

## MARK YOUR CALENDARS

### PLAN TO ATTEND...

#### 2016 Annual Meeting

June 22 – 25, 2016

Wyndham Grand Pittsburgh Downtown  
Pittsburgh, PA

#### 2016 Fall Education Conference

September 30 – October 2, 2016

Loews New Orleans Hotel  
New Orleans, LA

#### 2017 Annual Meeting

May 24 – 27, 2017

Fairmont Chicago, Millennium Park  
Chicago, IL

#### 2017 Fall Education Conference

September 15 – 17, 2017

Four Seasons Miami  
Miami, FL

#### 2018 Annual Meeting

May 23 – 26, 2018

The Fairmont Hotel Vancouver  
Vancouver, BC

#### 2018 Fall Education Conference

October 26 – 28, 2018

Sheraton Austin Hotel at the Capitol  
Austin, TX



## DAVID SHRIBMAN, PULITZER PRIZE RECIPIENT

### FEATURED SPEAKER AT 2016 NAA ANNUAL MEETING

*By Walt De Treux*

David Shribman, Executive Editor of the *Pittsburgh Post-Gazette*, nationally syndicated columnist, and frequent contributor to *The Globe & Mail*, will bring his insightful and informed commentary on American politics to the National Academy of Arbitrators' 2016 Annual Meeting in Pittsburgh, PA. In the midst of a race that has turned conventional politics and campaigning on its head, the Academy is fortunate to have one of the nation's premier political analysts offer his observations on the presidential primaries and conventions, the current state of politics, and their effects on labor relations.

Shribman received the Pulitzer Prize for journalism in 1995 for his coverage of Washington, D.C. and the American political landscape. His syndicated column, *National Perspective*, appears in over 50 newspapers throughout North America. The Distinguished Speaker luncheon will be held at noon on the

opening day of the Annual Meeting, Thursday, June 23, 2016.

Shribman's appearance is only one of the many reasons to attend the Annual Meeting. With the theme *Arbitration in Practice*, the meeting will cover in depth all areas of a labor arbitration hearing, from pre-hearing issues to start the meeting through a look at judicial review in a Friday plenary session featuring United States District Judge Mark Hornak. Leading management and labor advocates in the Pittsburgh area and beyond will bring their expertise to sessions on evidentiary and post-hearing issues and sessions in the postal, education, law enforcement, and airline industries. Two sessions will focus on employment arbitration, covering the case management conference, and discovery and motions. NAA member Scott Buchheit will present a humorous and insightful talk on the similarities between arbitrators and baseball

*(Continued on Page 3)*

## ON THE INSIDE

### FEATURES

Pittsburgh .....	1
REF Silent Auction .....	4
2016 FEC .....	6
Slate Bios .....	20

### COLUMNS

Milestones .....	5
Regional Roundup .....	8
Alongside Every Good Arbitrator ..	14
Remembering .....	18

### PRESIDENT'S CORNER

– BACK COVER

## Submissions

*The Chronicle* runs several features and columns highlighting the lives, stories, and work of the members of the Academy. We are always in need of new subjects for the articles and new story ideas. If you have any suggestions, want to write, or would like to see someone profiled in one of these columns, please contact Daniel Zeiser, Managing Editor, at [danzeiser@aol.com](mailto:danzeiser@aol.com) or contact the feature author directly.

*NAA Book Review* is a review by an NAA member of a book written by an NAA member.

*On The Job Training* provides first person accounts of arbitrators who have to experience hands-on the work lives of employees who appear before them.

*Off Duty Conduct*, written by Barry Goldman ([bagman@ameritech.net](mailto:bagman@ameritech.net)), highlights the esoteric passions that members pursue in their time away from the hearing room.

*Tales from the Hearing Room* is a compilation of members' stories of strange, funny, and unusual happenings during arbitration proceedings.

We hope these features, complementing our current roster of outstanding columns and features like *Technology Corner*, *Canadian Perspective*, and *Arbitration Outside the CBA*, capture your attention and interest. 📌

### PLAN TO ATTEND: 2016 Fall Education Conference September 30 – October 2, 2016



**Loews New Orleans Hotel  
New Orleans, LA**

## The Chronicle

*The Chronicle* is published by the National Academy of Arbitrators (Operations Center located at Suite 412, 1 North Main Street, Cortland, New York 13045). Copyright 2016. All rights reserved.

*The Chronicle* is strictly an internal newsletter of the Academy, and no reproduction of any of its contents is authorized without express written consent of the Managing Editor.

*The Chronicle* is published three times a year: Spring, Fall, and Winter. Copy deadlines are March 15 (Spring), July 15 (Fall), and November 15 (Winter). Please direct submissions to Daniel Zeiser, Managing Editor, and the NAA Operations Center. For submission instructions, contact NAA Operations Center at (607) 756-8363 or email, [naa@naarb.org](mailto:naa@naarb.org)

### 2015-2016 NAA OFFICERS

Allen Ponak, *President*  
Robert Gary Bailey, *Vice President*  
Robert B. Moberly, *Vice President*  
Martin H. Malin, *Vice President*  
Susan L. Stewart, *Vice President*  
David A. Petersen, *Executive Secretary-Treasurer*  
Margaret R. Brogan, *President-Elect*

### *The Chronicle*

**Managing Editor**  
Daniel G. Zeiser

**Assistant Managing Editor**  
Benjamin A. Kerner

### Columnists

Linda S. Byars	Michael P. Long
Walt De Treux	Mark I. Lurie
Howard G. Foster	John E. Sands
Catherine Harris	Kenneth Paul Swan

### Reporters

James Dorsey	Sheila G. Mayberry
Deborah M. Gaines	Jonathan S. Monat
Barry Goldman	Susan Wood Osborn
Marsha Cox Kelliher	Arne Peltz
Gary T. Kendellen	Lawrence Roberts
William W. Lowe	Jerry B. Sellman
David R. Williamson	

**Production Manager**  
Kathleen E. Griffin



# Welcome to Pittsburgh!

*By Michelle Miller-Kotula, Host Chair*

The Host Committee is ready to welcome the NAA Annual Conference to “The Steel City” in June 2016. We are excited to showcase our city as a story of transformation and a city remade touting new industries, entertainment, and a quality of life second to none. There is a reason that Pittsburgh is one of seven U.S. cities on Travel + Leisure’s International survey of best places to visit in 2016 and we look forward to showing it to you. Here is a first look at what we have planned for your visit to Pittsburgh. There is a reason that Zagat named Pittsburgh as the #1 Food City for 2015 and the President’s Dinner will be held at one of the restaurants leading that ranking. Vallozzi’s, located within walking distance of the Wyndham Grand, has inspired Italian cuisine and is the perfect setting to reunite with old colleagues, meet new friends, and kick off our conference. In addition, the Host Committee members have created options to highlight Pittsburgh areas such as Mt. Washington, the Cultural District, the Strip District, Station Square, the Southside, and Market Square during the popular dine around dinners. Information on the dine around options will be posted near the registration desk. We hope you will join us and taste for yourself why *Livability.com* placed Pittsburgh 3rd among the Top 10 Best Foodie Cities.

The Pittsburgh Pirates will be in town at PNC Park and scheduled to play the San Francisco Giants and host the Los Angeles Dodgers later in the

week. PNC Park is one of the top baseball parks in the country and just a short walk from our hotel. You do not want to miss the opportunity to see a game at this beautiful ballpark.

Travel + Leisure ranks Pittsburgh in the top 20 among America’s most charming cities and the Host Committee has partnered with VisitPittsburgh — the city’s tourism agency — to create a web presence on the NAA website to help you explore Pittsburgh. Information on walking, biking, local transportation, as well as information on riding the Duquesne and Monongahela Inclines to experience a spectacular view of the city can be found there. Additionally, information on tours, culture, tax-free shopping, and other points of interest will be detailed on the website, along with how to get to the Rivers Casino for those

who wish to try their luck. Please visit [www.visitpittsburgh.com](http://www.visitpittsburgh.com) to find out everything Pittsburgh and the surrounding area have to offer.

Information will be provided near the registration table about the great museums such as the Heinz History Center, the Andy Warhol Museum, Carnegie Museums of Natural History & Art, Phipps Conservatory and Botanical Gardens, the Frick Museum, the Pittsburgh Zoo, and National Aviary. There is something to interest everyone. Many points of interest are within walking distance of our hotel, including Point State Park, the Fort Pitt Blockhouse Museum, Market Square, PNC Park, and Heinz Field.

The Host Committee is excited to welcome you and we look forward to showing you Pittsburgh: Mighty, Beautiful! 🍷



## PITTSBURGH ANNUAL MEETING *(Continued from Page 1)*

umpires. On Saturday morning, a panel of Academy members, University of Missouri professors, and a former journalist and current management attorney will examine the media’s portrayal of arbitration and

the NAA’s response. The Fireside Chat will feature a fascinating interview with former NAA President Jim Harkless.

If you have not yet registered for

the Annual Meeting, it is not too late. Register online at [www.naarb.org](http://www.naarb.org), and join us in Pittsburgh for what promises to be an interesting and informative meeting. 🍷




# Clear Out for a Cause

## 2016 REF Silent Auction

The Auction Subcommittee of the Research and Education Foundation is pleased to report that we have already received some wonderful donations from members and regions for our 2016 Silent Auction at the NAA Annual Meeting in Pittsburgh. Among the items pledged so far are two vacation condo stays – one on each coast, handcrafted jewelry, art deco pottery, an Arizona jeep tour, tickets for a gala charity dinner, two tempting food baskets, and an Inuit carving.

We are hoping that many of you (members and regions) will follow their lead. Items that have been successful in attracting generous bids during our previous silent auctions were sports memorabilia, rare quality wine and whisky, historic items from the labor movement, and both painted and photographic art work. This is your opportunity to clear closets and attics of surplus cherished items, knowing they will be treasured anew by their successful bidders, while helping to increase the number of worthy projects REF grants can support in the coming years.

For those of you with uncluttered closets, shelves, and attics, dinner cooked by an NAA member, spa certificates for the Wyndham Hotel in Pittsburgh, or gift cards for one of the many excellent Pittsburgh restaurants are also great items for your tax-deductible donation. (Canadian members should check with their tax advisors.) Feel free to be creative in your chosen donation.

