

National Academy of Arbitrators

HISTORY COMMITTEE INTERVIEW

William H. Holley, Jr.

President 2009-2010

Interviewed by George Nicolau, President, 1996-1997

Nicolau: This interview of William Holley, former President of the National Academy of Arbitrators, is a supplement to the interview reviewing his years as Secretary-Treasurer of the Academy. This interview was conducted in 2018. The earlier interview covers Bill's history through 2002.

NICOLAU: Now tell me about your experience as president.

HOLLEY: First let me back up and start off by saying that my only professional goal was to become a member of the National Academy of Arbitrators. I never thought I would be president. I had heard about the Academy in graduate school from Dr. Hawley (Langston) a long-time member of the Academy. I looked up the membership requirements and thought I would apply when I had 50 cases in five years. I assumed that, after I got my references, it would be a slam dunk – I didn't realize that the fifty cases in five years were the minimum requirements. Later, when I heard about applicants who had over 100 decisions who were deferred or were denied membership, I didn't say anything about my application of 51 decisions for about 20 years.

After I had served six years as the Secretary-Treasurer, I realized that my name would be mentioned as a candidate for president sometime in the future. After I had served my six year term, I was informed by the Nominations Committee that I needed to take a year off. Of course, I had not volunteered for that and I was not asked. The following year, I was nominated to be a member of the Board of Governors. I was surprised at that because I had spent six years of meetings with the board and did not think I needed more experience. I guess the Nominations Committee thought otherwise.

A year later I was nominated to be a Vice President for a two year term. During that time, I had an interesting conversation with Walt Gershenfeld. Walt told me that he heard that I was not interested in being president. I was surprised at that because I had only said, when asked, that I would not campaign. I told Walt that, if I were nominated and elected, I would be honored.

I remembered when the Nominations Committee was appointed, I looked at the members and thought that I had a chance of being nominated. Margie Gootnick was on the committee and I knew she could be very persuasive. I recall that the fall meeting was in Miami and I attended the President's dinner on Thursday night before the Fall Education Conference. On my way to the dinner, it appeared to be a little eerie because it seemed strange that everyone was trying to avoid me, sort of like they were keeping a secret. I went up to bar at the restaurant to order a drink for Betty and me and David Vaughan was standing by me. David said "This is going to be a very important night in your life." I thought then that I might have been nominated. By then the word was out and members started to congratulate me. I was humbled, floored, and honored all at the same time.

Throughout my year as president, I learned to appreciate the work of Dave Petersen. Dave and I were admitted to the Academy in the same year (1986), had worked together when I was a Program Chair for the Fall Education Conference and he was the local host chair in Pittsburg, and, when I was Secretary-Treasurer and he was Future Arrangement Chair. We made a good team and ended up planning and administering 17 meetings together. As you know, the Academy honored Dave with an annual award, the David Petersen Service Award, which is given to someone who provided outstanding service to the Academy. Unfortunately, although Dave had been nominated to be president, he died before he took office.

Another person who contributed to my president's year was Amedeo Greco. Betty and I knew that an Academy tradition was to have a reception at each meeting. Our schedules were so hectic that we didn't know how we could pull it off. Fortunately for us, Amedeo came up at the San Antonio meeting and told us that he would take care of the reception. He took care of everything. At the breakfast on Sunday morning, I said: "Thank God for Amedeo Greco." Amedeo also took care of the reception at the annual meeting in Philadelphia. Each time, he was a tremendous help.

I also benefitted from serving with some outstanding presidents (George Nicolau, Milton Rubin, Ted St. Antoine, Jim Harkless, John Kagel, and Jim Sherman), who were role models for me. Other than Dave Petersen, I don't know of any presidents who was better trained to be president. I tried to copy their successes and avoid any of their lack of success.

Based on my experience as Secretary-Treasurer, I knew that I needed to start early on any new ventures because one year is such a short time for getting anything done within the Academy. Since the days of your term as president (George Nicolau), I have always been interested in the Academy's visibility or lack thereof. Also, since we had over 600 members, I believed that we had bargaining power for getting discounts for travel, supplies, etc.

With the complete approval of Michel Picher, I was able to appoint a committee to put together a plan for increasing the Academy Visibility and for providing member benefits. I asked David Vaughan to chair a Committee to develop a plan to increase the Academy's visibility and asked Amedeo Greco to develop a plan for providing benefits for our members. Their committees put together excellent plans which were adopted by the Board of Governors. The visibility theme continues to some degree today, but the benefits committee sort of faded as the interests of the following presidents and boards changed in emphases.

Appointments to committees were a daunting task. Of course, I had observed seven presidents go through the process and assisted them in this process. Each of the presidents used a different method. Some were extremely prepared for the meeting of the Academy's Executive Committee by making preliminary appointments prior to the meeting; some were slightly prepared; others made no preparations at all and waited until the Executive Committee to meet. I decided to be proactive and made preliminary appointments before the Executive Committee met and asked the members for their advice and recommendations prior to the meeting. My two most important appointments were the Program Chair and Arrangements Chair for the Annual Meeting. Here I was extremely blessed with Bonnie Bogue and Walt DeTreuX both agreeing to serve. They both did marvelous jobs.

