

FIRESIDE CHAT WITH EDGAR (TED) JONES

Edgar (Ted) Jones—law professor, arbitrator, NAA President, and television personality—shares reflections on his career with Anita Christine Knowlton, formerly his student, and NAA member from Berkeley, California.

**TED JONES:** You ready?

**CHRIS KNOWLTON:** Yes.

**TED JONES:** Proceed.

**CHRIS KNOWLTON:** All right. I'm Chris Knowlton. In the mid-1970s, I was an academically indifferent and very disinterested law student at UCLA Law School. I was wondering whether to drop out and pursue something else, and I was thinking law might not really be for me.

I enrolled in a class that was taught by someone named Professor Jones. It was an arbitration seminar. In that class, Professor Jones handed each of us two transcripts, along with some photographs and all of the documentary evidence that came along with those transcripts. The photographs were of the witnesses. Through the course of that semester, I and other students in the class had to represent the union in one case and argue the case in front of the class, and we had to write the union's brief. In another of the transcripts that we had, we had to represent management and write management's brief. Then, in a third case—and I believe we also got the transcript in that case—we were the arbitrators. We had to write a decision after hearing the arguments and reading the briefs that were presented to us. We also had to write a thematic paper on some arbitration principle or idea that was embodied in that particular case. I have never worked so hard in college ever.

That class really set me on fire and is the reason I'm sitting here today. I've had a really wonderful, engaging, and interesting career as an arbitrator. I'm immensely grateful to Professor Jones for bringing me to this work. It is quite an honor to sit here by the fireside with Edgar A. Jones Jr., who we all know affectionately as Ted, and to talk about his long, illustrious, and very fascinating life and career.

Ted has an opening statement that I think really frames his whole life and what is important to him. So we're going to start with that.

**TED JONES:** I'll be a reader of it.

Not to put too solemn a note on it, when I had to reflect on my 90 years for this occasion, it proved to be as much about self-discovery as my sharing with you. I realized my life story with Helen has involved our need to cope with unexpected incidents of tough and sometimes dismaying times. But together we endured, persisted, secure in our faith and a loving marriage with its welcome children.

Throughout our years, in bad times and good, there kept opening up for us welcome opportunities, to our continuing wonderment about it all. Prime among them, of course, we wanted a large family and, happily, we got our wish.

**CHRIS KNOWLTON:** Before we begin in earnest, I would like to recognize Helen and Ted's family and ask Helen and all of the family members who are here today—the children and grandchildren—just to stand up for a welcome from the Academy.

**TED JONES:** I have to add, they're not all here.

**CHRIS KNOWLTON:** We're going to start at the beginning with Ted just telling us a little bit about his parents and their history.

**TED JONES:** Well, my father was the ninth of nine children in a Welsh coal miner family. My grandfather emigrated from Wales, from coal mines, and brought with him several sons, and one daughter. Some of them began to work in coal mines in Wilkes-Barre, Pennsylvania, while others became: a cellist in Victor Herbert's orchestra; a federal lawyer; a coal broker. My grandfather, a miner, also led 100 Welshmen in singing for audiences. My father did not go into the coal mines. Instead, he worked his way delivering milk and all kinds of things, including taking short-hand at a railroad deposition for the Lehigh Valley Railroad; he later went to work for that railroad. He made his way to college in Wesleyan University and graduated in 1912; I also graduated from Wesleyan—in 1942. He went off to war in 1917, as I did in 1942.

My mother was Canadian-born, outside of Napanee, Ontario. She was the oldest of three children. Her mother was a school-teacher, who died early when my mother was nine years old. My mother's father was a dirt-scrabble farmer, whose basic product was potatoes to eat. He had a small field where I used to wander around. When her mother died, he sent her down to Brooklyn, New York, to the House of the Good Shepherd, where his sister

was a cloistered nun. So, my mother at the age of nine began that kind of a life because the nuns of the Good Shepherds were taking care of wayward girls that the courts were putting there for the care of the nuns.

Then, of course, my father came back from France as a major in the Corps of Engineers. They got married, and I was born in Brooklyn. I'm a native Brooklynite. I can speak the lingo, although I don't dare at home. Helen doesn't speak the Brooklyn lingo.

When I was three years old, my mother had a stroke. She was a schoolteacher, teaching disadvantaged kids. Her stroke just totally paralyzed her right arm, and she was right-handed. She couldn't use her right arm. She couldn't move it, just hold it up here. In later years, she was able to hold bridge cards in that hand, but she also did a lot of limping, rather severe limping. So, my childhood was spent into adolescence as her mobile crutch, literally. I always had her on my right arm and took her wherever she wanted to walk. We didn't have a car. We were then at Asbury Park, New Jersey, which was billed as the Seashore Resort of America. In any event, we just did the walking together when she went to go to church or whatever. I guess that's about it about the family.

**CHRIS KNOWLTON:** Yes. Well, I think since you first met Helen when you were 12, we should include her.

**TED JONES:** I did meet her when I was 12—in 1934. She was 11. She had one of these bob hairdos which were popular then. A year later I met her again. This is up in Canada, outside of Belleville, Ontario, 14 miles out in the countryside, where Helen's family worked the farm, and where there was a Catholic church. This is way out in the boondocks, and their ancestors had come from Ireland in 1848, leaving the famine and everything behind. They made their way up into Canada into this area where they became farmers. So, the whole area was a parish which was centered on the church. They were building a little hall when I was there, when Helen was 11. When I got there, it was open and she was 12 and I was 13.

I went to a dance there. My cousin, a girl, was in the same class as Helen was in. I looked across—and the cliché was operative, there's no question about it—across the crowded room. I was fascinated. I said, "Who is that girl?" She had a permanent, a total makeover. Well, her presence stayed with me in the ether of my mind from then on. I was persistent. She was reluctant. I kept persisting. She kept being reluctant. And then, finally, I went off in the Marine Corps.

