

## REMEMBRANCES

### **Elliot Beitner**

Elliot Beitner, an arbitrator for over 45 years, died on November 17, 2012. He was educated at Wayne State University, where he earned BA and JD degrees and was editor-in-chief of the *Wayne Law Review*. He was admitted to practice in Michigan in 1957. Among other activities, he was an adjunct professor at the Wayne State University Graduate School of Industrial Relations.

These achievements do not begin to identify Elliot Beitner the person. He was the proud father of four daughters and grandfather of four grandchildren. He had a unique sense of humor—dry, yet imaginative

Advocates knew what to expect during an arbitration hearing with Elliot. He was outspoken yet fair. Despite some eccentricities, he possessed an abundance of the qualities that make labor arbitration successful. Elliot was tough minded, yet sensitive to the issues at hand. He kept control of the hearing and expedited the proceedings whenever possible. He explained his rulings. Elliot was a fine representative of the National Academy of Arbitrators. We will all miss him. [Contributed by Patrick A. McDonald]

### **David Bloodsworth**

Soft spoken, well-liked teacher par excellence, David Bloodsworth (NAA Class of 1978) died on October 11, 2012, at the age of 75. David served as an arbitrator of distinction in western Massachusetts for many years and made frequent forays into the cutthroat Boston area to handle obstreperous, cantankerous litigants. His soft nature almost universally evoked a similar spirit from the parties.

After attending the Wharton School at the University of Pennsylvania, David served in the Army during the Vietnam War. Upon return to civilian life and his home in Arlington, Massachusetts, he graduated from Suffolk University and obtained a master's degree in labor relations from the University of Massachusetts.

The American Arbitration Association hired David as the regional vice president in Boston, where he served as an administrator and supervisor of labor cases from 1968 to 1972. David realized he could do the work he was assigning to others and he secured a position as assistant director of the Labor Relations and Research Center at University of Massachusetts, and he began arbitrating as a sidelight. As an academic, he wrote extensively and reviewed countless books and articles for labor economics and labor relations journals. In 1994, David's efforts settled a bitter dispute among Boston Carmen's Union, Local 589; Amalgamated Transit Union; and the Massachusetts Bay Transit Authority. His mediation work included two stints as a volunteer mediator for the Amherst teachers and the school district. This same commitment to public service led David to serve on the Amherst Landlord-Tenants' Committee and the University of Massachusetts Parking Commission (a truly dangerous undertaking in Amherst).

David made no pretense about his liberalism, and skewered the pomposity of politicians of whatever stripe. David leaves his wife, Carolyn, of Amherst; a son, David, in Brockton; and a daughter, Sarah, in New York City; along with a host of grandchildren, nieces, nephews, cousins, and friends. He will be missed. [Contributed by James Cooper]

### **William Davis Eaton**

William Davis (Bill) Eaton, passed away at age 85 on August 20, 2012. Bill demonstrated competence, ethics, and knowledge of the collective bargaining process while having no hesitation to let a novice know how much he or she had to learn about the dispute processes that were included in labor-management agreements.

Bill received his law degree from the University of Colorado, and he served as a law clerk to the U.S. District Court in Fairbanks, Alaska. Bill also received a Ph.D. from the University of California, Berkeley. In addition to serving for over four decades as an arbitrator, Bill lectured in constitutional law at San Jose University and was on the faculty at the University of California, Berkeley. He was an author of several books on legal and constitutional matters, including a historical perspective on labor arbitration in the Bay Area, which was published in 1967. He was accepted into the Academy in 1972.

Bill was on the rosters of AAA, FMCS, and CSMCS. He was appointed by labor and management as arbitrator for the Trans-

Alaska Pipeline Systems Project, American, Northwest, and United Airlines, and the American Broadcasting Company. Bill was the selected arbitrator for the construction industry in northern and central California. He served as arbitrator, mediator, and fact-finding panel member for state, local, and municipal agencies, and for school and special districts.