The donation form may be found on the NAA Web Site under the REF link. The form may be sent to the NAA Operations Center or emailed to any of the members of the auction committee. If you have questions about the auction, or about items to donate, please contact any member of the committee (Linda Byars: [lindabyars@naarb.org](mailto:lindabyars@naarb.org); Sheila Mayberry: [adr@maine.rr.com](mailto:adr@maine.rr.com); or Pattie Bittel: [ptbittel@gmail.com](mailto:ptbittel@gmail.com)). Please help us make this auction a real success! 

# MILESTONES

Edited by Michael P. Long

## NOTEWORTHY HONORS & PROFESSIONAL ACTIVITIES

**Margie Brogan** – President-elect of our NAA, was honored in March by the Peggy Browning Fund, which recognizes leaders in the Philadelphia region for their achievements on behalf of workers.



**Charles P. Fischbach** – in addition to being a well-thought-of arbitrator, is a former Commissioner of the City of Chicago Commission on Human Relations and has been appointed to the board of directors of Housing Choice Partners of Illinois (HCP). HCP is a major player in the nation's effort to reduce inter-generational poverty and create racially and economically diverse communities. To that end, HCP promotes racial and economic diversity in housing for minority and low income residents to provide them access to greater employment opportunities and their children access to better performing schools.



**Richard H. McLaren** – was recently appointed to the level of Officer in the Order of Canada. The Order of Canada, one of Canada's highest civilian honours, was established in 1967 by Her Majesty Queen Elizabeth II, during Canada's centennial year, to recognize outstanding achievement, dedication to the community, and service to the nation.

## PUBLICATIONS & PRESENTATIONS

**Robert L. Douglas** – of New York, co-authored a law review article with his son Jeffrey, who is a labor and employment attorney, titled "The Griggs Fable Ignored: The Far-Reaching Impact of a False Premise" at 33 Hofstra Lab. & Emp. L.J. 41 (2015). The article discusses what the authors describe as the US Supreme Court's misuse of the Aesop fable involving the fox and the stork to create the theory of disparate impact in employment discrimination law. Bob and Jeff also discussed the article as part of the distinguished speakers series for the St. John's Law School Center for Labor and Employment Law. Bob has also organized and led a panel, which included the Eastern Executive Director of the Directors Guild of America and the Vice President of Employee and Labor Relations of NBC Universal, for the NYC AAA entitled "The Code of Professional Responsibility for Arbitrators of Labor-Management Disputes: What Advocates Should Do for Their Clients."



**Martin H. Malin** – served as the Scholar in Residence at the Midwinter Meeting of the ABA Section of Labor & Employment Law ADR Committee on February 11–14, 2016. He presented two papers: "The Three Phases of the Supreme

Court's Arbitration Jurisprudence" and "14 Penn Plaza v. Pyett: Opportunity or Oppression for American Workers - Learning from Canada."



**Theodore J. St. Antoine** – delivered the annual Schwartz Lecture on Dispute Resolution at the Moritz College of Law at Ohio State University on April 5, 2016. The title was, "Labor and Employment Arbitration Today: Midlife Crisis or New Golden Age?"



**Perry A. Zirkel** – published the lead article in the most recent issue of AAA's *Dispute Resolution Journal* (v. 70, no. 7) entitled, "Non-Attorney Representatives in Labor Arbitration: Unauthorized Practice of Law." In this article, Professor Zirkel provides: 1) an overview of the gradual legalization of labor arbitration and the continuing practice of non-attorney representatives, especially, but not exclusively, on the union side; 2) a synthesis of applicable state laws, court rules, and advisory opinions; 3) an analysis of the major case on point, *In re Town of Little Compton*, in which the Rhode Island Supreme Court, in the wake of the determination by the state bar's unauthorized practice of law committee that the union's non-attorney representative was in "technical violation," declined "to limit this practice at this time;" and 4) alternative recommendations to avoid problems regarding this practice. 📌

## Continuing Call for MILESTONES

### Honors? Publications?

#### Exceptional activities - professional or otherwise?

Please alert us if you know of a noteworthy activity or event, whether it involves you or another member. We are a diverse and vigorous group, and, while one may be modest and restrained regarding personal accomplishments with the parties to disputes, friends and colleagues in the National Academy from around Canada and the USA enjoy hearing about not only your professional service, but your noteworthy activities outside the hearing room as well.

Please send your news to Mike Long by e-mail at [mlong@oakland.edu](mailto:mlong@oakland.edu) (preferred way). If you are not on line, just mail it to:

Professor Michael P. Long  
Department of Organizational Leadership  
495-A Pawley Hall  
Oakland University, Rochester, MI 48309.  
Phone: (248) 375-9918





## FALL EDUCATION CONFERENCE NEW ORLEANS 2016

*By Jane Devlin and Paula Knopf – Program Co-Chairs*

New Orleans is a city with a rich history that includes trials, tribulations, and triumphs. It has suffered the physical challenges of war, floods, and hurricanes, yet shown its capacity for endurance and renewal time and time again. Few cities have such a colorful arts scene or evoke so many images of mystery and magic. So it is an ideal location for a Fall Education Conference (Sept. 30-Oct. 2), where NAA members can gather to learn, be inspired, and enjoy each other. The 2016 FEC is designed to pay tribute to New Orleans' culture and labor history, as well as address current and emerging issues that pose challenges to the practice of labor and employment arbitration. The program will begin with an interactive, multi-media session led by Bill Kaplan. A noted author and arbitrator, Bill and his guests will take a critical look at arbitration, asking the pointed question, "Arbitration: A Disease or a Cure?" The second plenary on Saturday will involve a further installment on the theme of "Aging Gracefully," a joint initiative of the CRPG and the REF. Led by the ageless Betsy Wesman, the session will have a special guest speak frankly about the concept of retirement and dealing with questions of when, why, and how to retire. While we all know arbitration is an ideal profession that allows us to work as long as we choose, this session will explore the notion that there is more. As at the Denver FEC, over lunch on Saturday, we will give you the choice of simply socializing or continuing with educational dis-

cussions. When you walk into the room, you will see signs on the tables indicating topics that you might want to discuss with other members. Susan Grody Ruben is coordinating this effort with great "table talk" topics. For those who simply want to socialize, there will also be tables designated for that purpose.

The four concurrent sessions on Saturday afternoon promise to be interesting. There will be an interactive ethics session under the able stewardship of George Marshall, with a "red light/green light" format, allowing members to examine ethical questions and benefit from the wisdom of past CPRG chairs and members. This session will qualify for continuing education credits. Following up on our commitment to pay tribute to the local history of our venue, Paul Barron has organized a session on New Orleans' labor history, including important lessons from the past and the aftermath of Katrina. There will also be a session on the ever perplexing issue of remedies. Deciding whether to allow or dismiss a grievance is often not the most difficult issue. Deciding on the remedy if the grievance is allowed can frequently pose many conundrums. Howard Foster and Lise Gelernter will lead a discussion that deals with the possibilities and pitfalls of several options.

Dennis Nolan will lead a concurrent session giving members a chance to discuss the Academy's neutrality and its public role. This topic is often discussed informally and pondered by the Board of Governors. It arises in terms of

whether to intervene in cases and in relation to the public position that can or should be taken on various issues.

In one of the two Sunday plenaries, Jan Stiglitz will draw upon his experience as an arbitrator and active participant in the California Innocence Project to lead a discussion about what arbitrators can and should learn from the work of the Innocence Project. He will be assisted by the Louisiana Innocence Project. This plenary will touch on topics such as witnesses' memories, their reliability, and the use of experts.

The other Sunday plenary will have Marsha Kelliher chairing a discussion of gender identity issues in the workplace, addressing them head on and examining their impact on arbitration and discrimination cases. While there is much to do outside the conference with all that New Orleans has to offer, we are committed to providing a program from which you can gain knowledge and inspiration. We hope that you will plan your visit around the sessions and benefit from all the Academy and City have to offer.

A Skills Enhancement Session will be offered on Friday afternoon, September 30, 2016, in advance of the New Orleans FEC meeting. Ernest DuBester, Member of the FLRA, will lead a training on hot topics in federal sector arbitration. There will be an extra cost for the session and it will be open to members and nonmembers.

We look forward to seeing you in New Orleans. 🍸

# 2016 FEC - NEW ORLEANS

By Gil Vernon, Host Chair

"Twenty-two years ago I left the United States and moved to New Orleans" was the opening sentence in an airline travel-destination magazine I read a very long time ago. This statement describes a truth. There is no other place like "Nawlins" in the country.

It has a cultural fabric woven together by its narrow streets, old world architecture, food, music, and a spirit for fun and charm. In the ten years since we were there last in 2006 'NOLA' (New Orleans, LA) has made great progress in its pick-herself-up-and-dust-herself-off post Katrina redux.

