

The Washington Post

Where's the evidence that Montgomery arbitrators are biased?

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In the March 11 editorial "[Leveling the field in Montgomery](#)," The Post argued that arbitrators often rule in favor of Montgomery County's unions to avoid being blackballed, resulting in the county this year capitulating to union contract demands that it otherwise might have opposed. As an arbitrator of labor disputes and as a former labor relations administrator for the county, I take significant issue with that assertion.

The Post has fallen prey to the canard that a scoreboard tells the tale of arbitral impropriety. That the county may have lost more cases than it has won could be the result of biased arbitrators. But a broader investigation into the vetting process that precedes submission of a case to arbitration and a review of the case as actually presented would be needed to conclude that the problem lies with the arbitration system, as opposed to the other obvious possibility — that the losing party got it wrong.

There is no single correct method for selecting arbitrators or labor relations administrators any more than there is a single correct method for selecting judges. Reasonable minds can differ over whether arbitrators should serve at the parties' pleasure and for how long, whether it's some fixed term as short as a single case or a lifetime appointment. Both approaches have their advantages and disadvantages. But it is scurrilous to suggest without evidence that the county's win-loss ratio before a variety of professional dispute-resolvers over a decade is evidence of arbitral impropriety.

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