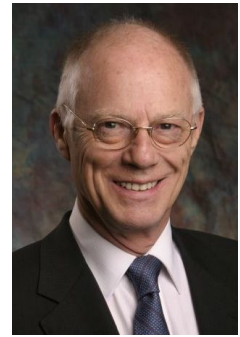


**ERIC VAN GINKEL, J.D., LL.M.**  
**Mediator - Counsel - Arbitrator**  
**Domestic and International Business Disputes**  
**11693 San Vicente Blvd. #908**  
**Los Angeles, CA 90049**

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

[eric@ericvanginkel.com](mailto:eric@ericvanginkel.com)  
[www.BusinessADR.com](http://www.BusinessADR.com)  
[www.IPADRblog.com](http://www.IPADRblog.com)



### **Resolution of Complex 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 an Adjunct Professor of Law at the Straus Institute for Dispute Resolution of Pepperdine University School of Law, where he has taught courses in "Alternative Dispute Resolution Survey", "Arbitration", "International Commercial Dispute Resolution", "International Investment Disputes", "Introduction to the Legal Process," and the "Mediation Clinic" (in alphabetical order). Since 2007, Mr. van Ginkel also teaches a course in Advanced Mediation at the Law School of City University of Hong Kong. In addition, he is one of the trainers in the "Mediating the Litigated Case" seminar offered by the Straus Institute as a six-day course.

In 2005, 2006, 2007, 2009 and again in 2010, *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 2006, Mr. van Ginkel was Counsel to the international law firm of Hughes Hubbard & Reed LLP, in its Los Angeles office, as a member of the Arbitration and Intellectual Property Practice Groups.

Mr. van Ginkel is a member of the Board of the California Dispute Resolution Council. He is a member of the Arbitration and Mediation Committees (Co-Editor of the Mediation Newsletter), and a past Senior Vice-Chair of the Committee on Intellectual Property and Entertainment Law, of the International Bar Association. He is also a past Chair of the Litigation Section's ADR Committee 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 Federal Bar Association. He is a Fellow of the College of Commercial Arbitrators. 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. In addition, 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:** Mr. van Ginkel has acted both as counsel and as arbitrator in numerous arbitrations. He has mediated more than 350 cases. 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 Institute for Conflict Prevention & Resolution (CPR), the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), the International Mediation and Arbitration Center (IMAC), the London Court of International Arbitration (LCIA), the National Arbitration Forum (NAF) and the World Intellectual Property Organization (WIPO). He serves on the Panels of the U.S. District Court (Central District of California), the Los Angeles Superior Court and the California Court of Appeal (Second Division).

With a background in both transactional and litigation law practices, Mr. van Ginkel has been negotiating complex international and domestic corporate and business transactions for four decades, including joint ventures, complex 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, and intellectual property related 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. As mediator for the California and Federal Courts, Mr. van Ginkel has mediated many tort cases, including automobile accidents, toxic mold and environmental cases.

**EDUCATIONAL BACKGROUND:** Mr. van Ginkel holds two Juris Doctor degrees: one from the Law Faculty of Leiden University in the Netherlands, and one from the Law School of Columbia University in New York City.

Being a citizen of the Netherlands living in California, 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.

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**Recent Publications (many of which may be downloaded from [www.BusinessADR.com](http://www.BusinessADR.com)):**

- *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 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 Adequaat 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.