Our visit starts at the Loews Hotel, a newly renovated 4-star property in the new crown jewel of New Orleans—the convention area of downtown. Tucked between the French Quarter and the Warehouse District, the hotel is an easy walk to the finest restaurants in the country beginning with the onsite hotel restaurant Café Adelaide. It is one of several restaurant properties owned and operated by the Brennan family, a NOLA restaurant industry legend. Café Adelaide is ZAGAT rated at 26. It is open for all three meals. ([www.zagat.com/r/cafe-adelaide-new-orleans](http://www.zagat.com/r/cafe-adelaide-new-orleans))

Speaking of the Brennan family tree, the Thursday night Presidential Dinner will be held at the namesake. It might come as a surprise that Brennan's 417 Royal Street was named to the [NOLA.com](http://NOLA.com) Top Ten "New" restaurants and ZAGAT'S hottest new restaurant list in 2015



Alex Demyan and NewOrleansOnline.com

given its history and that it first opened in 1946 (nearly 70 years ago). It was considered new in 2015 because it closed for one year for a \$21 million make-over. Please note space is limited for the Presidential dinner; the venue is 0.6 miles and 12 minutes on foot or a \$7.42 cab ride, according to [taxifarefinder.com](http://taxifarefinder.com), from the hotel. ([www.brennansneworleans.com/press-accolades.php](http://www.brennansneworleans.com/press-accolades.php))

There will be no end of things to do in NOLA: from pulling one-armed bandits at Harrah's Casino across the street, to eating at August (the best restaurant I have ever been to) both less than a few blocks away, . . . to music, music, music . . . shopping . . . to the traditional dine-arounds. Come early and stay late! 🍸





# REGIONAL ROUNDUP

Reported by Kathy L. Eisenmenger  
*National Coordinator of Regional Activities*

## CANADA

Regional Chair is Jules Bloch - [jbloch@sympatico.ca](mailto:jbloch@sympatico.ca)

## CENTRAL MIDWEST

Regional Chair is Brian Clauss -  
[brianclauss@brianclaussadr.com](mailto:brianclauss@brianclaussadr.com)

## METROPOLITAN D.C.

The DC Region continues to hold regular breakfast meetings at Jake's American Grille, 5018 Connecticut Avenue, NW, Washington, DC. All NAA members are welcome to join us. Recent speakers have included: Allison Beck, Esq., Director FMCS; Carol Waller Pope, Chairman, FLRA; and Arthur Pearlstein, Director, Arbitration Services, FMCS.

At a recent members-only meeting, the Region voted to make substantial contributions to the NAA REF and the College of Labor and Employment Lawyers.

A planning group was initiated to plan a social event to include labor and management attorneys and representatives in a "Meet the Arbitrator" format. Upcoming events include: the DC Region as one of the participants sponsoring and DC Region Members participating in the 37th FMCS Arbitration Symposium in Atlantic City on May 5 and 6, 2016. Of particular note, DC Region Members will present a full-day training program on Federal Sector Arbitration Advocacy Skills.

Regional Chair is Sean Rogers - [rogerssj@erols.com](mailto:rogerssj@erols.com)

## METROPOLITAN NEW YORK

On March 10, 2016, the Region met for dinner with a panel to consider the question: Arbitrators and Arbitration Under Attack – How should we, as a community of arbitrators, respond? The panel included Dick Adelman, Melissa Biren, Debbie Gaines, Gayle Gavin, and Howard Edelman. We enjoyed an open discussion with all in attendance, with meaningful recommendations and suggestions for the future and valuable feedback to the NAA.

We continue to work on putting together an education program for the spring or fall for arbitrators and advocates

alike. Another social program is also in the works for the spring. We plan to work with the NLRB contacts to jointly present a session on the Supreme Court's *Babcock & Wilcox* decision and how it affects labor arbitrators.

Regional Chair is Melissa H. Biren - [mhbiren@aol.com](mailto:mhbiren@aol.com)

## MICHIGAN

Greetings from the Michigan Region. We held two meetings this season, on September 29, 2015 and January 19, 2016. Our January meeting featured a speech by prominent employment arbitration lawyer Kathleen Bogus on employment arbitration, joined by Janice Holdinski, Vice President of the American Arbitration Association. Our September meeting discussed various aspects of labor arbitration.

On April 29, 2016, we welcomed with pleasure our guest speaker Allen Ponak, NAA President. We were all very excited to have the President with us. Also at the April 29th meeting, we gave a toast to departed member of our Region and former NAA President Richard Mittenthal.

Regional Chair is George T. Roumell, Jr. -  
[roumell2000@yahoo.com](mailto:roumell2000@yahoo.com)

## MID-ATLANTIC

The Mid-Atlantic Region held its Mid-Winter "Do-Dah" on February 20th, an evening of good food, drinks, and conversation, at the home of our colleague Walt De Treux and his lovely wife, Maryann. About 16 members and spouses attended, bringing contributions in hand for the repast. The De Treuxs provided a fabulous main course and libations. There was plenty of room in their spacious home where everyone could mingle and dine in a leisurely fashion. Many thanks to the DeTreuxs for all their efforts. Our next meeting was on May 10, 2016, it was a joint meeting with the Philadelphia LERA to discuss "Hot Topics." The local AAA office and LERA joined us in sponsoring the meeting. The chapter will also be donating two baskets of goodies to the REF silent auction in Pittsburgh, one with known brands from Philadelphia and the other with tasty bites from Atlantic City. Bring your taste buds and bid!

Regional Chair is Mariann E. Schick -  
[schickarb@comcast.net](mailto:schickarb@comcast.net)

## MISSOURI VALLEY

Regional Chair is George Fitzsimmons -  
[georgefitzsimmonsllc@hotmail.com](mailto:georgefitzsimmonsllc@hotmail.com)

*(Continued on Next Page)*



### NEW ENGLAND

The New England Region had a terrific turnout for the fall get-together (and quasi business meeting) over a fine dinner on November 5, 2015. Long-tenured colleague, Tim Bornstein, was the Honored Guest. Tim has served the NAA as Vice President, on the Board of Governors, the CPRG, and the Membership Committee. We applauded Tim on the occasion of his retirement from a distinguished and active practice (thereby turning over more business to the rest of us). Marcia Greenbaum toasted (roasted!) Tim with the opening words: "What can I say about Tim that he has not already said about himself?" As always, Marcia spoke the truth, and thereafter more friends expounded on Tim's success, his teaching, his writing, and his deigning to issue 3500 awards (for which he was richly paid). Surprisingly, Tim took this all in, extended his thanks to all, but said nothing more. We wished Tim well as he rode off into the New England darkness.

NAA member (and distinguished economist) Allen McCausland followed this with a startling presentation based on his research: "The Impact of Technology on Employment and Earnings." The presentation focused on two major findings/trends. First: technology is eating up so many jobs that in the not so distant future it will be extremely hard for anyone to find any remunerative work. Second: the labor union participation rate has been rapidly sinking for the past fifteen years and will continue to decline (as the first trend prevails). The implications are enormous and have yet to be enumerated, much less subject to any proposed solutions. Allan's research graphically demonstrates the specific, imminent (and mostly negative) impacts that technology imposes on employment and earnings. Be prepared: computers analyzing photographic images from cameras around the field may replace all baseball umpires. Computers instantly (and accurately) call balls and strikes, never miss a call at the bases, and determine definitively when a runner crosses home plate safely. Consider: vehicles equipped with computerized controls that can be operated by remote command will make cabbies and truck drivers obsolete; mega-radio stations using computerized programming to deliver what their audiences want will replace disc jockeys; avatars could replace psychologists to conduct interviews with veterans; and algorithms already replace some work of news writers and stock traders. Allan explained how artificial intelligence means that computers now "learn" on their own, eliminating the need for computer programmers. Thus, feed a computer enough arbitration decisions and it will be able to issue reasoned

decisions and awards, replacing 99% of arbitrators (us)! There was a collective, but audible, gasp as Allan announced the latter possibility. We should all be glad we were born in the last century.

Regional Chair is Mary Ellen Shea - [ArbitratorMEShea@gmail.com](mailto:ArbitratorMEShea@gmail.com)

### NORTHERN CALIFORNIA

The Region held a dinner meeting on March 1, 2016, and hosted as the guest speaker Allen Ponak, NAA President.

Regional Chair is Nancy Hutt - [nancyhutt@naarb.com](mailto:nancyhutt@naarb.com)

### OHIO-KENTUCKY

The OH-KY Region participated again in the annual FMCS/COLERA/NAA Arbitrator & Advocate Symposium. It was held on April 28-29, 2016 at the Crowne Plaza North in Columbus, Ohio. The Region held its annual meeting on Thursday morning, April 28, where NAA President Allen Ponak met with the members. Allen began the symposium with an address to the participants. NAA members were welcome.

Regional Chair is Dan Zeiser - [danzeiser@aol.com](mailto:danzeiser@aol.com)

### PACIFIC NORTHWEST

Region 17 held its annual Arbitrators' Day Conference March 9, 2016 in Seattle for arbitrators active in the Pacific Northwest, which drew attendees from five different states. Topics included the Board's New Deferral Standards, an update on the *Friedrichs* case following the death of Justice Scalia, Brady/Giglio Issues in Law Enforcement Arbitration, the Role of the Arbitrator at the Hearing, and the ever-popular Ask the Advocates session in which management and union advocates told us how we are doing and what we could do better to serve the parties. The Region also worked closely with the Washington State Bar Association's Labor & Employment Law Section to develop a joint advocate-neutral CLE session on Avoiding Ethical Pitfalls in Arbitration and a social reception. These events, which immediately followed the arbitrators' program, were extremely well received, sold out quickly, and were attended by approximately 100 advocates and arbitrators. We rounded out the day with dinner at a local restaurant with a number of the arbitrators, speakers, and guests. Planning for our Fall Meeting is underway: perhaps a return to Hawaii!

Regional Chair is David Gaba - [davegaba@compasslegal.com](mailto:davegaba@compasslegal.com)

*(Continued on Page 10)*

## REGIONAL ROUNDUP *(Continued from Page 9)*

### SOUTHEAST

The Southeast Region held its annual meeting on February 26-27, 2016 at the Crowne Plaza Atlanta Airport Hotel in Atlanta. The region sponsored an Advocates Training program on Friday, February 26th led by NAA Arbitrator and Georgia State University Professor Philip LaPorte. Four NAA Arbitrators, Donald P. Crane, Fredric Dichter, Martin Soll, and Jeanne Charles Wood, served as Arbitrator/Coaches for this program. Each Arbitrator/Coach met with a small group of participants to prepare a mock case to be presented at arbitration. Each group prepared their case with one arbitrator and presented their case to another NAA arbitrator. Participants worked with all four NAA arbitrators during the day-long training program. This was the first NAA program that ninety percent of the participants had ever attended. Participants came from the American Federation of Government Employees, the Amalgamated Transit Union, AT&T, the Communications Workers, MARTA, and the United Food and Commercial Workers.