Bill was well respected for his skill and insight into issues, and for conducting his hearings with the highest level of professionalism and a subtle sense of humor. He and Renee, his wife of 35 years, resided in Carmel and San Francisco, California. Bill and Renee loved to ski and for more than 15 years prior to his passing enjoyed the mountains in and around Jackson Hole, Wyoming. [Contributed by Bill Riker]

### **Frank Elkouri**

Frank Elkouri, a legend in labor arbitration, passed away on January 18, 2013. Born in Byron, Oklahoma, on September 3, 1921, Frank was an Oklahoman through and through, who taught for 33 years at the Oklahoma University (OU) Law School.

Frank was a nationally recognized authority on arbitration, as well as an active arbitrator. His book *How Arbitration Works*, now in its seventh edition, is regarded as the authoritative treatise on the law and practice of labor arbitration. The classic text originated as Frank's Ph.D. thesis at the University of Michigan. Later, his wife, Edna, joined him in editing the book. Frank and Edna turned over the updating of the latest editions to other arbitrator-authors and advocates.

Frank continued to contribute to OU even after retirement in 1985. In 2011, he and Edna gave the school the largest one-time gift of \$6 million. According to the University, "... the gift not only provided opportunities to law students, but because of the spirit in which it was given, it truly was a gift from the heart."

Frank had a passion for U.S. history. His hope over his last years of retirement was to publish a complete history of the nation, including appropriate recorded music pieces for each segment (Frank was an accomplished clarinetist in his prime years). However, time and age caught up with him, and he and Edna were able to produce only one volume. *Stories of the American Civil War* was published in 2008. The book is divided into 240-plus short "segments," which make for fascinating and easy reading of the battles and personalities, spanning the whole war.

In addition to their scholarly works, Frank and Edna were active members and founders of a small Orthodox Christian parish of the Ascension in Norman, Oklahoma, where they taught and lived for many years. They provided endowments to the Orthodox Seminary of St. Vladimir in New York, where the majority of Orthodox seminarians receive their theological and pastoral education. Of course, Frank was a long-time member and member emeritus of the National Academy of Arbitrators. [Contributed by Philip Tamoush]

### **Milo G. Flaten**

Long-time Academy member Milo G. Flaten of Madison, Wisconsin, passed away in the spring of 2013, just before his 88th birthday. Milo was of the generation before full-time arbitration was common, and he divided his career between arbitration and the private practice of law. Born in Minneapolis, Milo was raised in Milwaukee. He enlisted in the U.S. Army immediately upon graduating from high school and served as a scout in World War II. As a scout, he was one of the first to storm the beaches in Normandy, and one of the few in that first wave to live through the experience. Milo later described it in those terms, explaining to an interviewer that they were not fighting for freedom, but simply for survival. He saw action in many of the major battles of the war and was eventually part of the American force that met up with the Russians at the Elbe River. After the war, Milo continued as an active reservist, eventually retiring as a colonel in the Army.

On his return from Europe, Milo enrolled in the University of Wisconsin, where he was a pitcher for the varsity baseball squad. This began a lifelong devotion to the university and its athletic programs (which continued, despite his bitterness at the decision to drop varsity baseball). Milo attended the University of Wisconsin Law School, graduated in 1952, and remained in Madison for the rest of his life.

While he had a long career as an arbitrator, Milo preferred to focus his energies on his role as an attorney. He was an active member of the Dane County and Wisconsin Bar Associations, and served as Treasurer of the State Bar in the 1980s. He was a noted character around Madison and a skilled raconteur who regularly held court on Fridays at the Avenue Bar, a gathering spot for attorneys, arbitrators, journalists, and politicians. [Contributed by Dan Nielsen]

### **Linda Robins Franklin**

Linda Robins Franklin died in April 2012. She was predeceased by her sister, Eva Robins, an early president of the NAA.

