

## APPENDIX B RAW SURVEY RESULTS

### (1) You and Your Practice: Questions 1 through 22

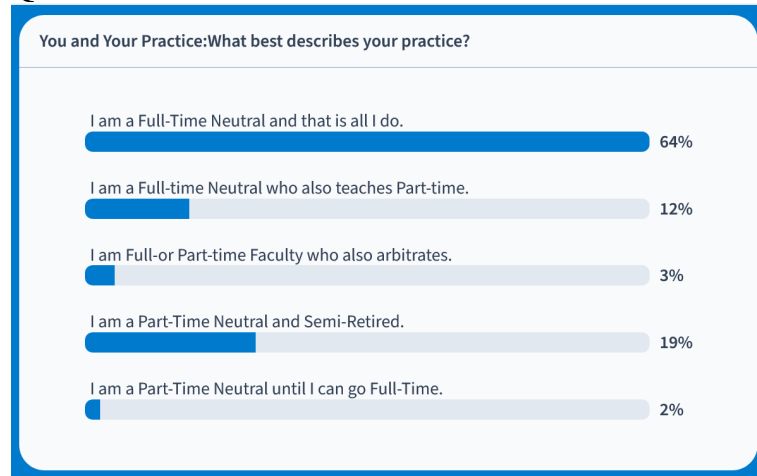
#### Q1



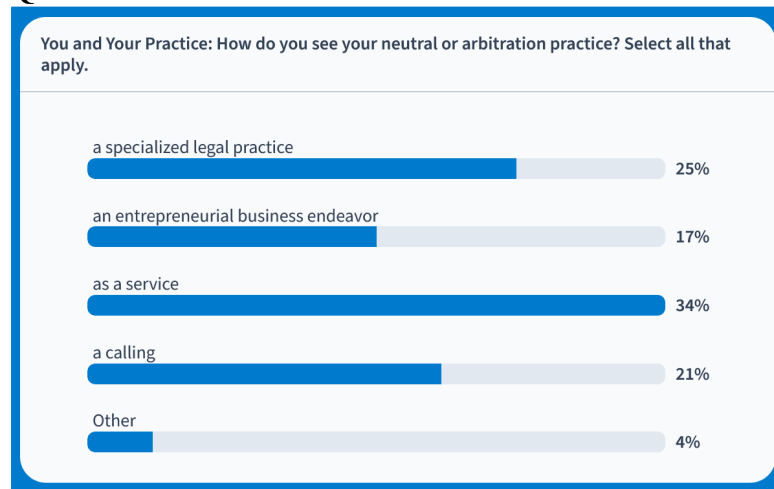
#### Q2



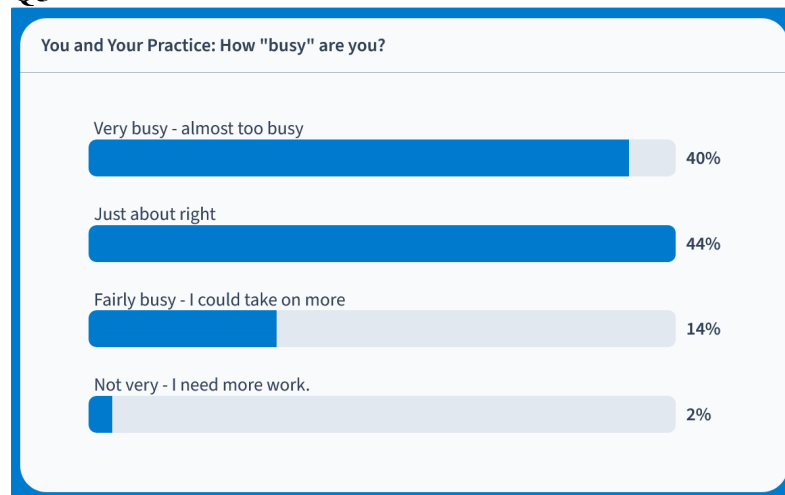
### Q3



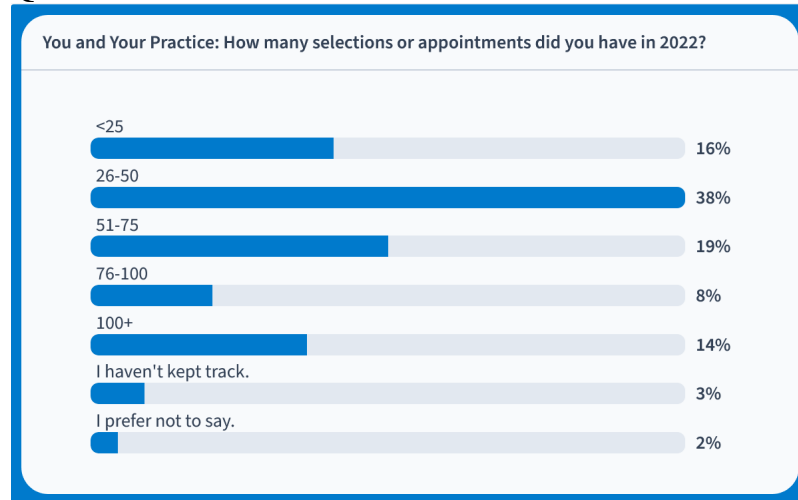
### Q4



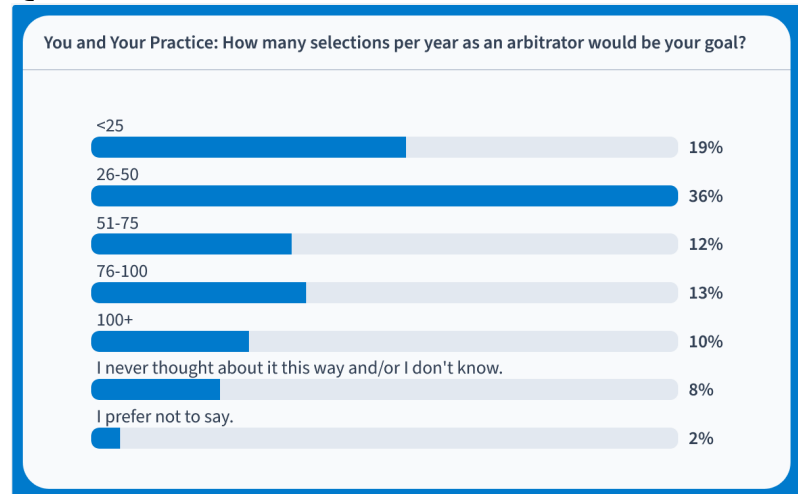
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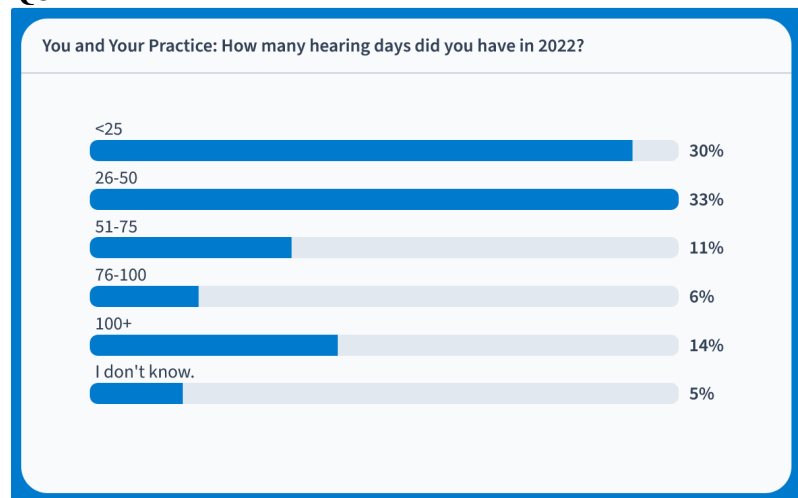
## Q6



## Q7

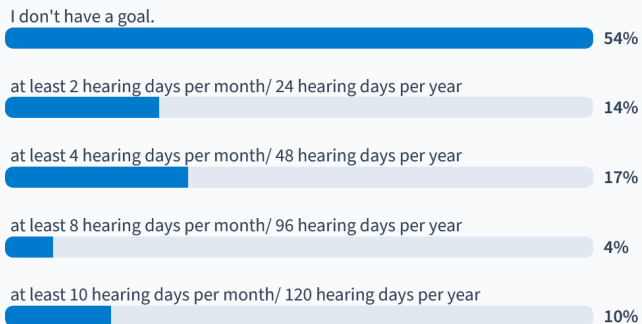


## Q8



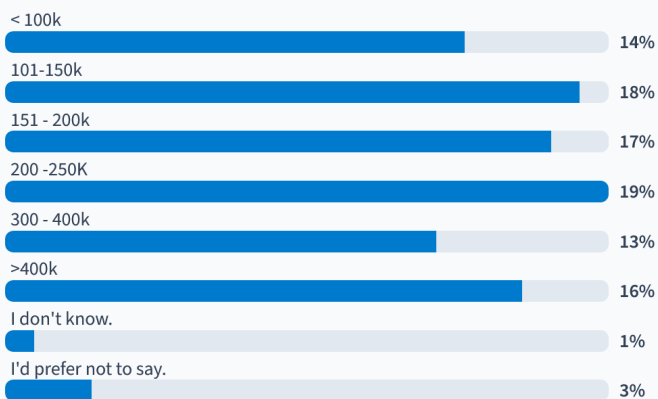
## Q9

You and Your Practice: Do you have a goal for the number of actual hearing days per year? If yes, what is your goal?



## Q10

You and Your Practice: In your best year, what were your account receivables?



## Q11

You and Your Practice: What does the ideal caseload or work load look like for you?

Where I have time on the weekends for my personal activities.  
Where I am generally busy throughout the week with my arbitration practice. I strive for one free or half day per week.



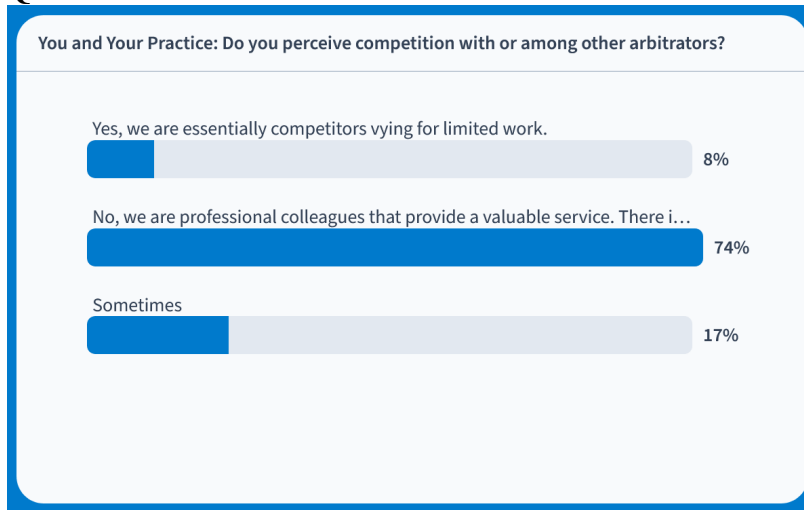
1. 30
2. 2 to 4 cases per month.
3. 20
4. I would like to hear two cases per month.
5. 1 per month.
6. 1-2 arbs a month on Zoom.

