

THE CAUCUS

The F.M.C.S. Retiree Newsletter
By Friends of FMCS History Foundation

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New Director Sworn-In

George H. Cohen was sworn in as the 17th FMCS Director on October 8, following Senate confirmation on October 5. He had been nominated by President Obama on July 6.

Mr. Cohen has had an extensive and distinguished career as a labor lawyer, negotiator, and mediator. During the period 1966-2005 he was a senior partner at Bredhoff & Kaiser, a Washington, D.C. law firm with a national practice, specializing in representing private and public sector labor organizations in collective bargaining involving a wide variety of industries and government entities. Prior to entering into private practice, the Director served as an appellate court attorney with the National Labor Relations Board. He is a graduate of Cornell University and its Law School and earned a LL.M. degree from Georgetown Law. In the past three years he has been engaged in a solo practice as a mediator. He is a member of the prestigious Mediation Panel of the U.S. Circuit Court of Appeals for the D.C. Circuit and has successfully mediated numerous, complex, high-profile disputes. From the mid 1970's thru 2005, the Director was an Adjunct Professor at Georgetown Law School where he taught the Art of Collective Bargaining and other labor courses.

FMCS Alumni Annual Reunion

This year's Florida gathering is scheduled for April 27-29, 2010. Please attend or you may not get another opportunity. John Popular and Dick Deem have put a lot of energy and creativity in these events for a number of years. Last year's disappointing attendance must improve or 2010 will be the last.

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From the Field

Al Kapner

Wrote saying he is glad he served during FMCS glory years, and not during the current era of make-work, which lacks the challenge of a tough union facing off with an equally tough, private industry employer.

Frank Florie sent a check with his “thank you, keep-up the good work.” Both are much appreciated.

Gayle Wineriter wrote expressing his disappointment about missing the mediator reunion last spring, and hoping his health will allow him to attend next spring. “We certainly hope to see you there, Gayle.”

Nick Fidandis is recognized for successfully conducting the first RegNeg in the Federal Government, in an up-coming article by your editor in ACResolution. During 1982, Nick helped the FAA, the Pilots Union and industry representatives resolve a longtime issue of pilots work rules. In doing so, Nick set the pattern for the RegNeg process, which is now enshrined in Federal and state laws.

Bonnie Castrey will receive the LEAR Life-time achievement award in January 2010, at their annual meeting. The award is likely based on Bonnie’s time with FMCS, her arbitration work, membership on the Federal Impasses Panel, and school board member in California – to name just a few accomplishments, “Congratulations, Bonnie.”

Norm Lee reached his 80th year, so his family organized a big celebration to note this milestone. Invited guests came from every part of his life from throughout the country. “Congratulations, Norm.”

In Memoriam

Former Director **Wayne Horvitz** died in June at age 88. Wayne’s family conducted a memorial for him on September 20, 2009. The FMCSers attending included: Ken Moffett, Brian Flores, Jim Power and his wife Alice, David Vaughn, Scott Kruse, Nick Fidandis, Jerry Ross, Jerry Barrett, Dan Funkhouser, Sandy Taylor, Mary Prothro, Herb Fishgold, Bill Usery, Bernie Delury, Eileen Hoffman, and the new FMCS Director George Cohen. The memorial included remarks of fond remembrance, and music and songs by the Horvitz family.

Jane Wolf, a long-time member of the National Office staff, will be remembered by old-timers as a helpful HR person. Jane died on July 26, 2009 at age 82 after a long illness. A veteran of the old United States Conciliation Service (USCS), Jane began working for the USCS in 1943. When FMCS was created in 1947, the entire USCS staff was transferred to the FMCS. Jane remained with FMCS until retiring in 1979. Another long-

time National Office staff member, **Ann Money**, a friend of Jane, said Jane began working at USCS at age 16.

Friends Website

Working on the USCS/FMCS history is largely a thankless job. On very rare occasions an expression of appreciation comes out of the blue. For example:

“You can not imagine my excitement when I found your web site. I am a librarian at the University of Montevallo, formerly known as Alabama College. Dr. Steelman taught here from 1928-1934 when Secretary Perkins hired him away from us. I am researching Dr. Steelman’s time spent on campus as a professor and a member of the Montevallo community. I have received some documentation from the Truman Library. Dr. Steelman’s Papers are at the Truman library. Not all of his papers are there, though. I am looking for additional papers and correspondence. If you would please contact me I would appreciate hearing from you. Perhaps you can assist me in locating Steelman’s early correspondence with Secretary Perkins.”