Linda became an arbitrator in 1982 after a successful career as a director of labor relations and human services. She taught arbitration courses at the Cornell ILR School and at Barnard, where she worked with women who were joining the labor force after a long absence. Linda became a member of the National Academy of Arbitrators in 1989. She served on the Membership Committee, the CPRG, and the New Member Orientation Committee. Linda was a friend to many in the New York City area chapter of the NAA. She later relocated to Massachusetts to live closer to her family. [Contributed by Barbara Zausner]

### **Joseph A. Gentile**

Joseph A. Gentile, of Liverpool, New York, passed away Friday, October 7, 2011. Born in Brooklyn and educated at New York University and Hofstra University, he served as a staff representative and regional director for District 50, and international executive board member of the United Mine Workers before becoming a mediator for the New York State Mediation Board and an arbitrator.

Joseph was appointed from panels of the American Arbitration Association, Federal Mediation and Conciliation Service, National Mediation Board, and state panels in New York and New Jersey. He was a past president of the central New York chapter of the Industrial Relations Research Association and vice president of the central New York chapter of the Society of Professionals in Dispute Resolution.

Joseph was a veteran of the Korean War, serving in Germany. He was a communicant of St. John's Church, and an avid golfer.

He is survived by his wife of 56 years, Marguerite Gentile, and sons Joseph P., Philip J., Michael J., and daughter, Christine M. Choiniere.

### **Joan Ilivicky Goldstein**

Joan Ilivicky Goldstein passed away on Friday, June 22, 2012. In the last few months of her illness, she was comforted by cards and visits from friends and family, including many of her special

friends in the Academy. As her son Kevin wrote, “She had a laugh you could hear from a mile away and unwavering loyalty to her family and friends.” Joan graduated from Brooklyn College and earned a master’s degree from New York University (NYU). She had nearly 30 years’ experience as a labor arbitrator. In addition, Joan served as an advisor to the Institute of Labor Relations at New York University, and to the Capstone Program at the Stern School of Business at NYU. She also was an adjunct professor at Marist College and instructor in the Department of Industrial Relations at the New Jersey Institute of Technology.

There is no question that the NAA benefited from Joan’s loyalty, energy, and humor. She was always willing to help the Academy in any way she could and was a special asset for the regions to which she gave her time, including serving as chair for the Mid-Atlantic Region. Not only was Joan active in the New York City Region, but she was also a regular supporter of the advocacy training in the Southeast Region and a valued contributor to many meetings in the Philadelphia area. Joan was also a respected member of the National Association of Railroad Referees, serving as Vice President of the Northeast Region and as arrangements chair for its annual meeting.

In addition to her busy arbitration practice, Joan was an avid gourmet cook, and strong supporter of the Isabella Freedman Jewish Retreat Center and her temple’s food bank. She and her late husband Arthur also sampled fully of the cultural richness, both musical and artistic, surrounding them in the New York City area. Joan was a gift to all in the Academy who knew her, and we join her children—Kevin, Doug, and Jolie—in mourning her loss; she will certainly be missed. [Contributed by Elizabeth Wesman]

### **Richard Grant Higgins**

“Tall, strong, and handsome” described West Point graduate Dick Higgins as an artillery officer in the U.S. Army. He looked dashing in his uniform and was honored to serve his country. Dick died at age 71 on May 4, 2013, at his home in Londonderry, New Hampshire, surrounded by his immediate family, including Debra, his wife of 30 years; his two daughters, Joanne Higgins and Sharon O’Neill; and his two sons, Richard Higgins, Jr., and Paul Higgins.

Dick grew up in Melrose, Massachusetts, where he was a hockey star and captain of his team in 1958–59 at powerhouse Malden Catholic. He went on to captain the West Point hockey team in 1962–63. Dick was an Airborne Ranger and artillery officer. Serving in Vietnam, he received the bronze star for bravery. He later earned an MBA at the Harvard Business School.

