



**James M. Rhodes**  
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Jim Rhodes is a full-time arbitrator and mediator. A litigator, arbitrator and mediator with extensive international and domestic experience, as well as experience as a business executive and house counsel, he has sat in over 80 domestic and international arbitrations as sole arbitrator or as a member of tripartite panels in both institutional and *ad hoc* settings. Cases arbitrated have involved complex commercial and financial business issues, including contract actions, disputes under APA and SPA agreements, construction, securities, real estate, intellectual property, employment disputes, distribution, franchise and supply contracts and other matters.

He is a former litigation partner with two major international law firms, and has long been involved in an ADR practice, having first acted as counsel for clients in international arbitrations in institutional settings in the late 1970's.

In addition to his legal career, Jim has a business background, including serving as counsel and principal in several investment firms which were involved in the acquisition and disposition of commercial real estate properties and privately-held companies.

He believes an effective arbitrator must be a successful case manager with skills in dealing with people and with process management, ever mindful of matters of cost and efficiency. An arbitrator should be knowledgeable about the issues in the case; be prepared to dig in and read all of the materials and documents; honor the parties' agreement; be neutral and impartial to the end of the hearings; make himself available at all times during the course of the arbitral proceeding; and be organized and manage the arbitration effectively and efficiently. The arbitrator should monitor and supervise disclosure and discovery matters, and must be knowledgeable and sensitive to e-discovery issues. During his career, he has served as Chair, panelist or sole arbitrator in over 80 institutional commercial and investment arbitrations, and self-administered arbitrations under the CPR rules.

Since 2006, Mr. Rhodes has also mediated over 170 commercial disputes involving corporate acquisitions, broken deals, licensing disputes, contract, employment, and other commercial matters. His success rate at settlement is currently approximately 70%.

## **Representative Matters**

- Antitrust and competition law
- Banking and financial services
- Bankruptcy, liquidation, work-outs and restructuring
- Breach of fiduciary duty
- Construction
- Contract disputes
- Distribution, franchise and supply contracts
- Employment and partnership disputes
- Energy disputes
- International trade
- Investment fraud
- Mergers, acquisitions and joint ventures
- Partnerships
- Patent/licensing/trademark/IP
- Securities
- Shareholders

## **Memberships**

- AAA Commercial Panel
- ICDR panel of international arbitrators
- ICC panel of arbitrators
- AAA Panel of Mediators
- ICDR Panel of Mediators
- CPR Panels: Banking, Accounting and Financial Services, Franchise-Northeast, Cross-Border and New York City ADR
- FedArb Panel of Participating Commercial Arbitrators and Mediators
- FINRA Board of Arbitrators
- FINRA Panel of Mediators
- Arbitration Panel of the U. S. District Court for the EDNY
- Roster of Mediators for the U.S. District Court for the EDNY
- Mediator Panel for the U.S. District Court for the SDNY
- Roster of Neutrals for the Commercial Division ADR Program of the Supreme Court of the State of New York, New York County
- Roster of Mediators for Civil, General Equity and Probate cases of the New Jersey courts.
- Member of the Panel of Arbitrators of the Singapore International Arbitration Centre
- Member of the Panel of Arbitrators of the Shenzhen Court of International Arbitration

## **Associations**

- New York City Bar Association (Committees: Arbitration, International Legal Practice; formerly a member of the International Commercial Disputes, Sports Law and Construction Law Committees).
- New York State Bar Association (Dispute Resolution Section, member of Executive Committee, Member of Arbitration and Mediation Committee, co-chair of International Mediation Subcommittee).
- American Bar Association (Antitrust, Dispute Resolution, International Sections).
- U.S. Council for International Business (USCIB/ICC Arbitration Committee)
- Board of Advisors of the Institute for Transnational Arbitration.
- Association of Conflict Resolution, Greater New York Chapter (ACR-GNY), Member of Board of Directors, Vice President for Strategic Planning Chair of Legislation Committee.
- Center for Global Energy, International Arbitration and Environmental Law at the University of Texas School of Law, Member of Advisory Board..
- The International Arbitration Club of New York, founding member
- Member of Steering Committee which established the New York International Arbitration Center.

## **Admissions**

- New York (1971)
- State Bar of Texas (1965)
- U.S. Supreme Court
- Court of Appeals for the 2<sup>nd</sup> Circuit
- Court of Appeals for the Federal Circuit
- Various U.S. District Courts

## **Select Publications**

- *The Current Status and Future of International Mediation*; Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2014
- *Special Masters: A Different Answer to a Perennial Problem*, The Judges' Journal; by: Merril Hirsh, James M. Rhodes and Karl Bayer
- *Obtaining Evidence From Non-Parties in International Arbitration in the United States* (The American Review of International Arbitration, Vol. 20, No. 4), New York City Bar Association International Commercial Disputes Committee, Member of Subcommittee that drafted the Report
- *Environmental Disputes Mediation: Public Construction Projects*; New York State Bar Association Dispute Resolution Lawyer, Spring 2010, Vol. 3, No. 1