**CHRIS KNOWLTON:** And before going to the Marine Corps, I just wanted to mention that Ted went to Asbury Park High School, the public high school in his town. Then, as he said, he went off to Wesleyan, where his two passions did not include academics, but were basketball and newspapering. At one point, the dean asked him to choose between the two so that his grades would not suffer as much.

**TED JONES:** I got a D in German. I was a highly successful C student until the D.

**CHRIS KNOWLTON:** He chose to focus on being a newspaperman, which you'll hear has been a theme throughout his life. He ultimately worked his way to being the editor in chief of the *Argus* in his senior year, when Pearl Harbor was bombed in 1941. He then enlisted in the Marine Corps in 1942 and trained as an assistant communications officer; he was promoted to first lieutenant in the Third Marine Wing, and he was stationed at Cherry Point, North Carolina. He took a plane up to Quantico ...

[The fireplace falls over.]

**TED JONES:** It's fired up. It's really fired up. Paramedics are not needed. Don't touch it.

**CHRIS KNOWLTON:** All right. He took a plane up to Quantico because before being deployed to the Pacific, he wanted to get some skin salve, and something very unexpected happened there.

**TED JONES:** To put it mildly. I had just come off of a maneuver which had been very successful. I had been out in the field as the sole officer in charge of 150 marines, conducting the communications for our air group. I needed to get this salve because I was told, you're going to go to the South Pacific, and if you've got any kind of skin allergy, you better get that salve. So I flew up there to get it, in one of the planes.

By that time the dermatologist had become a captain in the Navy. He's head of the naval hospital there in Quantico. He said, "Well, I'll give you the salve. There's no problem with that. When was your last physical?" I said, "About a year and a half ago, here at Quantico." He said, "Well, you need to have a pre-deployment physical. So, we'll do that, and you stay and go back tomorrow morning. We'll put you in a room to sleep in the officers' quarters." So they put me in a room next to a solarium area to sit back and whatnot. I was in that room, and I'm sitting there, just sort of twiddling my thumbs, and in walks this lieutenant commander,

a doctor. I immediately stand up at attention; he said, "Sit down, son." That had never happened to me in the Marine Corps.

I'm getting a little choky here. What he said is, "I know you feel great," which I did. "You have no symptoms," which I didn't. He said, "But, you have an X-ray that tells us you have bilateral pulmonary tuberculosis. And if we didn't find that with this exam and you were deployed, you would have been body-bagged back here at some point."

So, I then became an involuntary inmate of the naval hospital. Well, I knew I had to do it. But I had come up there just to get a bottle of salve. Yes. What is this? Well, anyhow, I stayed there for nine months.

**CHRIS KNOWLTON:** And this is in complete isolation.

**TED JONES:** Yes. Of course, the Navy medical people had a huge loose-leaf folder called "BU Med." What the doctors did was turn over to whatever the diagnosis is, and the folder tells them what to do. What they were told to do was to insert positive pressure in the chest and depress the lung. They did it. I got acute pleurisy. They did it all around the world in Navy hospitals, and all around the world, people got acute pleurisy. Many of them died. I damn near did die. I was down with a 104 temperature for about six weeks. Then it took me months, actually, to come back from that. I was in one room. It was the same room that they put me in telling me to stay overnight. I didn't get out of that room for nine months.

After nine months, the Navy set up a unit out in Denver, Colorado, with the Army Chest Center, to deal with folks like me. So I went out there. I was taken out there on a train by a Navy corpsman, like Howard Block. The doctor was a tuberculosis specialist in civilian life, but he was a colonel in the Army there. They did the diagnosis. After a three-day review of it, he said, "Lieutenant, you have had criminal treatment." I was one of 85. There were 84 Navy officers and me. We all had the same experience.

So, that lasted for about nine months. Then when the Navy moved to close the special unit and return us to naval hospitals in June 1945, I telegraphed the Marine Corps Commandant urgently requesting to be released from active duty and ordered home. No more BU Med! He essentially ordered me out of the service, and to go home. And, it was done within about a week and a half. I mean, it was just—bing—just like that. So, home I went.

I ended up going up on the recommendation of that colonel to Trudeau Sanatorium in northern New York, in Saranac Lake

area. Trudeau was the leading American tuberculosis sanatorium at the time.

**CHRIS KNOWLTON:** And?

**TED JONES:** Keep going.

**CHRIS KNOWLTON:** Tell us how you got sprung.

**TED JONES:** The Army doctor had told me, “You’ve got about three or four years ahead of you in hospitalization.” After three days of the review, the director of Trudeau Sanatorium came around and he said, “Well, Lieutenant, we’ll have you out of here in three months.” I said, “My name ... .” Now I’m choking. I can’t tell this story without choking, even if I tell it to one person. I said, “My name is Lieutenant Jones.” He said, “I know who you are. We’ll have you out of here in three months. You’re arrested. You have a tuberculosis arrested case.” All right.

After I had choked up, I thought, my God, freedom. It’s coming. In June 1945, I entered Trudeau, and on August 1, 1945, the Marine Corps ordered me retired as a first lieutenant for service-incurred disability, closing out exactly three years of service. On September 15, 1945, Helen and I got married about a month after I got out, up in Canada. We got married in the same church that my grandfather and grandmother on my mother’s side had been married in, in the 1880s. The Read Parish Church, in the parish where Helen grew up.

**CHRIS KNOWLTON:** And Helen and Ted decided that Ted would fulfill a dream that his father had long had for him, which was to go to law school. He chose to go to Jefferson’s law school, the University of Virginia. I’m going to ask Ted to tell us about the first day of law school, when Bill Murphy was sitting in the class.

