

VIAC – Questionnaire for Arbitrators

- 1. Name:** Eric van Ginkel
- 2. Citizenship:** Netherlands
- 3. Contact information:**
Address: a) 206 Maxwell Way, Austin TX 78738, USA
b) Schonewille & Schonewille, Hofplein 20, 3032 AC Rotterdam, The Netherlands
- Telephone: +1-310-569-9505
+31-10-760-7110
- Fax: --
- E-Mail: eric@ericvanginkel.com
- Website: www.BusinessADR.com
- LinkedIn: <https://www.linkedin.com/in/eric-van-ginkel-fcca-fciarb-8b53335/>
- 4. Current position:** Independent Arbitrator and Mediator specializing in international dispute resolution;
Adjunct Professor of Law, The University of Texas at Austin, School of Law;
Adjunct Professor of Law, Straus Institute for Dispute Resolution, Pepperdine University Caruso School of Law
- 5. Education:** Master of Laws, University of Leiden;
JD, Columbia University Law School;
LLM in Dispute Resolution, Straus Institute for Dispute Resolution, Pepperdine University Caruso School of Law.
- 6. Practiced experience in arbitration**
- *How many arbitrations have you participated in (domestic/international); under which Rules?*
Approximately 70 cases, mostly domestic US under AAA and other Rules, but also about 10 ICDR cases and 5 ICC cases and 1 UNCITRAL case.
 - *How often have you acted as Chairman?*
4 times
 - *How often have you acted as Sole Arbitrator?*
About 65 times
 - *How often have you acted as Co-Arbitrator?*
Once
 - *How often have you acted as Counsel?*
Three or four times
 - *How often have you acted in a different function (e.g. Administrative Secretary)?*
Never
- 7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**
- Fellow, College of Commercial Arbitrators (<https://www.ccarbitrators.org/>);
Fellow, Chartered Institute of Arbitrators (<https://www.ciarb.org/>).

Teaching at UT Law School and the Straus Institute at Pepperdine:

- *UT*: Course in Domestic and International Commercial Arbitration (interactive; hands-on);
- *Straus*: Courses in Domestic Arbitration, International Commercial Arbitration and Investment Arbitration; coaching student teams for participation in the International Investment Arbitration Moot at American University Washington College of Law (1 year); the Vis Moot in Vienna (3 years).

Publications:

- *28 USC §1782 and Columbia: Why SCOTUS should grant cert. and affirm the Fourth Circuit's ruling in Servotronics*, - to be published in upcoming issue of ABA LITIGATION JOURNAL;
- *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);
- 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);
- *Asserting an Anti-SLAPP Petition in Arbitration*, DAILY JOURNAL, March 7, 2007;
- *Class Arbitration: Discover Bank v. Superior Court*, IBA ARBITRATION COMMITTEE NEWSLETTER, Vol.10 No. 2, 40-47 (September 2005);
- *Transatlantic Dispute Resolution*, <http://www.mediate.com/articles/vanGinkelE1.cfm?nl=64>, (also published in the ICFAI JOURNAL OF ALTERNATIVE DISPUTE RESOLUTION) October 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);
- *Reframing The Dilemma of Contractually Expanded Judicial Review: Arbitral Appeal vs. Vacatur*, 3 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 157 - 220 (2003).

Speaking Engagements:

- *"International Twister: What happens when Parties from Different Cultures Bring Different Expectations and Practices to a Cross-Border Arbitral Proceeding?"*, CCA 19th Annual Meeting, San Francisco, October 2019;
- *"Non-Signatories in Arbitration – Untangling the (K)not"*, CCA 18th Annual Meeting, Atlanta, October 2018;
- *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;
- *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 Expeditious, 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);
- *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;
- *Recent Developments in US Arbitration Law*, Hong Kong Institute of Arbitrators, Hong Kong, November 2008;
- *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;
- *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;
- *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.

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

Membership in 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**), amongst others.

9. Languages

Mother tongue: Dutch

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English, French

10. In which legal systems have you trained?

- Civil Law
- Common Law
- Austrian Law
- Hungarian Law
- Swiss Law
- Czech Law
- Polish Law
- Ukrainian Law
- German Law
- Slovakian Law
- European Law

Other Dutch law; US law (New York, California)

11. What is your main jurisdiction of practice?

California

12. In which jurisdictions are you admitted to the bar?

California; New York (retired)

13. Special expertise or specializations (please list a maximum of five):

- Antitrust/Unfair competition
- Damages
- Insolvency
- Power plants
- Aviation
- Distribution
- Insurance
- Private Intern. Law
- Banking & Finance
- Domain name disputes
- Intellect. property (IP)
- Public Intern. Law
- Capital markets
- Employment
- ISDS/ Foreign invest.
- Real estate
- CISG
- Energy
- Joint ventures
- Shipping
- Civil fraud disputes
- Engineering
- Licensing
- Sports
- Commercial disp. / transactions
- Entertainment
- Life sciences
- State/Public contracts
- Commodity market
- Healthcare & Pharmac.
- Maritime arbitration
- Technology
- Company/Corporate/M&A
- Hotel/Gastro./Tour.
- Media
- Telecommunication
- Construction
- Inform. technology (IT)
- Mining
- Transport
- Contract law
- Infrastructure
- Natural resources
- Other _____

14. Date of birth: May 10, 1939

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

September 4, 2020