7. Now no more than 2 Zoom hearings a month.
8. 4 to 8 hearing days per month.
9. No more than 4 scheduled cases or 6 scheduled hearing days per month & every third month off (Trying to cut back.)
10. Two to three hearings per month.
11. 3-4 hearing days/ month and 10-12 active cases.
12. Issue one award per week.
13. Issue one award each week.
14. Two days of hearing and one award issued each week.
15. 8-10 cases a year
16. I am trying to get down to 3 hearing days per week.
17. 2-4 per month
18. I am 79 and trying to slow my practice. 12-15 cases per year would be ideal at this stage of my career.
19. Work 20 hours a week, no work on evenings or weekends or holidays. A couple of hearings a month, plus two to three hours of writing on most weekday mornings.
20. 2 decisions a month.
21. 2 cases per month.
22. One case per month.
23. About ten meetings per month. My practice includes labor medication and civil mediation. I just want variety.
24. I haven't thought about it.
25. Max of three day of work per week (hearings or write up) with appx 2 months of vacation time.
26. Up to four cases per month, 4+ days of hearing, 16 days+ of study/writing.
27. Busy enough to feel satisfied professionally and have time to enjoy life.
28. One hearing day and one mediation day per week.
29. 5 hearing dates/month and issue 2 decisions/month.
30. I will retire from a full-time job in one year. Until then I schedule on average 4 cases per month. After that I hope to schedule Three hearings per week.
31. I would like to have only interesting cases that are relatively complicated and leave the basic cases for the new folks.
32. Since I am semi-retired, one case per month to go to hearing and award.
33. One or two cases per month at most with one or two months without any cases.
34. 3 days a week in the summer, up to 4 days a week in the winter.
35. Having 100+ appointments and hearing at least 1 case per week.
36. 4 hearing days scheduled/week.
37. enough to keep busy, but not overwhelmed.
38. I am semi-retired and only taking on a few cases per month (mainly from a CBA where I am listed). Prior to cutting back I would book cases on every single day, including occasional weekends, and expect some cases to cancel.
39. Two hearings a month, maybe fewer than two awards per month.
40. A week that is a combination of hearings and writing days.
41. 3 hearings per week, with some mediated to resolution so no written decision is necessary.
42. 25 cases/40 hrs/wk.
43. 25

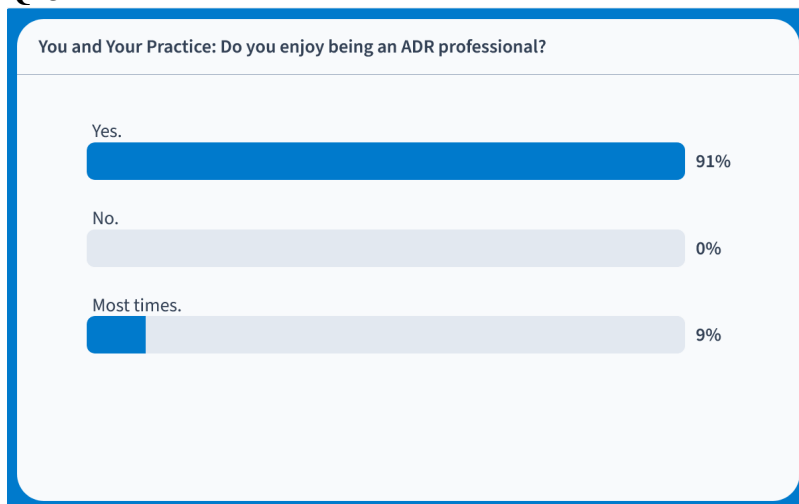
44. Not sure
45. I am drawing a pension and don't necessarily need to work but I want to keep reasonably busy and not be concerned about finances if I want to take a vacation. I rarely bill for all the time I spend crafting an award and with that said, although I almost always schedule more than two hearing days per month, I've found that having an average of two hearing days which are actually used is just about perfect for me.
46. Enough cases to keep me busy.
47. One to two hearings a month
48. A mix of cases, in the region in which I live.
49. I am busy, but not overwhelmed.
50. 75
51. 75
52. 2 completed cases per month.
53. No more than 2 hearing days a week.
54. 2 hearings per week.
55. Two cases per week.
56. Keeping busy. 4 hearings/month.
57. 12-15 cases per year.
58. As I'm semi-retired, I'm looking forward to FEWER cases, perhaps 4 days per month.
59. 2 to 4 hearings per month.
60. Hearings/drafting Monday-Friday approximately 46 weeks per year.
61. 2 - 4 hearings per month.
62. Ideal would be roughly 6-8 cases per year.
63. Three days of hearings per week
64. I'd like to do all expedited panels
65. To issue between twenty-five and thirty awards per year.
66. Less than I have now.
67. 3 hearings scheduled each month and 2 cancel[lations].
68. Full time except for travel 3 months of the year.
69. One day of hearing per week.
70. Since I am semi-retired, I am looking at scheduling 4 cases per month, at least one on zoom, and having 1 or 2 settle with a full cancel fee.
71. Ideally, I could alternate hearing months so that I can write in the non-hearing month. This way I could stay timely with issuing awards.
72. I am trying to turn my practice into a part-time practice. Ideally, I'd be working at a 35%-50% level compared to full-time work.
73. About 10-12 awards a year, which enables me to keep up with back office, family, health, etc.
74. 30 per year (2.5 per month average).
75. Somewhere between one and three cases per month.
76. 2 hearing days per month.
77. 40-60 hours per week; 100 cases per year that go to a written Award.
78. 4 a month.
79. 4 a month.
80. Two awards per month.

- 81. Working with parties that are professional and respectful of the practice of arbitration, including respectful to witnesses and participants at hearing. I turn down cases so that I can have a good work/life balance and so that more work goes to newer arbitrators who I mentor.
- 82. What I have now.
- 83. Where I have time on the weekends for my personal activities. Where I am generally busy throughout the week with my arbitration practice. I strive for one free or half day per week.

