



Ira Lobel: Mediator and Arbitrator

For many in the ADR field, arbitration, especially that related to labor issues, seems like the stuff of a history text. Many believe that while arbitration was of critical importance to the growth of the entire ADR field, the profession has largely shifted to more conventional mediation. However, that's not the case for every ADR practitioner. Ira Lobel of Delmar New York, still covers all the ADR bases. "I am a sole practitioner solely devoted to ADR. My business card reads Arbitrator & Mediator. My practice also includes fact finding for labor disputes in the public sector," he added.

Like more than a few ADR professionals, Lobel came to the field in a somewhat circuitous route. "I was an undergraduate at the Cornell School of Labor Relations and became very interested in both mediation and arbitration. After receiving my Bachelor's Degree, I went to law school at night and worked for the US Department of Labor during the day. The last year of law school, I transferred to the Federal Mediation and Conciliation Service, a small government agency that mediates labor disputes. On the day I graduated law school, the Director of FMCS called me into his office and told me that I was going to be a mediator – I just had to choose where. I knew there was an opening in Albany, which is where I grew up. I have been here ever since."

Ever since is right. Lobel can definitely claim some history in the field. "I guess I am approaching 40 years in the business. I retired from the FMCS after serving as a labor mediator for 30 years. I have had a private mediation and arbitration practice for the last seven years," he said.

Lobel has stuck by his roots in many ways. "Most of my work has been in the labor and employment area. My practice is primarily arbitration, although I still do a significant amount of mediation and factfinding. I also mediate many cases arising out of civil litigation. When I was with FMCS, I developed a reputation for handling multi-party disputes, concentrating on regulatory negotiations."

What is interesting about Lobel's career is that the interplay between mediation and arbitration has helped in both areas. "I developed a reputation in the labor field as a mediator. My reputation as a mediator was a tremendous asset when I retired from FMCS and began offering services as an arbitrator. Many people who trusted me as a mediator believed they could trust me as an arbitrator."

While many ADR professionals cite an individual as a major influence, Lobel suggests it was experience that shaped his career. "My mediation skills were developed at FMCS during a time when the labor movement was a powerful force in the economy and the possibility of a strike was real. During this time, I developed a pragmatic sense of what can be both useful and detrimental in the workplace. I believe I have carried this pragmatism into my arbitration practice. As a practitioner for almost 40 years, I enjoy working over and over again with advocates who are bright and dedicated to the process of collective bargaining, mediation and arbitration," added Lobel.

But after almost 40 years, does the practice begin to pale? Not according to Lobel. "I love the variety of my practice. I have been able to continue my mediation practice which I still find very satisfying. I now enjoy new challenges in writing decisions in a manner in which both sides understand my reasoning and conclusions, even though one side will usually disagree. One of the most satisfying aspects of the job is when the same parties ask you back again. To me, it means that they respect the decision even if they lost. Similarly, I have some collective bargaining disputes that I have mediated almost every time a contract has expired for over 30 years."

So what would Lobel like to do next in ADR? "I would like to continue what I am doing with more difficult and challenging cases," he said.

Echoing others in the field, Lobel has been seeing changes that worry him. "I think both advocates and arbitrators are concerned with the increasing "lawyerization" of the process. Arbitration was intended to be an expeditious and less expensive method of resolving conflict, especially when compared to a court proceeding. As more and more lawyers get involved in the process and they attempt to add discovery, pre-hearing motions, briefs, etc., the process will become more expensive and less accessible. As a lawyer, I believe that lawyers are very important and necessary to the process. However, the primary purpose of the process should not be lost sight of," he noted.

Lobel's labor background comes into play again when he contemplates the future of arbitration.. "As the labor movement has declined in recent years, it will be interesting to see if collective bargaining, and arbitration, remains a force in the economy."

While many in the field live by a credo or quote, Lobel does not. "I don't really have one, except to constantly remind myself that it is the parties' process, not mine. I am a reactor to their needs. Whether serving as an arbitrator or a mediator, I try to remember my job is to serve both the parties and the process. As an arbitrator, when I make the final decision, it must be a decision that applies the collective bargaining agreement, not my own set of standards."

Lobel's involvement with NYSDRA goes back some years and he sees it as a positive aspect of his ADR career. "I enjoy the contacts I have had with some of the members. It has helped me think about some of the approaches I take and the differences between labor and employment ADR work from that found in other venues. The stakes in a collective bargaining situation can be much different than those faced in many of the disputes mediated by NYSDRA members. In some cases, this makes the job of the neutral much easier; in others, it makes it much harder."