The Region's annual meeting began with a reception and dinner on Friday evening attended by fifty NAA members and guests. Regional Chair Phil LaPorte welcomed everyone, then asked for a moment of silence to remember NAA SE region arbitrators Dick Mittenthal and Jim Sherman, who had recently passed away. Phil reported the latest BLS data on the unionization rates for the states of the Southeast Region; i.e., Alabama, Georgia, North Carolina, South Carolina, and Tennessee. On Saturday, February 27th, NAA President Allen Ponak gave the Presidential Address outlining recent criticism of arbitration and the steps the NAA is taking to inform the media and the public about the distinctions between labor arbitration and those arbitration systems imposed on consumers that are viewed as biased and one-sided. AAA Assistant Vice President Charles Dorsey; Arthur Pearlstein, Director, Office of Arbitration Services, FMCS; and NMB Director of Arbitration Services Roland Watkins offered the Agency updates.

NFL Attorney James M. Walters gave an overview of three recent cases between the National Football League and the NFL Players Association. Attorney Walters described the issues raised by both arbitrators and federal judges in the Ray Rice, Adrian Peterson, and Tom Brady suspension cases. The Players Association's attorney, James T. Langford, provided his perspective on how the NFL overreached in each case and considered the mitigation of the imposed discipline to be the application of contractual provisions and "the law of the shop." NAA Arbitrator Jack Clarke raised questions about each case in terms of

whether all three federal judges exercised legal authority rather than interpreting a Collective Bargaining Agreement.

The next panel dealt with the NLRB's new policy on deferral to arbitration. Attorney Robert Weaver gave an overview of the Board's new policy and the case in which it decided to issue the new policy. NLRB Field Examiner Mike Ziegler provided the Board's perspective and Evan Pontz gave management's view. The final session of the day featured a wide-ranging discussion from five top advocates on what arbitration procedures they use and where they get their arbitrators. NTEU National Counsel Bill Harness, CWA District Counsel John Quinn, Kaiser Permanente Labor Relations Manager Richard Daly, AT&T Legal Counsel Jim Glenister, and attorney Jim Fagan gave their thoughts on various arbitrator procedures and the pluses and minuses of using AAA, FMCS, direct appointments, and permanent panels. Each speaker described experiences using streamlined procedures, expedited arbitration, and conventional arbitration. The overall evaluations from the fifty-plus meeting participants were overwhelmingly positive. The NAA SE region thanks President Ponak and all the other speakers and supporters who made the 2016 annual meeting a success.

Regional Chair is Phil LaPorte - [plaporte@gsu.edu](mailto:plaporte@gsu.edu)

### SOUTHERN CALIFORNIA

Region 16 held a meeting on March 2, 2016, hosting NAA President Allen Ponak. Allen spoke of the challenges facing arbitrators and arbitration. His excellent presentation stimulated a most rousing discussion with our never shy members. As always, the regional meeting was open to non-member arbitrators. Our next meeting is scheduled for early June with George Marshall reprising his panel on remedies from the FEC. Future events include an advocacy training session in conjunction with Orange County LERA and a weekend retreat in the wine country around Temecula, CA. In addition to workshops, there will be time for wine tours with spouses and friends.

Regional Chair is Jon Monat - [j.monat@verizon.net](mailto:j.monat@verizon.net)

### SOUTHWEST ROCKIES

The region held its annual Labor-Management Spring Conference on March 4 and 5, 2016, preceded by its separate full-day sessions for Advocates Training and Arbitrators Training on March 3, 2016.

Regional Chair is Thomas A. Cipolla - [tcipollapc@msn.com](mailto:tcipollapc@msn.com)

*(Continued on Next Page)*



## REGIONAL ROUNDUP *(Continued from Page 10)*

### UPSTATE NEW YORK

Regional Chair is Douglas J. Bantle -  
[bantle@rochester.rr.com](mailto:bantle@rochester.rr.com)

### WESTERN PENNSYLVANIA

The Region, with NAA Members Michelle Miller-Kotula, Host Chair, Walt De Treux, Program Chair, and the entire cadre of local members, worked hard to prepare for the 2016 Annual NAA Meeting in Pittsburgh scheduled for June 22 - 25, 2016 at the Wyndham Grand Pittsburgh Downtown. A full description of the annual meeting appeared in The Chronicle's Winter 2016 edition.

Regional Chair is Michelle Miller-Kotula -  
[millerkotula@comcast.net](mailto:millerkotula@comcast.net)

### SPECIAL WORD:

On May 5, 2016, NAA Regions of the D.C., Mid-Atlantic, NY, Upstate NY, and Western Pennsylvania will present a full day of various topical sessions by NAA Members Mariann Schick, Randi Lowitt, Melissa Biren, Andrée McKissick, M. David Vaughn, Richard Adelman, Michelle Miller-Kotula, Sean J. Rogers, Joseph Kaplan, Douglas Bantle, and Charles Feigenbaum. The NAA topics include What Every Advocate Needs to Know about discipline and contract interpretation in private sector arbitration and arbitration advocacy skills in the federal sector. The NAA presentation is in coordination with the 37th FMCS ARBITRATION SYMPOSIUM on Friday, May 6, 2016. More information may be found at <http://sflerp.org/wp-content/uploads/2016/03/May2016ArbSymposiumBrochure.pdf>, or by contacting FMCS Commissioner Barbara Lichtman at (215) 717-7500 or email [blightman@fmcs.gov](mailto:blightman@fmcs.gov). 📌

## Southwest Rockies Region Annual Conference

*By Kathy Eisenmenger*

Over 130 arbitrators and representatives of unions and employers gathered in Houston, Texas for the 39th Annual Labor-Management Conference on March 3-5, 2016. The first full day began with the traditional arbitration training: separate sessions for arbitrators and another for union and employer representatives and their respective attorneys. NAA Members William McKee, LeRoy R. Bartman, Maretta Comfort Toedt, Mark Sherman, Daniel F. Jennings, and Thomas A. Cipolla guided an energetic gathering of advocates through the NAA REF's advocacy skills training program. NAA Members I. "Beber" Helburn and Louise B. Woltiz and guest advocate Zahn Reuther, BNSF Railway Company, focused an interactive "How-To" discussion of railroad arbitration under the RLA; i.e., handling multi-day, complex and interest cases, and a host of other challenges in the railroad industry. The day's training concluded with an agency update from Mr. Arthur Pearlstein, Director of Arbitration Services, FMCS, and Mr. Patrick Tatum, VP Labor, Employment and Elections from the AAA Fresno, California Case Management Center. The Houston LERA Chapter capped the evening with a lively social hour, dinner, and guest speaker, Mr. John Patrick, President, Texas AFL-CIO.

Tom Cipolla, the Program Chair and Regional President/Chair, welcomed the large attendance on March 4, 2016, which was immediately followed by the back-by-popular-demand Red Light-Green Light, but with a twist. Led by NAA Member Rex Wiant, advocates Joseph ("Chip") G.



Arthur Pearlstein, FMCS, Maretta Toedt, NAA Member  
and Patrick Tatum, AAA

Photographer: Kathy Eisenmenger

Galagaza, Esq. (Jackson Lewis LLP), Margaret Lecocke, Esq. (Williams Kherkher LLP), and NAA Members Zane Lumbley and James P. O'Grady riveted the audience with their spontaneous responses to prickly scenarios encountered in arbitration.

The afternoon sported a smorgasbord of individual "Poster" sessions from which the attendees could pick and choose. The new vehicle allowed for up-close conversations with lead NAA Members on subjects pertaining to Last Chance Agreements, LGBT Issues in the Workplace, Effectiveness of Zero Tolerance Policies, Sleeping/Dozing/Dreaming on the Job, Topics for Future Region Labor Management Conferences, Workplace Investigations: Do it right or don't do it at all!, and "Are the Seven Tests for Just

*(Continued on Page 12)*

# PACIFIC NORTHWEST

By Kathy Eisenmenger

Aloha! Region 17 experienced luxury coupled with an engaging seminar-like meeting on November 18, 2015. The Fairmont Orchid Hotel on the Big Island of Hawaii extended its *ohana* spirit to the Region as the venue for our annual meeting. Warm sun and sand replaced snow and cold rain for the small gathering of NAA members and party advocates. NAA Arbitrator Howell Lankford introduced Ms. Audrey Eide and Mr. Todd A. Lyons to guide an insightful discussion from the advocates' point of view of arbitration. Ms. Eide has 30 plus years as a union attorney, with long service as General Counsel for the Washington State Council of the County and City Employees, AFSCME, Local 492. Mr. Lyons, currently a partner at the law firm of Fisher & Phillips, LLP, Portland, Oregon, represents employers. Ms. Eide and Mr. Lyons frequently face each other in arbitration proceedings.

Howell Lankford moderated the discussion with Ms. Eide and Mr. Lyons and the NAA Members through a full plate of *kukakuka* (let's talk story) scenarios to highlight the *maika'i* (good), the *maika'i'ole* (bad), and the potentially *popopo* (rotten/ugly) cases from the advocates' tables. Ms. Eide and Mr. Lyons showed a true *aloha* spirit to each other



Back row L - R: Howell Lankford, Eric Landauer, James Paulson, Amedeo Greco, Harvey Nathan, Alan Krebs, Kenneth Perea  
Front row L - R: Kathy Eisenmenger, Rex Wiant, Lisa Kohn, Carol Teather  
Photographer: K. Eisenmenger

developed over many years of tribulations, contract disputes, settlements, and arbitrations.

The NAA members outlined the arbitrator's general practice when writing the award. The arbitrator first determines the facts that were supported by the record. The arbitrator then strings those facts with the theory the arbitrator

(Continued on Next Page)

## SOUTHWEST ROCKIES REGION ANNUAL CONFERENCE (Continued from Page 11)

Cause Still Relevant?" NAA President Allen Ponak spoke at the luncheon regarding the media's attack on arbitration without recognition of the inherent neutrality demanded in labor arbitration and employment arbitration under the Protocol. President Ponak described the possibility of a response from the Academy's standpoint. President Ponak and Bill McKee enlightened the group on the efforts of an Academy special committee to establish an accessible resource for labor/employment arbitration developments. More information will be available after the Academy's 2016 Annual Meeting in Pittsburgh.