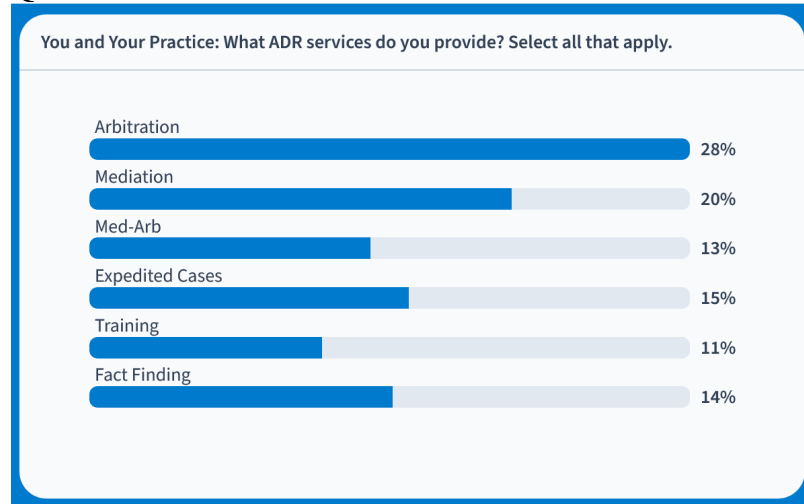
**Q12**



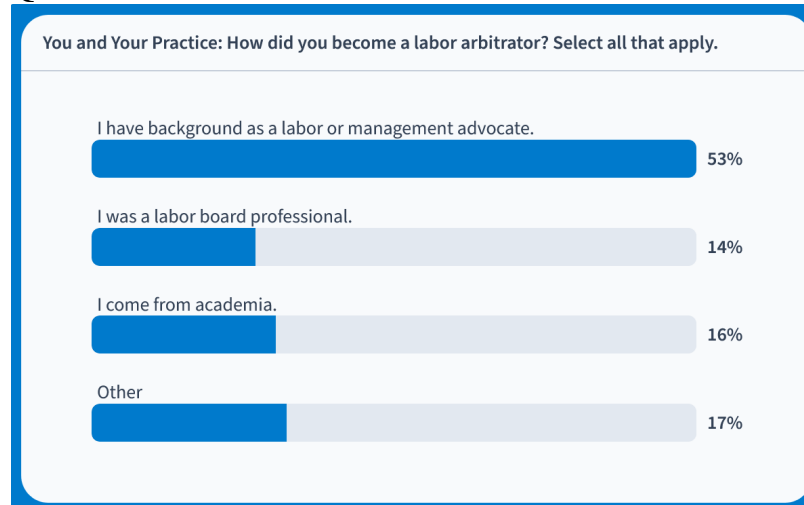
**Q13**



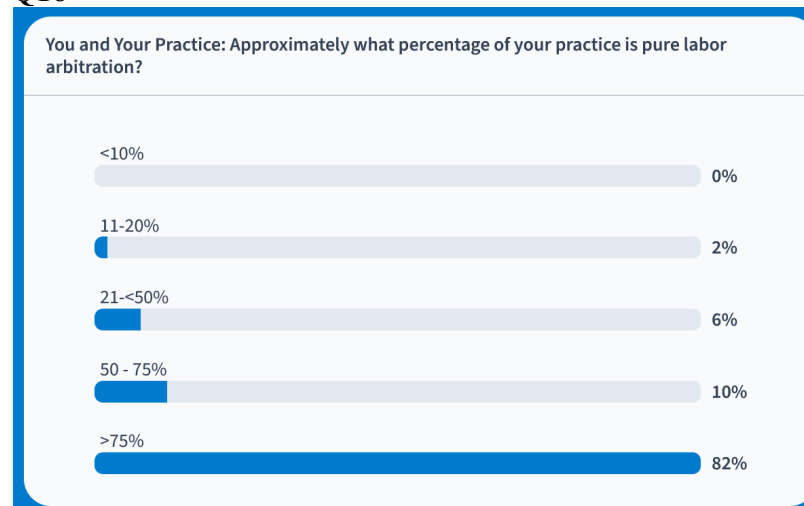
### Q14



### Q15



### Q16

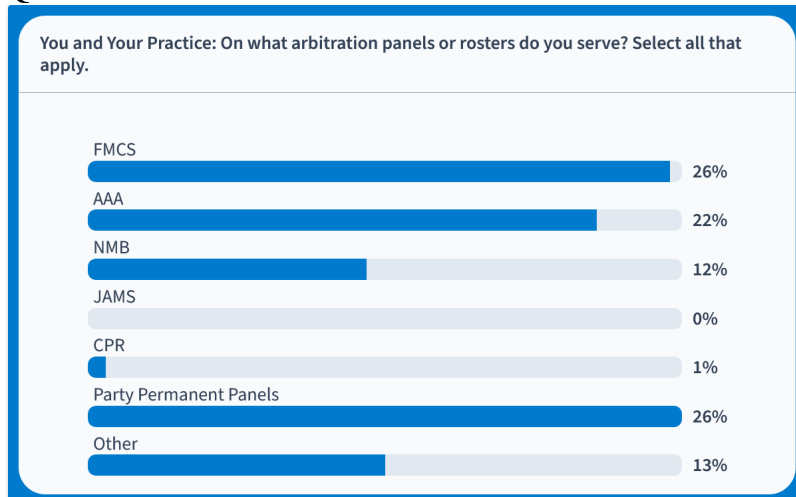




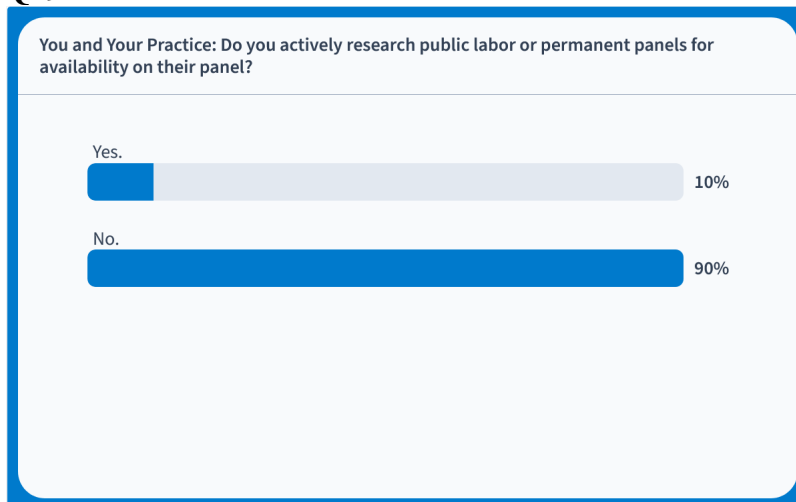
### Q17



### Q18

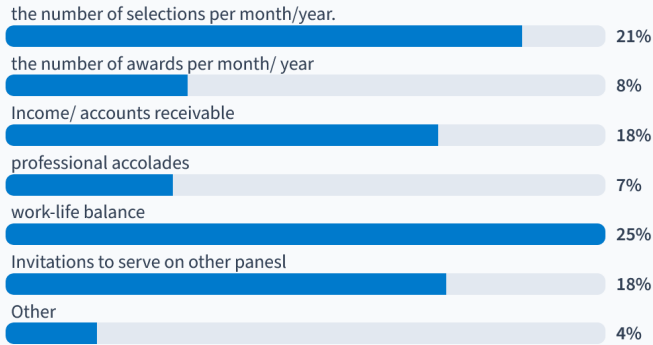


### Q19



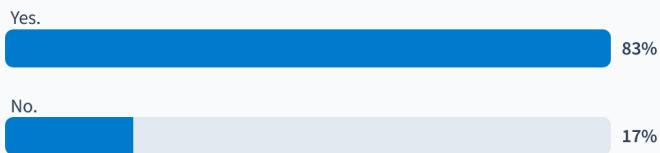
## Q20

You and Your Practice: How do you measure the success of your practice? Select all that apply.



## Q21

You and Your Practice: Do you have hobbies or other interests or causes that you allocate time for on a regular basis?



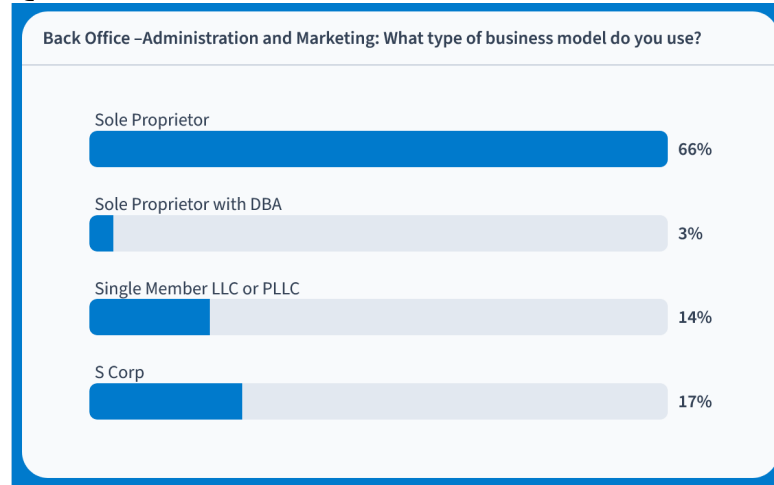
## Q22

You and Your Practice: If you are an attorney, do you fulfill your state CLE requirements?

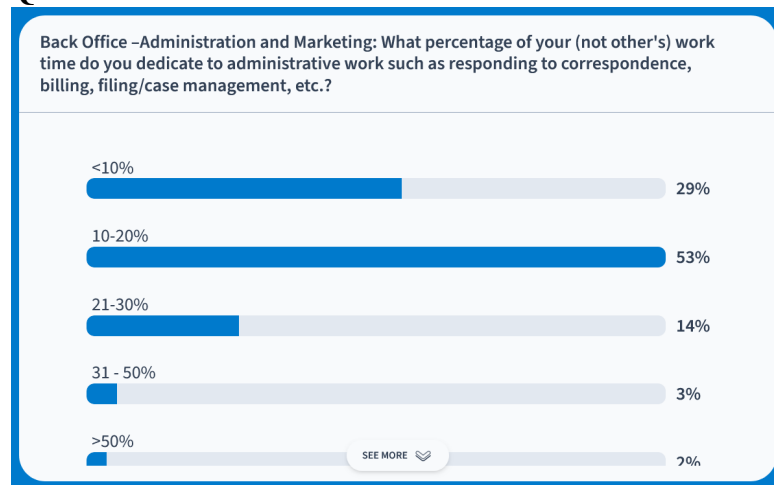


## (2) Back Office: Questions 23-44

### Q23



### Q24



### Q25



## Q26

Back Office –Administration and Marketing: If you do not maintain a social media presence, why not?

I have no interest in doing so. I am not now trying to grow my practice, and I stay away from conventional social media as it can constitute a professional hazard. ☆

Not necessary to get enough business ☆

1. Not necessary.
2. No need.
3. I have my website.
4. I only have LinkedIn.
5. I've never had any social media account & consider it a culture killer.
6. No interest in this.
7. Lack of time.
8. Not interested at this stage of my career.
9. Not interested and dangerous.
10. No need.
11. Not trying to drum up more work at this point.
12. Not interested.
13. Not interested.
14. Have neither the time nor the inclination.
15. No need and I don't want to be bothered.
16. I refuse to engage in social media.
17. I do not believe social media provides a professional environment. I prefer to maintain a website that can be easily found when someone googles my name. I have no interest in interacting with advocates via social media and don't want to be exposed to that possibility. I keep my online presence private and carefully monitored. You will not find my name on facebook, twitter, etc.
18. Not worth the time. I get all the work I want from the FMCS panel. I have resigned from all “permanent” panels because they took too much time and are boring.
19. Don't do social media and no need to maintain a presence as workload is sufficient. Not looking for more work.
20. I have a website. That's all.
21. I do not want to put the time into maintaining social media and I do not want the conflicts issues that it might present.
22. No need to.
23. Hard to be neutral
24. I don't really need it for marketing at this stage of my practice, and I am not generally a regular user of any social media other than to keep up with my family members. If I were starting out now, I would take the time and energy to learn how to have a social media presence.
25. I do, minimally.

26. Potential abuse and misuse of social media.
27. I do have a social media presence.
28. I am a bit of a luddite.
29. Don't think it would be helpful.
30. No need.
31. I have a strong aversion to social media for many reasons. I don't even view the NAA's version.
32. I think of social media as anti-social media and largely a waste of time.
33. I am not marketing my practice in anyway.
34. I am not marketing my practice.
35. No need.
36. Not interested.
37. Not interested.
38. I have plenty of work. I do not solicit more.
39. I don't feel it is necessary. I also like to keep a low profile.
40. As an arbitration marketing too, social media is useless.
41. I have social media presence but don't use them to market my practice.
42. Very limited except LinkedIn. Want to avoid conflicts of interest.
43. I'd rather not have to disclose that anyone has connected with me on LinkedIn or any other social media. Privacy concerns.
44. Do not like social media.
45. Not interested.
46. Not interested.
47. No need.
48. I never felt the need to do it and if I were earlier in my career "m not sure how I would feel.
49. Not usually appropriate for Labor Arbitrator, in my opinion.
50. No need nor desire.
51. See no need for it.
52. Social media is embellishment.
53. Facebook, et al is too risky.
54. No interest.
55. Tacky.
56. My social media presence is social.
57. I have a presence.
58. I have enough work without a social media presence.
59. I can't think what I would put out there on a social media platform. I rarely post on my personal pages.
60. I have no interest in doing so. I am not now trying to grow my practice, and I stay away from conventional social media as it can constitute a professional hazard.
61. Not necessary to get enough business.
62. It is unnecessary.
63. Maintaining a website seems much more effective.
64. I rely on word of mouth.

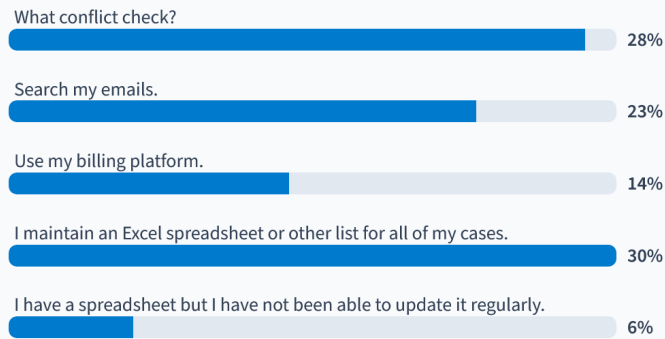
### Q27

Back Office –Administration and Marketing: What percentage of your work time do you dedicate to marketing your practice?



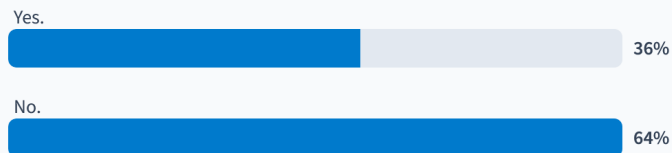
### Q28

Back Office –Administration and Marketing: How do you conduct conflicts checks? Select all that apply.



### Q29

Back Office –Administration and Marketing: Do you have a website?



### Q30

Back Office –Administration and Marketing: If you have a website, what information do you make available, i.e, bio, video introduction writing samples/ Awards, endorsements?

general information about my background and my Bio is attached

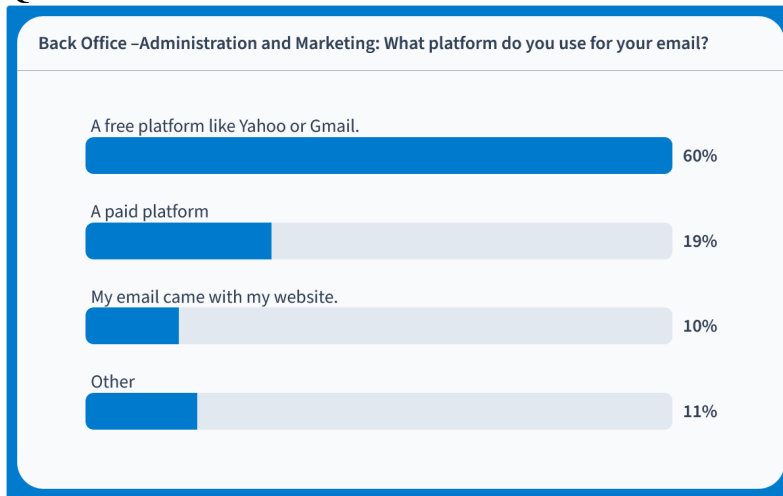
bio, writing samples, newspaper articles, publications

I do not have a personal website. I am on my former law school employer's website with cv, publications, bio and related info.

