

## Labor Law Group

### **A Proposal for Training Academics as Labor and Employment Arbitrators**

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More than 16 million American workers are covered by collective bargaining agreements with provisions mandating arbitration of contract disputes. Many thousands more are covered by individual employment arbitration agreements. Historically, many Labor Law Group members have served, on a part-time basis, as labor arbitrators. This is not surprising, as the combination of academic work and labor arbitration practice has multiple benefits—including enhancing one's work as a teacher and scholar, and promoting high quality contributions to scholarship about workplace dispute resolution. Labor and employment law teachers who act as arbitrators obtain firsthand observation of the genuine contemporary experience and concerns of unions, employees, employers, and their legal advocates. This knowledge can make their teaching more reflective of the real world of labor and employment and thus allow them better to prepare their students for that work. Academic arbitrators may give students opportunities to observe the otherwise private world of labor arbitration. Contacts made with labor and employment advocates may assist faculty members in mentoring students interested in these careers.

As arbitration is a largely private process, only such personal participation of academics as arbitrators is likely to permit identification of topics in arbitration appropriate for scholarly inquiry. The body of scholarship regarding workplace dispute resolution will be much poorer if there are not a sufficient number of academics engaged in arbitration in a position to identify these issues and pursue such scholarship. It is rare that practicing arbitrators who are not academics have the time, resources, and inclination to do serious scholarship on arbitration. Academic arbitrators may also be able to make a distinct contribution to the practice of arbitration because their background affords them greater neutrality than others whose professional experience, prior to becoming an arbitrator, was exclusively for labor or management. As the practice of employment arbitration, involving employee rights not derived from collective bargaining agreements, becomes more common, similar benefits will emerge from academics serving as arbitrators in employment cases. For the arbitrator, the practice of labor arbitration is also intellectually and personally rewarding and can easily be accommodated within a law teaching career.

Unfortunately, many of the academic arbitrators, including those who are Labor Law Group members, are now relatively senior in their professional lives, and there appear to be few academics ready to take their place.

To help remedy this situation, we propose to organize a training program for academics possibly interested in supplementary careers as arbitrators. The first step would be to canvass the Labor Law Group membership to see if there are a sufficient number of members interested in participating in such training. Depending on the response, we might also consider inviting non-members as attendees. If there is sufficient interest within the Group, we would design a 1.5 day workshop in which attendees could learn about the arbitration process, obtain practical

information on how to begin and conduct an arbitration practice, and which would establish a mentorship structure that would provide guidance to new academic arbitrators beginning their practice. A special effort would be made to introduce new academic arbitrators to labor and employment practitioners in their own geographic region. We view this initial session as a test of interest in the idea and the feasibility of the project. If successful, subsequent sessions could be modified in such possible ways as including more participants, having longer workshops, and conducting workshops in conjunction with an annual meeting of the National Academy of Arbitrators.

If you would be interested in participating in such an arbitrator training workshop, please notify Laura Cooper <lcooper@umn.edu> and Dennis Nolan <nolan@naarb.org> by July 20, 2012.