

**STEPHEN L. HAYFORD**

Arbitration Resume  
December 2006

**Education:** Indiana University School of Law  
Bloomington, Indiana  
J.D. Summa Cum Laude, May 1987  
Class Rank 1/154

The University of Iowa, Iowa City, Iowa  
Ph.D. in Business Administration  
and Labor Law, July 1975

The University of Arizona, Tucson, Arizona  
M.B.A., August 1971

The University of Evansville, Evansville, Indiana  
B.S. in Business Administration June 1970

**Legal Experience:**

September 1988 to August 1990  
Associate Attorney - Commercial Litigation Department Gunster, Yoakley,  
Valdes-Fauli & Stewart-West Palm Beach, Florida

September 1987 to September 1988  
Law Clerk to the Honorable Jesse E. Eschbach, Senior Judge, U.S. Court of  
Appeals for the Seventh Circuit

**Academic/Scholarly Experience:**

August 1996 to present:  
Professor of Dispute Resolution and Business Law  
Kelley School of Business, Indiana University-Bloomington

Teach graduate business courses in Negotiations and Conflict Management,  
Dispute Resolution, ADR Systems Design, and Business Ethics

MBA Distinguished Professor—Teaching Excellence Awards for the 1996-97 and 2001-02  
School Years; Kelley School of Business Teaching Awards for the 1997-98, 1999-2000, 2000-  
01, 2003-04, 2004-05, and 2005-06 School Years

August 1996 to present  
Visiting Faculty Member-Institute for Dispute Resolution (JAMS), Pepperdine University  
School of Law, Malibu California

Teach Arbitration Practice and Law

August 1990 to August 1996  
Associate Professor of Management Babcock Graduate School of Management  
Wake Forest University

Taught graduate courses in Negotiations and Conflict Management; Legal  
Environment of Business; Leadership, the Law and Values; and Political, Legal and  
Social Environment of Business

Babcock School MBA Educator of the Year Award for the 1994-95 School Year

August 1976 to August 1987

Assistant/Associate Professor of Labor Relations and Collective Bargaining, School of Public and Environmental Affairs Indiana University

Teaching/Learning Excellence Awards for the 1978-79, 1979-80, and 1981-82 School Years  
Nominated for the All-University Teaching Award: 1982-83

January 1981 to September 1981

Visiting Scholar, Federal Labor Relations Authority, Washington, DC

September 1981 to December 1981

Visiting Professor of Labor Relations, Industrial Relations Institute, University of Iowa

September 1975 to June 1976

Assistant Professor of Labor Relations, College of Business, Virginia Polytechnic Institute and State University

September 1971 to December 1972

Instructor of Management and Marketing University of Evansville, Evansville, Indiana

**Current/Prior Arbitration and Mediation Activities:**

I was apprenticed to Dr. Anthony V. Sinicropi in his labor arbitration and mediation practice for four years (1977-1981). The apprenticeship involved attending mediations, hearings, research, and the preparation and drafting of 25-30 arbitration awards a year.

Permanent Panel Arbitrator – Air Line Pilots Association and Continental Airlines

Permanent Panel Arbitrator – International Association of Machinists and Continental Airlines

Permanent Panel Arbitrator – International Brotherhood of Teamsters and Continental Airlines

Selected for cases with American Airlines and Transport Worker Union and AirTran and the National Pilots Association

Member - National Mediation Board Roster of Arbitrators and Mediators

Member - American Arbitration Association National Labor Arbitration Panel

Member - Federal Mediation and Conciliation Service National Roster of Labor Arbitrators

Member – Employment and Commercial Arbitration/Mediation Panels maintained by JAMS (Judicial Arbitration and Mediation Services)

Member - Panel of Private Judges, maintained by The Private Adjudication Center, Duke University

Member - Panel of Arbitrators and Mediators maintained by the Center for Employment Dispute Resolution, Chicago, Illinois

Permanent Panel Arbitrator – International Brotherhood of Electrical Workers and Exelon Nuclear Corporation

Permanent Panel Arbitrator – United Food and Commercial Workers and Kroger Corporation Mid-South Division

Permanent Panel Arbitrator - National Treasury Employees Union and U.S. Customs Service,

Department of Homeland Security

Permanent Panel Arbitrator – American Federation of Government Employees National Joint Council of Food Inspection Locals, AFGE Southern Region

Permanent Panel Arbitrator – United Steelworkers of America and Northern Indiana Public Service Corporation (NIPSCO).

Permanent Panel Arbitrator – United Steelworkers of America and AFG Industries, Inc.

