



R. Wayne Thorpe, Esq.

R. Wayne Thorpe, Esq. has been a full-time ADR neutral since 1998. He has served as mediator, arbitrator, facilitator, special master, and case evaluator in over 1500 cases in at least 15 states, in a wide variety of high stakes and complex cases, including class action, MDL, mass tort, and other large scale multi-party cases, and including over 400 arbitrations as sole arbitrator, panel chair, or party-appointed arbitrator. He combines many years' experience with mediation, arbitration, and other ADR processes and extensive subject matter expertise in most legal practice areas, with intensive engagement in the facts, law and settlement dynamics of each of his professional engagements.

Mr. Thorpe was named by the *Best Lawyers in America* publication as the 2012 Atlanta Mediation Lawyer of the Year, and he was listed in *International Who's Who of Commercial Mediation 2012*, among 252 leading mediators in the world (about 70 in the US); he has been recognized by both *Best Lawyers in America* and *Georgia Super Lawyers* for a number of years.

He is Past Chair of the ABA Dispute Resolution Section, and he has been a leader in ADR ethics and other policy matters both nationally and in Georgia for many years. He has also served as an adjunct professor and guest presenter in ADR courses in several law schools. Before he became a full-time neutral, Mr. Thorpe was a litigation partner in a large Atlanta law firm.

Highlights of his ADR experience appear below; please see separate bios describing his experience in specific practice areas.

ADR Experience and Qualifications

- **Business/Commercial:** Hundreds of business and commercial cases, including antitrust, banking, bankruptcy, consumer, corporate/partnership/LLC's, estates, franchise/dealership, mergers/acquisitions, non-profits and churches, healthcare, insurance, international, securities, technology, and real estate disputes
- **Employment:** Class and collective actions; age, disability, gender, race discrimination; FLSA; sexual harassment; wrongful termination of employee benefits; employer disputes with senior executives; breach of contract; non-compete, non-solicit, and trade secret disputes; Sarbanes-Oxley; breach of fiduciary duty, theft of corporate opportunity; bonuses and stock options; law firm disputes with former partners; physician disputes with hospitals and practice groups; public company termination of CEO; whistleblower cases
- **Environmental:** Public and private environmental cases, including toxic torts; private and government CERCLA, RCRA, and other hazardous waste cases; Clean Water Act cases; Clean Air Act enforcement case; nuisance/trespass (water, air, noise, blasting, etc.); land use and development disputes; indemnity and other disputes arising from transfer of contaminated property; weather and climate related cases including storm water cases against builders, other property owners, and state and local governments; water rights disputes among riparian owners and a state agency; facilitation of technical discussions on Feasibility Study for largest Superfund site in Georgia; disputes about UST's and pipelines; disputes about landfills; co-facilitator in ex-urban county conflict over growth strategies
- **Financial Services:** Bank disputes with customers, other banks, and insurers; lender liability claims; SEC enforcement cases including a case against a bank officer; claims against public companies and officers & directors, related insurance coverage issues; claims against brokers and investment advisors; financial services employment disputes; FDIC disputes with bankruptcy trustee for a bank holding company, bank D's & O's, and bank lawyers; claims on financial institution bonds
- **Government/Public Policy:** Cases with US DOJ and several US Attorneys' offices, US HHS, US EPA, GA EPD and SC DHEC, GA DOT, FDIC, SEC, state Attorneys General offices, local governments, school boards, hospital authorities, and MARTA; SEC enforcement; federal and state False Claims; FDIC cases; federal/state environmental agency administrative and enforcement cases, including hazardous waste, clean water and clean air cases; riparian rights dispute with state agency; employment disputes with federal and state agencies involving senior managers; employment case involving state college employee; condemnation cases; federal, state and local tax disputes; environmental, construction, employment and tort claims involving

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"Mr. Thorpe brings to his ADR work the same degree of energy, creativity and perseverance that good lawyers bring to their representation of clients."

Named by Best Lawyers in America as the 2012 Atlanta Mediation Lawyer of the year.

Named in Georgia Super Lawyers and The Best Lawyers in America for ADR since 2005

Case Manager

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state and local governments and school boards; mediation under Georgia Services Delivery Strategy Act; mediation of city-county dispute over allocation of Local Option Sales Tax Revenues; dispute among non-profit homeless shelter, city, university hospital and local businesses about closure of homeless shelter; dispute between school board, school board members, and construction manager concerning management of SPLOST funds for school construction; procurement and employment disputes with hospital authorities

- **Healthcare:** Federal/state False Claims cases; mediations and arbitrations of reimbursement disputes, including class actions, involving payers, hospitals, physicians, pharmacies, and liability insurers; medical software trade secrets; dispute between hospital and records storage service provider; dispute between health insurers related to sale of book of business; employment and other business disputes concerning physician practice breakups; business and employment disputes between physicians and hospitals; employment claims by pharma sales reps; insurance coverage for malpractice, medical benefits payments and other claims; disputes arising from sale of healthcare businesses; numerous med mal cases against physicians, hospitals, nurses, nursing homes
- **Insurance:** Insurance coverage disputes involving financial institution bonds; D&O claims; environmental and toxic tort claims; construction defects; healthcare industry coverage disputes; IP coverage disputes; auto and homeowners; life, health, disability
- **International:** Mediations and arbitrations involving non-US businesses and governments, and US business and government interests, in Bahamas, Bangladesh, Brazil, Canada, China, Germany, Great Britain, Iraq, Israel, India, Japan, Korea, Mexico, South Africa, Taiwan, and Thailand
- **Product Liability, Professional Liability, and other Tort claims:** Hundreds of tort cases including product liability (drugs and devices, foods, autos, industrial equipment, military security system, etc.); professional liability cases against lawyers, financial professionals, construction managers, engineers, architects; fifty or more med mal cases against doctors, hospitals, nurses, and nursing homes; numerous serious wrongful death and personal injury premises and vehicular cases
- **Technology, Entertainment, and Intellectual Property:** Mediations and arbitrations concerning computers and software; medical, defense, financial, telcom, and other technology; TV, radio, music, and other entertainment cases; copyright, trademark, publicity, trade secret, patent, and other IP cases
- **Construction/Construction Defects:** Mediations/arbitrations of construction, construction defect, and building products disputes on both private and public projects; professional liability claims against architects, engineers, construction managers; related insurance coverage issues

