that proceeding.

**Anthony V. Sinicropi:** After salary arbitration, you became the contract arbitrator, the grievance arbitrator for Major League Baseball. You decided a drug case. Was that the first case you heard?

**Thomas T. Roberts:** It wasn't the first case. I had a very long career as the grievance arbitrator in baseball—8 months to be precise. Toward the end of that tenure, I issued the drug decision, which found the owners were in violation of the collective bargaining agreement by unilaterally terminating a drug abuse agreement that was then in place rather than negotiating any changes with the union. That ticked off the owners for some reason. In the meantime, however, I had completed 8 days of hearings on the first of the collusion grievances. As you know, collusion involved a contract provision that prohibited the clubs from acting in collusion in their treatment of the salaries of the players. We were ready to start the ninth day of hearing when the representative of the owners told me I was fired. The Players Association immediately filed a grievance

saying it is true that you can fire the arbitrator anytime you want, but in doing so you can't take him off a case if it is already under way. The filing of that grievance presented the parties with a dilemma: Who is going to hear this case? We fired Roberts, so we don't have an arbitrator. What do we do? The answer was found in baseball tradition. As you are aware, the teams like to hire the last manager to be fired by the competition. So they said, "Who did we fire before we fired Roberts?" It was Rich Bloch, so they hired Rich Bloch! As you all know, he reinstated me, and I want you to also know that to this day my favorite arbitrator is named Rich Bloch!

**Anthony V. Sinicropi:** After you finished the collusion case, what was the finding, and what followed?

**Thomas T. Roberts:** We had extended hearings, something like 38 days on the merits and another 52 days on what the damages were going to be. I issued an award finding that the clubs had indeed violated the contract. Thereafter, I rendered an award on damages. There were 3 succeeding years of collusion, and those grievances were heard by my successor, George Nicolau. While all of that was continuing, the parties entered into a global settlement of all of the collusion grievances. The settlement included the deposit by the owners of the sum of \$280 million in a trust fund for the benefit of any players who had been damaged by collusion.

The distribution of the collusion damage monies is governed by a document constructed by the Major League Baseball Players Association entitled "Framework." That document defines several types of potential damages. In addition to lost salary and lost major league service claims, other damages include a loss of mobility forcing a player to perform for a team and in a market that provided reduced endorsement opportunities. A few players were forced to move to Japan in order to secure a baseball contract that matched what their value would have been in a free market. Still other players advanced emotional distress claims. In all, a total of 847 players filed damage claims, and because they were permitted to assert different types of damages, there were a total of 3,874 claims filed.

The Framework called for a single arbitrator to oversee the allocation of damages, and I serve in that responsibility. Pursuant to the Framework, the Players Association first submits a proposed distribution plan for a given set of player-claimants defined by year and/or type of damage. It is my obligation to approve, increase, or reduce each and every individual claim. If a player feels he has not been treated fairly under a proposed distribution plan, he has the

right to file what is called an “objection” directly at my office. In return, he receives a hearing before me. At hearing, the player is afforded full representational rights, the proceeding is documented by a court reporter, and a written award is issued. To date, I have conducted 340 such hearings.

**Anthony V. Sinicropi:** There are a couple of other things that happened in baseball, one that involved Nolan Ryan.

**Thomas T. Roberts:** Nolan Ryan filed an objection under the procedure I just described. As you may know, Ryan is the only player in the history of baseball to pitch seven no-hit games. In the course of the hearing, Dick Moss, his representative, announced, “As our next exhibit I present a document identifying the seven no-hit games that were pitched by Mr. Ryan.” The exhibit set forth the date of each of the seven games, the team he pitched against, and the score. Ryan’s representative then distributed copies of the exhibit and began to set the foundation for his next argument. I interjected with, “Just a moment, Mr. Moss. I have had a chance to glance over this exhibit and you allege therein that on September 28, 1974, Mr. Ryan pitched a 4-0 no-hit game for the Angels against Minnesota. I cannot find any record of that game in all of my baseball registers and record books.” This caused considerable consternation. I let everyone stew for awhile before I said, “Just a second. There is one more file I haven’t reviewed. I opened that file and produced the scorebook of that very game. I had been there with my daughter who turned out to be a biomedical engineer and who is very precise in her calculations. She had completed the entire record of the game. On the front of the scorebook, she had written “No Hitter Number 4.” Moss said, “I am sure Nolan would enjoy autographing that for your daughter.” I replied, “In all the years I have conducted baseball hearings, I have cautioned the court reporters and everyone else in attendance not to ask for the players’ autograph. I therefore wouldn’t feel right accepting one for my daughter.” About an hour later, during a break, word came to me that Ryan, who was out in the hall, would like to again see the picture of himself when he was 27 years old that appeared in the scorebook. I sent the scorebook out, and when it came back he had written on the front, “Dear Lisa — Great job keeping score. Your friend, Nolan Ryan.” The following day I sent the scorebook and the relevant portion of the transcript to my daughter in Santa Barbara, much to her enjoyment.