**TED JONES:** I didn’t meet Bill at that time. Neither of us knew each other at that time. But he was in the classroom. It was eight o’clock in the morning, on a Monday, the first class. We’re in there, and I got called on at eight o’clock. So, we’re all a bunch of veterans in there. We still hadn’t got the idea you can stay seated when you’re called on. So, I stood up immediately. And the professor said, “Well, now, Mr. Jones, what is so unusual, why are we reading *Tuberville v. Savage*, this ancient common law case? Why are we reading it?” Preparing for class the day before, Helen and I had read and puzzled over it. But I looked at him. That’s all I did. I just looked at him. There were students all around me. I couldn’t talk. I just went totally blank. Couldn’t say a word, and I couldn’t even think words.

I stood there, and he started a little bit of a sarcastic probing. I just didn't know what the hell was going on. This is a little disconcerting at the age I was at. Well, finally, he said, "Well, lawyers do have to talk, Mr. Jones. Silence is not golden in the law. So if you can't talk, walk right up those steps and right out of the doors of this law school." This happened.

I just sat down. I was sweating. I couldn't figure out what the hell had happened to me. Well, I was under the supervision of the Veterans Administration because I was retired for disability. So, I put it to them. They said, well, this is happening all around the country, where people are coming out of the service hospitals after an extended, isolated time. We don't know why, they said. They couldn't tell me why. They couldn't tell me what I could do about it.

**CHRIS KNOWLTON:** And you went home and talked to Helen about it.

**TED JONES:** Yes. I figured I knew that when I was in college, I loved the newspaper business and the college newspaper and all that that implied, with guys all over the campus and the turmoil, psychological, good stuff and bad stuff. I said, "I've got to get back there."

There were 750 law students at the University of Virginia then and there had been 750 guys at Wesleyan University when I was the editor of the college paper. I thought about a newspaper, a weekly newspaper, not a semi-weekly, but a weekly newspaper in a law school. That hadn't happened before. No law school in the United States at that time had anything like this. Actually, a couple of them developed it separately at that time without knowing the others were doing it.

So I started the *Virginia Law Weekly*. I managed to enlist about 70 fellow law students, and we put out 30 issues—weekly issues. We ended up in the black with advertising, and it was a very successful venture. The key to it was that on the front page there was something like the *Chronicle*—actually, two columns which I called "Dicta." This was designed to get a series of essays from very able, experienced, thoughtful people on a general topic of law over the course of a year, and I picked criminal justice.

I was able to get 29 different columnists to write on criminal justice. Among them, Justice Felix Frankfurter and Estes Kefauver—who was a senator then—and Harvard dean Roscoe Pound.

Roscoe Pound was in China. He was retained by Chiang Kai-shek to create a Ministry of Justice in China. There was a little bit of a problem, however. Mao Tse-tung and the Red Chinese came down and ousted the Chiang Kai-shek people, and they ousted Roscoe Pound from China. He was hired, as I later learned, at UCLA Law School. But in the meantime, I was able to get from Roscoe Pound a handwritten manuscript, about three or four pages, legal cap, infinitesimally written, but legible, on the essay.

**CHRIS KNOWLTON:** And the “Dicta” column was very unusual, because there were no footnotes, no citations. These were think pieces about the law instead of the typical law review-type of article or the typical kind of piece that you might see from the leading lights in the law at the time.

While Ted was at the University of Virginia, he came under the influence of a charismatic professor who helped him frame the direction he wanted to take his career.

**TED JONES:** Charles Gregory, who published the book *Labor and the Law* in 1948, was just a fascinating person. I took his Labor Law course and something happened to me that Chris was talking about happening to her in a later period of time. I was really taken by him. He was a warmly engaging, laid-back, charismatic pragmatist.

So, I decided to stay for a year after graduation doing post-graduate research on the law and union picketing. I drove Charlie around to hearings, and Charlottesville, Virginia, is not the center of the universe. You have to drive away from it to go to places. He had been born and raised in Boston, in the Boston area, and he had had a Catholic nanny. Charlie was an agnostic. While driving, he raised the subject of Catholicism. We talked about that from time to time. Finally I told him on one of these trips that he was going to be okay. He’ll make it to heaven. I said, “I’m not sure I will, but I know you will,” and he said, “Why is that?” I said, “Because, as St. Thomas Aquinas put it, you are ‘invincibly ignorant.’” He exploded, telling me, “As a Catholic, you’re a confirmed absolutist!” Fortunately, I was driving.

**CHRIS KNOWLTON:** Charles Gregory was one of the original founders of the National Academy of Arbitrators. You may not know that, but he was one of our first members.

**TED JONES:** Well, he convinced me the way of life is the way of the law professor—teaching labor law, arbitrating—and I thought, boy, I really would like to do that. So along in December of 1950



comes the annual meeting of the Association of American Law Schools.

**CHRIS KNOWLTON:** At that time, the Korean War was on. So no one was hiring. All of the leading students from around the country were at the AALS meeting with their famous professors who were going to introduce them to whatever schools were hiring. And, of course, Professor Gregory would not go.

**TED JONES:** I told Charlie Gregory I thought I wanted to become a law professor. I had to go the Chicago meeting. He said, "You go. It's not my cup of tea." So, I went by myself.

Of course, there were platoons of major law school graduates with professors escorting them, looking at two law schools. None of the law schools were hiring. They were scared because during the Second World War most of them had to just totally shut down. So, the competition, and it was either the University of North Dakota or the newcomer UCLA Law School. I knew one thing and that was that Helen grew up in Ontario where there were winters that I knew about that were maybe 10, 15, 20 below zero. So, I figured there's no point in my playing around with the idea of going to North Dakota, even if I could get to talk to the dean that much.

So, UCLA had just started up. Their first class was in the middle of their second year. I figured I got to talk to that dean, find out the possibility, but I couldn't get near him. You can't imagine how—well, you can. It's sort of like the Academy, where everybody is bustling around. But the central focus was the dean of the UCLA Law School, and I really never got near him. So, this went on for two or three days.