Representative Matters

- Mediation and arbitration of employment disputes between Am Law 100 firms and withdrawing/retiring partners involving age and gender discrimination, accounting, retirement agreement, and non-compete issues
- Case evaluation in dispute in multi-million dollar, long-term contract between a North Carolina state agency and a global technology services provider
- Mediation of False Claims case in Tennessee against bed surface supplier
- Facilitation of Feasibility Study among several PRP's, US EPA and Ga EPD at Superfund site
- Mediation of US DOJ/US EPA Clean Water Act case against road contractor and state highway department
- Arbitration of multi-party case between bank and 75+ borrowers involving disputes over tens of millions of dollars of loans in North Carolina
- Mediation of construction defect case involving major urban redevelopment multi-use project with tens of millions in claims involving owner, general, 10+ subs and 10+ insurers
- Mediations of FDIC cases with bankruptcy trustee of Alabama bank holding company and bank D's and O's
- Mediations and arbitrations of disputes among physicians and between physicians and hospitals in several southeastern states
- Party-appointed arbitrator in numerous cases, including post-acquisition accounting, sale of timber, insurance coverage, sale of printing services, governance and possible termination of an LLC, patent royalties
- Toxic tort case brought by employee against defense contractor for child's heart defect allegedly caused by in utero exposure to chemicals in employer's plant
- Arbitration of dispute between Florida hospital and insurer over coverage for murder of patient by hospital nurse
- Mediation of twenty plaintiff case against school board arising from school bus wreck, including death and serious injuries
- Mediation of wrongful death case in Alabama brought by estate of US soldier killed in Japan involving allegedly defective mechanical security door manufactured by UK defense contractor
- Mediation of class action in Texas alleging wrongful failure by major pharmacy chain to refund for

prescriptions not completely filled

- Mediation in Louisiana of securities and fiduciary duty claims by quasi-public pension fund against various financial institutions relating to mortgage backed assets in high yield investment fund

Honors, Memberships, and Professional Activities

- *American Lawyer/Martindale Hubbell* 2013 Top Rated Lawyer in Health Care
- *Who's Who Legal, Commercial Mediation 2012*, among 252 leading mediators in the world (including about 70 in the US)
- Identified by *The Best Lawyers in America* as the 2012 Atlanta Mediation Lawyer of the Year
- Named in *Georgia Super Lawyers* and *The Best Lawyers in America* for ADR for several years
- ABA, Dispute Resolution Section. Past Chair, August, 2011-present; Section Chair, 2010-2011; officer or member of Section Council, 2001-2012; Co-Chair, ABA Task Force on Improving Mediation Quality, 2006-2008; Drafting Committee, Model Standards of Conduct for Mediators, 2003-2005; Liaison from DR Section to ABA's Ethics 2000 Commission (providing testimony on the Model Rules of Professional Conduct provisions relating to mediation and arbitration), 2000-2002; Chair, DR Section Ethics Committee, 1997-2002
- Member, Georgia Commission on Dispute Resolution, 1997-2002, appointed by Supreme Court of Georgia
- State Bar of Georgia, ADR Law Section. Chair, 2003-2004; officer, 2000-2004; executive committee, 2009-2012; chair or co-chair, annual ADR Institute, 2000, 2003, planning committee, 2000-present; Atlanta Bar ADR Lawyers Section, past member, Board of Directors
- Fellow, College of Commercial Arbitrators; Fellow, American College of Civil Trial Mediators
- Adjunct Law School Professor, University of Georgia and Georgia State University, Alternative Dispute Resolution Courses, 1998-2004; guest presentations in ADR classes at Emory University, Mercer University, and John Marshall law schools
- More than 100 speaking presentations to bar and ADR professional groups in more than 20 states; faculty member ABA Annual Arbitration Institute, 2010-2012 (and co-chair, 2010); faculty member ABA Annual Advanced Mediation Institute, 2010-2011; dozens of articles and papers on ADR topics
- Member, American Health Lawyers Association, Panel of Dispute Resolvers; US Institute for Environmental Conflict Resolution National Roster; CPR Panel of Distinguished Neutrals; Financial Industry Regulatory Authority (FINRA) Roster of Mediators
- Fellow, American Bar Foundation; Fellow, Atlanta Bar Foundation
- Principal Benefactor, JAMS Foundation

Background and Education

- JAMS, ADR Neutral, 1998-present
- Litigation Partner and Associate, Alston & Bird, 1981-1998
- Law Clerk to Chief United States District Judge Charles A. Moye, Jr., United States District Court for the Northern District of Georgia, 1979-1981
- J.D., *cum laude*, University of Georgia Law School, 1979; *Georgia Law Review*, Research Editor
- B.A., *with distinction*, University of Virginia, 1976