

2. An Embarrassing Incident for the Arbitrator

Professor Grover Harrison has been jointly selected as impartial ad hoc arbitrator by a union and management, none of whose principals he has ever met. Eating his breakfast alone in a booth in the dining room of the hotel in which the hearing will shortly be held, he overhears the following words emanating from the next booth:

Well, of course, it's not the truth, but if we're to have any chance of winning this thing, we'd damned

well better consistently stick to our claim that the supervisor on at least one occasion made lewd and suggestive remarks to Mary. She can be counted on to testify this way at the hearing, and she's a good enough liar so that there's no chance of her being shaken in the cross-examination.

If you were Harrison, what (if anything) would you now do? ■

Notes

1. *Textile Workers v. Lincoln Mills*, 353 U.S. 488 (1957).
2. *United Steelworkers of America v. Warrior & Gulf Navigation Co.*, 363 U.S. 574 (1960); *United Steelworkers of America v. American Manufacturing Co.*, 363 U.S. 564 (1960); *United Steelworkers of America v. Enterprise Wheel & Car Corp.*, 363 U.S. 593 (1960).
3. *AT&T Technologies v. Communications Workers*, 106 S. Ct. 1415 (1986).
4. *Alexander v. Gardner-Denver Co.*, 94 S. Ct. 1011 (1974).
5. *Hines v. Anchor Motor Freight*, 424 U.S. 554 (1976).
6. *Barrentine v. Arkansas-Best Freight System, Inc.*, 450 U.S. 728 (1981).
7. *McDonald v. City of West Branch, Michigan*, 104 S. Ct. 1794 (1984).
8. *Nabisco, Inc. v. NLRB*, 479 F (2d) 770 (CA 2, 1973).
9. 192 NLRB 837 (1971).
10. *United Paperworkers International Union v. Misco*, 108 S. Ct. 364 (1987).
11. *Gilmer v. Interstate Johnson Lane Corp.*, 500 U.S. 20 (1991).
12. *Wall Street Journal*, November 29, 2000, p. B11.
13. *Grievance Guide*, 11th ed. (Washington, DC: Bureau of National Affairs, 2003), pp. 219–221.
14. *Ibid.*, pp. 94–95.
15. Bureau of National Affairs, *2004 Source Book on Collective Bargaining* (Washington, DC: Bureau of National Affairs, 2004), p. 255.
16. *Wall Street Journal*, April 25, 2002, p. D5.

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