

ERIC VAN GINKEL, LL.M.
Mediator - Counsel - Arbitrator
Domestic and International Business Disputes
11693 San Vicente Blvd. #908
Los Angeles, CA 90049

T: 310-836-1919
F: 310-815-0255

eric@ericvanginkel.com
www.BusinessADR.com
www.IPADRblog.com



Resolution of Complex IP, Business and PI Disputes
emphasizing Business Transactions, Commercial Real Estate, Hi-Tech and Intellectual Property
(including IT, Biotech and Entertainment)

PROFESSIONAL BACKGROUND: Eric van Ginkel is a mediator and arbitrator specialized in domestic and international commercial dispute resolution. Mr. van Ginkel is Adjunct Professor at the Straus Institute for Dispute Resolution at Pepperdine University School of Law, where he has taught courses in "Alternative Dispute Resolution", "International Investment Disputes" and "Introduction to the Legal Process."

In 2005, 2006 and again in 2007, *Los Angeles Magazine* and *Law and Politics Media* honored him as one of a small group of "Super Lawyers" in Southern California in the "ADR Arbitrator/Mediator" category.

From 1999 until March, 2006, he was Counsel to the international law firm of Hughes Hubbard & Reed LLP, in its Los Angeles office.

Mr. van Ginkel is a member of the Arbitration and Mediation Committees, and a Senior Vice-Chair of the Committee on Intellectual Property and Entertainment Law, of the International Bar Association. He is also Chairman of the Business Law Section's ADR Committee, and an Advisor to the International Law Section, of the State Bar of California. In addition, he is a member of the Los Angeles, Beverly Hills and Orange County Bar Associations, and the Los Angeles and Orange County chapters of the Association of Business Trial Lawyers, and the Federal Bar Association. Mr. van Ginkel is a frequent speaker and trainer on subjects involving mediation and arbitration.

ADR TRAINING: Mr. van Ginkel holds a Certificate in Dispute Resolution and a Master of Laws (LL.M.) degree in International Dispute Resolution 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. He has attended numerous advanced training programs provided by the Straus Institute, the American Arbitration Association, the International Centre for Dispute Resolution and the Federal and State court systems.

ADR EXPERIENCE: With a background in both transactional and litigation law practices, Mr. van Ginkel has been negotiating complex international corporate and business transactions for more than three decades, including joint ventures, co-development bio-tech deals, mergers and acquisitions, commercial real estate developments (including residential, office and shopping center developments), straight and syndicated loans, bank and trust matters, and license and distribution agreements. He acted as in-house counsel for almost ten years, and in that capacity, supervised the litigation of numerous court cases in the member countries of the European Union. He has acted both as counsel in major arbitrations and as arbitrator. Mr. van Ginkel is an arbitrator and/or mediator for the American Arbitration Association (AAA), the Australian Centre for International Commercial Arbitration (ACICA), the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), the International Mediation and Arbitration Center (IMAC), the National Arbitration Forum (NAF) and the World Intellectual Property Organization (WIPO). He serves on the Panels of the United States District Court (Central District of California), the Los Angeles Superior Court and the California Court of Appeal (Second Division). He has mediated more than 200 cases.

EDUCATIONAL BACKGROUND: Mr. van Ginkel holds two Juris Doctor degrees: one from the Law Faculty of Leiden University in the Netherlands, the other from Columbia Law School in New York City. Being a Netherlands citizen living in California (having lived both in Europe and the United States), Mr. van Ginkel is sensitive to cross-cultural issues. He is fluent in Dutch, English, French and German, and somewhat proficient in Italian and Spanish.

Recent Publications (which may be downloaded from www.BusinessADR.com):

- *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:

- *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 Adequate Conflictmanagement*, Landelijke Workshopdag Conflictantering: “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*, IBA Conference, Arbitration Committee, Prague, Czech Republic, September 2005;
- *Mediation and the Law: the United States*, IBA Conference, Mediation Committee, Prague, Czech Republic, September 2005;
- *Substantive Protection Available under BITs and MITs*, ABA Conference, Section on Dispute Resolution, Los Angeles, California, April 2005.