

**STATEMENT OF PETER ROBB
NOMINEE FOR GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD**

**BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
OF THE UNITED STATES SENATE**

OCTOBER 4, 2017

Chairman Alexander, Ranking Member Murray and Members of the United States Senate Committee on Health, Education, Labor and Pension, I come before you today, as a nominee for General Counsel of the National Labor Relations Board. As always, my wife Kate is here with me. I am very pleased that my sons Mike, James and Sean and my daughter Kelley were able to take time off from their busy schedules and families to be here with me today.

I am very grateful to the President for nominating me, and each of you for taking the time to consider my nomination. I am honored and humbled.

First, I would like to tell you a little about me, which will help you understand how I came to be here. In so doing, I will honor some of those people who have meant so much to me in fashioning my career and my life.

Upon returning from the Pacific Theatre in World War II, my father packed up his small family and moved from New York City to Meriden, Connecticut. Meriden was then called the Silver City because it produced much of the country's silverware. Meriden also was very much a working person's town – in tune with America's heartbeat. So my friends' parents were machinists, tool and die makers, farmers, laborers as well as some professionals. My Pop was a physician – a urologist – or, as he described himself – a plumber. I often rode with him as he made house calls and marveled at how people paid what they could in jars of pennies and baked goods, including fudge, which I especially liked. Later, I would see him sleep at the Hospital, next to the critically ill. My gracious Mom did what moms do – taught me to care, and love others. Thus, treating all people with respect and compassion was ingrained in me from the outset.

I attended Fairfield College Preparatory School, where the Jesuits gave me first-hand lessons in discipline – self-discipline and otherwise. Out of necessity, I developed a keen sense of the importance of the rules of law. I was heavily involved in playing sports. Prep also instilled in all of us a keen sense of teamwork. Indeed, it was evident at our 50th reunion that we remained a Band of Brothers. The deep respect for the rule of law, including enforcement of those rules, and working together positively have never left me.

I went on to Georgetown University where I took as many philosophy and theology courses as I could. In between, I studied economics and received honors for my presentation in my oral comprehensive examination, which I found just as daunting as appearing before you here today. The marriage of philosophy and economics taught me how conflicts, and sometimes unpredictable human factors, influence the choices people make. Therefore, when giving advice

and making decisions, I have always tried to understand how others feel and take those feelings into account.

Along the way, I had many opportunities to apply these principles. I have worked as a hospital porter and orderly, construction laborer, highway sign maker, welder, forklift operator, medic at Army hospitals, and a truck driver. Throughout, I tried to apply my Depression-era parents' philosophy of working hard and harder. So, after college, I drove a truck, delivering barricades and lights for 60 hours a week for three years – outdoors, staying in shape by repeatedly lifting metal barricades, getting paid by the hour and saving some money.

The dreams of law school intervened. Two weeks after our first child arrived – a little late – I entered the University of Maryland School of Law. Our classes were very small, often less than 15; and the Socratic method was vigorously applied. It was in those small classes that I learned how much I did not know; how to think and how to write. Those developing skills were applied with a keen sense of representing clients ethically and with total commitment. In my final year, I experienced two epiphanies. The first was in the Juvenile Law Clinic – a full-semester clinical law program where I represented a 13-year old accused of murder. The issue was whether the child should be kept in the juvenile system for rehabilitation or tried as an adult where he would face the death penalty. Our team literally worked day and night for months as my law school partner and I prepared to present the case. We succeeded. Our client would get a chance at rehabilitation. That case, which I have been told is still cited in child waiver litigation, impressed on me the way the law and lawyers can help people. It also raised in me a keen desire to be a litigator. As much as I grew in the law, I did not find a particular focus until I took labor law in my final semester. Suddenly, my economic background, desire to work directly with people and love of litigation found a home. I also discovered how best to proceed. I would start working for the National Labor Relations Board – public service and excellent training.

Unfortunately, the federal government was in a hiring freeze that year, so I took a job as an attorney for the Maryland Office on Aging where I represented the elderly and advised the Director on Aging. I testified before the Maryland legislature on a variety of issues including a new law creating guardianship for the elderly which I had drafted. I even had my own television show where I educated the elderly on social security, Medicare and other issues early Sunday mornings—between the cartoons. I also called the NLRB Regional Attorney often.

