

## The Most Important Man in Baseball You've Never Heard Of

Written by Maury Brown  
Friday, 12 July 2013 12:59

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### **Fredric Horowitz**

There are people in sports that we see on television, read about in the paper, or hear their name on radio. More often than not, they are the players on the field, but not always. When important matters hit sports outside the lines, the names “Bud Selig”, “Michael Weiner,” or “Rob Manfred” might crop up.

That’s especially the case now for Major League Baseball. Commissioner Selig will address the media on Tuesday before the All-Star Game, and you can bet the chief topic of discussion will be the Biogenesis PED scandal. It’s possible that as soon as the day after the All-Star Game, Ryan Braun, and Alex Rodriguez could be included in up to 20 players that will be suspended, the largest number of suspensions in the history of professional sports over performance-enhancing drugs.

While the league will announce the suspensions, the players cited will continue to play. That’s because all MLB players have been afforded a grievance process through the jointly agreed to drug program between the league and the MLB Players Association. As part of the appeals process, the cases will be heard by an arbitration panel.

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While it is a panel in name, two of the three that sit on it have clear positions that fall in line with the sides in this matter. The league will have Rob Manfred, the Executive Vice President, Economics & League Affairs for Major League Baseball. For the players, it will be Michael Weiner, the Executive Director of the MLBPA. The league will of course vote to suspend, the MLBPA will back the player and ask for the suspension to be rescinded. It is the third person in this—the independent arbitrator—that will ultimately decide the fate of the players named in the Biogenesis suspensions. It is this man—one few have ever heard of—that is the most important person in baseball you've never heard of.

As part of the labor agreement, the league and MLBPA jointly select an arbitrator to help mitigate these types of disputes. After Shyam Das was fired by MLB (as was their right to do, just as the MLBPA has the right to do the same) after he ruled in favor of Ryan Braun's PED suspension being overturned in February of last year, Fredric Horowitz was tapped to replace him.

For those that follow salary arbitration in Major League Baseball, Horowitz' name is familiar (you can see what panels he sat on dating back to 2005, [here](#) ). But, his background is far more extensive.

His [bio](#) states that he has been a full-time Arbitrator and Mediator in Santa Monica, California since 1989 specializing in public and private sector labor and employment disputes. He is a member of the Board of Governors and past Southern California Regional Chair of the National Academy of Arbitrators, Past Chair of the Los Angeles County Bar Labor and Employment Law Section, Former Advisor and Executive Committee Member of the California State Bar Labor and Employment Law Section, Past President of the Orange County Chapter of the Industrial Relations Research Association, and a Fellow of the College of Labor and Employment Lawyers. He was named in Southern California Super Lawyers from 2008-2012 and a Top Attorney in Southern California by Los Angeles Lawyer Magazine in 2012. In 2008, he was appointed to the Los Angeles City Employee Relations Board and currently serves as Vice Chair. His arbitration work in private industry has included the airline industry, and for sports, not only has he worked with Major League Baseball and the MLBPA, but the NHL and NHLPA on salary arbitration.

Horowitz might walk away from the Biogenesis rulings unscathed, but it's no given. Das was the longest tenured arbitrator held by MLB and the MLBPA first starting in 1999 until he was fired in mid-May of last year.

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Das took over as baseball's permanent arbitrator from Cornell professor Dana Eischen, who was hired in December 1997 but quit after ruling the following May against J.D. Drew's grievance seeking free agency. The Associated Press [provided a history of arbitrators](#) that have been in place with MLB and the MLBPA.

*Many of baseball's grievance arbitrators have had brief tenures, with the list including Lewis Gill (1970-72), Gabriel Alexander (1972-74), Peter Seitz (1974-75), Alexander Porter (1977-79), Raymond Goetz (1979-83), Richard Bloch (1983-85), Thomas Roberts (1985-86), George Nicolau (1986-95), Nicholas Zumas (1995-97) and Eischen (1997-98).*

*Joseph Sickles heard one case in 1976, and temporary arbitrators were used between Eischen and Das.*

*Seitz was fired after he ruled against owners in the Andy Messersmith-Dave McNally reserve clause case that led to free agency. Roberts was fired after deciding management colluded against free agents between the 1985 and 1986 seasons.*

History will see if Horowitz lasts only this year, or for more to come. Certainly the stakes are high in the Biogenesis case, and how he rules could shape whether he's here today and gone tomorrow, or a lasting figure such as Shyam Das was.

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