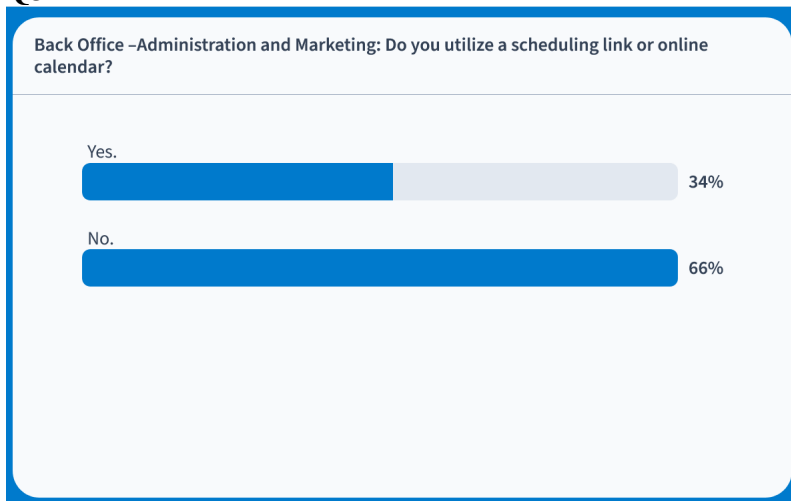
1. Bio, articles
2. All.
3. Just an overview of services and bio.
4. bio, resume.
5. Bio, background, experience, credentials, other activities (was part time Judge for many years)
6. Short bio.
7. Bio, published decisions, rates, availability calendar, running list of mgt and labor clients worked for, services offered.
8. FMCS bio.
9. Areas of expertise, bio, endorsements.
10. general information about my background and my Bio is attached.
11. Bio, writing samples, newspaper articles, publications
12. I do not have a personal website. I am on my former law school employer's website with CV, publications, bio and related info.
13. Awards, available dates, brief bio.
14. Bio, resume.
15. Bio.
16. Bio.
17. Bio, award citations.
18. Bio.
19. Bio and video intro.
20. Very expansive--panels, education, organizations and officer positions, publications, types issues.
21. My calendar.
22. CV, blog, awards, availability calendar.
23. Bio.
24. Bio and calendar.
25. CV, articles, link to books, talks.
26. Everything that would appear on a CV.
27. Bio and links to information.
28. Bio, permanent panels.
29. Bio, sample awards, list of publications, contact info.

- 30. Bio, fees, publications, presentations, rosters and panels. Travel & cancelation policy. Languages
- 31. The basics - background, services provided, and philosophy
- 32. Bio. Experience. Education. Fees. Panels and rosters. Publications. Recent presentations. Non profit boards, teaching. Intro video

**Q31**

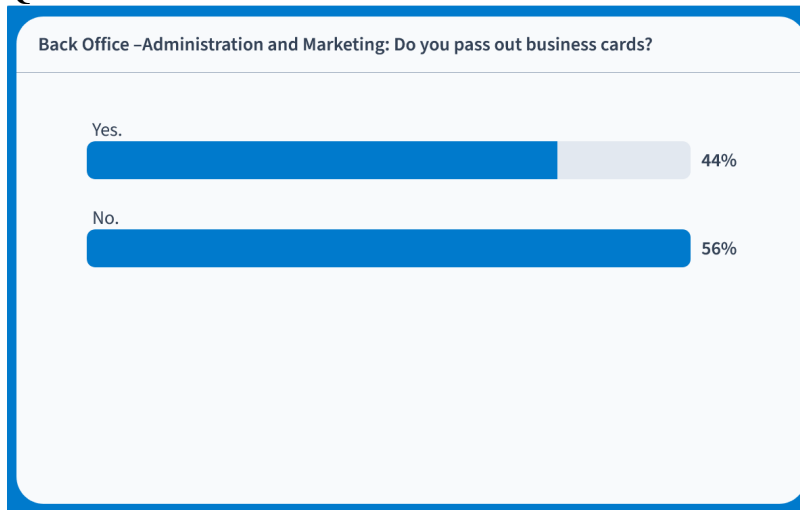


**Q32**

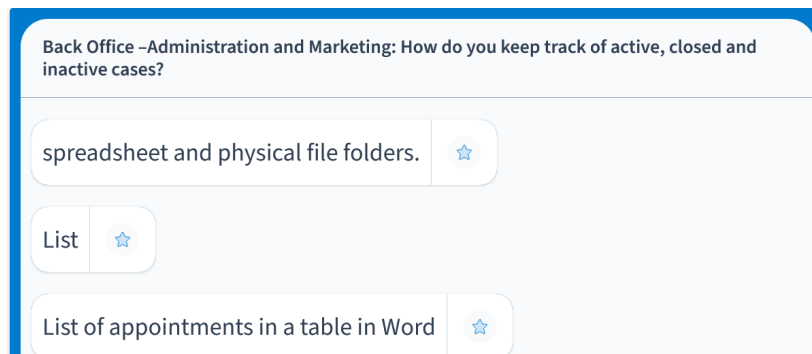




### Q33



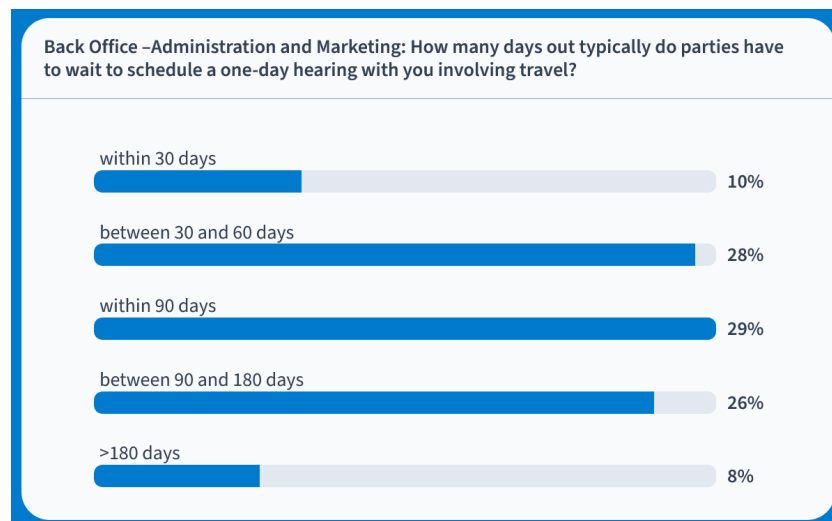
### Q34



1. Calendar and spreadsheet.
2. Calendar and spreadsheet.
3. Not that many -- just keep a list.
4. File System.
5. In paper files.
6. I remove closed and inactive cases from my list of cases.
7. Spread sheet.
8. I keep a list on my computer desktop.
9. Calendar, spreadsheet of cases (for accounting purposes), and database of all cases.
10. Maintain a spreadsheet and list of active cases.
11. I maintain lists of open cases, closed cases, cases awaiting briefs and cases awaiting awards.
12. Occasional checking.
13. Excel.
14. Badly, no formal tracking system.
15. Case list that I update frequently.
16. Excel spread sheets.
17. My self-created computer program.

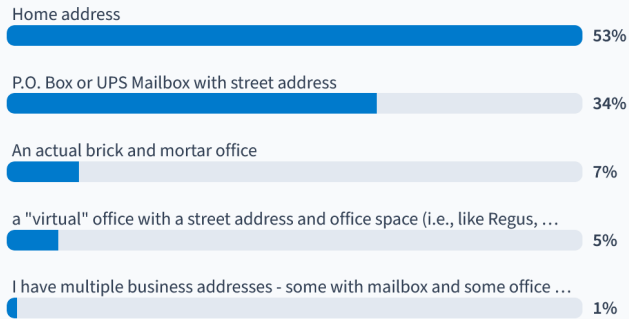
18. No.
19. Yes.
20. Spreadsheet.
21. Paper files.
22. Not in a docket or organized manner. Just on my computer under a file ARBITRATION with a folder for issued awards and another one for each year.
23. Client management software.
24. I keep an excel spreadsheet.
25. Calendar for active.
26. Manually and by spreadsheet.
27. Log book.
28. Spreadsheet and physical file folders.
29. List.
30. List of appointments in a table in Word.
31. Spreadsheet and calendar.
32. Right now I use my billing platform. I plan to try a system created by a fellow NAA member.
33. Spread sheet.

### Q35



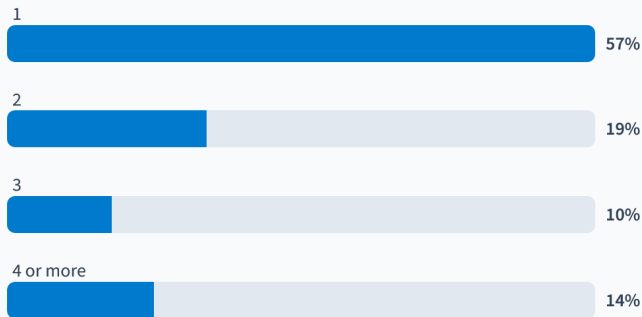
### Q36

Back Office –Administration and Marketing: What do you use for your PRIMARY business address? Select all that apply.



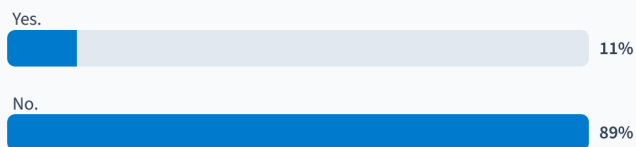
### Q37

Back Office –Administration and Marketing: How many listing addresses or zip codes do you use for purposes of selection by a paneling agency such as FMCS or AAA?



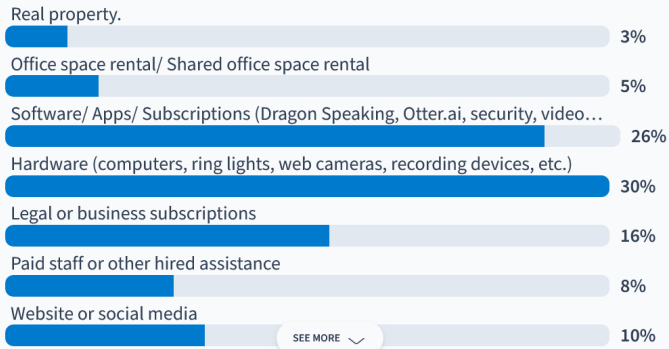
### Q38

Back Office –Administration and Marketing: Do you have a succession plan for your practice?



### Q39

Back Office –Administration and Marketing: What overhead investments have you made in your practice? Select all that apply.



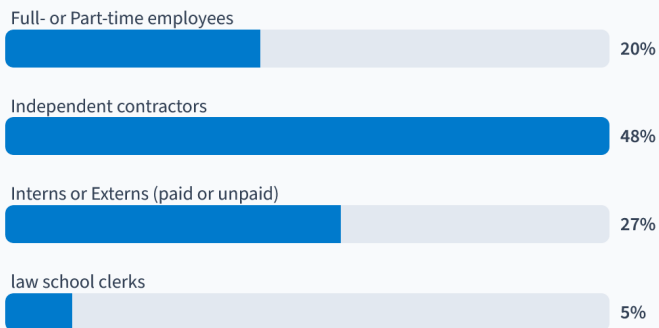
### Q40

Back Office –Administration and Marketing: Do you have plans to retire at an established time?



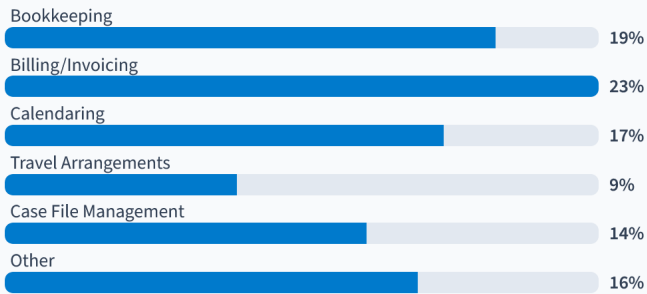
### Q41

Back Office - --Administration and Marketing: Do you or have you utilized the following? Select all that apply.