Permanent Panel Arbitrator – United Steelworkers of America and Goshen Rubber Company

Permanent Panel Arbitrator – United Steelworkers of America and Bayer Corporation

Permanent Panel Arbitrator - IBEW and Philips Display Components Company

Permanent Panel Arbitrator – AFSCME and State of Indiana

Permanent Panel Arbitrator - American Federation of Government Employees and Social Security Administration

Permanent Panel Arbitrator - United Mine Workers of America, District 11, 12 and 20 and Peabody Coal Company

Permanent Panel Arbitrator - expedited arbitration panels established by the American Federation of Government Employees and the U.S. Veterans Administration

Neutral Evaluator: Discharge and Discrimination Cases Panel–Communications Workers of America and AT&T/SBC

Neutral Evaluator: Discharge and Discrimination Cases Panel–International Brotherhood of Electrical Workers and AT&T/SBC

Facilitator, IBEW Local 702 - Vectren Corporation Joint Labor-Management Committee on Productivity, January 2003 to December 2005

Facilitator-American Federation of Musicians and the Indianapolis Indiana Symphony Orchestra

Mediation Panel Member - United Mine Workers of America/Bituminous Coal Operators Association Grievance Mediation Project: District 28 (Virginia), District 12 (Illinois), and District 11 (Indiana)

Mediation Panel Member - United Mine Workers of America/District 20 (Alabama)/Jim Walter Resources Corporation

Mediation Panel Member - Communication Workers of America and Bell South

Mediation Panel Member - Communication Workers of America and AT&T

Member - Panel of Ad Hoc Mediators, Fact-Finders, maintained by the Indiana Education Employment Relations Board

Member - Panel of Ad Hoc Mediators, Fact-Finders, Arbitrators, and Teacher Termination Adjudicators maintained by the Iowa Public Employment Relations Board

**Professional Organizations:**

College of Commercial Arbitrators  
 National Academy of Arbitrators  
 Florida Bar  
 American Bar Association  
 Florida Bar Association

**Recent Publications (1992 - present):**

"The Changing Character of Labor Arbitration," Chapter 4 in Improving Arbitral and Advocacy Skills, Proceedings of the 45th Annual Meeting of the National Academy of Arbitrators (Bureau of National Affairs 1992), .

"The Coming Third Era of Labor Arbitration" The Arbitration Journal, September 1993, pp. 8-17, 77-80.

"The Labor Contract and External Law: Revisiting the Arbitrator's Scope of Authority" (with Anthony V. Sinicropi) The Journal of Dispute Resolution, University of Missouri-Columbia School of Law, Volume 1993, No. 2 (January 1994) pp. 1-39.

"The Interaction Between the Employment At Will Doctrine and Employer-Employee Agreements to Arbitrate Statutory FEP Claims: Difficult Choices for At-Will Employers," (with Michael C. Evers) North Carolina Law Review , Volume 73, No. 2 (January 1995) 445-525.

"Commercial Arbitration in Evolution: An Assessment and Call for Dialogue," (with Ralph Peeples, Wake Forest University School of Law) The Ohio State Journal on Dispute Resolution, Ohio State University College of Law, Volume 10, No. 2 (March 1995) 343-416.

"Agreements to Arbitrate Statutory Fair Employment Practices Claims: Unforeseen Consequences for the At-Will Employer," Labor Law Journal (September 1995) 543-69.

"Bondholder Legal Actions in Restructuring Transactions," (with Scott Kerrigan) Mergers and Acquisitions, Volume 30, No. 3, (November-December 1995) 40-44.

"Commercial Arbitration and The U.S. Supreme Court 1983-1995: A Sea Change," Wake Forest Law Review, Volume 31, No. 1 (March 1996) 1-39.

"Law in Disarray: Judicial Standards For Vacatur of Commercial Arbitration Awards," University of Georgia Law Review, Volume 30, No. 3 (May 1996) 731-842.

"Labor Arbitration and External Law: a Contemporary View," The Chronicle of the National Academy of Arbitrators (January 1997).

"The Non-Statutory Grounds for Vacatur of Commercial Arbitration Awards," Dispute Resolution Journal (October-December 1996) 22-27, 78-86.

"Labor Arbitration and External Law: A Reconciliation?" The Chronicle of the National Academy of Arbitrators (May 1997).

"A New Paradigm for Commercial Arbitration: Rethinking the Relationship Between Reasoned Awards and the Judicial Standards for Vacatur," accepted for publication in The George Washington Law Review, Volume 66, No. 3 (March 1998).