Kathleen Lowe
Associate Professor
Reference Librarian
University of Montevallo
Montevallo, AL 35115”

Professor Lowe has learned that John Steelman, in the late 20s and early 30s, did extensive field work tracking the activities of the KKK in Alabama. Probably very dangerous during those years in the south.

From the Editor

Please consider attending the Spring gathering of FMCS retirees in Florida. Attendance last spring was so low that John Popular and Dick Deem understandably concluded that it was more work for them than it was worth. But they were willing to give us one last chance. So don’t miss this opportunity to enjoy sunny Florida and catch-up with former colleagues. Efforts will be made to persuade the new Director, George Cohen, to attend.

As another tax year approaches, please also consider the tax advantage of a tax-deductible donation to the Friends of FMCS History. Any amount is very welcome.

A few new items have been added to the Friends website. Check it out (mediationhistory.org) -- and let me know what you think. If you need help on the web, ask a grandchild.

If your copy of the Caucus arrives by US. Mail and you have a computer, please send me your email address. This saves postage, printing and mail handling. If your email address has changed, please send your new one to: winjerwin@aol.com -- Within a few days after a Caucus issue is sent, it will show-up on the Friends website. Check that out, including all prior Caucus issues.

Humor About Mediators, Mediation And Mediated by Luis Miguel Diaz*

(Editor's Note: Don't read Diaz's words unless you can laugh at our work.)

A mediator ridiculing mediation is healthy exercise. With humor any conflict is source of entertainment; clowns are funny because they deal with conflict.

If you think mediation is a new profession, you are erroneous; it began when a human for first time was asked by others to mediate a food dispute.

If you feel the need to read mediation books to become a mediator, you are disoriented; mediation existed long before books were even invented.

If you consider that mediators require specialized education, better ask in which university a four year old girl learned to facilitate a dispute between her siblings.

If you guess that present mediators are better prepared than past mediators, you are missing the point; mediators are always insufficiently prepared..

A couple went to mediation and told the mediator: We decided to end our business partnership, but we don't agree how to do it.

The mediator responded: Do you still have feelings for your partner? Were you ever really partners? Are you truly ready for separation or are you just threatening? Is this a sincere decision based on self awareness or is it only emotion? What is your intent in wanting separation? Have you resolved your internal conflict over the separation? What are your possible interests and outcomes? Did you abandon your initial positions? What do you really want from this? What could be some of the options of agreement? Where are the points of agreement? What is your Plan B and Plan C? What is your worst case scenario? Are you willing to take control of your life in a responsible and mature way? What are your intended outcomes and interests? What are some possible external standards? Can you handle the unpleasant consequences of this separation? What is your game plan? Why should you hire me?

For different reasons the mediator, the lawyer, the psychologist, the priest and the psychiatrist are paid for the same job: the mediator for the parties solving the conflict, the lawyer for administering the conflict of the parties, the psychologist

for possible causes of the conflict, the priest for asking God's assistance to solve the conflict, and the psychiatrist for the prescription to the pharmacist.

*Luis Miguel Díaz distrusts language, theories and authorities. He received his Law Degree at UNAM, Mexico (1974); and LL.M (1976) and SJD (1986) at Harvard Law School. He is president of the Interdisciplinary Center for Conflict Management in Mexico City, and author of more than 100 articles and 15 books.

War or Talking?

"Humanity should question itself, once more, about the absurd and always unfair phenomenon of war, on whose stage of death and pain only remains standing the negotiating table that could and should have prevented it."

--- Pope John Paul II ---

Contributors Since the Spring 09 Caucus

Since the Spring 2009 Caucus, these 29 individuals made one or more contributions to the Friends:

Scot Blake, Jack Buettner, Paul Chabot, Pete Cinquemani, Ron Collotta, Gary Eder. Steve Fischer. Josh Flax, Bill Gill, Gary Hattal, Gerry Hughes, Dale Johnson, Christel Jorgensen, Ken Kawamoto, Mary Kluzycki, John Pinto, Kurt Saunders, Joel Shaffer, Tom Summers, Connie Weirmer, Bob Bennett, Hal Gold, Steve Loeffler, Sharon Rafferty, Al Kapner, Richard Kirkpatrick, Joan Simsalek, Barry Brown, Scot Buckenbaugh, Frank Fiore.

