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Resolution of Complex Disputes

Relating to Corporate, Business, Energy, Hi-Tech and Intellectual Property matters (including Biotechnology-Life Sciences, IT and Entertainment) and Commercial Real Estate

PROFESSIONAL BACKGROUND: Eric van Ginkel is a highly experienced arbitrator and mediator, with law degrees from both civil (the Netherlands) and common law (United States) countries, as well as a Master's Degree in Dispute Resolution from the top-rated dispute resolution institute in the United States. Eric handles disputes worldwide, involving Business Contracts, Energy (including oil & gas, solar and wind) Intellectual Property, Pharmaceutical/Biotech/Life Sciences, IT, Entertainment and Commercial Real Estate.

ADR EXPERIENCE: Since 2006, Eric has acted as arbitrator in more than 85 arbitrations. He has mediated more than 385 cases. He is an arbitrator and/or mediator for the American Arbitration Association (**AAA** – *Large Complex Cases and Intellectual Property Panels*), the International Institute for Conflict Prevention & Resolution (**CPR** - *the International and Banking, Accounting and Financial Services Panels of Distinguished Neutrals*), the International Chamber of Commerce (**ICC** Netherlands), the International Centre for Dispute Resolution (**ICDR**), the London Court of International Arbitration (**LCIA**), the Vienna International Arbitration Centre (**VIAC**) and the World Intellectual Property Organization (**WIPO**). He also serves as mediator on the Panel of the United States District Court for the Central District of California.

In 2017 and again in 2018 Eric was selected by *Who's Who Legal's* global survey as one of the leading international arbitrators in the United States and the Netherlands. Global Arbitration Review's *Who's Who Legal – Arbitration* says: "Eric van Ginkel is a prominent arbitrator and mediator with a wealth of experience handling complex disputes in the corporate, real estate, intellectual property and energy sectors." In 2018, Eric was the only arbitrator honored by GAR's *Who's Who Legal* for the State of Texas.

Eric is a Fellow of the *College of Commercial Arbitrators* (CCA), an invitation-only fellowship of elite and experienced commercial arbitrators.

Eric is of counsel to Schonewille & Schonewille, the legal mediation and arbitration firm headquartered in Rotterdam, the Netherlands, which gives Eric a base from which he can serve as arbitrator and mediator in Europe and Africa.

Throughout his legal career, *Martindale-Hubbell* has recognized Eric van Ginkel as an AV® rated attorney, lately with a “Judicial AV Preeminent” ranking, now the highest such rating available. Before moving to Texas in December of 2016, Eric resided in California, where *Los Angeles Magazine* and *Law and Politics Media* honored Eric as one of a small group of “*Super Lawyers*” in Southern California in the “ADR Arbitrator/Mediator” category.

Since 2006 Eric has been a full-time independent arbitrator and mediator. Before then, capping a career of more than 35 years as an international attorney, from 1999 until 2006 Eric was Counsel to Hughes Hubbard & Reed LLP (a prominent international arbitration law firm), in its Los Angeles office, as a member of the Arbitration & Mediation and Intellectual Property Practice Groups.

Eric is a former Assistant Director of the Straus Institute for Dispute Resolution. He is a former member of the Executive Committee and the Board of the California Dispute Resolution Council (CDRC). He is also a former member of the Arbitration and Mediation Committees (Co-Editor of the Mediation Newsletter, 2009-2010), and a past Senior Vice-Chair of the Committee on Intellectual Property and Entertainment Law, of the International Bar Association.

Today, Eric is an Adjunct Professor at the Law School of the University of Texas at Austin (since 2017), teaching Arbitration Law, Negotiations and ADR Survey (i.e. an overview of Negotiations, Mediation and Arbitration).

Eric is also an Adjunct Professor of Law at the Straus Institute for Dispute Resolution of Pepperdine University School of Law (since 2004), where he has taught courses in ADR Survey, (US Domestic) Arbitration, International Commercial Arbitration, International Business Transactions, International Commercial Dispute Resolution, International Investment Disputes, Introduction to the Legal Process, and the Mediation Clinic (in alphabetical order).

