In Memoriam

Byron R. Abernethy
1909–2003
Byron Abernethy was a founding father of the National Academy of Arbitrators and served as its 1982 President. After he retired from the arbitration profession, he was named an Honorary Life Member. Byron and his wife, Helen, who always accompanied him at Academy meetings, died in January 2003 within days of each other. They had been ailing for several years.

Born on a North Dakota family farm on February 18, 1909, Byron attended and later taught social sciences in local schools. In 1938 he earned an A.M., with a major in economics and minors in political science and American history. He and Helen were married shortly thereafter.

During alternate semesters and summer sessions, Byron traveled back and forth from the University of North Dakota, where he was an assistant professor of political science, to the University of Iowa, where he was a graduate assistant. He received his Ph.D. in 1941; his dissertation was entitled “Liberty Concepts in Labor Relations” and was published by the American Institute of Public Affairs.

Not satisfied with his academic prospects in North Dakota, Byron took a position as an instructor in political science at Texas Tech in Lubbock. When World War II broke out, he tried to enlist but was rejected. To make a contribution, he opted for civilian employment in the war effort. After filing a U.S. Form 57 (social science generalist application), he was hired as a wage analyst with the Regional Wage Stabilization Board (RWSB) in Dallas. Promotion was rapid in those days of manpower shortages and he became RWSB Director in 1945.

After the war, he took a position at Western Reserve University in Cleveland, but he and Helen missed Texas. They moved back to Lubbock and Texas Tech, where he became a full professor of political science three years later. During the Korean War, Byron also served as RWSB Director, shuttling back and forth from Lubbock to Dallas two or three times a week.

As is well known in the arbitration profession, Regional Board personnel were frequently deployed to resolve wage and other contractual disputes during World War II, and Byron got his arbitration initiation via what is now called “interest” arbitration. His first case had 17 issues, and he decided 23 cases his first year on the job. He had his first bona fide private grievance arbitration in Cleveland; his caseload picked up later in Texas so that he opted for full-time arbitration in 1957 and his regular academic career was over.
Byron answered the U.S. Conciliation Service’s call for a meeting of arbitrators in 1946 and became a charter member of the Academy at its 1947 founding. He served on both FMCS and AAA labor panels until his caseload demanded that he remove his name from both lists.

After serving as the Academy’s Southwest Region 13 Chair and on numerous committees (especially favoring what was called the Ethics Committee, now the Committee on Professional Responsibility and Grievances or CPRG), Byron was elected to the Board of Governors and to two terms as Vice President before his selection as President-Elect and President of the Academy in 1981–83.

President Abernethy vowed to put the Academy on a sound financial basis and charged the Audit Committee to include in its budget report a cost-by-function analysis. He agreed with outgoing President Edgar (Ted) Jones that the Academy’s seemingly precarious future required the appointment of a two-year Future Directions Committee, which laid the groundwork for the Fall Continuing Education Conference and New Member Orientation. He initiated the effort that ultimately resulted in the Academy’s Legal Representation Fund. The inadequacy of Academy recordkeeping led him to emphasize Academy history and archives in support of the Future Directions Committee’s recommendation to preserve the Academy’s heritage.

Even after his presidency, Byron continued to serve on the Academy History Committee and was an influential prod to the final production in 1997 of Fifty Years in the World of Work: A History of the National Academy of Arbitrators. The authors of the history are indebted to him for his unfailing support. Byron will be remembered as a quiet voice urging the Academy to keep its eye on the prize—the continued upgrading of arbitrators’ skills and ethics in promotion of the arbitration profession.

Gladys Gruenberg
Reg was a man of many parts, whose interests ranged from astronomy to baseball, gastronomy to constitutional law. He was a champion sprinter in high school and an inveterate cyclist as an adult. He played the flute and his taste in music ran from classical to New Orleans Jazz. He served in the U.S. Navy, graduated from Howard Law School and Columbia, and taught at the UCLA Law School and the Boston College Law School. He was a prolific writer, a graceful speaker, and a loyal and active member of the Academy. (Based on the Chronicle Remembrances of Tim Bornstein and Arnold Zack.)