To each of you a heart-felt thank you because the Caucus and Friends' Archive would not exist without your generous support.

Martin Wagner: A Labor-Management Pioneer *

Martin Wagner, labor arbitrator, university leader and influential scholar died on June 19, 2009. At age 97, was one of the last living founders of IRRA.

Professor Wagner served as director of the Institute of Labor and Industrial Relations (now the School of Labor and Employment Relations) University of Illinois, Urbana-Champaign, from 1958 to 1968. He retired as professor in 1982. Wagner played a central role in developing Illinois public employee labor relations law, serving as first chairman of the Educational Labor Relations Board.

Early in his career, Wagner served in the WWII Office of Production Management and as a NLRB regional director in San Francisco and Cincinnati. In 1948, he served as the founding executive director of the Louisville Labor-Management Committee, the nation's first area labor-management committee. Prior to his

death, he was notified that he would be recognized for the LERA lifetime achievement award in January 2010. He was also recognized recently for 50 years of service in the National Academy of Arbitrators (NAA)..

At the School, Wagner launched one of the early doctoral programs in industrial relations in 1966. He was beloved by former students and colleagues alike and is seen as having provided the core “dna” for the Illinois program.

Wagner earned A.B. and M.A. degrees at University of Michigan in 1933 and 1935 respectively. He was a Rhodes Scholar (Magdalen '36), earning a B.A. from Oxford University in 1937 and later an M.A. from Oxford in 1960. At the 100th anniversary celebration of the Rhodes Scholar program in 2003, Wagner was the third oldest recipient in attendance.

*Adapted from an announcement by Joel Cutcher-Gershenfeld, Dean, School of Labor & Employment Relations, University of Illinois, Urbana-Champaign.

Justice Scalia Speaks

In a June C-Span interview, as reported in the Wall Street Journal, Justice Scalia argued that the legal profession is enticing too many very intelligent people away from other more useful endeavors. “I mean there’d be a defense or public defender from Podunk (appearing before the Supreme Court) and this woman is really brilliant. Why isn’t she out inventing the automobile or doing something productive for society? I mean lawyers, after all, don’t produce anything. I worry that we are devoting too many of our best minds to this enterprise (the practice of law).”

National Mediation Board at 75

The NMB will celebrate its 75 year as a government agency resolving labor-management disputes in the railroad and airline industries. As a part of noting that milestone, the NMB has created a Dunlop Commission to review the operations of the agency and make recommendations for improvement. Other celebratory events will also note the occasion. See the NMB website at: NMB.gov--- You’ll see on the NMB website that they have an ombudsman. Have you ever wondered why FMCS does not?

Wisdom From ACR!

Your editor attended the national ACR conference in Atlanta, where only two FMCS types were sighted: **Tim Germany** of New York City and **Mike Wolf**, now with NMB. FMCS did provide a bank of computers for attendees’ use to check email during the three-day conference.

A little noted item presented at the conference by an academic researcher on mediation is reported here to assure readers that their long held beliefs were 100% correct. Hope you are ready for this:

Successful mediators build trust with the parties by being both impartial and empathic. However, being seen as empathic to one side causes the other side to question the mediator's impartiality. Thankfully, the researcher discovered and shared a solution: engage in impartiality in joint sessions and empathy in caucus. Remember you heard it here first.

(ACR is the successor to SPIDR, the group FMCS played a major role in creating in the early 1970s. Your editor has written over 20 articles for the ACR's quarterly magazine, ACResolution, during the past four years on ADR history, including some on FMCS and USCS.)

United States Institute of Peace

A Government agency focused on studying and promoting world peace, the USIP will soon move into a new headquarters building just off the Mall near the State Department and in sight of the Lincoln Memorial. The entire ground floor of their modern new building will feature interactive displays on peace making and conflict resolution. To view the building and learn about USIP visit the website at: USIP.gov

Love is so Capricious!

"Well, then they really didn't love me in the first place. Whatever."

A quote from Brett Favre, upon hearing fans say he tarnished his legacy by retiring and returning, retiring and returning to the NFL.

IMPORTANT DATES
APRIL 27-29, 2010
MARK YOUR CALENDAR AND
ATTEND THE FMCS RETIRED
MEDIATOR REUNION

IN FLORIDA

**The Caucus
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