Dick learned the arbitration business from his father, John “Jack” Higgins, and his older brother John held numerous positions at the National Labor Relations Board. Dick’s awards were written in a crisp, military style, and he always showed great respect for the parties. Dick’s son, Paul, is now a full-time arbitrator in Boston. [Contributed by James Cooper]

### **Charles F. Ipavec**

Born to Slovenian immigrants, Charles F. (“Charlie”) Ipavec was a life-long resident of greater Cleveland, Ohio, and a nationally known arbitrator for some 50 years.

Charlie attended the Citadel in South Carolina. Upon graduation, he was commissioned a Marine Corps officer and served with distinction during World War II. After the war, Charlie owned a Packard Automobile dealership and was vice president of a Seven-Up bottling company. Upon completing law school at Case Western Reserve University, he began doing collection cases for a small, old-line law firm located on the upper floor of a savings and loan association.

He entered the arbitration field after attending Professor Ed Teple’s very successful neutral training program at Case in the early 1960s.

Charlie’s favorite story was about meeting both advocates from his first case a few years later. It had taken years, not months, for his second case to arrive, and Charlie was eager to hear what attributes had induced these lawyers to select him for his first case. “That’s easy,” they said, almost in unison, “our clients are cheap and you had the lowest per diem!”

He was a strong supporter of the Ohio-Kentucky Region and a popular speaker and moderator until health concerns required him to curtail travel and park his Cadillac with the “ARBITER” plates. Charlie was a positive force and friend who would willingly give of his time and talents to beginners and regional and NAA members alike.

Charlie was a widower. He said that his “next best girl” (arbitration) kept him going. He and Ruth had two children, Charles T. and Patricia (Clarke), six grandchildren, and a namesake great-grandson. [Contributed by Dennis Minni]

### **Edward E. McDaniel**

Edward E. McDaniel, a member of the NAA since 1972, passed away on October 8, 2012. He was 76 years old.

Ed was born in Memphis, Tennessee, the sixth of seven children. He graduated from high school in 1954 and he earned a BA from Howard University in 1958. Ed served in the U.S. Army and attained the rank of 1<sup>st</sup> Lieutenant. He went to Golden Gate University School of Law and earned his JD in 1967.

Ed and his wife Sarah were married in June 1967. They were blessed with four children: Jeffrey, Marla, Lindsey, and Casey. Ed was a dedicated husband and father, and the birth of each of his three grandchildren only increased the scope and depth of his obvious love for his family.

Ed became a labor arbitrator in 1969, when the chair of the Board of Arbitration for United States Steel and the United Steelworkers, Sylvester Garrett, enticed Ed to leave the National Labor Relations Board in San Francisco and move to Pittsburgh to begin a career in arbitration with the likes of Clare McDermott, Alfred Dybeck, and Helen Witt. Ed quickly became one of the busiest and most successful arbitrators in western Pennsylvania. Upon leaving the Board of Arbitration he opened what was for more than 40 years a thriving private practice.

In his Academy life, Ed served as a chair of the Western Pennsylvania Region and on the Membership Committee, the Board of Governors, the committee on Future Directions, the Designating Agency Liaison Committee, and the Committee on Professional Responsibility and Grievances.

Ed was an accomplished man who never lost the common touch. He was a selfless mentor and a valued source of guidance and wisdom. His friendship and good humor will truly be missed. [Contributed by David A. Petersen]

### **Francis X. Quinn**

Francis Xavier Quinn passed away October 10, 2012, in Fort Worth, Texas, at age 80. Born in Dunmore, Pennsylvania, he was

the son of Frank Thomas Quinn and Alice Maher Quinn. He earned a bachelor's degree in liberal arts and a master's degree in education from Fordham University, a master's degree in industrial relations from Loyola University in Chicago, an STM degree in theology from Woodstock College in Maryland, and a Ph.D. in industrial relations at California Western University in Los Angeles.