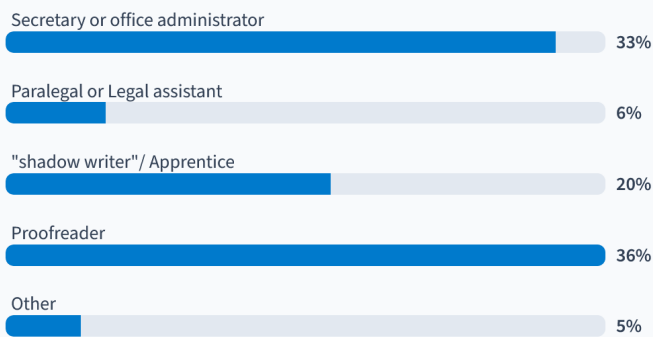
## Q42

Back Office –Administration and Marketing: If you outsource administrative tasks, which tasks? Select all that apply.



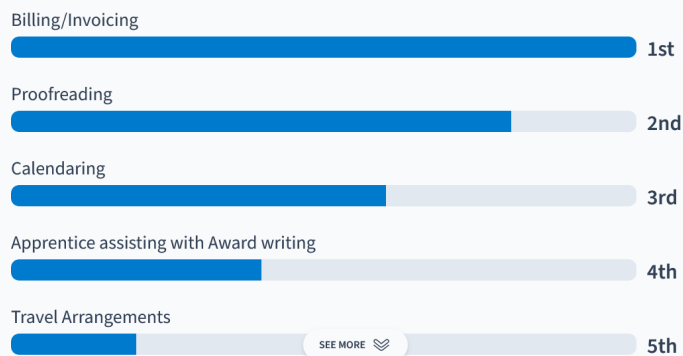
## Q43

Back Office –Administration and Marketing: Which of the following do you or would you find helpful to your practice? Select all that apply.



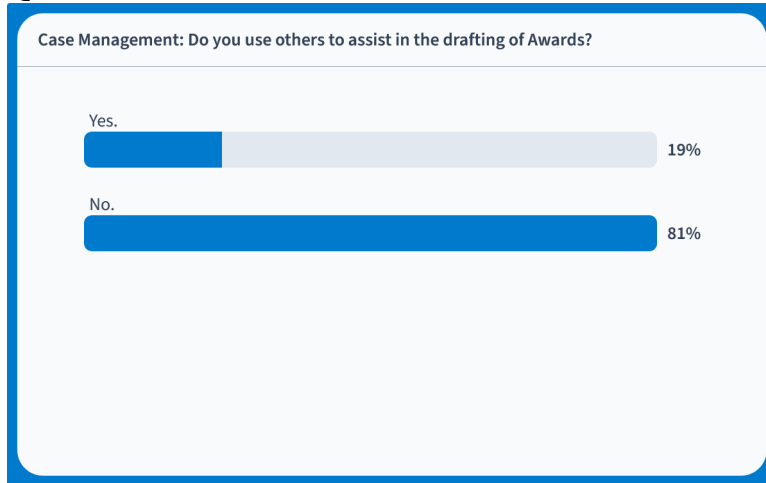
## Q44

Back Office: Please rank the following tasks you would assign to an employee or independent contractor?

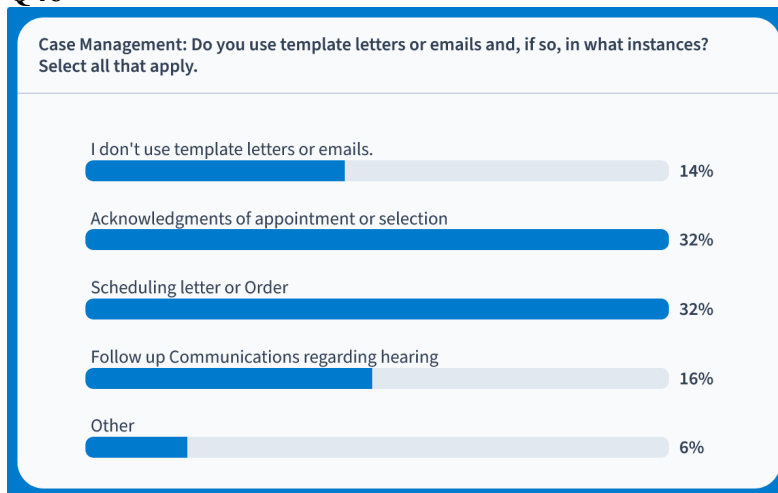


### (3) Case Management: Questions 45-58

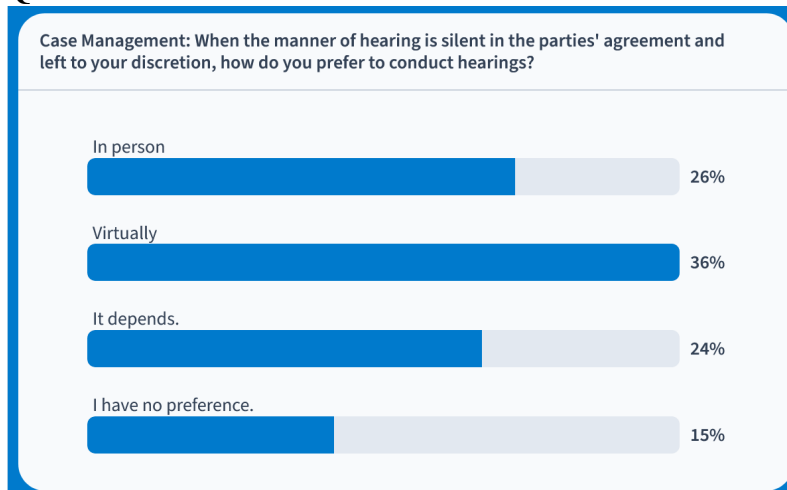
#### Q45



#### Q46



#### Q47



## Q48

Case Management: On average, how long does it take you to write and review an award for a one-day hearing after receiving the complete record? [NOTE: We are not asking what you typically bill parties. We are asking for the amount of time spent.]

About two days of uninterrupted time. If it is interrupted by other hearings or other matters, it may take me a week to finish the award.



Two days. 1+ for writing and the remaining for editing and proofing

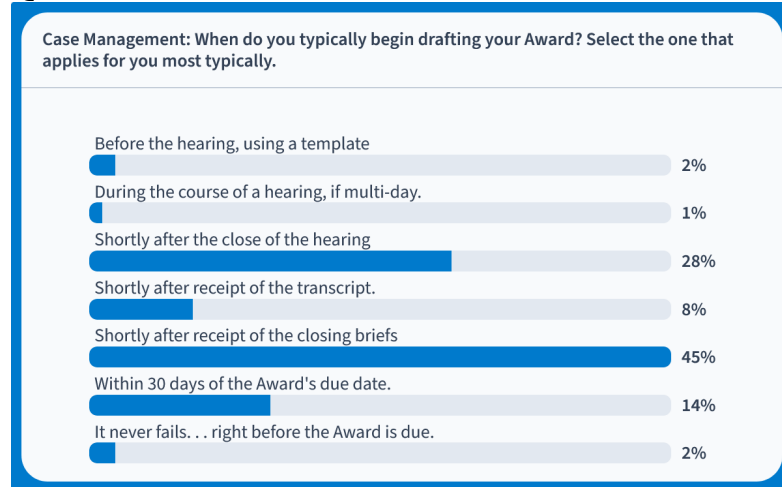


1. 2 days.
2. 3 days.
3. Five days.
4. One to two days.
5. 3-4 days.
6. 4 days.
7. 15-18 hours.
8. 4 days.
9. 2-3 days.
10. 2-3 days.
11. 3-4 days.
12. 1 day.
13. 1-2 days.
14. Within 30 days.
15. Ten hours.
16. Depends on the case and the contract, 4 to 40 hours includes 98% of cases.
17. Depends on the case and the parties. An occasional bench award under an expedited procedure in the Steel Industry and in Chicago Service Industry, some complicated contract interpretation matters with multiple day hearings can take up to 40 hours, most range from 4 to 12 hours.
18. 3 days.
19. 2-3 days.
20. 30 days.
21. Depends on how complicated the issues are. Usually one day
22. 8 to 16 hours.
23. 2.5 study days for cases with a transcript and post-hearing briefs. Less days when no transcript and no briefs.
24. 40-50 hours per decision.
25. One and a half days.
26. 30 days.
27. Parts of 7-10 days. Probably about 40 hours.
28. 2 days.
29. 30 days.
30. Two days. One day for expedited cases.
31. 2 to 3.5 days.

32. Varies enormously on complexity.
33. One additional day.
34. 1/2 day.
35. 5 days.
36. 2-3 days.
37. USUALLY LESS THAN THIRTY DAYS.
38. 5 days.
39. 1-2 days.
40. Three days.
41. 6-8 hours.
42. 1 to 2 days.
43. 30 days.
44. Too long.
45. 3 days.
46. One day.
47. 1-2 days depending on the complexity of the issue and the number of documents submitted.
48. 3-5 days.
49. 16 hours on average.
50. One to three days depending upon the complexity of the dispute and size of the record.
51. 2 days.
52. Less than 30 days.
53. Less than days.
54. Between one-and-one-half and two days.
55. 2-3 days.
56. 2-3 days.
57. One week.
58. 1.5 days
59. 15 to 20 hours
60. Two
61. 2-4 days depending on the issue and record
62. One and a half days.
63. 3 days
64. 3-4 days
65. A week, normally.
66. 12-16 hours.
67. 2.5 days.
68. 2 days.
69. 60 days.
70. It takes 30 to 60 days to write the award. During that time I usually spend two days review the record and writing the award.
71. 2 to 5 days.
72. 2
73. About two days of uninterrupted time. If it is interrupted by other hearings or other matters, it may take me a week to finish the award.
74. Two days. 1+ for writing and the remaining for editing and proofing.



## Q49



## Q50

Case Management: What helps you get your thoughts organized for an Award?

Templates for the skeleton of the award; when I'm thinking about the case, I write notes of the pros and cons of the parties arguments; I begin writing the facts in a narrative form to ensure I understand sequence of events; review of how the parties have

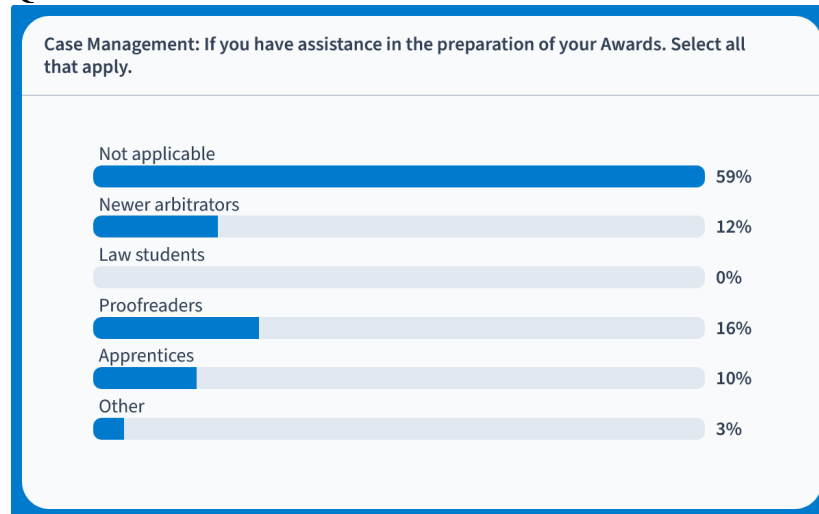
☆

1. Briefs.
2. Writing the facts and the positions of the parties' sections.
3. Writing.
4. Closing arguments.
5. Post hearing briefs.
6. Experience & a certain amount of ritual or formula. After 40+ years, awards fall into patterns.
7. Reading the transcript and briefs.
8. Handwritten notes during and after hearing.
9. Begin drafting.
10. Reading my hearing notes, reviewing the contract, reading the parties' briefs
11. Very cut and dried routine. Read the transcript and related exhibits. Read the briefs. Select a prior award of mine to use as a template. Write an outline in that template, including the award section. Then fill in the facts, the parties' positions, and finally the discussion section.
12. The record.
13. The parties' arguments.
14. An outline
15. An outline
16. Outline
17. Reviewing post hearing briefs or notes.
18. Review my notes from the hearing.
19. Typing out the fact section; reviewing transcripts; and writing/typing out an outline of analysis.