So, finally on Saturday at the end of the meeting, one of the essayists I got to write for the "Dicta" column—Albert James Harno—was the dean of the University of Illinois Law School. He was a noted criminal law expert and a really nice man. He was encouraging me at that meeting. So, I saw him up at the back on a dais; I went up and I told him I haven't been able to get near Dean Coffman. So, he pointed his pipe and said, "There he is." So I turned around, there was Lynn Dale Coffman, dean of the UCLA Law School, standing by himself.

So, I walked over and said, "Dean Coffman?"

"Yes."

I said, "I'm Edgar Jones. I'm Edgar Jones from Virginia. How is Dean Pound?"

"Do you know Dean Pound?"

“Yes, sir. I have a handwritten manuscript from Dean Pound sent from China, which I published in the *Virginia Law Weekly*, several issues.”

Well, Coffman went back to the campus at UCLA, where they were in Quonset huts. He told me later that he walked over to Dean Pound at his desk where he sat working beneath his green eyeshade. He always had a green eyeshade on, and he was always working. The hand would go like that, I think, in his sleep. He was always, always working.

And Coffman went up to him and said, “Do you know a young man named Edgar Jones?” Pound looked up and said, “Stout fellow, stout fellow.” I’m hired.

**CHRIS KNOWLTON:** So Ted and Helen went to UCLA, and they bought a house in Los Angeles. They had four children at the time when they moved.

**TED JONES:** Mm-hmm.

**CHRIS KNOWLTON:** And Ted started teaching labor law and assorted other subjects that he had to learn on the fly, including agency and—

**TED JONES:** Creditors’ rights.

**CHRIS KNOWLTON:** Creditors’ rights. And things were going along swimmingly until something happened.

**TED JONES:** Well, given my health history, every six months I had a test which they called a culture test. You’d swallow a little tube, take some stuff out of your stomach, and they would do a lab work on it. It had always come back negative. I’m feeling great, same way I did in Cherry Point. All of a sudden, after eight years of being free of symptoms, this thing comes back positive. A positive culture test meant hospitalization. So, there we were, untenured, the end of a second year of teaching. We had five children. We had a mortgage. What the hell’s going to happen? We didn’t know.

For at least a week or two, we were really trying to cope. That’s a choke-up type thing. Anyhow, it came out the university kept me on full pay—sick leave for a year and a half—before I got back in a classroom. On one day, Helen and the little kids drove me down to a place called Barlow’s Sanatorium, which is now where the Dodger Stadium is in Los Angeles, and I spent 11 months there. Helen’s back at our home in the Pacific Palisades, doing the finances, raising the little girls, two of whom are here, and, very successfully, her end of it. In July 1954, Helen gave birth to our son Bob while I was at Barlow, and Helen raised the children—

guarded by Sheppy, our collie—and read them stories that I wrote and mailed home.

**CHRIS KNOWLTON:** Before you had gone to Barlow, you'd written an article called "Picketing and Coercion, A Jurisprudence of Epithets."

**TED JONES:** Yes.

**CHRIS KNOWLTON:** For the *Virginia Law Review*. And Charlie Gregory took exception to that.

**TED JONES:** Now, with mixed motives, I'm sure. One of his motives had to be, I gotta help Ted. I'm going to help him by harpooning him in print, which he proceeded to do. Now, I very carefully didn't talk about constitutional picketing. In the "Jurisprudence of Epithets" what I was demonstrating is that it's fallacy to talk about peacefully conducted picketing as if it's some species of coercion. But coercion was the constant use in federal district courts, as they and state courts were batting down peacefully conducted picket lines.

**CHRIS KNOWLTON:** And this was a view very against the grain of thinking at the time.

**TED JONES:** Yes, absolutely. Well, Charlie took after me, and he used the phrase "confirmed absolutism." Now, do you know where that phrase came? I'm sure. Invincible ignorance. That came from that conversation. He knew that I really believed the constitutional protection of peacefully conducted picketing was the law, even though it might be debated whether it should be.

Anyhow, I then was given a copy of his "Confirmed Absolutism" essay, in which he didn't write about what I wrote about—nothing about coercion, just about constitutional law picketing. I didn't talk about that in my piece. So I'm in Barlow's, and I got to write a reply. Chris has convinced me I should read it to you.

**CHRIS KNOWLTON:** At least the opening of it.

**TED JONES:** I wrote, "There is an ancient proverb among bull-fighters which goes something like 'woe to him who locks horns with an old bull in his pen.'"

(Audience laughter.)

I knew what Charlie Gregory would do when he read that. I was a little concerned because he had a heart problem. But I overwhelmed that concern because I loved the taste of that. "Without doubt, the peons, who have for centuries handled El Toro, look upon that as a confirmed absolutism, which is to say, I suppose, something that has been aptly demonstrated to them in practice. The vigor of Professor Gregory's attack leads me to reiterate

certain of my observations on the subject of picketing, which he seems to have overlooked.”

(Audience laughter.)

Well, I got a reply from him to me. And he starts off saying, “Oh, what a brilliant student I used to be.”

(Audience laughter.)

In addition to which he said, “I don’t relish being the thing thrown. You may think you’re the Toreador. You may think that, but I’m not the bull.”

As one result of that debate, Michigan law professor Russell Smith, later an Academy President, telephoned me in 1957 and invited me to come to Ann Arbor and teach his courses during his sabbatical year. But Helen and I decided we couldn’t do it; we had a moral obligation to stay and do our part while UCLA was going through this turmoil when Dean Coffman left the school.

There was a faculty ouster of the original dean, and it took a lot of time. It went on for several years. While I was in Barlow’s, it was coming to a head. So when I came back, it had already reached a stage where this was inexorably going to happen. And, what now?

**CHRIS KNOWLTON:** And you, as the only untenured member of the faculty, were appointed to be—

**TED JONES:** I was told that I was going to volunteer to be the assistant dean of the law school. The acting dean turned out to be Albert James Harno, who had become my friend by then, out of the “Dicta” column and the rest of it.