Most of the Chairs of the Committees still had not completed their terms as chairs so I did not have to worry about those appointments. Two Chairs were opening up and needed appointments: the Committee of Professional Responsibility and Grievances and the Nominations Committee. I knew that Ed Krinsky had experience on the CPRG and was a dedicated, responsible member. Ed willingly accepted. I knew Bob Bailey was an experienced member with a solid background and would be totally objective. Bob willingly accepted. They both provided exemplary leadership.

One of the most important and enjoyable tasks of the president was to visit the regions around the U. S. and Canada. I was invited to visit 10 regions and luckily, Betty joined me on eight. As you expect, the programs among the regions varied as much as the locations. On several occasions, I simply was asked to tell about what was going on within the Academy. For one, I was the keynote speaker. At the Southeast meeting (my region), I was told I had 5 minutes to recognize NAA officers and to welcome guests at the beginning of the meeting. Every region was welcoming and cordial; they made me feel like I was some kind of celebrity.

My favorite regional meeting was the Northern California meeting. Claude Ames was the Regional Chair. Claude and I met after he introduced himself as a new member. He mentioned that he was a graduate of Tuskegee University (20 miles from Auburn). He mentioned he had marched with Martin Luther King Jr. I told Claude I had served in the Alabama National Guard during that time. He responded: "You could have shot my ass." I replied: "I was out there protecting your ass so you wouldn't be shot". Needless to say, we hit it off at the beginning and have become good friends. The day before we were to go to San Francisco I bought one of those over-sized sheriff's badges which I wore under my coat to the meeting and I had written a warrant for Claude's arrest which I claimed had been signed by Alabama's governor. When I got to the podium, I asked Claude to identify himself and said that I had been deputized by Alabama's governor to arrest Claude Ames of Oakland California and take him back to Alabama. I said his crimes had no statute of limitations and he could have been arrested at any time. I read the Arrest Warrant which went something like: "Wanted Claude Ames: Guilty of sleeping on the Governor's lawn, marching out of step with Martin Luther King Jr., singing "We Shall Overcome" out of tune." Claude said he was guilty and bent over so I could put handcuffs on him. Later that night, Claude told his Mother about what had occurred and she told Claude that she wished she had been there because she had never seen Claude speechless. It was a fun night.

There were other enjoyable fun times. At the fall education conference in San Antonio, the Southwest Region gave me a 10-gallon hat which I promptly put on to display. Several months later at their regional meeting, I began my speech by putting on the 10-gallon hat and telling the audience that no one will take it from me. The hat still has a prominent place in my study. Also, coincidentally, the Fall Education Conference in San Antonio occurred on my birthday, October 5. A group of members and wives secretly prepared a song which was sung at the Sunday breakfast. Of course, I was embarrassed, but highly appreciative.

During my term as president, I believe the most important accomplishment for the Board and the Academy was its adoption of the Academy's position on the Arbitration Fairness Act. Mandatory employment arbitration has long been an unjust problem, continues to be a problem today and will continue to be a problem for the foreseeable future. I credit Gil Vernon and Ted St. Antoine for spearheading the Academy's direction. Gil is from Wisconsin and had connections with Senator Russ Feingold's office. Senator Feingold had proposed the Arbitration Fairness Act in the U. S. Senate. Ted was and is an international scholar and an expert on employment arbitration. Ted was appointed Chair of the Committee and with Ted's leadership, his committee drafted proposed legislation and the Academy's position. Both were adopted by the Board of Governors. The Board directed me to send a letter (dated October 13, 2009) with the Academy's position and the proposed legislation (both are included on the Academy's web page: [naarb.org](http://naarb.org)) to Senator Feingold. This adoption of the Academy position and the proposed legislation by the Board was one of my proudest moments as a member of the Academy.

From the beginning, I knew that one of my most important tasks would be making the presidential address at the Annual Meeting. I started thinking about a subject as soon as I was notified that I had been nominated. To provide guidance, I went back and read every presidential address. I wanted the address to have content, to be personable, and to be funny (I have seen too many members in the audience struggle to stay awake during the presidential address).