Archie Cox was born in Plainfield NJ in 1912. He graduated Harvard in 1934 and its law school in 1937. After a clerkship with Judge Learned Hand, and after spending some time in private practice and governmental service, he joined the Harvard Law Faculty as a visiting lecturer in 1945 and became a tenured professor the next year, at the age of 34. He carved out a leading academic role as initiator of the standard labor law text, *Cases on Labor Law* (first published in 1948), and he gained national prominence as the Watergate Prosecutor fired by the Nixon White House in the 1973 “Saturday Night Massacre.” He later established himself in a new career as President of Common Cause from 1980 until 1992. His public accomplishments include serving as Co-Chair of the Construction Industry Stabilization Board, Chair of the Wage Stabilization Board, and Solicitor General. Throughout his career, Cox served as a labor arbitrator, and was admitted to the Academy in 1953. (Based on the Chronicle Remembrance of Arnold Zack.)

John Dunlop was a founding member of the Academy who was described by Tom Kochan as the “most influential of all New Deal industrial relations scholars and policy makers.” John received his
B.A. and Ph.D. from Berkeley and remained on the faculty at Harvard from 1938 until his death in 2003. His contributions to labor relations are legendary and they culminated in his appointment as Secretary of Labor by President Ford in 1975, a position from which he soon resigned when he felt that President Ford had failed to keep a promise he made to him on a significant labor matter. In 1994, he served as Chair of the president’s Commission for the Future of Worker-Management Relations, more popularly known as the Dunlop Commission. (Based on the Chronicle Remembrance of Arnold Zack.)

**Jacob (Jake) Finkelman**

Jake Finkelman was without question the Dean of labour relations in Canada. His influence went beyond the classroom of the University of Toronto Law School, extending to his service as Chairman of the Ontario Labour Relations Board, Chairman of the Canadian Public Service Staff Relations Board, a founding member and Canadian co-chairman of SPIDR (Society for Professionals in Dispute Resolution). He was the author of numerous articles and books on labour legislation and collective bargaining. He helped draft the major legislation that established the federal public service collective bargaining system in Canada and the Board that was set up to administer the legislation. His legacy will persist for many years. (Based on the Chronicle Remembrance of Frances Bairstow.)

**Peter Florey**

Peter Florey was born and grew to a young man in Germany. During World War II, he and his brother somehow crossed most of Germany, through the combat lines, and were taken by American soldiers in 1945. They made their way to the United States in 1946 and Peter, after convincing the admitting officers that his five-year German “High School” education was the equivalent to an American, four-year college education, graduated from the University of Pennsylvania Law School in 1950. Syl Garrett, then Chairman of the Board of Arbitration for United States Steel and the Steelworkers, brought Peter onto the panel in 1962, and he began his long arbitration career. He later arbitrated out of Philadelphia and Brattleboro, Vermont, and he retired in 2001 to Spring Valley, New
York. He died while visiting his daughter and grandson in New Zealand. (Based on the Chronicle Remembrance of Mickey McDermott.)

**Timothy J. Heinsz**

Tim received his bachelor’s degree from St. Louis University and his JD from Cornell Law School, where he was an editor of the *Cornell Law Review*. After a stint in private practice, he came to the University of Missouri in 1979 and spent the rest of his life there, serving as dean of the law school from 1988–2001. Tim was welcomed to membership in the NAA in 1981, later serving as a Governor and Vice President and as a Director and Vice President of the NAA Research and Education Foundation. His last function was as Program Chair for the 2004 meetings in Las Vegas. Known for his scholarship as well as his administrative abilities and his arbitration, Tim exemplified kindness and thoughtfulness. (Based on the Chronicle Remembrance of Bob Bailey.)

**J. Reese Johnstone, Jr.**

As a senior partner in a Birmingham law firm that specialized in business and real estate, Reese practiced law and labor arbitration for more than 50 years. As a soldier, he advanced to the rank of Lieutenant Colonel in the Judge Advocate General Corps, and taught adult Sunday school classes for more years than the church has records. His colleagues remember him for his infectious good humor that he used to defuse testy combatants—clients, parties, and partners alike. (Based on the Chronicle Remembrance of James Odom.)

**Clark Kerr**

Clark Kerr was a founding member of the Academy. He is perhaps best known for his career at the University of California, where he founded the Institute of Industrial Relations in 1948 and progressed through professorial ranks and administrative positions, ultimately becoming Chancellor of the University. He made lasting contributions to the field of arbitration as well as to the world of academe, where his studies on labor economic, labor markers, and labor institutions became seminal readings for generations of scholars in the field. He was President of the Wage
Stabilization Board during the Korean War, a member of President Kennedy’s Labor-Management Advisory Committee, and a long-time director of the Carnegie Commission on Higher Education. (Based on the Chronicle Remembrance of Bonnie Bogue, Paul Staudohar, and James Stern.)