On this one day, Dean Harno got a phone call from a man talking about the problems of adjudicating traffic law violations. Dean Harno said, “You should talk to the assistant dean.” So, he sent the call over to me. There was a television program in Los Angeles called *Traffic Court*. Judge Evelle Younger was a municipal court judge. He had been persuaded by the originator of the *Traffic Court* program, a man named Selig Seligman, who was a Harvard Law School graduate and who had stayed an extra year at Harvard to work on labor law with James Landis. Seligman had been booked to go clerk for Justice Black, except he had to go clerk for the United States Army after Pearl Harbor.

In any event, Judge Younger was on this program. He had been persuaded to go on it sitting as a municipal court judge. He’s on a set on Friday nights from six to six-thirty; the program was sponsored by the Southern California Chevrolet Dealers Association. General Motors often appeared in Los Angeles courts, in all kinds of litigation.

This was an obvious conflict of interest, but it didn't catch up to them. This program became the highest-rated live television program in the United States. Judge Younger stayed there. The problem for Judge Younger was there were a lot of other municipal court judges and superior court judges who got the "green" disease—green with envy because he had 100,000 people watching his program. Now, that doesn't sound big today in television numbers, but back then—we're talking about 1957—that was a lot of folks at that time, and they all voted.

All of a sudden the Judicial Council of California, a group of judges and others who handled complaints about judges, sent him a letter saying, "We are giving you two weeks to make up your mind. Do you want to be a television judge, or do you want to be a municipal court judge? It's one or the other."

Now, here is Selig Joseph Seligman with the highest-rated TV program in the United States. All of a sudden the judge on that thing has got to leave. Younger had no interest in playing games with television. He had been already highly popular in doing this—he did it very well. He had great dignity; he was not a spontaneous funny man, but he handled it well.

Then, of course, the house of cards fell in on Seligman. What do we do? Well, they had to find somebody. They had two weeks to find somebody that would come up and sit on that bench Friday evening from six to six-thirty and conduct *Traffic Court* cases. Well, Seligman said, "We've got to get a dean. We need somebody who won't be subject to the pressure. Can't be a member of the California Bar. Can't be a retired judge, can't have anything to do that the Judicial Council can reach out and grab it. So we've got to get a dean who's not a member of the California Bar." So, they called several deans, including Dean Harno, and Dean Harno didn't know what in the world they were talking about, so he transferred the call to me.

When I answered the phone, I didn't know what the hell they were talking about. At six o'clock on Fridays, we were around our table with a bunch of kids eating our dinner. I had never seen or heard the *Traffic Court* program. So, I said, "We have an excellent theater arts department at UCLA. I'll give you the phone number for them." He said, "No, no, no, no." This wasn't Seligman. It was his assistant. He said, "No. We want you, Dean Jones, to come and audition." And I said, "First, I'm not an actor. I'm not interested in acting." He said, "Well, I taught for awhile at Stanford." He was

a psychologist, and I was in trouble. I didn't know that at the time; he conned me.

(Audience laughter.)

He said, "Well, you go to cocktail parties with your faculty. This is a very interesting experience down here. If you come down and audition, you'll see how we do this, and you'll be able to go back and talk at cocktail parties." In the meantime, I'm thinking arbitration, arbitration. Showbiz! They've got to have labor disputes, don't they? I wasn't at all knowledgeable about labor disputes in the entertainment industry at the time. But I thought it may be something to look at. So I said, "Okay. I'll do it."

Immediately, out comes a messenger to the law school at UCLA with an envelope, and in it there's a script. This is a sort of routine in that industry. I didn't know it, but he had told me he was going to send a script, which is going to be the one which will be used by Evelle Younger on the day that I was going to be one of the people auditioned. So I just set it down unopened.

You people probably are not familiar with the situation of an assistant dean in the limited circumstances in which I was acting. I was a diaper changer, just picky little administrative things. Nothing happened about the law school at any higher level by me. That was Dean Heron's bailiwick. So, the idea that I, as a dean, had some spectacular background like they were talking about, no way!

I went to the studio the following Friday. But, I hadn't looked at the script. So when I walked in—this was at the ABC Studios in downtown near the Hollywood general area, Prospect and Talmadge, for those of you who like geography—I was escorted in. There were six or seven, and it obviously was an entrance to a TV set. The TV set was not visible to these men, because they were going to audition. We were not supposed to look at Evelle Younger doing his thing on air. So, one of the men—I can still picture him—was tall. He was about six-foot-five, and he had really white hair and a big Roman face. He's a Chief Justice. I thought, "This is a guy who's going to be the judge." So I didn't have to worry.

So they put me in a room, and I fished out the script. It was not a verbatim script; it was a semi-verbatim script. It would say DFT, DFT, defendant says "Such and such and so." But it wasn't that the actor had to say those exact words, just the thought. Mostly they used the same words, though. Well, I looked at it, and I saw the first page of it. It was a woman who was from Brooklyn who identified herself as being from Brooklyn. She had a big beef about

“cawps,” a particular “cawp” who had stopped her. She had a segment of four or five inches of scripted space of verbiage to get out before I was supposed to say anything in the script.

At the end of that, the script said, judge says, “In this courtroom we don’t use the word ‘cop.’” Well, I got that. Then I was called to audition: “Come on out here.” So, I went out there, and I get up on the bench. I had to put on the robe. All these other guys are gone. I was the last one to audition. I don’t know how many of you have had this experience, but I’ve got to tell you, the first time is awesome. All the lights are on, and these people are milling around. There was a guy who runs up and wants to smear your face with a cotton daub. And I’m sitting there beginning to think that maybe this was not a good idea. Maybe I should have watched it, instead of being in it. Okay. Finally, off to the side, a resonant voice said, “Judge, are you ready to proceed?” Well, I’m sitting there and looking around, and a guy comes up and says, “You’re supposed to be the judge.” I said, “Okay.”