"Reining in the Manifest Disregard of the Law Standard: The Key to Restoring Order to the Law of Vacatur," 1998 Journal of Dispute Resolution No. 2 117-140.

"Executive Briefing: Alternative Dispute Resolution," Business Horizons, (January 2000) 2-4.

"How the Federal Arbitration Act Will Stabilize and Strengthen the Law of Labor Arbitration," Arbitration: Quo Vadis, Proceedings of the 52<sup>nd</sup> Annual Meeting of the National Academy of Arbitrators, Bureau of National Affairs (Spring 2000).

"The Federal Arbitration Act: Key to Stabilizing the Law of Labor Arbitration," 21 Berkeley Journal of Employment and Labor Law, No. 2, Boalt Hall School of Law, University of California-Berkeley (September 2000) 521-74.

"Unification of the Law of Labor Arbitration and Commercial Arbitration: An Idea Whose Time has Come," 52 Baylor Law Review No. 3 (Winter 2001) 783-927.

"Federal Preemption and Vacatur: the 'Bookend' Issues under the Revised Uniform Arbitration Act," 2001 Journal of Dispute Resolution, No. 1 (May 2001) 67-88.

"The Revised Uniform Arbitration Act: Third Leg of Modern Arbitration Law," *Proceedings of the 54<sup>th</sup> Annual Meeting of the National Academy of Arbitrators*, Bureau of National Affairs (Spring 2002) 88-106.

"Arbitration Federalism: A State Role in Commercial Arbitration," co-authored with Alan Palmiter, Wake Forest University School of Law, 54 Florida Law Review No. 2 (2002) 175-227.

"Debate Over Employment Arbitration Must Focus," Chicago Daily Law Bulletin, April 10, 2002, pp. 6-9.

"Arbitration Findings Must Back Results with Reasoning," Chicago Daily Law Bulletin, September 10, 2002, pp. 12-13.

"A Response to RUAA Critics," co-authored with Carroll E. Neesemann, 8 Dispute Resolution Magazine No. 4 (The Quarterly Publication of the Dispute Resolution Section of the American Bar Association), pp. 15-18.

"Creating Strategic Advantage for the Firm by Mastering ADR" Midwest In-House Counsel, December 2003.

In the past ten years, nineteen of my labor arbitration awards have been selected for publication in Labor Arbitration Reports, Bureau of National Affairs, and Labor Arbitration Awards, Commerce Clearing House.

### **Papers Presented, Addresses, Panels at Professional Meetings (1992 - present)**

National Academy of Arbitrators 1992 Annual Meeting, May 1992, Atlanta, Georgia. "The Changing Character of Labor Arbitration" plenary session paper presentation.

National Academy of Arbitrators 1993 Annual Meeting, May 1993, Denver, Colorado. Organized and convened a plenary session panel: "The Changing Competitive Environment and Arbitration."

Society of Professionals in Dispute Resolution 1994 Annual Meeting, Dallas, Texas, October 1994. Convened a plenary session "Miller's Court" on the "Arbitration and Mediation of Statutory Fair Employment Practices (EEO) Claims."

American Bar Association 1995 Annual Meeting, August 1995, Chicago, Illinois. Member of Dispute Resolution Section Showcase Session panel on "The Arbitration of Sexual Harassment Claims."

National Academy of Arbitrators Annual Education Conference, November 1995, San Antonio, Texas. "The Mediation of Statutory Fair Employment Practices Claims" plenary session paper presentation and panel discussion.

Southern Finance Association 1995 Annual Meeting, November 1995, Sarasota, Florida. "The Legal and Market-Effect Ramifications of Corporate Divestiture Actions," (with R. Charles Moyer) paper presentation.

American Bar Association Section on Dispute Resolution Commercial Arbitration Seminar, March 1996, Charlotte North Carolina. Invited talk: "The Commercial Arbitrator Archetype: Keys to Effective Practice."

American Bar Association 1996 Annual Meeting, August 1996, Orlando, Florida. Served as the Mediator and Arbitrator for the Labor and Employment Law Section Showcase Session programs on "The Mediation and Arbitration of Statutory Fair Employment Practices Claims."

North Carolina/South Carolina Bar Association-Labor and Employment Law Section Annual Meeting, October 1996, Asheville, North Carolina. Served as the Arbitrator and Discussion Leader for a plenary program session "Brave New World: The Arbitration of Fair Employment Practices Claims."

American Bar Association Litigation Section Annual Meeting, April 1997 Washington, D.C. I served as co-moderator (along with Tom Stipanowich of the University of Kentucky) of the Town Meeting session on the Uniform Arbitration Act revision project. I also presented a luncheon address: "The Role of Advocates and Arbitrators in Ensuring the Institutionalization of Commercial Arbitration."

