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FOR MEDIATORS / FACT FINDERS

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HAROLD NEWMAN'S CLOUDY CRYSTAL BALL

" 'I often think it wonderful how Nature always does contrive,
That every Boy and every Girl that's born into this world alive,
Is either a little Liberal or else a little Conservative!!'

"The little gem of profound thought which I have quoted from Gilbert and Sullivan's 'Iolanthe' occurred to me as I listened to reports of grave crisis last week in a score of school districts across the State. I have striven, although it is painful for me and alien to my nature, to play the conservative. Staff and panel mediators were not dispatched, their shields graven with dove and olive branch, to each place from which a warning cry had been heard. In case after case the plea for a 'superconciliator' was met with the steely response, 'Get back to the table by yourselves. We'll come in later if we have to.' My heart bled for the exhausted parties scanning the horizon for the neutral who did not appear. But had we not said and is it not written that the 'best kind of agreement is one that the parties work out themselves?' In this publication last month, Eric W. Lawson Jr. of my staff, called for 'deliberate unavailability' as a stratagem of the neutral even whilst assigned and working on the case. Has the conservative tactic we have employed, succeeded?

"At this writing there are two strikes in the State. (Have you seen the figures for Michigan, Pennsylvania, Ohio, Rhode Island, etc.?) We had mediators on the scene when both these strikes began. I must hasten to add that the two men involved are superb mediators and the reason that they were unable to stop the confrontations was simply that they are men and not gods. Mediators are not even minor gods although each of us has an identity problem. But I reiterate that the presence of the neutral does not preclude a walkout and the absence of one can assist the parties even in seemingly intractable situations to meet their responsibilities as negotiators.

"I would caution that we do not intend to play a kind of Russian roulette with crisis situations as they occur. Nor could we even if we so desired, deny to the parties the conciliation procedures given by statute. But there will be neither Pavlovian salivation nor PERB salvation every time the parties who have had mediation and fact finding ring the alarm bell for yet another dance with our conciliators.

"We did indeed for the opening of school cover every critical situation in the school districts with either a warm body or telephone communication. (The latter was used in lieu of a mediator in the kind of situation I have described above.) Once again, I am deeply grateful for the magnificent efforts of the panel and staff who through Labor Day weekend worked for settlements that saw

every critical impasse resolved except for the two I have cited. The record is brilliant and almost awesome. I hope to be able to thank each of you personally at the PERB seminars at Cornell."

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PLEASE MARK YOUR CALENDARS

SPIDR

"The Inaugural Convention of the Society of Professionals in Dispute Resolution (SPIDR) will be held October 17-19 at the new Sheraton Inn & International Conference Center at Reston, Virginia. (Near Washington's Dulles Airport) No professional arbitrator or mediator; no FMCS commissioner or NLRB trial examiner; no professional neutral in the country can by now be unaware of the launching of SPIDR. From Arvid Anderson to Sam Zagoria, from Howard Anderson to Arnold Zack, the program will bring together a galaxy of neutrals from all over the United States and Canada. David Cole will keynote the Conference whose theme is 'The Public Interest and the Role of the Neutral in Dispute Settlement.' George Ives of the National Mediation Board and Jerry Barrett of FMCS and Bob Helsby and Joe Crowley of PERB ought to have a chance to meet their panel members.

"The program hasn't a dull spot in it. But to insure no tranquil periods there will be panels of some of the most sophisticated and cynical labor beat newsmen in the country ready each day to question speakers. The new hotel looks like the Palace of Nebuchadnezzar but is far more comfortable and provides boating, tennis, swimming, golf and cinema.

"Many PERB panel members have already joined SPIDR. But, member or not, my staff and I (we'll all be there) look forward to seeing you at the SPIDR convention. If you have not received an invitation from SPIDR, write Ralph Vatalaro at PERB..."

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PERB SEMINARS

"Each year the PERB conciliation staff has arranged seminars for the intellectual and social advantage of our panel members. Much planning and effort goes into setting up these retreats for tired mediators and our Chairman Dr. Helsby always involves himself in helping us work out these programs. (Seriously, Bob Helsby and I believe this to be a most important and worthwhile PERB activity.) This year, with the cooperation of Professor Robert Doherty who helped so much with our programs for the past two years, we think we have something so interesting and stimulating no panel member can afford to miss it.

"Just in case the post office never got you Muriel Gibbons' invitation, I am enclosing an extra copy. We think that the program this year will make your visit to the beautiful Cornell campus worthwhile even without the frosting of the good time we have when the staff and panel get together. Please send your reservation to Muriel now..."

P.S.:

"As an extra attraction, I shall recite to the panel attendees an 'ODE TO THE