**Anthony V. Sinicropi:** You were the umpire for General Motors and the United Auto Workers for 13 years. You have had a lot of

outstanding predecessors. I am not going to name them all, but a few of them were Harry Millis, George Taylor, Ralph Seward, Saul Wallen, Gabe Alexander, and Arthur Stark. This is a great group of individuals, but you were there longer than anyone, for 13 years. Is there any explanation for that longevity? It is a great longevity record anywhere.

**Thomas T. Roberts:** I don't really know how it came about. I do know that in the last 4 or 5 years the volume of hearings decreased dramatically. If you are not sending out all that many awards, the parties cannot get too ticked off at you.

**Anthony V. Sinicropi:** You had a case where General Motors filed a grievance against the UAW. It was unusual in the respect that a company filed a grievance. What happened in that case?

**Thomas T. Roberts:** That was kind of an interesting situation. The General Motors-UAW collective bargaining agreement permits the company to file a grievance against the union. That had never before occurred. But in 1998, the employees at two plants in the Flint, Michigan, area went out on strike purportedly over safety issues. There is a clause in their contract that permits a halt of work occasioned by a claimed safety danger. It didn't take long for the ripple effect of the Flint strike to shut down other plants because of the parts shortage the strike created. Indeed, within 2 weeks there were 190,000 General Motors employees out of work.

The company thereupon initiated the first grievance ever filed by management with the UAW, and I ultimately assigned to it the designation GM-1. In the meantime, I began to receive ex parte calls from the company, a practice common to an umpire relationship and not unusual in itself. They were inquiring about available hearing dates but gave me no indication at all regarding what was to be heard. I figured it was another argument about who runs the brake machine in Tuscaloosa or something of that sort. Finally, I realized it must involve the strike in some way. I assigned four consecutive hearing dates. In the meantime, the company went to the federal district court in that area of Michigan and filed an action seeking an injunction and order that all 190,000 workers be returned to work forthwith.

The parties couldn't agree on where to have the arbitration, so we had the first two days of hearings in Detroit and the last two in Flint. The grievance sought an arbitral return to work order plus more than \$2 billion in damages. As noted, I only provided them 4 hearing days, which included opening statements, presentations,

and closing statements. As all of this was taking place, there were not any automobiles being sold.

I arrived in Detroit the night before the hearing was to begin. The next morning, I went down to the lobby of the hotel only to find eight television trucks positioned out front. The lobby had been roped off, and the General Motors security department had taken over in an effort to try and keep the media away from what was taking place. Someone said the hearing was going to be in the room at the end of the hall. I went down there and started to walk in with my briefcase. Some big burly guy stopped me and said, "Where do you think you are going?" I answered, "I am going to the arbitration." He informed me I couldn't go in there. I asked, "Why not?" He told me I couldn't enter because I didn't have a badge. They had prepared large badges that said "GM Hearing," and you had to have one of those to get into the hearing room. Fortunately, they agreed to issue me a badge when I identified myself as the umpire.

**Anthony V. Sinicropi:** Did you ever issue that award?

**Thomas T. Roberts:** We had the 4 days of hearings. They concluded on a Saturday evening in Flint. I flew home on Sunday. Monday I dictated the award. I had told them that because of the time constraints they weren't going to get any discussion of the issues but simply my disposition of the grievance, and if there was to be a remedy, it would come later. I told my secretary not to put a date on the award or on the transmittal letters. Kathy and I were on our way to New York the following day, where I had some baseball hearings and then we were going up to Toronto for an American Bar Association meeting.

I was aware that the parties had resumed negotiations while all this was taking place. I didn't want to issue the award while they continued to negotiate. On Monday the award was typed, I signed it, and we left for New York. Tuesday I received a call asking me to hold up the award, stating, "We are still talking." Wednesday I received a message that they had reached a settlement, but it was subject to ratification by the membership of the UAW. Finally, on Friday, they called to say that they had reached a settlement. The company agreed to withdraw the grievance without prejudice, and they also agreed to dismiss their proceedings in court. I was off the hook. To this day, there is nobody in the world except my then secretary and my beautiful wife who know the contents of the award. By the way, the judge who heard the motion of the company



in court and who ordered the parties to arbitrate forthwith is the son of the judge who had issued an injunction against Walter Reuther in the late 1930s when the sit-down strikes were taking place. Can you believe that?