20. A draft of the background and positions.
21. My handwritten notes from the hearing on which I often highlight key points.
22. Reviewing Briefs.
23. Headings. Description of the issue. Writing findings rather than facts. Integrating the argument into the decision. Re-writing the decision portion to tighten it up and cut out repetition.
24. I try to draft the facts shortly after the hearing. This often results in making notes about the issues and my thoughts of the case. Once I receive the briefs, then I truly start to organize my thoughts.
25. Review my notes, briefs, and then get a handle on the key facts/chronology.
26. Notes made during the hearing, after reading the record and after reading the briefs.
27. Start to write.
28. Reviewing my notes.
29. Re-reading the briefs; sometimes doing so a third time. If no post-hearing briefs (or transcript) I review the exhibits and my notes.
30. Isolate myself away from my office.
31. Reading Notes, Transcripts and Briefs.
32. I've been arbitrating for many years so particularly for discipline and discharge cases I make notes regarding the charges brought and the evidence presented before even looking at the parties' briefs. When reading the briefs, I'm careful to check to whether the advocates have addressed what to me appears to be material to the issue(s) before me. When it seems one or the other may not have done so, I make note of it. I then review the briefs to separate out alleged facts from argument because I so often encounter a muddling of the two. I don't much care if the prevailing party has done so but because I believe the losing party is entitled to an explanation for why they lost, I don't want to fail to address valid contentions. (I sometimes find myself ignoring frivolous arguments.
33. A long walk.
34. Reviewing the record.
35. Read the entire record.
36. Transcript and briefs.
37. Submissions.
38. The record
39. Reviewing testimony and documents, and reading briefs.
40. Reading the whole file before I start writing.
41. Writing background (facts) section of my awards.
42. reviewing the file. I also make initial impressions immediately after the hearing.
43. My notes and concisely written briefs.
44. Review transcript and post hearing briefs. And immediately after the hearing, writing a short summary of my thoughts about the case.
45. Sketching out the facts, reviewing the parties arguments and then generating a very brief-- 4-5 bullet point--outline.
46. Notes.
47. Outlining the issues.
48. Thought and reflection outside of the writing process with the best thoughts arriving while I'm doing something else or at 2:00 a.m.
49. Outlining decision.

50. Briefs.
51. Briefs and notes.
52. Briefs of the parties
53. Reviewing the exhibits in chronological order.
54. I write the facts and the parties' positions, then I walk away and write the discussion and decision on another day.
55. Watching hearing if ZOOM. Reading transcript if there is one. Listening to audio of hearing while working through my notes.
56. Notes to myself after the hearing.
57. Drafting the "facts" part of the award by putting all the facts in chronological order.
58. Outline of topics.
59. Putting my first impressions in writing immediately after hearing(s), writing a short initial outline, and then writing a fuller outline after receipt of full record.
60. Summarizing the positions of the parties.
61. Templates for the skeleton of the award; when I'm thinking about the case, I write notes of the pros and cons of the parties arguments; I begin writing the facts in a narrative form to ensure I understand sequence of events; review of how the parties have framed the case and their arguments.

## Q51



## Q52

Case Management: How do you manage deadlines? calendar, tickler system, other, blocking out study or writing days, etc.

All of the above ☆

Calendar and tickler system ☆

calendar and tickler system. I try to maintain a reasonable calendar so that there is time for writing and family issues, and not depend ☆

1. Calendar due date.
2. Calendar.
3. As required.
4. Contact with the parties.
5. Calendar.
6. I carefully note due dates but try to get awards out in 2-3 weeks.
7. Spreadsheet.
8. Calendar.
9. Maintain a case log.
10. Calendar and blocking out study and writing time.
11. I use a card system
12. I rely on cancellations.
13. Try to follow the "3 or 8, shut the gate" principle. In other words, never schedule more than 3 hearings in a week or 8 in a month. that leaves room for writing days. Never been late with an award in ten years.
14. Calendar.
15. Managing my time appropriately.
16. Calendar.
17. I have a full-time assistant.
18. Schedule each step in my calendar.
19. Calendar, tickler system, blocking out study days on my calendar.
20. Day-timer, calendar on Iphone, and List of due dates.
21. Google calendar.
22. Blocking out study and writing days.
23. Calendar.
24. Tickler.
25. I keep the files with decisions due close by.
26. I maintain a calendar. I also use Evernote to keep a list of dates briefs are due and awards are due.
27. Keep a list of awards due.
28. Calendar, note on briefs.
29. I just do.

30. It's not unduly onerous to keep an overview on deadlines on paper calendars. The hardest part is to give priority to making change entries promptly. "Blocking out" writing days can be aided by carefully considering how hearing dates are proposed to the parties. All of these measures compel one to "keep their head in the game" through calendar, correspondence review and file handling.
31. Calendar.
32. Pocket Calendar.
33. I'm generally rather efficient except in this area. I don't think any arbitrators other than those who don't have much work can always meet deadlines for submission. When I can't do so, I generally write the parties and tell them the award will be out within a month or two beyond the deadline. If anyone objects, and I haven't had that happen in at least a decade, I then warn the parties they may not get my best effort. Anyone who ends up dissatisfied after that is someone who needs to find other arbitrators in the future.
34. I don't do anything special.
35. I maintain a whiteboard in my office with dates briefs are due, decisions due with date and a list of hearings for the next week
36. Mental note what is due.
37. Spreadsheet.
38. Calendar.
39. Not enough work to worry about.
40. Tickler system.
41. All of the above.
42. I use my active case list.
43. calendar and spreadsheet with all pending case information.
44. Calendar and database.
45. Excel spreadsheet
46. Calendar, lists of awards awaiting drafting, mapping out available study/writing days.
47. Calendar.
48. Aim to get award out no longer than 45 days.
49. Ad hoc, no real system, a day at a time approach. FYI I rarely need or request extensions and my awards are generally issued prior to their due dates.
50. Calendar.
51. Reading the briefs and the transcript.
52. I have a spreadsheet to track each step in the process.
53. Poorly.
54. My memory.
55. Due dates are set in my client management system. I also have a board on the wall where I list due dates.
56. I put deadlines on my calendar.
57. Paper calendar, and prayers - they mostly work!
58. Calendar.
59. All of the above.
60. Calendar and tickler system.
61. Calendar and tickler system. I try to maintain a reasonable calendar so that there is time for writing and family issues, and not depend on cancellations.
62. Spreadsheet

63. All of the above.

### Q53

Case Management: What hearing or case management practices do you plan to start or wish you had started earlier in your ADR career?

Digital recording ☆

Unknown ☆

None ☆

1. Digital recording.
2. Unknown.
3. None
4. I'm pretty happy with the way I do it.
5. None.
6. Keeping better track of accounts.
7. None.
8. Just keep pushing out the dates I'm offering, later and later as I get more popular. Don't succumb to pleading parties when possible.
9. Accept fewer cases.
10. None
11. Nor sure what would be helpful
12. None that I can think of.
13. a numbering system, with each file having a number, making tracing it easy. And keeping every document electronically for ready access.
14. I cannot think of any at this time.
15. Nothing to add.
16. Quick Books.
17. Making notes of date and discussions of case related phone calls.
18. I should have hired an admin assistant sooner.
19. None.
20. Excel or some other calendaring method.
21. After 42 years and at age 80: NONE.
22. Electronic calendar
23. Not sure.
24. None that come to mind.
25. Can't think of any.
26. Putting aside time every month for collections.
27. Calendar system.
28. None.
29. None.
30. No regrets.

31. Obtaining assistance in scheduling and obtaining assistance in writing awards.
32. Blocking out writing days.
33. None.
34. None.
35. Do not know of any.
36. More videoconferencing on a routine basis.
37. It is not a good system. I wish I had started a better system years ago. Too late now.
38. I have files in piles. One for scheduling, one for waiting for briefs, one for time to write.
39. Maybe a rolling chart of list of appointments for each year. I did that when I had staff years ago but abandoned it. I also used to print out all awards and place in special binders made for the awards. Threw all those away five years ago after scanning them. Now only electronic files of awards.
40. Can't think of anything.
41. I wish I had better knowledge, understanding, and use of various technical gadgets and/or apps but I dont realistically see myself learning it/them at this late date.
42. N/a
43. The arbitrator work sheet that Mark Lurie invented. I could have used it long before he invented it.
44. None.
45. Reviewing all my pending cases weekly to see if anything needs to be done on them.
46. I would make no changes as of now. I regularly train and mentor newer arbitrators and I learn from those around me. When I hear good ideas I adapt them into my practice.
47. Tracking awards by issues addressed in the award.
48. I wish I had gotten started earlier with cataloging my cases in some type of database for ready reference or search by issue or facts.
49. A database for issues/arguments. Can search databases by terms, but cataloging the cases would be more convenient.

## Q54

Case Management: What habits, apps or programs do you find help with note-taking during a hearing?

I type my notes on my laptop, which includes my impressions at the hearing. As Dick Mittenthal once told me, we should listen and attempt to decide the case as it comes in. ☆

Extra pens and legal pads ☆

If recording, annotate time of certain testimony to revisit; I highlight/star testimony that I know I want to clarify with a witness

1. Digital recording.
2. None.
3. MS One Note.
4. I really prefer a transcript & insist on one for multiday cases.
5. Pen and paper.