He said, “Now, there’s a young woman here who’s going to stand in front of you. She’s the defendant.” This is coming on the bullhorn over there, from the director. He said, “You’ve got the script right there, isn’t that right, Judge.” I look down at the script. “So, just call her up.” And whatever her name was, I called her up, and she proceeds to do this piece. It’s all Brooklyn accented, you know, “joiks” and the “cawp.” The first time she said “cawp,” I hit her: “We don’t use the word cop.” Now, if I’m the judge, and I’m allergic to the use of the word “cop,” I’m not going to listen to it for six times. I’m going to say we don’t do that. I wasn’t thinking. I was instinctively answering, and I say we don’t use the word “cop.” She paid no attention to me. She had to get out her line. She kept going. I said, “You’re not listening to me.” My God. In the booth, “Ach!, Younger didn’t do that. Younger let her say it six times. This guy doesn’t even know what we’re talking about here in showbiz; he is immediately in it. He’s a gawdamn ad-libber.”

(Audience laughter.)

**TED JONES:** That’s where it ended up. I managed to bring her around to her lines. I realized I had to do something other than tell her to stop using the “cawp.” So I did glance down and picked up some phrases and led her back in. And that was it. So, finally, I get off the bench and walked out. And I ended up being asked to become the judge on *Traffic Court*.

**CHRIS KNOWLTON:** *Traffic Court* then went national. And it was so great that they decided to do another national program,

*Day in Court*, and to use Judge Jones. These were the number one shows in daytime ratings nationally, higher than *General Hospital*. They had a weekly total of 20 million viewers.

**TED JONES:** For four or five years.

**CHRIS KNOWLTON:** And these were live shows.

**TED JONES:** No.

**CHRIS KNOWLTON:** Then they were taped. Initially, they were live and then they were taped.

**TED JONES:** Yes. *Traffic Court* was live and then it became taped in the summer of 1958, and it went out on the network as a replacement program. It proved to be very popular and caused *Day in Court* to be created. But *Day in Court* was heavily scripted—verbatim scripted—for everybody but me. I had the ad lib role. I refused to read the script, to memorize any of this stuff. I insisted I would only show up for the dress rehearsals before we went on the air. I wasn't going to look at the script. I never did look at a script before the dress rehearsal.

But we had a big confrontation when the *Day in Court* was proposed. Seligman called in some writers, his producers, and me, and he said, "Now, we've got this *Day in Court* program." I said, "What's the subject? Where are you going to get the material for the writers?" He said, "Oh, we're going to hire a lawyer. We just hire a lawyer." I said, "To do what?" He said, "To do research." This is five shows a week.

The volume of stuff coming in was supposed to come from a lawyer who was going to be paid \$13,000 a year to do this. I said, "This isn't going to happen. You're going to get somebody in there for several weeks or months. This is going to be a tragedy. Why don't you let me have that money, and I will get law review students to spend time doing the research, stuff they do just in their sleep. They are bright kids, and it would give us a valid source of supply." They said, "Okay. Let's do that."

**CHRIS KNOWLTON:** And that brought \$100,000 into the pockets of law students at UCLA.

**TED JONES:** In six years.

**CHRIS KNOWLTON:** In six years. Ted's work. And, Ted was given the ABA Gavel Award for Excellence in educating the public on the rule of law for his work on *Day in Court*. Chief Judge Charles Clark of the Second Circuit Court of Appeals, a former Yale Law dean and who had been a judge on a lower-level court at the beginning of his career, said that *Day in Court* "offered realistic and heartwarming pictures."



**TED JONES:** He wrote me a letter.

**CHRIS KNOWLTON:** And this is what he said:

“It offered realistic and heartwarming pictures of how justice tempered with mercy and common sense can be and is accorded to the many who have come before our minor courts. Years ago, I served as a Judge of such a court and so was particularly pleased to see how faithfully these important courts are represented. I believe the program well deserved the ABA Gavel Award.”

Now, this show was just enormously successful. So it was shortly followed by the introduction, which Ted was not involved in, of *Divorce Court*, which was steamy, lurid, overwrought—all that it is today. And that created a big problem.

**TED JONES:** On April 22, 1960, the Los Angeles County Bar Association Board of Trustees—along with 12 former presidents of the L.A. County Bar, chaired by a very distinguished appellate lawyer named Herman Selvin—all of a sudden published in all of the local newspapers and the national media a blast at all courtroom programming. They resolved that it “is professionally and ethically improper for a lawyer to appear in the portrayal of the role of a lawyer, judge, or court officer or attaché in any radio, television, or motion picture production which depicts in any way ... a trial ... before which lawyers appear, whether such lawyer’s name or his status as a lawyer is or is not ... revealed.” They described—and I had no hesitancy in knowing what they were describing—they described *Divorce Court*. But, they didn’t call it *Divorce Court*. They just said there were these salacious stories. The judge acted like a moron, and there was nothing good coming from courtroom television without any distinction.

I was doing three-quarters of the courtroom programming that was shown in the United States at that time, and all of a sudden I’m “salacious” and displaying “unsound law.” This was a devastating happening to me personally, but also to Selig Joseph Seligman, the Harvard Law man. He was just as upset as I was.

Well, I ended up by pouring out memoranda. I immediately and vigorously confronted them in the media, denying that any one of the charges could be sustained against our conduct in any one of the over 350 *Day in Court* programs we had broadcast. I’ve never been accused of paucity of verbiage. I exhibited that on this occasion. So, this resulted in my having a debate before two or three hundred lawyers at a noon gathering with Herman Selvin, who was about 30 years older than I was at the time, and a really, really distinguished figure in California law. No question about

it. But he and his peers didn't do their homework. They just saw *Divorce Court*. It was obvious what they had seen, and it was awful. There was no question about that.

But, here I am, I've got all these mud stains that are on my jacket from being told all of this. I had to do something. So, I managed to get into the debate context. In the debate, he got up and reeled off all this stuff. Incidentally, we used anonymous lawyers, many of whom were my former students, but they were anonymous. He called our lawyers incompetent and bumbling and said they should never be allowed to go on courtroom television programs.