**Anthony V. Sinicropi:** Amazing.

**Thomas T. Roberts:** Think how bright that management lawyer was to find that particular judge!

**Anthony V. Sinicropi:** There was a lot of publicity associated with that case. As I remember, they called some of the Academy members and some of your friends to obtain information about you. One of the persons they called was Bill Murphy, and he had something great to say about you. Do you remember that?

**Thomas T. Roberts:** One of the strengths of being in the Academy is the close and supportive friendships you develop. *USA Today*, the *Wall Street Journal*, the *New York Times*, the local and national television stations were all calling and asking friends and associates, "What can you tell us about Roberts as an arbitrator?" For some reason they got in touch with Bill Murphy down in Chapel Hill. They asked him, "What are Roberts' talents as an arbitrator?" Bill told them, "Well, he is pretty good at arranging our hotel meetings." This was actually published in the *Wall Street Journal*.

**Anthony V. Sinicropi:** I want to leave some time for some questions. But before we get to that, I started this out by saying that Tom is a regular guy despite what I originally thought was his patrician appearance. You have always demonstrated a concern for the little guy, the underdog. Is there anything that makes you think back and ask why after all these years and all this experience you still have empathy for the underdog, so to speak?

**Thomas T. Roberts:** I think it goes back to what I mentioned in the beginning, my appreciation for the dignity of every man. Some of you here may recall that during my presidential address I mentioned Juan Chacon of the Mine, Mill and Sweltes Workers out in New Mexico, who was the hero in that documentary called *The Salt of the Earth*. I worked with him and had great admiration for him. It has been very rewarding to work with and get to know people like that.

**Anthony V. Sinicropi:** I think we are ready. Now before we take off, I am going to give you an opportunity for questions if anyone has any questions.

**I.B. Helburn:** I had the privilege of serving as program chair in 1988 when Tom was president of the Academy. We met for the walk-through of the hotel that fall in Chicago—Tom, Dallas Jones, and I, with other Academy members. We did the usual walk-through, and then we went to dinner that night. We sat in a restaurant and watched Kirk Gibson—originally of the Detroit Tigers and now of the Los Angeles Dodgers by virtue of Tom's award in *Conspiracy I*—hit a home run as the pinch hitter in the 9th inning to win the first game of the World Series for the Dodgers. You would have thought the distinguished Mr. Roberts was a 6-year-old . . . on December 25th. I am not sure there was anything that could have given Tom more joy that evening than watching that outcome.

**Anthony V. Sinicropi:** That was a highlight—you are right.

**Neil Bernstein:** I remember you most from your marvelous negotiation with the Fairmont Hotel in New Orleans.

**Thomas T. Roberts:** I had negotiated a contract with the Fairmont to host our 1978 annual meeting. Somehow the sales department had sold to another group on top of what we had booked. They had more people coming in than they could accommodate. Rich Bloch was the Secretary-Treasurer at that time. We got together and he said, "You'd better get down there and see what we can do." After I threatened them, the Fairmont arranged for people to be bused out to other hotels on a complimentary basis. We had on our schedule for one evening a Board of Governors meeting. I said to a sales department staff worker, "We have this Board of Governors function in the hotel and I think we should have dinner here in the hotel hosted by the hotel. Also, who is playing in the showroom?" He replied, "It is Tony Bennett." I said, "I think that is where we should have our board meeting." At their expense, we had the meeting in that lovely setting and we were entertained by Tony Bennett. That was the beginning of our tradition of having our Board of Governors dinners.

**Anthony V. Sinicropi:** If you want to continue having those meetings we should have Tom negotiate, and therefore we could continue to have them without that cost.

**James J. Sherman:** My recollection is dim, but I remember Mickey McDermott made a speech one time where you were giving him a hard time.

**Thomas T. Roberts:** I was a plant on that occasion. Mickey McDermott's presidential address was delivered at the Century

Plaza Hotel in Los Angeles. About a quarter of the way into his remarks, I jumped up and in a very loud voice called out, "You are full of baloney." That triggered an exchange between the two of us. It was preplanned of course, but it was a lot of fun.

**Amedeo Greco:** Tom, what single attribute do you believe an arbitrator should have?

**Thomas T. Roberts:** I think you need to have a willingness to listen and try to understand what the parties are saying and what is behind what they are saying. I think if you entertain a respect for the people they will immediately discover that and treat you accordingly.

**Anthony V. Sinicropi:** I think that is it and I would like to thank Tom again.