After lunch on March 4th, the Conference hosted six sessions at two separate times covering a number of poignant subjects. The sessions included: the Postal Service Update, led by NAA Member-Designate Paul Chapdelaine, with a panel of representatives from the U.S. Postal Service, the National Association of Letter Carriers, the National Postal Mailhandlers Union, the National Rural Letter Carriers Association, and the American Postal Workers Union; the Police and Fire Update, led by NAA Member Norman Bennett, with a panel of attorneys from both unions and municipalities to discuss best practices, due process, employees' criminal conduct, and timeliness of the employers' actions under state statutes; an open discussion on Ethics for

Advocates and Arbitrators led by NAA Member Ruben R. Armendariz covering various scenarios and the impact of the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes; NAA Members T. Zane Reeves and Don E. Williams led the Federal Sector Issues session with a panel of advocates from the U.S. Customs and Border Protection, Federal Aviation Administration, and a federal sector union attorney; and the session led by NAA Member Marsha Cox Kelliher and Attorney Will Hartsfield concerned polygraphs, breathalyzers, GPS, computers, email, blogs, smart phones, video, and the effect modern technology has in today's workplace and arbitration cases. The evening included a wonderful social dinner for NAA Members, including President Ponak, and their guests.

The Conference concluded on Saturday, March 5th with the traditional "Postal Meeting" led by NAA Member Helburn presiding over an "open mike" opportunity for both management and union advocates to address their concerns about their various grievance processes and arbitration.

The Southwest Rockies Region will convene its 40th Annual Labor-Management Conference in either the last week of February 2017 or the first week in March 2017 in Dallas, TX. Watch for postings on the Academy's website under Regional Activities. You are all invited! 🍷




developed upon review of the record and the parties' summations. The counselors emphasized that the arbitrator should stick to the issues and the theory of the case presented in the processing of the grievance and not allow a new issue to show up for the first time at the arbitration hearing.



Todd Lyons & Audrey B. Eide

Ms. Eide and Mr. Lyons candidly discussed their views with the NAA members. For instance, Ms. Eide related that unions generally want the arbitrator to apply pressure to get the hearing date set when the matter dangles due to an apparent unavailability by the opposing party. Mr. Lyons lauded one arbitrator's general practice to hold a "pre-hearing chat" by calling the parties and asking, "Have you guys talked recently . . ." or, before taking witnesses at the hearing, asking, "Why don't you two [advocates] step out in the hall and have a discussion?" Mr. Lyons related that these pre-hearing chats give the parties a "Grand Canyon" moment, meaning that they have the last chance to look at their respective case views from a broader and deeper perspective, which can lead to settlement. Ms. Eide and Mr. Lyons

hold differing views on the matter of "silent" versus "active" arbitrators during the hearing. Unions do not mind when an arbitrator asks questions to gain a better understanding of a particular point. Employers dislike when an arbitrator asks substantive questions, but both counselors agree an arbitrator should ask questions to clarify a matter. The counselors have used a practice where the union makes oral arguments at the conclusion of the hearing but the court reporter holds distribution of the hearing transcript until the employer submits its brief. At that time, the transcript and the brief are submitted to the arbitrator. The arbitrator executes cross-service of the transcript to the employer and the employer's brief to the union.

Ms. Eide and Mr. Lyons discussed "splitting the baby" arbitration awards where an arbitrator reinstates a discharged employee to work but does not award backpay because the penalty was too harsh for the offense the employee committed. Ms. Eide found some satisfaction with this form of award because the union's interest is to get the employee back to work. Mr. Lyons raised several issues employers found troubling to administer upon the employee's reinstatement. Employers, and likewise the employee, may be uncertain about leave accruals, missed overtime, retirement contributions from both the employer and the employee to retirement funds, payments for health insurance premiums, and payments pertaining to the employee's out-of-pocket costs for health care during the discharge period. There may be other benefits the employee lost during the discharge period. 

## MARK YOUR CALENDAR

### 2017 Annual Meeting

May 24 – 27, 2017



Fairmont Chicago, Millennium Park  
Chicago, IL

# ALONGSIDE EVERY GOOD ARBITRATOR

A column featuring the accomplishments of our partners

## Sharon Gudenberg (wife of NAA member Harry Gudenberg)

*By Linda Byars*

I asked Harry to share some of his thoughts about his wife, Sharon, because I know firsthand the work she generously did for the Southeast Region when Harry was region Chair. When I asked him to tell me a little about Sharon, his response was, “How does one describe the most wonderful person you have been blessed to have spent your life with and who makes every day a joy!”

Here is the rest of his tribute to his wife of 38 years:

Sharon has many skills and qualities. As the supporter of an NAA arbitrator, she willingly and often has the opportunity to proofread many of my decisions. She brings her critical writing skills and abilities acquired while studying journalism at the University of Georgia to polish my words so they are easily understandable.

While I was Chair of the Southeast Region for three years, she had the added duties of being my administrative staff and support. She assisted with the program agendas, getting speakers to attend, and in making their presentations available to the participants. She made the hotel and conference arrangements and was greeter-in-chief, enhancing the experience for everyone at our annual meetings.

In addition to her activities in support of my endeavors and the NAA, Sharon loves to cook and has a library full of cookbooks that she uses to make gourmet meals for us and many friends. Her love of cooking led her to participate in and start a Gourmet Club in the community where we reside.

She also loves to write poetry, and to design and personalize special occasion greeting cards so unique that many of our friends have collections of them. You know you are special when you receive one of her cards. Her literary talents are combined with a love of photography and an eye-catching ability to take all kinds of photos; she uses both talents to publish family albums for our two children and four grandchildren.

When not focused on one or another of these passions, she can play a mean game of golf and has won many local tournaments. She is also involved in many other community activities.

I am pleased to share her accomplishments – she is deserving of no less and I am lucky and blessed to have her love and support.

If you know other spouses or friends of Academy members who have helped us over the years (or have unusually impressive accomplishments in other areas), send your recommendation for “Alongside Every Good Arbitrator” to [lindabyars@naarb.org](mailto:lindabyars@naarb.org). 📧

**Please Join Us:  
2018 Annual Meeting  
May 23 – 26, 2018**



**The Fairmont Hotel Vancouver  
Vancouver, BC**

**Plan to Attend:  
2018 Fall Education Conference  
October 26 – 28, 2018**



**Sheraton Austin Hotel at the Capitol  
Austin, TX**



## REF REPORT

By Elizabeth Wesman and Catherine Harris

The Research and Education Foundation has two ongoing projects and a newly funded project. As many of you have discovered, the arbitration web site, <http://law.missouri.edu/arbitrationinfo/>, funded in part by a seed grant from the REF, is up and running. Professor Rafael Gely and REF Board Member Robert Bailey, in conjunction with the NAA Web Site Committee, have done an excellent job of guiding the students and support staff of the University of Missouri School of Law and School of Journalism to produce a useful and user-friendly resource for arbitration professionals, journalists, and the public.


The ongoing project led by NAA member Martin Malin on *Adjudication of Statutory Claims: Comparing Arbitration and Human Rights Tribunals in the Province of Ontario* experienced a slight delay due to the unexpected illness of some of the researchers and support staff. At NAA member Malin's request, the REF Board unanimously agreed to approve a six month extension for completion of their research and report. The project is now progressing well.

In addition, the REF Board has approved funding for a proposal from the Cambodian Arbitration Council Foundation to help with translation and dissemination of arbitration awards among Cambodian public and private sector arbitration professionals. The

Board felt that this was an excellent opportunity to increase communication regarding arbitration in a country making great strides in adopting arbitration as an alternative to court litigation.

The REF Board of Directors considers proposals for funding of new research and education projects at its regularly scheduled meetings twice a year. The requirements for making a grant application can be found at the Academy web site under the REF tab. If you know a researcher or educator who is seeking financial support for a project related to labor or employment arbitration, please direct him or her to the Academy web site.

Over the past few months, we have received many generous donations of items to be auctioned at the REF's third Silent Auction at our annual meeting in Pittsburgh. Thanks to all who have donated so far. We are still accepting donations, of course, so if spring cleaning items beg to be donated, give in and donate them! Many thanks to the REF auction subcommittee for their work on this valuable and fun event.


Finally, in this issue of the Chronicle, we are pleased to list last year's donors to the REF. It is your donations over time that make the work of the REF possible. We could not exist without your support. 

## NOTE ON OUR HISTORY

By Nancy Kaufman

The Academy's History Committee should be called the Phoenix Committee – periodically we rise from the ashes.

Currently there are 75 interviews or remembrances on the public side of the Academy's web site for 62 different individuals. In 2005, the existing interviews were maintained at the Operations Center but not generally available. We made the brave decision that not only would we transport the interviews to the Academy's web site but we also wanted them available to the public. At that time, the Academy decided to revamp its web site, so the movement of the interviews took five years – but the wait was well worth it. These wonderful recollections can now be viewed by anyone interested in our history and labor-management history. There is also a hard copy of the interviews available at the NAA Ops Center that can be borrowed for the cost of mailing.


Over the next year, I plan to catch up with presidential interviews, especially those from 2011 through 2014, and get two outstanding (in both senses of the word) transcripts from the editing stage to the finished product. The one former president for whom we have no recollections or remembrances is 1953 President Edgar Warren. We also do not have anything about Secretary-Treasurers prior to 1983. If you can help us to fill in these gaps, please contact me. 

## FUTURE PERFECT

By Sara Adler, LRF Coordinator

If you are slowing down or planning to retire, and if you have professional liability insurance, please keep in mind that the insurance through CEM is a "claims made" policy!

Yes, that means you must pay for tail insurance inasmuch as many claims do not ripen for a while as the grievant (usually) mulls over the manifest injustice you have allowed to be committed against him or her.

We have always ultimately prevailed, but getting to the end of the legal process can be quite costly. Please make any inquiries about tail insurance from CEM. As always, please remember to let one of the LRF coordinators know immediately if you have been sued, subpoenaed, etc. Thanks. 