National Academy of Arbitrators Fall Education Conference, Nashville, Tennessee, November 1997 "Two Contrasting Views of the Proper Role of External Law in Labor Arbitration." Plenary Session—Debate and Discussion (with David Feller, Boalt Hall School of Law, UC Berkeley),.

Indiana State Bar Association Meeting, June 8, 1998, Indianapolis, Indiana, "The Revised Uniform Arbitration: A Work in Progress," Paper Presentation and Discussion.

National Academy of Arbitrators Annual Meeting, June 4, 1998, San Diego, California, Research Seminar-Panel Chair and Discussion Leader.

American Bar Association Super Conference on "Commercial Arbitration in the 21<sup>st</sup> Century" September 24-25, 1998 New York, New York, "The Revised Uniform Arbitration Act: The Effect of Federal Arbitration Act Preemption" – Paper Presentation and Discussion

Fall Education Conference of the National Academy of Arbitrators, November 7, 1998, Kansas City, Missouri. "The Revised Uniform Arbitration Act and Labor Arbitration," Panel and Colloquium Chair.

52d Annual Meeting of the National Academy of Arbitrators in New Orleans, Louisiana June 3, 1999 "How the Federal Arbitration Act Will Stabilize and Strengthen the Law of Labor Arbitration," Plenary Session.

Revised Uniform Arbitration Act Conference sponsored by the National Conference of Commissioners on Uniform State Laws, October 19-20, 2000, St. Louis, Missouri. "Federal Preemption, The Law of Vacatur and the Revised Uniform Arbitration Act," Plenary Session Paper.

American Arbitration Association Arbitration Day Program on December 8, 2000, Cincinnati, Ohio. "The Law of Vacatur: Disarray and Dysfunction," Plenary Session Paper.

54th Annual Meeting of the National Academy of Arbitrators, June 1, 2001, Atlanta, Georgia. "The Revised Uniform Arbitration Act: Its impact on Employment and Labor Arbitration," Plenary Session Paper.

American Bar Association Annual Meeting, Chicago, Illinois, August 5, 2001. "The Standards for Vacatur Under The Revised Uniform Arbitration Act," Dispute Resolution Section Track Plenary Session Paper

First Annual Meeting of the College of Commercial Arbitrators, Marina Del Rey, California November 10, 2001. Program Committee Chair and plenary session presentation: "Building the Theory of the Case-the Keys to Effective Arbitral Decision Making," Plenary Session Panel Chair and Discussion Leader.

City Bar of New York Conference on the Future of Commercial Arbitration, New York, New York, October 21, 2002. "The Perfect Commercial Arbitration Award," Plenary Session Panel Chair and Discussion Leader

American Bar Association, Labor and Employment Law Section Advanced Arbitration Program, San Francisco, CA, May 15-16, 2003 "Evaluating Labor Arbitration Awards: The Keys to Competent Arbitral Decision Making," Plenary Session Presentation

American Bar Association Commercial Arbitration Institute – 2004 San Francisco, 2005 Chicago "Drafting the Perfect Award: Building the Theory of the Case"

#### **Other Significant Recent Activities (1992- present)**

Member, Board of Governors of the National Academy of Arbitrators (1999-2002)

Founding Fellow and President (2006-07) of the College of Commercial Arbitrators

Chairman of the Public Interest Council established by BKD, the ninth largest public accounting firm in the United States. The Public Interest Council is the three-person ethics oversight board established by BKD in 2004 in response to the recent developments in the public accounting profession and the passage of the Sarbanes-Oxley Act.

Academic Advisor to the Drafting Committee appointed by the National Conference of Commissioners on Uniform State Statutes (NCCUSL) to revise the Uniform Arbitration Act (1996-2000)

Chair-Research Committee of the National Academy of Arbitrators 1996-99

Faculty Program Chair-Indiana University Kelley School of Business Annual Business Conference: 1998 to present.

Member-Arbitration Committee of the American Bar Association Section on Dispute Resolution.

Member-Commission on the Status of Women at Wake Forest University 1995-96

Co-Adviser and Moderator-Wake Forest University School of Law 1996 Business Law Symposium-"Commercial Arbitration" March 1996.

**References:**

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Richard Chernick  
Arbitrator and Past President - College of Commercial Arbitrators  
JAMS (Judicial Arbitration and Mediation Services) Vice-President  
and Director of the JAMS National Arbitration Project  
350 South Figueroa, Suite 990  
Los Angeles, California 90071  
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