Eric coached teams of Straus Institute students who participated in the First International Commercial Arbitration Moot Competition at American University Washington College of Law in 2012 (on a subject involving international investment arbitration), and the 20th, 21st and 22nd Vis Moot Competitions in Vienna, respectively in 2013, 2014 and 2015 (on subjects involving international commercial arbitration), and has acted as Vis Moot arbitrator in several sessions both in Hong Kong (Vis East) and Vienna, including most recently in 2016 and 2018.

In 2007, 2008 and 2009, Eric van Ginkel taught intensive courses in Advanced Mediation at the Law School of City University of Hong Kong, and in 2010 at the Mediation Centre of the State Islamic University Walisongo in Semarang, Indonesia.

Eric is a frequent speaker and trainer on subjects involving arbitration and mediation.

ADR TRAINING: Eric van Ginkel holds a Master of Laws (LL.M.) degree in International Dispute Resolution (2003) from the Straus Institute for Dispute Resolution at Pepperdine University School of Law. He is also a graduate of the Harvard Law School Negotiation Project. In addition, he has attended numerous advanced training programs provided by the Straus Institute, the International Chamber of Commerce (including its Master Class in Arbitration), the American Arbitration Association, the International Centre for Dispute Resolution and the U.S. Federal and State court systems.

Eric acted as in-house counsel for almost ten years (involving entertainment, toy manufacture and distribution, as well as a holding company of diversified industries), and in those functions, actively supervised the litigation of numerous court cases in the member countries of the European Union.

As an attorney with a background in both transactional and litigation law practices, Eric worked on complex international and domestic corporate and business transactions for more than 35 years, including joint ventures, bio-technology transactions (including co-development and licensing deals), mergers and acquisitions, commercial real estate developments (including residential, office and shopping center developments), straight and syndicated loans, bank and trust matters, intellectual property related license and distribution agreements, entertainment-related agreements, oil and gas industry arbitrations and employment-related litigation.

EDUCATIONAL BACKGROUND: Eric van Ginkel holds three law degrees: one from the Law Faculty of Leiden University in the Netherlands (“Meester in de Rechten”, equivalent to a “JD” in the US), a Juris Doctor degree from the Law School of Columbia University in New York City, and an LL.M. in International Dispute Resolution from the Straus Institute for Dispute Resolution at Pepperdine University Law School in Malibu, CA.

Being a citizen of the Netherlands, Mr. van Ginkel is sensitive to cross-cultural issues. He is fluent in Dutch (native), English, French and German, and somewhat proficient in Italian and Spanish.

Recent Publications:

- *Unraveling the Genome of Biotech Arbitrators*, (with Arthur House) - to be published in a future issue of ALTERNATIVES TO THE HIGH COST OF LITIGATION (THE MONTHLY MAGAZINE OF CPR);
- *Another Look at Mediation Confidentiality: Does It Serve Its Intended Purpose?*, 32 ALTERNATIVES TO THE HIGH COST OF LITIGATION 119 (Sept. 2014);
- *Mediation in California, USA*, in THE VARIEGATED LANDSCAPE OF MEDIATION REGULATION, A COMPARATIVE STUDY OF MEDIATION REGULATION AND PRACTICES IN EUROPE AND THE WORLD (Manon Schonewille & Dr. Fred Schonewille, eds), Eleven International Publishing 2014;
- *Mediation's Impact on United States Legal Systems*, in MEDIATION AND ITS IMPACT ON LEGAL SYSTEMS IN ASIA-PACIFIC (Wang Guiguo & Yang Fan, eds), Wolters Kluwer Law & Business and CCH Hong Kong, 2013;
- THE LAWYER'S GUIDE TO DRAFTING ADR CLAUSES, published electronically by the State Bar of California, Litigation Section (June 2012 - 89 pages; Editor, with Paul Dubow and Michael Carbone, Co-Editors) (for members only; electronic copy available upon request to the Editor)
- *Interview with Bruce Patton on 'Mediation as a Profession' and 'Difficult Conversations'*, 5 TIJDSCHRIFT CONFLICTHANTERING No. 6, pp. 5-11 (2010);
- *Court-Annexed ADR in Los Angeles County*, in Georg Frerks et al., Ed., “PREVENTIEVE MEDIATION”, pp. 181-207 (Maklu 2010);
- *Spiritualiteit in Mediation*, in Georg Frerks et al., Ed., “REFLECTIE OP MEDIATION”, pp. 47-54 (Maklu 2009);
- *Afdwingbaarheid van de Mediationclausule in Californië en Nederland*, 2008 FORUM VOOR CONFLICTMANAGEMENT #1, p. 10;
- *Dispute Resolution Boards: From Construction to Bio-Tech* (with Kendall C. Reed), 21 CALIFORNIA LITIGATION #2, p.34 (2008);