Francis served on numerous local and national boards, including Tulsa Metropolitan Ministries, Tulsa City-County Mayor's Task Force to Combat Homelessness (chair 1991–1992), Labor Religion Council of Oklahoma, National Academy of Arbitrators (vice president 1999–2000), and National Association of Railroad Referees (president 2001–2004). He was appointed by three secretaries of state to the Foreign Service Grievance Board to draft new regulations for grievance procedures, and was a fellow of the College of Labor and Employment Lawyers.

He authored several books, including *The Ethical Aftermath of Automation* (1963), *Ethics and Advertising* (1965), and *Population Ethics* (1968). Francis was honored as Freedom Foundation Teacher of the Year (1969), recipient of the Human Relations Award by the City of Philadelphia (1970), and induction into the International Police Association Hall of Fame (2000). [Contributed by James P. O'Grady]

### Zel Rice

Four Wisconsin governors, from both parties, understood that Zel Rice was a man who knew how to get things done. The long-time Academy member, whose fondness for fast cars, good living, and great music was the stuff of legend, passed away in May in his hometown of Sparta, Wisconsin, after a diverse and successful career as a soldier, attorney, public servant, arbitrator, and businessman.

Zel's public service began in the same way as many in his generation—as a soldier in World War II. Zel was an Army machine-gunner in an infantry division. He fought in the Battle of the Bulge and was wounded in battle in France. He was awarded four bronze battle stars, the Purple Heart, the Combat Infantry Badge, the Colmar Medal, the Bronze Star, the Belgian Fouragerre, and the Croix de Guerre.

Following military service, Zel returned to Wisconsin, where he received undergraduate and law degrees from the University of

Wisconsin. He worked briefly for a Wall Street law firm and for the U.S. Department of Justice, before returning to Sparta and joining the law practice of his father and brother. Zel was politically active, and served for a time as chair of the Monroe County Democratic Party. In 1963, he was appointed to the Wisconsin Employment Relations Commission, where he earned a reputation as a brilliant labor mediator and widely respected arbitrator. Although Zel was originally appointed by Democratic Governor John Reynolds, his standing was such that Republican Governor Warren Knowles reappointed him when his term expired. In his 12 years at the WERC, Zel was a colleague, a friend, and a mentor to more than a dozen NAA members.

Zel left the WERC in 1975, when Governor Pat Lucey appointed him Secretary of Transportation. Two years later, Acting Governor Martin Schreiber appointed Zel as the first Secretary of the Department of Industry, Labor and Human Relations. Zel returned to Sparta in 1980, and resumed the practice of law, along with service as an arbitrator across the country. He also occupied himself with a wide variety of business interests, and he presided over a real estate investment partnership, several radio stations, and the local newspaper. Zel was admitted to the NAA in 1970 and served on a variety of committees, most notably Membership.

Zel had an uncanny ability to quickly identify the likely terms of a settlement, and to persuade tough, experienced negotiators to place their faith in him. That faith was rewarded with the settlement of many of Wisconsin's most contentious strikes in the 1960s and 1970s.

Despite his enormous success and high public acclaim, Zel's proudest legacy is his beloved Babette and their son David. [Contributed by Dan Nielsen, Herman Torosian, George Fleischli, and Marshall Gratz]

### **William L. Richard**

William Loyal Richard, age 76, died at his home in Fort Myers, Florida, on April 17, 2013, after a long struggle with chronic obstructive pulmonary disease.

Bill graduated from Ohio State University, taught English, became a personnel director, and attended law school at night to earn his JD. He had a successful law career with the firm of Hartshaw, Thomas, and Richard. Bill became chancellor of Delta

Theta Phi law fraternity. He spent the past 20 years in his arbitration practice.

Bill wanted no service, no celebration, no memorial. He only wanted his Academy friends to raise a cup to toast his memory, and we shall do that.

He would remind us that “good people can disagree without being disagreeable.”