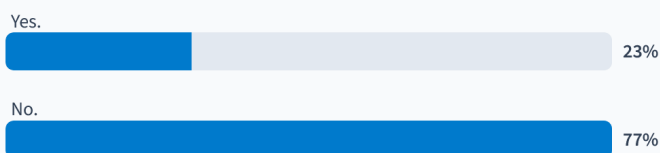
6. My main purpose in taking notes is to keep track of hearing time management, what exhibits have or haven't been admitted, and questions I might want to ask a witness. I rarely look at my notes when I write the award. 90% of my arbitration hearings are with a court reporter.
7. I have for decades taken my notes on my laptop using word.
8. I simply take notes.
9. Handwritten notes.
10. Recorder.
11. Type my notes.
12. Pen and paper.
13. Making special notations in my notes.
14. A legal pad and a pen.
15. Hand-written notes and sometimes I tape-record hearings for my own use only. I prefer to have court reporter present but leave that option up to parties.
16. Margin notes.
17. I have developed a shorthand way of taking handwritten notes.
18. Legal pad and flair pen that does not require much pressure to write.
19. I use Note Studio - combination of notes and recording of the evidence; cheap and very efficient. I use TextExpander for keeping all abbreviations that convert to full text. The combination of these two apps are perfect. Both inexpensive.
20. None. I take notes by hand. I find this helps me recall the cases better. I used to type on my laptop during hearings, but I have gone back to handwriting my notes.
21. I have been taking hearing notes at hearings for over 50 years. I use forms to keep track of attendees, exhibits offered received or not admitted.
22. Take notes as if there were no reporter
23. I take notes by hand, always.
24. Keeping a separate sign-in sheet with printed names/titles. Having adequate # of pens and a spring-bound note book (easier to turn page over than a yellow pad for example)-switching pens provides a different grip or feel and allows freedom from cramping.
25. Use digital recorder if no court reporter.
26. I now have a court reporter and transcript for about 80% of my hearings. Contrary to what I've heard about some arbitrators, I don't insist on that but parties who use me often know I prefer it and they know that at least with me, paying for that won't cost them any more in the long run. That's because I'm adamant about taking copious notes when we don't have a reporter and when we don't, any hearing which is fact-intensive is going to take considerably longer than it otherwise would.
27. None. I just take notes.
28. I type my notes using Word. I am a fast typist so I get a very good record.
29. I take notes.
30. I do not take many notes; all my cases have transcripts.
31. Personal shorthand.
32. Not sure.
33. I use my laptop to take notes.
34. Write notes to myself in margins of my notes.
35. I use a pad and pencils to take notes. Writing notes imprints them in my memory.



36. I find that old fashioned note taking works for me. I am thinking about moving to use an electronic tablet for note-taking.
37. I hand write extensively if no transcript and less so if there is a transcript.
38. I take notes the old fashioned way--on a legal pad. I am looking at various apps to take handwritten notes on an iPad that can be saved and converted to text, but have not started using one.
39. Paper.
40. Writing down the testimony almost verbatim.
41. I don't use any.
42. I type detailed notes on laptop.
43. None. I do not advise arbitrators to be typing on a computer or recording on phones doing a hearing. Handwritten notes only.
44. I just use a Word document.
45. Goodnotes, court reporters if parties pay.
46. I take fabulous notes, left over from my law school minor, so I don't use the computer or use any technology in that regard.
47. Handwritten notes.
48. I type my notes on my laptop, which includes my impressions at the hearing. As Dick Mitterthal once told me, we should listen and attempt to decide the case as it comes in.
49. Extra pens and legal pads.
50. If recording, annotate time of certain testimony to revisit; I highlight/star testimony that I know I want to clarify with a witness and/or to look for in brief. If transcribed, I put in my notes, words to look for from witness for when I go back and do a search in the transcript; lots of Tabs and post-its, pens and paper
51. Plenty of paper and good pens.

## Q55

Case Management: Do you track the types of cases you hear, i.e., interest v grievance arbitrations, police or civil service matters, unions, counsel or law firms regularly before you?



## Q56

Case Management: When there is no transcript, if you record or have access to a recording of the hearing, how do you use the recording?

Listen to important parts. Summarize. ☆

Do not use recordings. ☆

Seldom If my notes are muddy I listen to the recording. Happens

1. Listen to important parts. Summarize.
2. Seldom - If my notes are muddy, I listen to the recording. Happens once every few years.
3. I listen to it and transcribe important statements.
4. Typically only use it when I have questions about the testimony or wish to re-hear certain testimony. Do not typically listen to the entire recording.
5. In the rare times there is no transcript, and I have recorded it, I will listen to the recording and pull out quotes from witnesses I may want to use.
6. I do not generally record hearings. Only in special circumstances.
7. To check my notes.
8. For personal use only!
9. Assist in writing the award.
10. Review it like a transcript.
11. I will review a recording if the parties produce one.
12. If I tape-record the hearing I may listen to certain parts of key testimony.
13. Only when I feel I want to hear that portion of the evidence from reading my notes.
14. I check it only when I feel my note is insufficient, or unclear, or if I have put a note in my notes to listen to that portion of the evidence.
15. I will use it to help me remember certain testimony or corroborate my notes.
16. My notes are the hearing record and I tell the parties any recording is used to refresh my recollection.
17. I generally do not use such a recording. Parties which do not brief primarily do so due to cost considerations. Thus tracking and re-listening to the recording can easily add to increased study time and raise issues with advocates who do not have the right to review a recording transcript
18. Listening to pertinent testimony.
19. Listen to it.
20. In my early days, I would get the parties' agreement to allow me to record the hearing if no reporter would be provided. I haven't done that for at least 25 years and won't do so again because I found I couldn't bill for the time needed to locate critical testimony. If superior technology now exists, I would understand others using it but I'm too old to bother with learning that stuff.

21. Only as back up if notes unclear.
22. If virtual, such as Zoom, I record the hearing to refer to it to clarify my notes and verify quotes and admissions.
23. I download the recording and listen on my computer.
24. I don't use recording devices aside from my notes. I did use a tape recorder for my first few cases but quickly realized that it was more of a distraction than a help.
25. I use a recording device if no transcript but rarely need to play it. Maybe to quote testimony.
26. When there is no transcript, I rely primarily upon my notes. However, if the parties also close orally, I record closings, largely because I can't take handwritten notes fast enough for closing arguments. I generally prefer not to use a recording of the hearing. It is cumbersome and time consuming.
27. I used to record all hearings without a transcript but never listened to any portions of them, ever, and just used my handwritten notes
28. Typically to review portions where my notes are unclear. If it's a complicated issue, I may listen to the entire hearing.
29. If there is not court reporter I take very comprehensive notes, even if there is an audio recording going on. I have made audio recordings in Zoom fairly often in the past, and I like the Otter AI software's crude transcription abilities, but I have only used either the audio or the Otter AI once or twice.
30. I use the recording to review and fill in my notes.
31. To fill in gaps in my notes.
32. Handwritten notes.
33. Handwritten notes.
34. I do not record. If the parties provide a recording I may use AI to create a transcript to help locate testimony to listen to
35. I never use a recording
36. Do not record.
37. I make note of the time and or the persons testifying to quickly find in recording. I tend to listen to most testimony again. I am surprised of what I sometimes missed and did not capture in my notes.
38. Do not record. Notes only.

## Q57

Case management: Are there apps or programs for case management or billing that you find invaluable?

No ☆

no ☆

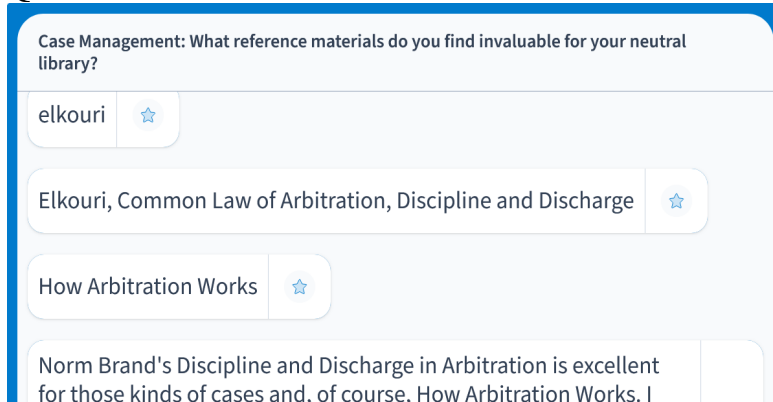
no ☆

I use Clio and QuickBooks. ☆

1. Clio.
2. None known
3. I use QuickBooks online for billing.
4. Quicken 2008. After that they stopped having two fields so that you can organize both by case number & type of expense.
5. No.
6. No.
7. No.
8. No.
9. Harvest. Great for invoicing and tracking income.
10. Have not used or explored.
11. Quicken.
12. No.
13. No.
14. Not aware of any.
15. QuickBooks for billing.
16. NO.
17. No. I have my own templates.
18. no.
19. None that I use.
20. I find a spreadsheet helps me to manage my cases, as well as Evernote for lists of tasks and due dates.
21. No.
22. No.
23. Just my own measures-again, I'm 80 and 42+ years in the practice.
24. No.
25. None I'm aware of and probably none I would think were particularly helpful.
26. No.
27. I use ICal for my calendar, using the different colors for confirmed hearings, canceled hearings, hold dates etc. I use Quickbooks for billing.
28. QuickBooks.
29. No.
30. No.
31. No.
32. Database (Paradox), spreadsheet (Quattro), calendar (Outlook).
33. No
34. I maintain an excel spreadsheet.
35. I use Quicken Home and Business to keep track of my invoices and accounts receivable, but I do not use Quicken's invoices.
36. x
37. no
38. No
39. no
40. no
41. I use Clio and QuickBooks.
42. N/a

43. Outlook contacts and calendar; RTG Bills
44. No
45. Quickbooks and a great cpa
46. QuickBooks

## Q58



1. BNA.
2. How Arbitration Works.
3. How Arbitration Works, Volume 7.
4. Various treatises.
5. Most federal & state cases are now searchable. I ask for copies of cited arbitration awards.
6. Elkouri and online references.
7. Elkouri & Elkouri and others.
8. Elkouri and Elkouri,
9. Elkouri and Elkouri; Black's Law Dictionary; [Fairweather's] Practice and Procedure in Labor Arbitration; How Arbitration Works; [BNA] Grievance Guide.
10. I am a Canadian arbitrator. CanLii.
11. Elkouri. CPER pocket guides to California public sector.
12. Elkouri, Fairweather and of course Black's law dictionary, some others for discipline and sometimes BNA yearly grievance guide
13. Bernstein / Elkouri.
14. BNA Labor Arbitration Reports, etc.
15. Elkouri & Elkouri.
16. On line.
17. Elkouri.
18. "How Arbitration Works."
19. "How Arbitration Works" and sometimes Developing Labor Law.
20. Elkouri & elkouri
21. several texts i.e. Elkouri, Discipline and Discharge in Arbitration (don't remember the author), Common law of the Workplace. And I subscribe to Lexis.
22. Elkouri, Common Law of the Workplace, various sources on the internet including the Proceedings from NAA annual meetings.
23. Barry Goldman's "The Science of Settlement". Roger's Thesaurus. The Oxford Writers' Dictionary. Martin Teplitsky's "Making a Deal". Access to CanLII for seeing the awards of other Canadian arbitrators. Mitchnick & Etherington's "Labour Arbitration in Canada".