- *Obtaining Discovery in Aid of International Commercial Arbitration - Applicability and Best Practices*, 28 U.S.C. 1782, NYCBA Committee on International Commercial Disputes, 2008, Member of Subcommittee that drafted the Report
- *E-Discovery & Securities Arbitration*, Bloomberg Law Reports, Securities Arbitration, vol. 2, no. 11, December 2006
- *The Arbitrability of U.S. Antitrust Claims*, The International Arbitration News, vol. 6, no. 1, Spring 2006
- *NAFTA Binational Panel Decisions*, The International Lawyer Year in Review, 2005
- *The Pitfalls of International Commercial Arbitration*, Vanderbilt Journal of Transnational Law, vol. 17, no. 1, Winter 1984

### **Recent Arbitrator Presentations & Training**

- 2016 Fordham International Law Journal symposium.; International Arbitration Practitioners Panel: Reflections on Recent Developments in the Field, Fordham Law School, 2/19/16
- NYSBA Program: Winning with ADR: Strategies to Successfully Leverage Tools, October 20, 2014.
- Program Faculty and Speaker: NYSBA Dispute Resolution Section Commercial Arbitration Training, Benjamin N. Cardozo School of Law, New York City, June 17-19, 2013
- Panelist: *Class Arbitration*, Association for Conflict Resolution, Greater New York, King & Spalding, New York City, January 21, 2013
- AAA/ICDR Program: Saving Time and Money: Controlling the Costs and Enhancing the Speed of Arbitration, December 5, 2012
- AAA ACE Program – Maximizing Efficiency and Economy in Arbitration, November 6, 2012
- Program Faculty and Speaker: NYSBA Dispute Resolution Section Commercial Arbitration Training, Benjamin N. Cardozo School of Law, New York City, July 16-18, 2012
- AAA Training Webinar -- Being a more Innovative Neutral: Applying Innovative Management, May 17, 2012
- Presentation to Houston International Arbitration Club, March 6, 2012: Third Party Funding of International Arbitration
- Program Faculty and Speaker: NYSBA Dispute Resolution Section Commercial Arbitration Training, Benjamin N. Cardozo School of Law, New York City, June 28-30, 2011
- Program organizer and Speaker: *Roundtable on Third Party Funding of International Arbitration: The Newest “New New Thing”*, NYSBA Dispute Resolution Section and Fordham University School of Law: Fordham Law School, New York City, June 15, 2011;

- UNCITRAL Working Group III (Online Dispute Resolution), participating observer for New York City Bar Association, United Nations, New York, NY, May 23-27, 2011
- UNCITRAL Working Group on Arbitration and Conciliation, participating observer for the New York City Bar Association, United Nations, New York, NY, February 9-13, 2009
- Program Co-Chair and Panel Moderator: *Topics in International Arbitration*. 2011 Annual Meeting of New York State Bar Association Dispute Resolution Section, New York City, January 27, 2011

### **Recent Mediation Presentation & Training**

- Facilitator: NYSBA Dispute Resolution Section and Fordham Law School Three-Day Commercial Mediation Training March 17-19, 2015
- Advanced Mediation Training, New Jersey Court Mediation Continuing Legal Education, Newark, NJ, June 11, 2014
- Facilitator: March 19, 2014 NYSBA Three-Day Commercial Mediation Training, Fordham University School of Law, New York, NY
- Insights and Strategies on the Effective Mediation of Employment Disputes, NYLJ/JAMS, March 12, 2014, New York, NY
- Facilitator: June 12-13, 2013 CPR-NYSBA Advanced Commercial Mediation Training, Fordham Law School, New York, NY
- Civil Mediation Case Management: NJ Court Mediation Program, March 28, 2012 (AJAPM)
- Facilitator: March 13-15, 2012 NYSBA Commercial Mediation Training, Fordham Law School, New York, NY
- Mediation in the mainstream training, U.S. District Court for the EDNY, October 18, 2011
- Negotiation training, American Arbitration Association, September 28, 2011
- Cross Cultural Mediation, U. S. District Court, EDNY ADR Department, July 12, 2010
- Conflict Resolution: ADR in the Private & Public Sectors, Benjamin N. Cardozo School of Law, November 5, 2009
- Panelist, *Critical Junctures in Mediation and How Best to Handle Them*, New York Marriott Marquis, January 29, 2009
- Bridging Differences: ACRGNY Sixth Annual Conference, Benjamin N. Cardozo School of Law, June 26-27, 2008
- CPR Mediation Training for Court Mediations, United States District Court, SDNY, June 28-29, 2007
- Securities Arbitration & Mediation Hot Topics 2007, NYCBA, June 5, 2007
- CDRCPC NYC Advanced Mediation Training, New York, NY, January 5, 2007

### **Education**

- Rice University, B.A. (1962)

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- University of Texas School of Law, J.D. (1965)