Finally giving in to my relentless calls and with the hiring freeze lifted, the Regional Attorney hired me as a Field Attorney for the NLRB in Region 5 about a year later. I quickly tried my three mandatory training cases, attended trial training and was approved to conduct trials on my own. All of my trials were against employers and based on charges filed by unions or employees. I did virtually all of the functions that field attorneys and agents do. I conducted representation elections, served as a Hearing Officer, and even took a case into federal district court to enforce a subpoena. I also investigated scores of unfair labor practice charges, with the vast majority being against employers. I became proficient at quickly and thoroughly investigating charges and settling most, which earned me a Sustained Superior Performance Award early in my career.

My public service continued at the fledgling Federal Labor Relations Authority in its Washington Regional Office. There, I trained trial attorneys and helped adapt the NLRB forms and procedures to the new agency, which helped me gain a detailed understanding of the inner workings of the NLRB's regions and a keen appreciation for the critical role that staff play within the organization. During my FLRA tenure, I also litigated about 40 unfair labor practice cases, almost all of which were against agency employers.

Now well versed in NLRB procedures as well as NLRB and FLRA field operations, I moved back to the NLRB as Chief Counsel to Robert P. Hunter, who had previously served as Counsel to Senator Hatch as well as Republican Counsel to the Senate Labor Committee. I learned the nuances of the NLRA as well as the inner workings of the NLRB's headquarters operation. At the end of Member Hunter's term, we went to Proskauer Rose – a large private law firm that was noted for its expertise in labor law. I was lucky enough to have two of the most respected labor lawyers, Saul Kramer and Ed Silver (often called the Prince of New York's labor law community), take me under their wings. From them, I honed my negotiation and settlement skills. I was also involved in complex NLRA litigation and advice issues for many of the most prominent employers in the world.

After a decade at Proskauer, I left to fulfill a dream of returning to New England – this time, to the emerald mountains of Vermont and the law firm of Downs Rachlin Martin. I was fortunate enough to continue with national clients in providing advice and representation with respect to all aspects of labor law. I also helped develop their Labor and Employment practice group, which I chaired for many years. I was selected as Deputy Managing Partner just as the firm was facing the effects of the Great Recession. I received an in-depth education in law firm administration, economics and best practices – indeed, we studied the practices of many law firms, large and small, including ways in which to motivate and retain attorneys and staff. This refined my administrative experience and put me in a leadership position for a large group of attorneys and staff. Nonetheless, I continued to maintain virtually a full load of representation of my clients, mostly in the labor law area dealing with collective bargaining.

Over the years I gained extensive knowledge in negotiation and the resolution of labor disputes. In the private practice of labor law, attorneys rarely represent management and unions—a practice with which I believe this Committee is familiar. I represented management primarily in labor cases. I learned first-hand about the pressures that drive management—maintaining profitability, acquiring new technology, satisfying stockholders, and recruiting and retaining employees as well as dealing with the myriad and oft-changing laws and regulations that apply to the workplace. My union counterparts presented the concerns of labor organizations and their members—improving wages and benefits, and addressing working conditions as well as dealing with internal union issues. I have learned that consideration and appreciation of all these factors is essential to negotiating and administering collective-bargaining agreements successfully. Recently, I was amused to see comments about the lack of published decisions where I was representing a party. This really is not an accident. My focus has always been to resolve labor disputes and reach collective-bargaining agreements. I have been successful in both.

Now, after all these years in private practice and living in beautiful Vermont, I have been asked why I would want to be General Counsel of the National Labor Relations Board. That is a fair question, which I have asked myself – especially lately. I've always believed in the core values expressed in the National Labor Relations Act, which can be paraphrased as protecting the rights of employees to engage in union or other protected, concerted activity with respect to wages, hours and working conditions, as well as the rights of employees to refrain from such activities. Then, once employees have freely chosen a labor organization to represent them, the Act promotes collective bargaining. I believe these principles are part of the foundation of our successful economic system. I've spent most of my lifetime studying labor law and the National Labor Relations Board. I have learned the lessons. I have acquired the experience that will enable me to maintain and improve the agency. In that regard, I will strive for an effective and efficient administration in all aspects.

Therefore, Honorable Senators, I respectfully ask your consent to be the General Counsel of the National Labor Relations Board. Thank you.