24. How Arbitration Works, Discipline and Discharge in Arbitration.
25. Elkouri, Brand and Biren, St. Antione Common Law of the Shop.
26. My Books and I have a boiler plate file on computer with helpful and interesting arguments/briefs/etc. that I come across.
27. How Arbitration Works and Discipline and Discharge in Arbitration.
28. All NAA materials, various text books.
29. elkouri
30. Elkouri, Common Law of Arbitration, Discipline and Discharge
31. How Arbitration Works.
32. Norm Brand's Discipline and Discharge in Arbitration is excellent for those kinds of cases and, of course, How Arbitration Works. I would recommend the Fairweather book for novice arbitrators but to my knowledge, it hasn't been updated since 1991 and I probably don't check it more than a couple times per year anymore.
33. None.
34. Elkouri, [and] Discipline & Discharge in Arbitration.
35. My past awards.
36. How Arbitration Works, The Common Law of the Workplace, The Developing Labor Law, Discipline and Discharge in Arbitration
37. How Arbitration Works.
38. Elkouri, thesaurus.
39. How Arbitration Works.
40. Elkouri and online searches but I do little to no independent research. I advise the parties to include copies of citations such as decisions and other arbitrations or I ignore them.
41. Elkouri and occasionally review awards found in LAR, Bloomberg
42. Elkouri & Elkouri, The Common Law of the Workplace, Evidence in Arbitration, Remedies in Arbitration and Discipline and Discharge in Arbitration. A dictionary.
43. BNA.
44. caselaw.
45. Elkouri and Google.
46. I have numerous books but rarely refer to them. Elkouri is the most useful but sorely out-of-date in need of a major overhaul.
47. Elkouri, Discipline and Discharge.
48. The Elkouri book and Discipline and Discharge, edited by Norman Brand and Melissa Biren.
49. Elkouri & Elkouri.
50. The Developing Labor Law.
51. Mittenthal, Past Practice and the Administration of Collective Bargaining Agreements, 59 Mich. L. Rev. 1017 (2020).
52. Labor Arbitration Practice for the Federal Sector.
53. The Common Law of the Workplace.
54. LA reports, Elkouri, Discipline and Discharge in Arbitration, Fairweather's.
55. An old version of Elkouri.
56. Elkouri, Fairweather's Practice and Procedure in Labor Arbitration, Evidence in Arbitration, The Common Law of the Workplace, The Views of Arbitrators, Discipline and Discharge in Arbitration

57. I used to have a full library but I donated it to my mentees. I would recommend Elkouri, Remedies by Hill and Sinicropi, BNA Case Handling, and the Proceedings of the NAA
58. How Arbitration Works.
59. Elkouri & Elkouri of course. I also consider the conversations on the List Serv to be enlightening to help me more broadly see or anticipate issues.
60. How Arbitration Works is a good starting point.

## Q59

Billing Practices: Under what conditions or circumstances, if any, do you submit interim invoices?

Never have

If I'm delayed due to sickness or deaths.

None.

Significant up front costs or delay in closing the record.

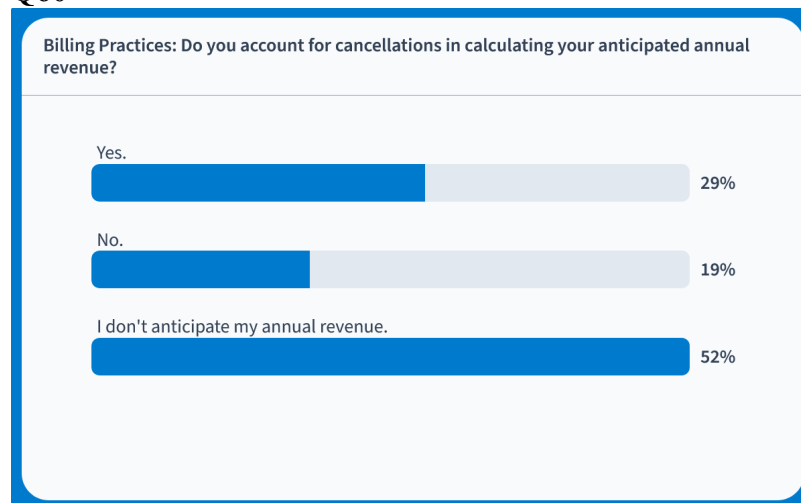
1. Never have.
2. If I'm delayed due to sickness or deaths.
3. None.
4. Significant up front costs or delay in closing the record.
5. No.
6. If a labor case is brought pro-se with no union involved, I require both parties to pay half of the estimated total bill before I attend the hearing.
7. No.
8. Do not usually submit interim invoices.
9. Almost always
10. Once in a blue moon. Had a two-day hearing in April where they added three more days in July. I interim billed for the first two days, after notifying them I would do so. It's more work for me in the end to invoice twice.
11. If hearing goes beyond 6 months.
12. If it appears that case will not resume for a while or at all.
13. If a case goes on for a very long time
14. None.
15. Lengthy hearings.
16. I bill after every day of hearing.
17. Cancellations.
18. I very rarely submit interim invoices. On occasion when the parties brief a preliminary dispositive motion, and I write a multi-page ruling denying the motion in part, then I may submit an interim invoice; if I grant the dispositive motion, then it becomes a final invoice.
19. If 9 months have passed and for a variety of reasons case is not concluded.

20. When it i[s] a long case and is not finished by the end of the calendar year or a large case when I think the parties will benefit from breaking a very large bill in two.
21. Never.
22. From my statement of “Fees, Expenses and Other Policies” sent with my offer of dates: “Interim Billing: The arbitrator reserves the right to issue interim bills for the total amount due when fees & expenses for a case reach \$5000; when the matter continues in excess of six months; whenever a matter is delayed for any reason for an unknown period; or when the CBA contains a ‘loser pay’ provision.”
23. Large travel expenses or parties who consistently are slow to pay.
24. For ongoing cases, I submit an invoice for each batch (or single) hearing. For regular parties, e.g. monthly mediations / expedited arbitrations with them, monthly statements.
25. I seldom submit interim invoices. But when the case has continued for an unusual time, I will. For example, when I have put in a good deal of time and the parties ask for an interim award, or make the equivalent of a motion to dismiss the grievance, I will interim bill.
26. Pro se cases, I invoice for estimated cost for the grievant.
27. In AAA cases, but only rarely in labor cases.
28. If I have to issue an interim award.
29. Very, very, very prolonged number of days.
30. When parties or their advocates drag out scheduling “Day 2 or 3” or intervening legal processes ae interjected and the parties cannot provide a meaningful time span to help me manage my calendar and due dates, etc. Typically i will wait 30 days before interim billing. It helps to make sure your "right" to issue int. bills is stated on your Bio card or resume. Longest waited time has been 14 months-but its really rare. Try to "out-game" parties who take around 60 days without telling you they have been discussing a settlement and the spring that on you, make you bill them for a cancellation without saying if they agreed to split the can fee.
31. High travel costs.
32. I understand that many arbitrators do so as a matter of practice. but I don’t bother with it for parties or with advocates I know well. Just off the top of my head, I probably interim bill for about half the appointments I get through FMCS. Too often I’ve sustained grievances against employers who seem to think it’s okay for them to express their displeasure by delaying payment for months after receipt of my award. However, they always seem to pay promptly if I bill them immediately after the hearing and before they get my award. Funny how that works . . .
33. Hardly ever. Maybe if the hearing process takes a long time.
34. When the next hearing date or brief submission is more than 30-40 days later or if I have concerns about the party paying.
35. Multi-day hearing.
36. When a case is going on for an extended period of time.
37. If I think the case is not going to resume, at least any time soon.
38. If a case goes on for 6 months or more, or if it goes over a calendar year or parties’ fiscal year
39. Tending to do interim invoices more and more as a matter of course for the hearing day, IF, there will be briefs, or, if there was expensive travel paid out of pocket for the hearing day.
40. When there are multiple hearings spread out over more than 8 weeks..

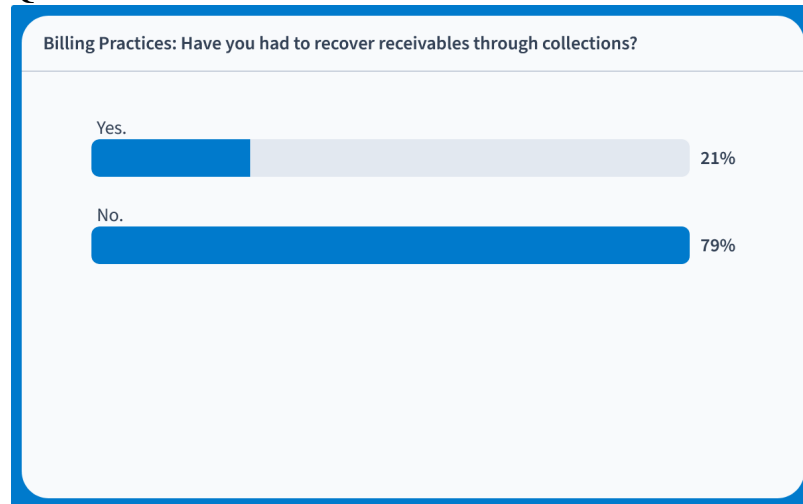


41. Always; after each day or set of days of hearing, after the award is issued.
42. Depends on how long the case continues. I interim bill after informing the parties.
43. I don't.
44. When the hearing is on going with many many blocks of hearing dates. (2) When air travel is required. (3) When the hearing is continuing into a new federal or state fiscal year.
45. Never.
46. I bill at the end of every month.
47. If a long delay between hearing days.
48. Sometimes when there are travel expenses or multiple days of hearing spread over a period of time. With a lower case-load being semi-retired now I wait until issuance of the award.
49. Rarely in labor cases. However, I invoice for cancellations immediately in general.
50. When the case is going on for more than six months after the first hearing day.
51. Upon a cancellation of a hearing day that is not quickly rescheduled (i.e., adjourned without date).
52. Some cancellations where the matter is rescheduled.
53. Multi-day hearings, extensive travel.
54. Air travel and briefs.
55. Cancellation fee payable by only one party.
56. Bifurcated hearings.
57. If there is significant travel expenses and/or lag time between hearings and submission of full record.
58. Never.
59. I will submit for expenses when a matter has been postponed numerous times and it is approaching 2 months or more without briefs or some other delay.
60. Never.

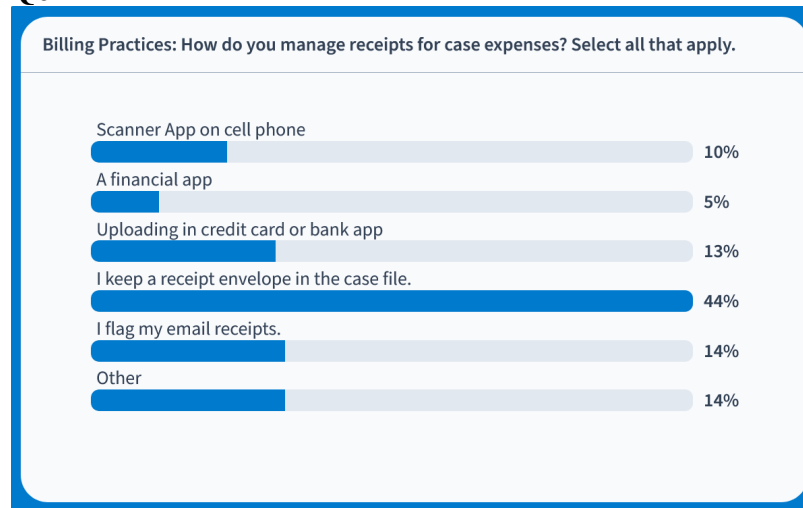
## Q60



### Q61



### Q62



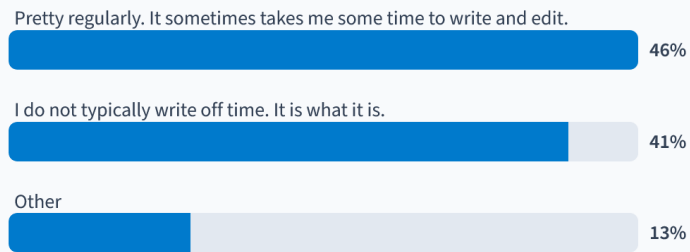
### Q63

**Billing Practices: What forms of payment do you accept? Select all that apply.**



**Q64**

**Billing Practices: When, if at all, do you write off any writing or study time?**



//////////////////// END OF POLL RESULTS //////////////////////