- *Asserting an Anti-SLAPP Petition in Arbitration*, DAILY JOURNAL, March 7, 2007;
- *Toward Mandatory ICSID Conciliation? – Reflections on Professor Coe’s Article on Investor-State Conciliation*, 21 MEALEY’S INTERNATIONAL ARBITRATION REPORT #4, p.1 (April 2006);
- *Een Californisch Perspectief op de Ontwerprichtlijn Mediation*, 1 TIJDSCHRIFT CONFLICTHANTERING 32 (March 2006);
- *Class Arbitration: Discover Bank v. Superior Court*, IBA ARBITRATION COMMITTEE NEWSLETTER, Vol.10 No. 2, 40-47 (September 2005);
- *Mediation under National Law: United States of America*, IBA MEDIATION COMMITTEE NEWSLETTER, Vol. 1 No. 2, 43-54 (August 2005);
- *Rojas v. Superior Court: The Battle of Two Opposing Public Policies*, IBA MEDIATION COMMITTEE NEWSLETTER, Vol. 1 No. 1, 31-37 (April 2005) (also published in ALTERNATIVE DISPUTE RESOLUTION, the Newsletter of the ADR Section of the Ontario Bar Association, Vol. 13 No. 4, 10-17 (June 2005) and online at <http://www.mediate.com/articles/vanGinkelE2.cfm>);
- *Transatlantic Dispute Resolution*, <http://www.mediate.com/articles/vanGinkelE1.cfm?nl=64>, (also published in the ICFAI JOURNAL OF ALTERNATIVE DISPUTE RESOLUTION) October 2004;
- *The Mediator as Face-Giver*, 20 NEGOTIATION JOURNAL 475 - 487 (2004);
- *‘Expanded’ Judicial Review Revisited: Kyocera Overturns LaPine*, 4 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 47 - 60 (2004), (also published in the ICFAI JOURNAL OF ALTERNATIVE DISPUTE RESOLUTION);
- *The UNCITRAL Model Law on International Commercial Conciliation, A Critical Appraisal*, 21 JOURNAL OF INTERNATIONAL ARBITRATION 1 - 65 (2004) (also published in the ICFAI JOURNAL OF ALTERNATIVE DISPUTE RESOLUTION);
- *Reframing The Dilemma of Contractually Expanded Judicial Review: Arbitral Appeal vs. Vacatur*, 3 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 157 - 220 (2003).

Recent Speaking Engagements:

- *The Impact of Culture on Communication, Negotiation and Mediation*, Beverly Hills Bar Association, Beverly Hills, California, January 2016 (with Steven Wawra and Mark Ameli)
- *What California Litigators Need To Know About International Commercial Arbitration*, Webinar presented by the California State Bar, Litigation Section ADR Committee, with Jeff Dasteel, Los Angeles, March 2014
- *Mediation and its Impact on the US Legal Systems*, UNCITRAL Asia-Pacific Mediation Conference 2012, Hong Kong, November 2012
- *Negotiating and Drafting Effective ADR Agreements*, State Bar of California Annual Meeting, Monterey, California, October 2012
- *The Well-Wrought ADR Clause - Worth its Weight in Gold! How to Draft the Right Clause for your Client’s Next Deal*. ABA Conference, Section on Dispute Resolution, Washington, DC, April 2012.
- *The ICC Rule Changes: Efficiency and Flexibility*, Los Angeles International Commercial Arbitration Forum, Los Angeles, January 2012 (with Jeff Dasteel)
- *Protocols for Expedious, Cost-Effective Arbitration (The CCA Protocols)*, Seminar on Best Practices for Winning at Litigation & Trial, State Bar of California, Litigation Section, Sacramento May 2011 (with Ruth Glick).
- *Confidentiality in Mediation Legislation*, International Conference on the Future and Potentials of Mediation, with Special Reference to Asia and Indonesia, Semarang, Indonesia, November/December 2010.
- *Mediation: – Prepare, Present and Produce the Best Results for Your Clients*, State Bar of California Annual Meeting, Monterey, California, September 2010.