Well, anyhow, I got my turn after he had blasted his comments. I said, essentially, that I had done over 350 programs by then. And I said, "Human nature being what it is, there's got to be some errors floating around perhaps. Well, how many of these programs did you find that were subject to any of these criticisms? Would it be five percent?" I said, "The problem you have, Mr. Selvin, is you can't name one single program of the 350 that had any single one of the charges verifiable. You haven't got them. Tell us if you do." And of course, he couldn't. And that, essentially, ended that debate.

But I did end up saying you did talk about bumbling lawyers and that they were bad actors. They just didn't know how to act. Canon 15 of the American Bar Association Canon of Professional Ethics forbids lawyers to disclose to a court any doubts or misgivings they may personally harbor about its merits. Now, I know every single lawyer—and there were more lawyers in front of me at that luncheon than we have here this afternoon—every single one of them has appeared before a judge not all that sure about the righteousness or the accuracy of this client's case. But still, we're not there, for the client who wants justice. I said, Mr. Selvin, this is what's called—in showbiz—acting. You substitute yourself; you put yourself aside and assume the role of the righteousness man. That's acting. And he went berserk; I mean, literally. He was beet red. He bolted up. He said, "I have never, ever dissembled before a court." I sat down. He lost.

After the Selvin debate, Selig Seligman and I appeared finally before the Board of the Governors of the State Bar. We spread the facts on the record in oral and written statements. Ultimately, the Board of Governors rejected the L.A. Trustees' report. They appointed a committee of lawyers, designating me as their consultant, to draft a statement of how producers and lawyers should

properly produce and conduct themselves in the portrayal of lawyers in courtroom programs in television and motion pictures. The committee, and the then Board of Governors, adopted my draft, which I then got incorporated into my ABC contract.

**CHRIS KNOWLTON:** Ted's tenure as a TV judge ended when the network decided that *Day in Court* should really be more like a soap opera, and that was not for him. So he left the program at that point after, I think, six years?

**TED JONES:** Six years—1,200 network half-hours. I left in October 1964, and *Day in Court* was off the air in six months when its millions of devoted viewers rejected that transformation from reality to soapy fantasy.

**CHRIS KNOWLTON:** Yes. Now I want to talk a little bit about Ted's Academy service, and then he has some remarks that he wants to make about arbitration, looking back on his career. Ted joined the Academy in 1960. He was the founding editor of the *Chronicle*, which you all have in front of you. You have Volume 1, Number 1.

**TED JONES:** That's copies. This is the newsprint.

**CHRIS KNOWLTON:** This is the newsprint version of it as it appeared at the time. You can see in the left-hand column, the left corner of the page, as you face it, this two-column feature that is an opinion piece, and it is modeled after the *Virginia Law Weekly* "Dicta" column, which was modeled after the *Wesleyan Argus* format. I commend you to read it. It's quite a fascinating snapshot of what was going on in the Academy at that time, and it has wonderful photographs in it.

Ted also was instrumental in putting on programs in the Academy that discredited the use of lie detection to determine the truth of the matter in arbitration hearings. He, in 1980, put on a compelling program as the Program Chair on the Decisional Thinking of Arbitrators and Judges. He got study groups together in four cities—Los Angeles, Chicago, New York, and Washington—that consisted of a lawyer arbitrator, a non-lawyer arbitrator, a lower court judge, and an appellate judge.

**TED JONES:** Federal.

**CHRIS KNOWLTON:** Federal judge. They met for a year to discuss decisional thinking, and then came to the meeting, which was in Los Angeles. They presented what they had learned through the process of talking about this subject. It was a very, very interesting meeting.

Ted became President of the Academy in 1982. During that year, he appointed a future directions committee to determine its feasibility; it resulted in the adoption of the mid-year meeting.

Just before we leave the Academy, I just wanted him to talk a little bit about what he told me was the most important part of being in the Academy, which was the camaraderie and his particular friends.

**TED JONES:** I have never ever been in a group which has been so wonderful to be around. Just not on this kind of a situation, but out in the halls or over a cocktail. The camaraderie, the friendliness; these are people that come from all over the United States. If you, as an arbitrator, had a sense of what's going on, the only way you're going to be able to get that sense is by joining in conversations and casually sharing insights which ripen into friendships. I treasure that. I just treasure it. Of course, you go away, you go back to your own bailiwick. But you carry these memories with you. I've had wonderful friendships over the decades. I've got a 50-year pin on me here, and I just relish the whole thing.

One of the reasons that I got into the starting of the *Chronicle* was Dave Miller and I talked about it, and it was that people weren't coming to the annual meeting. We were not getting 50 percent. We were getting less than 50 percent. And they're missing what we were enjoying; they're just missing it. So that was one of the reasons for the starting of the *Chronicle*—to get everybody sort of hugged a little bit.

**CHRIS KNOWLTON:** Do you want to mention your special group?

**TED JONES:** All right. Well, there were several of us who became president as life worked out. I was the first one of the group to become it, but then came Jack Dunsford. There was Bill Murphy, Tom Roberts, Howard Block, Tony Sinicropi, and Dallas Jones. At the end of the annual meeting, we fell into a process of going away for about a week. We had the expert negotiator, Tom Roberts, who negotiated hotels for the Academy for over a decade, and he was the ultimate. He just conned these people.

(Audience laughter.)

**TED JONES:** This is a group of past presidents. He didn't have to say what of. You've got to be really taking care of these people. And he did it repeatedly, to our great enjoyment.

**CHRIS KNOWLTON:** I want to just mention a little bit about some unusual features of Ted's arbitration practice and then have him explain to you a little bit about that. He, in addition to taking

an early picketing position which went against the grain, he also, as an arbitrator, did some things that were not the traditional way of doing it at the time, including retaining jurisdiction over the implementation of the remedy. He was one of the first people to do that.

