

SCHONEWILLE & SCHONEWILLE

LEGAL MEDIATION

Eric van Ginkel is an arbitrator and mediator specialized in international disputes, with an emphasis on disputes concerning commercial and/or intellectual property related issues. For example, Eric has dealt with disputes relating to distribution agreements, commercial real estate, the pharmaceutical sciences, biotechnology, oil and gas, patent license agreements and trademark issues.

Since 2002, Eric has mediated more than 375 disputes and done more than 80 arbitrations, both as sole arbitrator and the wing or chair in 3-arbitrator panels. Many of these arbitrations were between parties of different nationalities.

Since 2004, Eric has been an Adjunct-Professor at the Straus Institute for Dispute Resolution at Pepperdine Law School, where he has taught a wide variety of courses in the areas of international commercial arbitration, investor-state arbitration and mediation. In 2007, 2008 and 2009 Eric taught a course in Advanced Mediation at the Law School of City University of Hong Kong, and in 2010 he taught a similar course at the Mediation Center of the Walisongo Islamic University in Semarang, Indonesia.

- Eric is arbitrator and/or mediator for the American Arbitration Association (“AAA” – *Large Complex Cases and Intellectual Property Panels*)
- The Australian Centre for International Commercial Arbitration (“ACICA”)
- The International Institute for Conflict Prevention & Resolution (“CPR” – *International and “Banking, Accounting and Financial Services” Panels of Distinguished Neutrals*)
- The International Chamber of Commerce (ICC Nederland)
- The International Centre for Dispute Resolution (“ICDR”)
- the London Court of International Arbitration (“LCIA”) and the World Intellectual Property Organization (“WIPO”)
- *In addition*, he is a mediator for the Federal District Court for the Central District of California and the California Court of Appeal (Second District).

Besides his Dutch law degree (Leiden), Eric obtained a Juris Doctor degree at Columbia Law School, as well as a Master of Laws degree in Dispute Resolution at Pepperdine Law School. He practiced law for many years, both in New York and California, where his international practice included both transactions and litigation.



E. van Ginkel LL.M. | Eric

- Eric holds both a Certificate and a Master’s Degree (LL.M.) from the Straus Institute for Dispute Resolution, from Pepperdine University Law School in Malibu, California.
- Since 2004, Eric has been active as an Adjunct Professor at the Straus Institute, teaching a wide variety of courses, including International Commercial Arbitration and a variety of mediation courses.

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Eric's Approach to Arbitration and Mediation

Arbitration: Eric has come to realize that there are three main elements to a successful arbitration:

- Firm time management
- An opportunity for all parties to be heard
- A thoughtful and well-reasoned award

It is his firm goal to be fully dedicated to all three.

Mediation: Eric's approach to mediating a dispute includes the entire continuum from facilitative to evaluative mediation, depending of course on the circumstances of each case. In addition, he practices active listening, and after sufficient time for all parties to have been heard, he explores the needs and wants of each party for the future to arrive at a solution acceptable to all.

Representative matters

Arbitration: Eric has arbitrated more than 80 disputes, many of which were between parties from different countries, including Belgium, South Korea, Spain and the United States. Many cases involved intellectual property issues, including biotech-related questions, but also distribution agreements, employment and independent contracting relationships, commercial real estate and finance.

Conferences and publications

Eric is a published author and regular speaker on both mediation and arbitration related topics. A list of recent presentations and publications can be found at:

<http://businessadr.com/EvG/Presentations.html>

<http://businessadr.com/EvG/Publications.html>

Honours and professional activities

- As an attorney admitted in New York and California, Eric has enjoyed the highest rating, **AV Preeminent® (4.5-5.0)** by the Martindale-Hubbell® Peer Review Ratings™
- In addition, Eric has been honored as a **Southern California Super Lawyer** (top 5% of the profession) for 9 out of the last 11 years.

Eric van Ginkel LL.M.

The advantage of legal mediation

A legal mediator has an eclectic or varied approach where several evaluative elements regarding substance are introduced in the closing stages of a mediation process or using co-mediators with different approaches. A solution focused, facilitative and evaluative approaches are all used depending on the circumstances and the parties' needs. Legal mediation means that the mediator proactively supports parties on a substantive and procedural level. On request the mediator also addresses applicable (legal) norms or how similar issues were successfully solved in comparable mediations.

The communication, substantive- and legal aspects of the case as well as the personal and commercial interests of the parties play an equally important role in the mediation process.