- *Maximize Your Success with Court-Connected ADR*, ABA Annual Meeting, San Francisco, California, August 2010.
- *The Scheduling Conference and the IBA Rules on the Taking of Evidence*, Norton Rose, Hong Kong, November 2009.
- *Guidelines for the Exchange of Information in International Commercial Arbitration: The Scheduling Conference and the IBA Rules on the Taking of Evidence*, Decision 2009 - Debates on Current international Arbitration Issues, International Section of the State Bar of California and ICDR, Santa Clara, California, October 2009.
- *Spiritualiteit in Mediation*, Congres 2009, "Reflectie op Mediation", University of Utrecht, April 2009.
- *Recent Developments in US Arbitration Law*, Hong Kong Institute of Arbitrators, Hong Kong, November 2008.
- *Mediation in Europe: an Update*, SCMA Conference, Malibu, California, November 2007; California State Bar Section Education Institute, January 2008.
- *Afdwingbaarheid van de Mediationclausule in Californië en Nederland*, Symposium University of Utrecht, The Netherlands, November 2007.
- *Negotiating and Drafting ADR Clauses*, State Bar of California Annual Meeting, Anaheim, California, September 2007;
- *Dispute Settlement under US-EU Open Skies: Room for Improvement?*, Conference on Arbitration in Maritime and Aviation Disputes, presented by the IBA's Maritime and Transport and Aviation Law Committees and the Arbitration Committee, Hamburg, Germany, April 2007;
- *Ethics and ADR: What Happened to Zealous Representation?*, 2007 Symposium of the Section Education Institute of the State Bar of California, Berkeley, California, January 2007;
- *Het Belang van Adequaate Conflictmanagement*, Landelijke Workshopdag Conflictmanagement: "Ruzie in de Tent, wat nu?", Netherlands Department of Justice, Netherlands Attorney General's Office, and the Council for Jurisprudence, The Hague, The Netherlands, October 2006;
- *Dispute Resolution Mechanisms for IP-related Disputes*, International Bar Association (IBA) Conference, co-chair of a Joint Session of the Intellectual Property, Arbitration and Mediation Committees of the IBA and the Inter-American Association of Industrial Property (ASIPI), Chicago, Illinois, September 2006;
- *International Arbitration as a Vehicle for Resolving Multi-National IP Disputes*, USC Gould School of Law 2006 Intellectual Property Institute, Beverly Hills, California, May 2006;
- *Resolution of Disputes Regarding the Return of Looted Art*, 2006 LL.M. Seminar, Straus Institute for Dispute Resolution, Pepperdine University School of Law, Malibu, California, May 2006;
- *The Code of Ethics of the AAA/ABA and the IBA Guidelines on Conflicts of Interest in International Arbitration; Other international practices*, ICDR Conference, "Decision 2006 - Debates on Key Issues in International Arbitration", Newport Beach, California, March 2006;
- *Domestic Versus International Mediation and Arbitration in California*, 2006 Symposium of the Section Education Institute of the State Bar of California, Santa Monica, California, February 2006;
- *Mediation in de Verenigde Staten*, Afscheidssymposium voor Professor Brenninkmeijer, Faculty of Law, University of Leiden, the Netherlands, October 2005;
- *Update on U.S. Case Law Concerning the New York Convention*, and *Mediation and the Law: the United States*, IBA Conference, Arbitration and Mediation Committees, Prague, Czech Republic, September 2005;
- *Substantive Protection Available under BITs and MITs*, ABA Conference, Section on Dispute Resolution, Los Angeles, California, April 2005.