

The New York Times

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers here or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. Order a reprint of this article now.

PRINTER-FRIENDLY FORMAT
SPONSORED BY

December 3, 2009

N.H.L. Referee Says Union Work Led to Dismissal

By JEFF Z. KLEIN

In an unusual case being heard in Toronto on Thursday, a referee is challenging his firing by the N.H.L. on the grounds that it was illegally motivated by his work with the officials union.

The referee, Dean Warren, was dismissed by the N.H.L. in April 2008 after seven seasons with the league. Although the league fired him for what it called "substandard performance," he had been assigned to work 16 playoff games over his first five seasons, more than the other four referees who began in 2000-1.

But Warren was assigned no additional games after being elected a vice president of the union in September 2006. He had previously submitted a statement to the Ontario Human Rights Commission during the 2004-5 lockout in support of Lance Roberts, a referee whom the league had fired.

After Warren was not chosen for postseason work in two consecutive seasons, the league had the right to dismiss him under its collective bargaining agreement with the union.

"If you're an accountant and you get fired by a company, you can try to get work at another accounting company," Warren, 46, said. "But in this business, when they tap you on the shoulder and say you're gone, you're gone."

In hearings before the Ontario Labor Relations Board, Warren contends that the league fired him at least in part because of his activist stance, an action that is illegal under Ontario law. According to Tom Curry, his lead counsel, Warren is seeking reinstatement but no monetary damages beyond lost salary.

Warren was entitled to a severance package of roughly \$250,000 if he had accepted his dismissal.

The agreement between the league and its officials expires at the end of the season.

The hearing Thursday is one of a series on the Warren case to be heard by the board. Three senior referees who will retire at the end of the season — Kerry Fraser, Dan Marouelli and Bill McCreary — have been subpoenaed to testify at a later date. They are expected to support Warren.

At the hearing, Warren's lawyers will finish cross-examining Stephen Walkom, the N.H.L.'s referee supervisor who dismissed Warren, and Terry Gregson, who took over the supervisory job this season when Walkom returned to on-ice work.

The hearings are expected to continue through the winter.

An N.H.L. spokesman said no league executive would comment on the case while it was still before the board.

Documents entered into evidence before the board in previous hearings showed that the league had given Warren 18 of 22 evaluations that met expectations in 2003-4, three that exceeded expectations and only one that failed to meet them.

Evaluations of Warren's performance during the 2005-6 season include "very solid N.H.L. standard — definitely knows the difference between a penalty and a battle" (Buffalo at Ottawa, April 8), and "solid judgment throughout" (Islanders at Montreal, March 28).

After Warren became a union vice president in 2006, he received negative evaluations.

The board also saw e-mail messages from 2006 and 2007 between Walkom and Colin Campbell, the N.H.L. vice president, in which they discussed firing Warren.

"Warren has to go," Campbell wrote to Walkom in February 2007. "There must be a way to get rid of this guy. Is there a way we could track total minors called by referees this year?"

Walkom replied: "I think we have that data but it may work in his favor. That's why I'm against data."

Two N.H.L. referees have expressed differing views on whether Warren was a good official. In October, Paul Devorski, a 21-year veteran, said Warren was a "below-average skater" who "has no business being on N.H.L. ice." But Fraser, a 30-year veteran, said Warren "was always in position," had "good judgment" and was fired because "he was proactive as an executive on the union side."

After those remarks appeared last month on a Canadian news Web site, the union barred its members from speaking on the issue.

Dave Newell, a longtime N.H.L. referee who served as president of the officials union in the 1980s and later became an assistant supervisor for the league, said his evaluations of Warren were "absolutely favorable."

Newell, who was fired as an assistant supervisor by Walkom in 2006, said that Warren showed "impeccable judgment" on the ice. He said he believed that Warren was fired for his union work.

The hearings have also highlighted the differences between the N.H.L.'s methods for evaluating officials and the more stringent systems used by the N.F.L., N.B.A. and Major League Baseball.

In those leagues, evaluators grade every call. In the N.B.A., every call in every game — as many as 70,000 a season — are videotaped and graded.

But through 2004-5, N.H.L. referees were evaluated in only about 20 to 25 games a season.

After Walkom became supervisor in 2005, five of seven assistant supervisors were subsequently fired and not replaced, which led to still fewer evaluations.

Today, N.H.L. officials are evaluated about five times a season. Some of them say the small number makes it easier for the league to fire referees and linesmen it does not want to retain.

Warren has long been an advocate for more objective criteria in referee evaluations, and for more evaluations in general.

Should Warren win reinstatement, it would, he said, be “fantastic to referee again.” He added that he would run again for a position on the union board.

Copyright 2009 The New York Times Company

[Privacy Policy](#) | [Terms of Service](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)