Bill was a man of honor, a consummate gentleman, and a brilliant lawyer. [Contributed by Phil LaPorte and Don Crane]

### **Ted Role**

Long time NAA member Ted Role passed away on July 25, 2012. Ted was an active arbitrator in the Boston area for many years and participated in the local NAA dinners right up to his 90th birthday. Like so many of his generation, Ted understood the meaning of the Great Depression. At age 16, Ted went to work on a production line for the Keystone Camera Company in the rough and tumble industrial neighborhood of Dorchester. While working, he attended Boston University at night and obtained a BA degree. Keystone Camera manufactured home movie equipment, but during World War II, it shifted to aerial surveillance and guidance systems. By then, Ted had worked his way up to vice president in charge of production.

In 1958, Keystone sent Ted to the Advanced Management Program at the Harvard Business School where he befriended Professor Jim Healy. Under Professor Healy, Ted took up arbitration and, a few years later when Keystone was sold, he went full-time and never looked back.

On the personal side, Ted’s wife of 70 years, Josephine, was by his side at every spouse-invited event. They had three children—two daughters, Nancy and Lorna, both professors at SUNY Stony Brook (as are their husbands); and a son, Philip, an anesthesiologist, of Sand Point, Idaho, who died two years ago of multiple myeloma. Ted leaves seven wonderful grandchildren.

Ted was a fly boy in his early 20s at a time when flying was novel and dangerous. He rescued daughter Nancy stranded at summer camp with acute appendicitis by flying her in a Piper Cub from the wilds of northern New Hampshire to Boston Children’s Hospital just in time for surgery.

A week before his passing, when Ted realized there was little time left before him, he exclaimed, “Damn, I wanted to vote for

Obama and see the results of the next election.” Pure Ted. [Contributed by James Cooper]

### **John M. Stochaj**

John M. Stochaj, a longtime member of the Academy from New Jersey, passed away on March 25, 2013, at 83 years of age.

In addition to his long and distinguished career as an arbitrator, John was a professor of industrial relations at the New Jersey Institute of Technology for 38 years. He had also been a faculty member at the Rutgers University Institute of Labor Management Union Leadership Academy. An Army veteran, John earned his BA from Boston University and a Ph.D. from New York University. Throughout his career, he had a strong commitment to many social causes, including a concern for workers’ rights. John was also generous with his time, counseling and providing advice to his students and fellow arbitrators.

John’s career as a neutral included service as a fact finder and interest arbitrator for the New Jersey Public Employment Commission. He was one of the first interest arbitrators selected by PERC.

John found great satisfaction in training dogs for The Seeing Eye and serving as a club co-leader. He could often be seen walking pups in Berkeley Heights, New Jersey, an activity that resulted in many friendships.

John and his wife Ricki were married for 57 years. He leaves his son Steven, of Las Cruces, New Mexico; his daughter, Loreli Stochaj, of New Providence, New Jersey; and his dog, Guy. [Contributed by Steve Rosen]

### **Jack Warshaw**

NAA member Jack Warshaw died March 7, 2012, at the age of 91. Jack served as a labor arbitrator in the Washington, DC, area for over 20 years, following his retirement from the U.S. Department of Labor in 1979.

Jack attended Boston Latin School and graduated from Roxbury Memorial High School in 1939. He took a job with the Selective Service in 1940. In 1942, Jack enlisted as a private in the Army and was discharged with the rank of sergeant in 1946. Following his military service, Jack joined the Office of Veterans

Re-employment Rights, which became part of the Department of Labor (DOL).

Jack had a long and distinguished career with DOL, in which he rose to be the Deputy Assistant Secretary of Labor for Labor-Management Relations. In 1967, he was detailed to the Presidential Commission on Postal Reorganization. Jack was an architect of the labor management relations, collective bargaining, and impasse resolution procedures of the Postal Reorganization Act of 1970.

Jack was known for his fairness and his respectful consideration of the parties who appeared before him in the grievances he heard and decided.

Jack is survived by Ruth Warshaw, his wife of 64 years, and his daughter, Eileen Ivey Sirota, and her family. [Contributed by David Vaughn]