## NAA Research & Education Foundation

### PRESIDENT'S CIRCLE

Anita Christine Knowlton  
Barbara Zausner

### GOVERNOR'S CIRCLE

Martin H. Malin  
Jeffrey B. Tener  
Arnold M. Zack

### LIFE MEMBERS

Peter Adomeit  
Sara Adler  
Lewis R. Amis  
Douglas James Bantle  
LeRoy R. Bartman  
James P. Begin  
Michael H. Beck  
Mei L. Bickner  
Patricia Thomas Bittel  
Jules Bloch  
Richard I. Bloch  
Howard S. Block  
Mario F. Bognanno  
Bonnie G. Bogue

Richard G. Boulanger  
Steven Briggs  
C. Chester Brisco  
Margaret R. Brogan  
Suzanne R. Butler  
Linda S. Byars  
Barbara Chvany  
Thomas A. Cipolla  
Sheila S. Cole  
Robert A. Creo  
Shyam Das  
Walt De Treux  
Fredric R. Dichter  
Jacquelin F. Drucker  
Philip J. Dunn  
James B. Dworkin  
Howard C. Edleman  
Charles P. Fischbach  
John J. Flagler  
George R. Fleischli  
John C. Fletcher  
Phyllis E. Florman  
Janice K. Frankman  
Janet L. Gaunt

Joseph F. Gentile  
Gladys Gershenfeld  
Alvin L. Goldman  
Barnett M. Goodstein  
Elliott H. Goldstein  
Roberta L. Golick  
Stephen B. Goldberg  
Marcia L. Greenbaum  
Gladys W. Gruenberg  
Patrick Halter  
James M. Harkless  
Catherine Harris  
I.B. Helburn  
Lawrence T. Holden  
William H. Holley, Jr.  
Fredric R. Horowitz  
Sharon K. Imes  
Jacqueline A. Imhoff  
Mark L. Kahn  
Richard R. Kasher  
Paula Knopf  
Lisa Salkovitz Kohn  
Edward B. Krinsky  
George Edward Larney

John B. LaRocco  
Marilyn M. Levine  
J. Joseph Loewenberg  
Randi E. Lowitt  
Arthur A. Malinowski  
William A. Marcotte  
Robert W. McAllister  
Donald S. McPherson  
Susan R. Meredith  
Kathleen Miller  
Robert B. Moberly  
Joyce M. Najita  
Harvey A. Nathan  
Margo R. Newman  
George Nicolau  
Dennis R. Nolan  
James J. Odom, Jr.  
James C. Oldham  
Kenneth A. Perea  
Edward A. Pereles  
David A. Petersen  
Allen Ponak  
Lois A. Rappaport  
Gerard R. Restaino

George S. Roukis  
William S. Rule  
Joseph M. Sharnoff  
Calvin William Sharpe  
John C. Shearer  
Elliott D. Shriftman  
Clifford E. Smith  
Theodore J. St. Antoine  
James L. Stern  
Susan L. Stewart  
Donald F. Sugerman  
Chris Sullivan  
Alan A. Symonette  
Martin Teplitsky  
Rosemary A. Townley  
Rolf Valtin  
M. David Vaughn  
Gil Vernon  
J.F.W. Weatherill  
Elizabeth C. Wesman  
David R. Williamson  
Barry Winograd  
Daniel M. Winograd  
Aaron S. Wolff

## PLAN TO ATTEND: 2017 Fall Education Conference September 15 – 17, 2017



## Miami Four Seasons Miami, FL

# NAA Research & Education Foundation

## 2015 Donors

Richard Adelman  
Sara Adler  
Frederick P. Ahrens  
Christopher James Albertyn  
Ellen J. Alexander  
Claude Dawson Ames  
Ruben R. Armendariz  
Gary L. Axon  
Robert Gary Bailey  
LeRoy R. Bartman  
Stephen F. Befort  
Robert Bergeson  
Michael A. Berzansky  
Mei L. Bickner  
Melissa H. Biren  
Jules Bloch  
Richard N. Block  
Bonnie G. Bogue  
Daniel F. Brent  
Margaret R. Brogan  
Susan R. Brown  
Timothy J. Brown  
Scott E. Buchheit  
Mark Burstein  
Suzanne R. Butler  
Linda S. Byars  
Brian Clauss  
Sheila S. Cole  
Laura J. Cooper  
James M. Darby  
Shyam Das  
Walt De Treux  
Jane H. Devlin  
Richard W. Dissen  
Joan G. Dolan  
Joseph W. Duffy  
Kathryn Durham  
James B. Dworkin  
Howard C. Edelman  
Kathy L. Eisenmenger  
Sharon Henderson Ellis  
Laurence M. Evans  
Richard D. Fincher  
Charles P. Fischbach  
Phyllis E. Florman  
Howard G. Foster  
Edna E.J. Francis

Matthew M. Franckiewicz  
Deborah M. Gaines  
Sharon A. Gallagher  
Sarah Kerr Garraty  
Joseph F. Gentile  
Paul F. Gerhart  
Joseph P. Girolamo  
Eleanor E. Glanstein  
Barry Goldman  
Roberta L. Golick  
Robert A. Gorman  
Paul Greenberg  
Gladys W. Gruenberg  
Harry Gudenberg  
Edward Harrick  
Catherine Harris  
I.B. Helburn  
William H. Holley, Jr.  
Fredric R. Horowitz  
Nancy Hutt  
Sharon K. Imes  
Jacqueline A. Imhoff  
Arthur T. Jacobs  
Rose Jacobs  
Joshua Javits  
Marsha Cox Kelliher  
Linda DiLeone Klein  
Paula Knopf  
Ildiko Knott  
Anita Christine Knowlton  
Lisa Salkovitz Kohn  
Sinclair Kossoff  
Edward B. Krinsky  
Homer C. La Rue  
Howell L. Lankford  
Philip A. LaPorte  
Carol F. Laskin  
Randy Levinson  
Thomas P. Lewis  
Ira B. Lobel  
William W. Lowe  
Mark I. Lurie  
Martin H. Malin  
Arthur A. Malinowski  
George E. Marshall  
Diane Dunham Massey  
Andree Y. McKissick

Donald S. McPherson  
Susan R. Meredith  
Stanley H. Michelstetter, II  
Kathleen Miller  
Michelle Miller-Kotula  
Robert B. Moberly  
Jay Nadelbach  
Marilyn Nairn  
Joyce M. Najita  
Elizabeth Neumeier  
Margo R. Newman  
George Nicolau  
Daniel J. Nielsen  
Dennis R. Nolan  
James C. Oakley  
James C. Oldham  
Stephen D. Owens  
Louis J. Patack  
John D. Perone  
David A. Petersen  
William W. Petrie  
Allen Ponak  
Wilma R. K. Rader  
Joseph L. Randazzo  
Gerard G. Restaino  
Arthur A. Riegel  
Stephen J. Rosen  
George S. Roukis  
John E. Sands  
Martin F. Scheinman  
Joesph M. Sharnoff  
Elliott D. Shriftman  
Jay M. Siegel  
Clifford E. Smith  
Theodore J. St. Antoine  
Susan L. Stewart  
John L. Stout  
Donald F. Sugerman  
Chris Sullivan  
Alan A. Symonette  
Gregory P. Szuter  
Sherrie Rose Talamadge  
Jeffrey B. Tener  
Mark Thompson  
Jack D. Tillem  
Maretta Comfort Toedt  
Kathryn A. VanDagens

Gil Vernon  
Jeanne M. Vonhof  
Bonnie Siber Weinstock  
Elizabeth C. Wesman  
Hoyt N. Wheeler  
Rex Wiant  
David R. Williamson  
Barry Winograd  
Daniel M. Winograd  
Aaron S. Wolff  
Jeanne Charles Wood  
Arnold M. Zack  
Barbara Zausner


### Special Gifts in Memory of:

Gabriel N. Alexander  
Arvid Anderson  
Peter DiLeone  
Robert Dunham  
Milden J. Fox, Jr.  
Margery F. Gootnick  
Timothy J. Heinsz  
Joan Ilivicky  
Sara D. Jay  
Paul J. Kreitner  
Clare B. McDermott  
Eli Rock  
James J. Sherman  
Martin Wagner

### Special Gifts in Honor of:

Margaret R. Brogan  
I.B. Helburn  
David A. Petersen  
Allen Ponak  
George T. Roumell, Jr.

### Region Donors:

Southwest/Rockies Region  
Upstate NY Region 



# REMEMBERING...

## ***Remembrance of Michael B. McReynolds*** ***by Ruben Armendariz***

Michael B. McReynolds, an Academy member since 2009, lost his courageous battle with glioblastoma cancer on February 29, 2016, in Fort Worth, Texas at the age of 72. Beside him was his loving wife, Ginger.

Mike was born on June 25, 1944 in Shreveport, Louisiana to John W. and Mary Jane McReynolds, the oldest of nine children. Mike enlisted in the Army as a private in 1961; he applied for and was accepted to Officers Candidate School. Upon graduation, he was commissioned as a 2nd Lieutenant. He served in Vietnam and was promoted to 1st Lieutenant before leaving the military to pursue a B.S. in Political Science at the University of Florida. Throughout his life, Mike was a diehard "Gators" fan and loved college football. Most of Mike's career was with the National Labor Relations Board (NLRB) where he held several positions: a Labor Management Relations Examiner in Memphis, Tennessee; a Resident Officer of the Las Vegas, Nevada Resident Office for Region 21; and as Assistant Regional Director for Region 23 in Houston, Texas. For a brief period, Mike was also a Deputy Regional Director for the Equal Employment Opportunity Commission in New Orleans, Louisiana from 1990 until his retirement from Civil Service in 1995.

In 1996, Mike commenced a very active career as a labor arbitrator. He served on the labor panels of the FMCS and AAA, and held several "permanent panel" appointments in a variety of industries in the private sector as well as several appointments in the federal and public sector. He was also an Equal Employment Opportunity contractor and investigated various employment discrimination claims. In 2009, Mike was inducted into the National Academy of Arbitrators and was very active with the planning committee of the Southwest Region. Mike was very well liked and respected by not only his peers but the labor management community.

Mike was an avid fisherman, a great two-stepper, and competed in ballroom dancing. One of his greatest passions was working with Ginger on the horse shows she produced. He was lovingly referred to as "Mr. Mike" and was a very popular ring announcer. He received the 2015 Founders Award from the Gulf Coast Hunter Jumper Association.