Nathan Lipson

Nate Lipson attended the City College of New York, graduating with a degree in economics, and became a union organizer. While working full-time for the Steelworkers Union and supporting a wife and two children, he attained his law degree at Duquesne Law School. After spending some time as a union attorney, he was recruited in 1968 by the American Hoist and Derrick Company of St. Paul, Minnesota, to assume the position of Vice President and General Counsel. In 1978, Nate became a labor arbitrator and handled many cases throughout the country. He became an Academy member in 1979, semi-retired to Longboat Key, Florida, in 2000, but remained active in his arbitration practice until 2003.

Charles J. Marino

Charlie Marino had been admitted to the Academy and was to be inducted in May at our Las Vegas meeting. Unfortunately, shortly after receiving word of his acceptance, he was diagnosed with cancer and his condition became so severe that he was unable to attend the meeting. Prior to becoming an arbitrator, Charlie worked at St. Louis University. He also served as Chairman of the St. Louis Civil Service Commission and Director of Manpower Planning at Blue Cross of St. Louis. In 1986, he became an active labor arbitrator with an expanding practice. We were all looking forward to welcoming him into the Academy. (Based on the Chronicle Remembrance of Jerry Fowler.)

Richard L. Ross

After graduating as the youngest member of his law school class at Washington University in St. Louis, Dick went on to become an extraordinary trial lawyer who was selected by F. Lee Bailey as his co-counsel for a case in St. Louis. But he was probably most highly regarded by his close friends as a concert pianist, trumpeter, and composer. Dick was the lead trumpeter for the Shrine band. For
several years he composed the music for a musical extravaganza at Washington University. Like several of our members who have passed recently, Dick had exceptional musical talent. He was obviously humble about that talent because he never spoke about it (Based on the Chronicle Remembrance of Jerry Fowler.)

**Marshall J. Seidman**

A native of Pittsburgh, Marshall served in the Pacific Theater during World War II, after which he received a BS in economics from the Wharton School (1947) and a JD from Harvard Law School (1950), and later an LLM. He clerked in the Third Circuit Court of Appeals, taught at Columbia University Law School, was an assistant district attorney in Philadelphia and the Pennsylvania Deputy Attorney General, and later an appellate attorney for the NLRB, and a counsel representing labor unions. He settled in Indianapolis as a professor at Indiana University School of Law and was admitted to the Academy in 1976. He retired from arbitration in 1990 and founded the Seidman Program for Medical Economics in Health Care Policy at the Harvard Medical School in the year 2000. (Based on the Chronicle Remembrance of Robert Brunner, assisted by Harvey Nathan and Elliott Goldstein.)

**Edwin R. Teple**

Edwin R. Teple, the Academy’s parliamentarian for more than 20 years, graduated from Ohio Northern University in 1933 and took his law degree at Ohio State University in 1936. During World War II, he saw service in the U.S. Navy. He was a member of the law faculty at Case Western Reserve University in Cleveland from 1952 to 1985 and was admitted to the Academy in 1961. He was the co-author of a course book on labor arbitration and was an active member of the Labor Law Group Trust, a nonprofit consortium dedicated to improving the teaching of labor and employment law. He is remembered for being a “true gentleman” with “impeccable judgment.” (Based on the Chronicle Remembrance of Anna DuVal Smith, with contributions from Pattie Bittel, Jerry Fullmer, Paul Gerhart, Alvin Goldman, Jim Harkless, Tim Heinsz, Ted High, Charles Ipavec, Colman Lalka, Nels Nelson, Alan Miles Ruben, Calvin Sharpe, and Ted St. Antoine.)
William Edwin (Ed) Youngblood

After flying bombers over Europe and Africa during World War II, Ed graduated from the University of Texas Law School and later joined the senatorial staff of Lyndon B. Johnson. After a stint where he rose from attorney to Regional Director of the NLRB and President of the Federal Bar Association, he became an active arbitrator and remained a member of the Academy until his death. (Based on the Chronicle Remembrance of Donald P. Goodman.)
AND ALSO REMEMBERING

Elaine Kahn

Elaine was not only Mark Kahn’s wife and intellectual helpmate; she was an integral part of the Academy. For so many of us, the picture of Elaine’s smiling face at the reception desk, welcoming us year after year to the meetings of the Academy, will be one of our treasured memories. (Ted St. Antoine)