He initiated the use of class actions and naming the grievant a party, where there were multiple claims of the same type. He insisted on joinder of competing unions in jurisdictional cases and said that it would not be arbitrable unless both unions were allowed to join into the claim. He allowed and encouraged discovery before arbitration hearings, and he photographed the witnesses.

In 1981, for some of these activities, particularly the retention of jurisdiction, Dave Feller called him an “outlier.” Ted has told me that being an outlier is part of, a major part of, the DNA of the Academy. I want to let him expand on that for you.

**TED JONES:** Yes. Dave said he had done special research and found a number of arbitrators were being published, and they did not accord with what he regarded as the common practice. His phrase was that these were outliers. It would be presumptuous, perhaps, he said, to say that a president-elect of this Academy was an outlier. But, he had to tell you that, and he did.

**CHRIS KNOWLTON:** This was the president-elect, Ted.

**TED JONES:** Yes. So, actually, if you stop and think about it, we are all in this room who are arbitrators, we’re outliers. We are outliers when a federal judge looks at us. We were outliers from the beginning. The group that gathered together to create the National Academy was also evolving into what we now know of as collective bargaining and grievance arbitration. They had to pull it up out of air. Well, outlying, this came from their experience, and they articulated it. So, I just figure outlying is part of the DNA of the Academy.

**CHRIS KNOWLTON:** We have a few minutes. So if there are questions, we could take a few questions. Yes; Jim.

**JIM ADLER:** I wonder if you’d tell the story of the woman who wanted to be un-sworn.

**CHRIS KNOWLTON:** The woman who wanted to be un-sworn.

**TED JONES:** Oh. I have a recollection, which may not be the same as Jim Adler’s recollection. But, I think it’s probably pretty close. It’s at the end of the first day of a two-day hearing. I had sworn this woman in as a witness, and she came up, and she said, “I’m still under oath, aren’t I?” And I said, “Well, yes, of course.”

She said, “Now, I have to go home. I have a husband. Can you unswear me?”

(Audience laughter.)

**TED JONES:** I un-swore her.

**CHRIS KNOWLTON:** Ted is being requested by a member of the audience to expand on thinking about retaining jurisdiction over the implementation of the remedy.

**TED JONES:** I routinely, for decades, retained jurisdiction after issuance of an award to resolve any dispute that may arise in the course of administering this award—not anything beyond that. No new dispute; none of that.

In a particular situation that Dave Feller got outraged about, there was an employer who had fired two people. The firings were obviously not for just cause. I mean, it was one of these cases where you know they should have settled and not have to go to arbitration.

So, I reinstated with back pay. After several weeks, I get a call, and it's the union guy. He's saying the company won't reinstate them, and we're going to have a conference call. I said, all right. So in the conference call the employer representative, not a lawyer, said, “Well, they weren't this and that and they weren't this and that and the other.” And I said, “No. Go ahead and reinstate them with back pay.” About three or four weeks later, something else comes up. Same kind of thing with no remotely plausible excuse for not reinstating them now. So I said, “All right. Now, reinstate them, and you're going to pay interest on the award now, compounded daily.” Then I got a phone call from the employer representative. He said, “How do we compound daily?” I said, “Call your banker.”

**CHRIS KNOWLTON:** We had a question over here.

**UNIDENTIFIED MALE SPEAKER:** One of my favorite quotes from you is your description of the use of credibility, and how you can't determine someone's credibility just by looking at them. Do you recall that offhand?

**CHRIS KNOWLTON:** There's a request for the quote about determining credibility by someone's appearance.

**TED JONES:** When he's looking you in the eye? And he's just so honest appearing, earnest—and lying through his teeth. But you don't know that, because you can't look at him and tell this is a person who's telling the truth or not telling the truth. I think you hurt people by assuming that you can. It just isn't possible. So, you have to build the case and review the facts and do your damndest

to figure out what the situation is even though you have to be a little bit humble about the prospect of success.

I wrote, “Anyone driven by the necessity of adjudging credibility, who has listened over a number of years to sworn testimony, knows that as much truth must have been uttered by shift-eyed, perspiring, lip-licking, nail-biting, guilty-looking, ill-at-ease, fidgety witnesses as have lies issued from calm, collected, imperturbable, urbane, straight-in-the-eye perjurers.”

**CHRIS KNOWLTON:** Dennis. I think we’ll have Dennis Nolan as our last question.

**DENNIS NOLAN:** You may have been the first arbitrator and perhaps the only one ever to order a union that is not before you to come before you and join in an arbitration between an employer and another union.

**TED JONES:** I didn’t do it.

**DENNIS NOLAN:** I believe it led to a law review debate.

**CHRIS KNOWLTON:** Okay. So the question is about how Ted joined two unions in a jurisdictional dispute and about the ensuing debate that occurred in the legal literature.

**TED JONES:** This first started out in the shipbuilding industry. But what I did was, I told one union, the union that filed the grievance in front of me, that I’m going to hold this to be not arbitrable unless you authorize me to offer to the other union access to this hearing. And, you and the other union can then pick another arbitrator if you want. But, this case is not going to be held arbitral unless you authorize inclusion of that other union.

And it worked out for me four or five times, actually. It’s certainly worked in the shipbuilding industry, and in the hotel industry—I used it fairly often over in Las Vegas. But I never said you have to come in. It’s just you got this guy here and what union A has to say to the other guy in union B. There’s this idiot arbitrator over here who’s not going to let us get our grievance heard unless you agree to come in and participate in this. So that was it.

**CHRIS KNOWLTON:** Ted, I want to thank you for this wonderful afternoon and also for the past year in which you invited me to your home for many mornings to talk about all the things that have happened over the course of your life. And, also, I want to thank Helen for her lovely hospitality and many wonderful lunches with the three of us together. It was a memorable year for me. And, I’m so grateful to both of you. Thank you.

**TED JONES:** Thank you.

(Audience applause.)