Mike is survived by his wife, Ginger, stepdaughter, Bailey Thompson, son, Kevin McReynolds, and his wife, Nancy, grandson, Sean McReynolds, and granddaughter, Margaret Redden. He is also survived by two brothers and five sisters.

On a personal note, Mike and I have been very good friends since the early 1980s. Mike was my mentor, colleague, and immediate supervisor with the NLRB. He loved arbitration and his career with the NLRB. He had a passion for labor arbitration and it was very apparent in all his written opinions. Mike had a wonderful command of expressing his views logically in every decision. He will be deeply missed by all of us in the Southwest Region.

*(Continued on Next Page)*

## ***Remembrance of Joe Woodward***

***by Don E. Williams***

Each of us has formed a long-time relationship with one or more of our fellow members. One of the most memorable friends I had was Joe Davis Woodward. Joe, 85, of Magnolia, Arkansas, passed away March 3, 2016 at his residence. Mr. Woodward was born March 25, 1930 to the late Walter Ashton Galloway "Wag" and Mary (Davis) Woodward. He attended Southern State College, where he was a member of the Kappa Sigma Fraternity. Joe graduated from the University of Arkansas, Fayetteville with a Juris Doctor in Law. He was a member of the First United Methodist Church and was an Eagle Scout.

Mr. Woodward practiced law in Magnolia, Arkansas since 1952; served as the Prosecuting Attorney for the city of Magnolia; and was elected as the Prosecuting Attorney for the 13th Judicial District in the 1960s. He served as chairman of the Arkansas Transportation Commission under Governor Dale Bumpers, the Legislative Liaison for the House and Senate, and chairman of the Arkansas Thoroughbred Racing Commission. In 1952, he served in the United States Army where he was a JAG lawyer during the Korean War. He settled claims for damage done to private homes from shells gone astray. In 1978, Joe finished a distant second to Bill Clinton in the Arkansas gubernatorial primary.

In 1972, Joe started arbitrating through the American Arbitration Association, FMCS, and several direct appointments. He was admitted to the Academy in 1984 and resigned in 2013 due to ill health. During that time, he served as chair of the Academy's Southwest Rockies Region. He was also a long-time member of the American Bar Association.

Joe is preceded in death by his parents; brothers Galloway Woodward and Mac Woodward; and sister Mary Ann McLaughlin. He is survived by his wife of 64 years, Deane Reid Woodward, of Magnolia; sons Reid Woodward and wife Nancy of Magnolia and Davis Woodward and wife Rebecca of Hot Springs; grandchildren Blair Woodward of Denver, Colorado, Dean Woodward of Magnolia, Joe Woodward of Hot Springs, and Olivia Woodward of Little Rock, Arkansas.

As we discussed many times, I will see you there. 

## **IN MEMORIAM**

*It was recently learned that the following Member has passed away:*

**Richard Mittenthal**  
NAA Member since 1958

A Remembrance will appear in a future *Chronicle*.

# SLATE OF OFFICERS AND GOVERNORS 2016-2017

## PRESIDENT-ELECT

### KATHLEEN MILLER

*Ardmore, PA*

Kathy had a first career teaching college English. She has been a full-time Labor Arbitrator since 1987, and since 2000 she also has practiced as an Employment Arbitrator and Mediator. She has served on panels in the private and public sectors in the shipbuilding, steel, energy, soda ash, tire and rubber,

and iron ore industries, as well as in transit, education, and state and municipal government. Kathy has taught senior seminars in ADR in the Workplace at her alma mater, the University of Pittsburgh School of Law, as well as in the Pennsylvania State University graduate program in Industrial Relations. She is a Fellow of the College of Labor and Employment Lawyers.

It was Kathy's great fortune to be mentored early in her career by Sylvester Garrett, a past NAA President, who introduced her to countless nuances about being a Labor Arbitrator. Kathy and Syl shared offices for eight years with Mick McDermott, and she also was privileged during those early years to work with Rolf Valtin when he was chief Umpire for Bethlehem Steel and the Steelworkers. She is deeply indebted to Mickey and Rolf, both past NAA Presidents, for the informal mentoring each of them provided so generously. She is especially grateful to all three of her mentors for a lifetime of deep friendship.

Speaking of friendship with respected colleagues, Kathy was inducted into the NAA in 1994. Since then, she has served as a member or chair of many committees, and she has served as a Governor and a Vice-President. By her lights, though, the benefits of her association with the Academy have flowed primarily her way, in the form of rich friendships with some of the most interesting and impressive people she ever has known. She is very honored to be nominated as President Elect of the Academy.

Kathy lives outside Philadelphia, in Ardmore, Pennsylvania, with her husband, past NAA President Shyam Das. She has two wonderful children and two wonderful stepchildren: Samantha Tower, a Labor Arbitrator and Mediator; Bree Gould, a Clinical Psychologist; Sarah Das, Assistant Scientist at Woods Hole Oceanographic Institute; and Jason Das, an Artist and Website Designer. Her six spectacular grandchildren make her cup runneth over: Aiden, Theo, and Corinne Tower; Willa Gould; and Lizzie and Rachel Kurtz. True to their genes, these growing



grandchildren already are showing an incipient love for opinionated debate. Kathy has begun to notice, though, that her pronouncements as Madame Arbitrator – as opposed to Nana – seem to elicit a lot more deference.

## EXECUTIVE SECRETARY-TREASURER

### WALT DE TREUX

*Philadelphia, PA*

Walt has served as a labor and employment arbitrator and mediator since 1999. He has been active in the labor-management field since 1982. He is a graduate of Penn State University and Temple University Law School. He is a member of the Pennsylvania and New Jersey bar associations, and he is admitted to practice in state and federal courts, including the United States Supreme Court. He is a Fellow of the College of Labor and Employment Lawyers.



Walt came into the Academy in 2007. He served briefly on The Chronicle Committee before taking over as Editor for a 3-year period. Appointed by President Gil Vernon, Walt filled a newly designed role as Coordinator of Regional Activities and chair of a subcommittee on Regional Education Training. In that position, he was responsible for developing, implementing, and encouraging arbitrator and advocate training throughout the Academy regions. He has served on the Board of Governors for the past three years and is the Program Chair for the 2016 Annual Meeting in Pittsburgh.

Walt was born and raised and lives in Philadelphia, PA with his wife, Maryann, and their four children. Away from the hearing room, Walt coaches high school baseball.

## VICE PRESIDENTS

*Second One-Year Terms*

### MARTIN H. MALIN

*Chicago, IL*

### SUSAN L. STEWART

*Toronto, ON*

*(Continued on Next Page)*



## VICE PRESIDENTS

### *First One-Year Terms*

#### **LAURA J. COOPER**

**Minneapolis, MN**

Laura J. Cooper is the J. Stewart & Mario Thomas McClendon Professor in Law and Alternative Dispute Resolution at the University of Minnesota Law School and an arbitrator and mediator of workplace disputes. At the Law School, she has taught Labor Law, ADR in the Workplace, and the Capstone Course in Labor and Employment Law, an experimental integrative simulation-based advanced course. She has also taught at Uppsala University in Sweden. She is the Faculty Co-Editor of the ABA Journal of Labor & Employment Law and the co-author or co-editor of nine books including ADR in the Workplace and Labor Law Stories. Her most recent book, co-authored with NAA members Mario F. Bognanno and Stephen F. Befort, *More Than We Have Ever Known About Discipline and Discharge in Labor Arbitration: An Empirical Study*, was published by Vandepul Publishing in 2015. She has also written more than twenty-five articles and book chapters presenting historical, analytical, and empirical research on labor law, labor arbitration, and workplace dispute resolution, including four articles published in The Proceedings of the National Academy of Arbitrators. She currently serves as the Alternate Member, Representing the Public Interest, on the Minnesota Public Employment Relations Board. She is a Fellow of the College of Labor and Employment Lawyers and previously chaired the Labor Law Group, the Labor and Employment Law Section of the Association of American Law Schools, and the Minnesota Chapter of the Society of Professionals in Dispute Resolution. She has been a member of the National Academy of Arbitrators since 1992, a member of thirteen of its committees, and chair of the Legal Affairs, Audit, and 2015



Annual Meeting Program Committees. She was a member of the Board of Governors from 2009-2012. Professor Cooper received her B.A. summa cum laude from the University of Southern California and her J.D. summa cum laude from Indiana University, Bloomington.

#### **JAMES J. ODOM, JR.**

**Birmingham, AL**

Jim has a BS in Business and an MS in Labor Economics from the University of Alabama and a Bachelor of Laws from the University of Virginia. With his one-man office in Pelham, just outside Birmingham, Alabama as a base, he both arbitrates and practices law, mostly commercial real estate and finance, with nothing involving labor or employment law.



His interest in labor arbitration fixed in graduate school, where his thesis was The Use of Precedent in Voluntary Labor Arbitration. His first arbitration case was in 1974, and he was admitted as an NAA member in 1985. Jim was a member of the NAA Board of Governors from 2000 to 2003, was Chairman of the Southeast Region for three years, and has been Future Sites Coordinator since 2005.

His experience and interests outside arbitration are varied. As a member of the Birmingham Bar Association, he served as Chairman of the Grievance Committee. He served as Chancellor of the Episcopal Diocese of Alabama for a four-year term. And he wrote the restaurant critic's column for the Birmingham News for more than ten years. He also has served as the community representative on the University of Alabama at Birmingham Biosafety Committee since the early 1980s.

He is married to Carolyn Johnson Odom. They have two daughters, Angie and Lee, both married to lawyers (they practice together in Guntersville, Alabama), and one son, Michael, a trial lawyer in Birmingham. The nine grandchildren (ages 4 to 22) are evenly distributed geographically and in number.