For several months, my title was going to be "Blessed are the Peacemakers." I even had started making notes but really was going nowhere fast. When we discovered that our meeting would be held during the 60<sup>th</sup> anniversary of the Steelworker Trilogy and Bonnie and her committee adopted the 60<sup>th</sup> anniversary of the Trilogy as the theme for the annual meeting. I began to think about how and what I

could do to apply my address to this theme. I finally decided on “Lessons Learned: 60 years after the Trilogy.” One lesson I learned from previous presidents came from Tony Sinicropi. Tony said that he would try out materials during his many speeches around the country at the regional meetings. I thought his recommendation was great. In addition, I kept a pad with me, like on an airplane or riding in a car when Betty was driving, and I would write down thoughts as they came and as I remembered what people had told me over the years and some my own personal experiences. I knew the selected topic was a high personal risk and that I could have fallen on my face. I also knew that I had two perfect occasions to test some of the content of my speech: I had been invited to speak to the Atlanta LERA chapter and was the keynote speaker at the Southwest NAA regional meeting in Houston. I followed through and both speeches were total successes. I knew I had something; I only had to fill in with other materials. I think and hope that I met my objective.

I recall that the presidential address was scheduled for the Thursday luncheon. Quite frankly, I wanted to get it over so I could enjoy the meeting. At the beginning of the meeting, I was scheduled to welcome the group and Bonnie and Walt were scheduled to go over the program and schedule and give any last minute changes. A plenary session was scheduled for the morning. I knew I had time to be used for any last minute preparations. I went to my room to prepare. I listened and sang along to recordings of Roy Orbison’s “What I’d Say” and Neil Diamond’s “Brother Love’s Salvation Show.” I was psyched up and ready to go. I was so prepared that I was only a little nervous.

NICOLAU: You mentioned your work in trying to increase the visibility of the Academy. Now about a decade later in trying to increase the Academy’s visibility, just what do you think we have achieved on that subject?

HOLLEY: First, I believe the Special Committee on Academy Visibility chaired by David Vaughn came up with several splendid ideas on increasing the Academy’s visibility. For example, here are some: use of the Academy’s web site and social media for communicating messages, providing press releases, developing an email distribution list, creating a speaker’s bureau, media monitoring, cooperating with other dispute resolution organizations, creating an Academy brochure (e-brochure), encouraging members to be proactive, e.g. referencing NAA membership on their business cards, letterheads, vitae, and e-mail member web sites, wearing NAA lapel pens, etc. . At the beginning, there was a little bit of excitement and activity, e.g. members wearing their lapel pens, referencing NAA on the business cards, letterheads, and web sites, creating an Academy brochure, and improving the guest email list. However, as I said earlier, interests in certain subjects wane as board members and presidents change and they have their own priorities. As example, the 2018 Membership Directory does not contain a Visibility Committee. I am a little puzzled because I don’t believe we as an Academy are very visible.

Although I can take no credit for the creation of Arbitration Info, the Academy’s partnership with the School of Law at the University of Missouri (except for strongly supporting the grant when I was a member of the Foundation Board), I believe it has the greatest potential for increasing the Academy’s visibility and for educating the public and news media about our kind of arbitration than anything we have done in the history of the Academy. Much credit must go to Rafael Gely, Bob Bailey, Gil Vernon, and Betsy Wesman for the initial creation and to the law students and contributors since its creation.

NICOLAU: Do you have any suggestions on what needs to be done?

I believe that the Academy (not the Foundation) should make an annual contribution to the University of Missouri Law School and its Arbitration Info to cement a long-term partnership. I also believe that future presidents and board members should review earlier reports from member committees to determine what can be continued to contribute to the success of the Academy. These committees are made up of

many very talented and creative members and they spend enormous amounts of hours on their tasks. They usually come up with many thoughtful suggestions which are then considered and adopted by the Board of Governors. Then after they are adopted and there is a change of officers and board members, those thoughtful reports are placed on the shelf. Maybe we need a committee for continuity or just simply a committee of board members to revisit the past.

Now as I close, I would like to end this interview in the same way I ended my presidential address with my personal letter to the Academy:

May 27, 2010

Dear Academy:

When I was first introduced to you in 1968 by Dr. Langston T. Hawley, my major professor and a long-time member of the Academy, and learned about you, I was determined then that, as my professional goal, I wanted to be a member of the National Academy of Arbitrators. Becoming a member was a primary professional goal.

In 1986, when I became a member, during the new membership orientation, you introduced me to many of the Giants of the profession. Over the years, I learned that the Giants of the Academy were some of the most modest, interesting, and intelligent persons in the profession.

They made me feel important when they would recognize me by my name. During discussion groups at fall education conferences, they would genuinely listen to what I had to say. They improved my confidence as an arbitrator and as a person.

- Through discussions and exchange of experiences with other arbitrators from all around North America, you have made me a better arbitrator.
- Through my membership in the Academy, you have given me credibility as an arbitrator.
- Through your good works, you have helped maintain integrity and ethical standards in my chosen profession.
- You have provided me with the opportunity to contribute to you in ways which I had never thought possible
- You have introduced Betty and me to individuals throughout North America whom we would have never known existed without you.
- You have enriched our lives through life- long friendships
- You have returned ten-fold what we have invested in our time and efforts

We will be forever grateful to you

It was a great honor and a humbling experience to have served as the 61st President of the National Academy of Arbitrators.

Sincerely

William H. Holley, Jr.