## BOARD OF GOVERNORS

### **Three Year Terms**

#### **RANDI H. ABRAMSKY**

**Toronto, ON**

Randi Abramsky has been a full-time labour arbitrator and mediator in Ontario, Canada and the United States, since 1991. She is a graduate of the N.Y.S. School of Industrial and Labor Relations at Cornell University (B.S., 1978), and University of Pennsylvania Law School (J.D., 1981),



and she began her career in Chicago as a labour lawyer. In 1986, she became General Counsel of the Illinois Educational Labor Relations Board, and, in 1988, was appointed to the Board itself. It was at that time that she began her arbitration practice. When she moved to Canada in 1990, she obtained an LL.M. from the Faculty of Law, University of Toronto (1991). Randi has served as a part-time Vice Chair on the Grievance Settlement Board since 1996. She also served as a part-time adjudicator with the Ontario Human Rights Commission and the Ontario Public Service Labour Relations Tribunal as well as the

*(Continued on Page 22)*

## BOARD OF GOVERNORS

*(Continued from Page 21)*

Ontario Education Relations Commission. She has written numerous articles for publication, including articles in the Labour Arbitration Yearbook and the National Academy of Arbitrators. She is a member of the Ontario Labour Management Arbitrators' Association and the National Academy of Arbitrators.

### JOSHUA M. JAVITS

*Washington, DC*

Joshua M. Javits is a neutral, mediator, and arbitrator. He is a member of the National Academy of Arbitrators, on the rosters of the AAA, FMCS, NMB, and serves on numerous permanent arbitration panels. He served on four railroad Presidential Emergency Boards. He was Chairman and Member of the National Mediation Board from 1988 to 1993. He was Grievance Chair for the International Monetary Fund from 2007 to 2011. He is currently the President of the National Association of Railroad Referees.



He represented labor unions and management — at different times — in the past, and began his career as a trial attorney with the National Labor Relations Board. Mr. Javits was an adjunct professor at the Georgetown University Law Center where he taught courses in arbitration, transportation labor law, and alternative dispute resolution. He has been rated “AV” — the highest rating — by Martindale Hubbell's Best Lawyers in America since 2001. He is a graduate of Yale College and Georgetown University Law Center.

### WILLIAM J. MILLER, JR.

*Ligonier, PA*

Bill has served as a full time labor arbitrator for 29 years in both the public and private sector. He has been a member of the National Academy of Arbitrators since 1994. Bill sits on numerous arbitration and mediation panels, including the Federal Mediation and Conciliation Service, the American Arbitration Association, the National Mediation Board, the Pennsylvania Bureau of Mediation, the Pennsylvania Labor Relations Board, the Ohio State Employee Relations Board, and numerous private sector, public sector, and education permanent panels.

Bill has served on the Research Committee, the Committee on Professional Responsibility and Grievances, and the Membership Committee with the National Academy of



Arbitrators. Bill said he has had the great fortune of meeting many good friends and colleagues since he has been a member of the Academy. He attends the Academy meetings held in different locations around the country each year and enjoys the opportunity to interact with fellow Academy members.

He previously spent a number of years in the steel industry as General Manager of Labor Relations and Vice President of Human Resources for Wheeling Pittsburgh Steel Corporation. He holds a BS degree in Management from St. Vincent College, located in Latrobe, PA and a Juris Doctorate degree from Duquesne University School of Law.

He has been married to his wife, Joyce, for fifty years. They have two children. His oldest daughter, Michelle Miller-Kotula, followed in his footsteps to become an arbitrator and is also a member of the National Academy of Arbitrators. His wife and youngest daughter, Raquel, own and operate a childcare center.


Bill enjoys fishing, hiking, and spending time in the mountains of Pennsylvania. He is an avid Pittsburgh Steelers fan who has attended hundreds of games with his tailgating buddies of over 50 years. He and his wife enjoy traveling and spending time with their four grandchildren, Levi, Aspen, Malley, and Maeve.

### DAVID R. WILLIAMSON

*London, ON*

David Williamson has been a member of the National Academy of Arbitrators since 2005 and has been arbitrating and mediating rights and interest labor disputes since 1991, first on a part-time basis and then as a full-time arbitrator from 2012. Prior to becoming an arbitrator, David acted as a part-time third-party neutral for the Industrial Adjustment Service of the Canadian Federal Government in a variety of industrial settings. Today, David is an active arbitrator in both the private and public sectors that fall under provincial jurisdiction. In 2013, he was appointed to be a part-time Vice-Chair of the Ontario Crown Employees Grievance Settlement Board. He also works as a Mediator and Arbitrator in the federal domain in conjunction with the Federal Mediation and Conciliation Service.

David grew up in the industrialized northeast of England and has lived in London, Ontario since 1967. He holds an Honors B.A. degree from the University of Liverpool, together with M.A. and Ph.D. degrees in Economics from the University of Western Ontario in Canada. While now a Professor Emeritus, until 2012 David was a full-time tenured faculty member in Economics at the University of Western Ontario and for many years was the Chair of Economics and Business at Huron University College in that University.

David has served as a Director of the Academy's Research and Education Foundation, has been on several Program Committees, and has been a member of the Academy's Committee on Professional Responsibility and Grievances. He is married to Gwen Williamson and they have two adult children: Graham in Toronto, and Deborah in Raleigh, North Carolina. 



## **25 & 40 Year NAA Members To Be Recognized in Pittsburgh**

*The following members were admitted to the National Academy of Arbitrators in 1991 & 1976 and will be recognized at the Annual Business Meeting on June 25, 2016 at the Wyndham Grand Pittsburgh Downtown:*

### **25 Year Members**

Bonnie G. Bogue <i>Albany, CA</i>	Peter D. Jason <i>Lansing, MI</i>
Kevin Michael Burkett <i>Toronto, ON</i>	Daniel J. Nielsen <i>Lake Bluff, IL</i>
Martin Ellenberg <i>White Plains, NY</i>	Anne T. Patton <i>Birmingham, MI</i>
John C. Fletcher <i>Poplar Grove, IL</i>	Calvin William Sharpe <i>Cleveland, OH</i>
Marc D. Greenbaum <i>Auburndale, MA</i>	Mark W. Suardi <i>St. Louis, MO</i>
Don B. Hays <i>Sherman, TX</i>	Donald F. Sugerman <i>Ann Arbor, MI</i>
Earle William Hockenberry, Jr. <i>Great Falls, VA</i>	Bonnie Siber Weinstock <i>Melville, NY</i>

### **40 Year Members**

Stanley L. Aiges <i>Fort Lee, NJ</i>	Edward B. Krinsky <i>Madison, WI</i>
William H. Dorsey <i>Brea, CA</i>	Samuel J. Nicholas, Jr. <i>Jackson, MS</i>
Dana Edward Eischen <i>Spencer, NY</i>	Robert M. O'Brien <i>Milton, MA</i>
George R. Fleischli <i>Madison, WI</i>	William S. Rule <i>Carlsbad, CA</i>
James A. Gross <i>Ithaca, NY</i>	Benjamin M. Shieber <i>Baton Rouge, LA</i>
Allan J. Harrison <i>Port Angeles, WA</i>	Roger C. Williams <i>Tuscaloosa, AL</i>
Lawrence T. Holden, Jr. <i>Lincoln, MA</i>	



# THE PRESIDENT'S CORNER



*By Allen Ponak*

Like my predecessors, I have found regional visits to be one of the most rewarding parts of my year as Academy president. As I write this in early April, I have had the privilege of visiting seven of our regions and have three more visits planned before the end of my term. My only regret is that scheduling conflicts meant that I missed out on some regions.

Regional meetings are as varied as the regions themselves. Some have regular but fairly informal dinner gatherings with just NAA members, while others expand the dinner group to include new arbitrators who are prospective members. Several regions hold annual meetings in the form of a major conference, often in collaboration with other organizations such as LERA or FMCS. These conferences typically include a wide guest list that extends well beyond Academy members to include union and management labor lawyers, HR representatives, union officials, and newer arbitrators.

The tone of the meetings and my role reflected the different formats. The conferences were quite formal with me standing at podium addressing a respectful audience. The smaller dinner meetings were a bit wilder and came closer, in a couple of instances, to a free-for-all, where presidential deference was not a big part of the vocabulary. All these combinations and permutations were great fun and the hospitality was unfailingly gracious. A large part of my job as president is to listen to

member concerns and work with the Board of Governors and Executive Committee to ensure the Academy is responsive to the needs of our membership. The regional meetings, regardless of their format, provided the ideal forum for learning about regional concerns.

Of course, in addition to being heard, our members wanted to hear from the president. It is difficult to give ten different presentations and I did not try. I have developed a standard “stump speech” around the theme of “Challenges to Arbitration and the Academy’s Response.” As I mentioned in my previous Chronicle columns, one of our biggest challenges is the increasing media attacks on labor arbitrators. Especially in cases involving uniformed services, there has been a decline in the respect given to the arbitration process and arbitrators, not only by the general public and media, but, regrettably, the parties themselves. This may be partly the tenor of the times – we live in a world where all too often shouting accusations has replaced civil discourse. But I also attribute the disrespect to the unsavory reputation, largely deserved, of “cram-down” consumer arbitration and the lack of public understanding of the difference between labor and consumer arbitration. The continued decline in collective bargaining coverage has also played a role in the diminished importance of and respect shown toward labor arbitration.

The Academy has undertaken responses at several levels.

Education and outreach are crucial. The new “[Arbitrationinfo.com](http://Arbitrationinfo.com)” website provides a neutral, fact based resource for labor arbitration that can help dispel the misconceptions about the kind of arbitration practised by Academy members. I have advocated working coalitions with organizations like LERA, FMCS, AAA, and CLEL that understand the importance of a neutral, independent labor arbitration process within our overall collective bargaining system. Finally, I have undertaken an initiative to explore whether the Academy should endorse the institution of collective bargaining given that most of us practice under collective bargaining agreements and we hold ourselves out as experts in this process. I am encouraging a survey of Academy members on the question of endorsing the institution of collective bargaining.

In delivering this message across the country, I was especially struck by the vitality at the regional level of the Academy. The regions are actively showing the Academy’s flag, working effectively with local groups such as LERA chapters, mentoring new arbitrators, and providing a great deal of educational outreach to labor and management. I also met many members who are active regional contributors, but rarely attend our national meetings. While it was wonderful to make new friends, we are left with the challenge of engaging all members at the national meeting level. An organizational objective for the Academy must be to harness the energy at the regional level into greater participation at the national level.

I look forward to seeing you in Pittsburgh and thank you for the opportunity to be of service to the Academy as your president. 