



R. Wayne Thorpe, Esq.

R. Wayne Thorpe, Esq. has been a full-time ADR neutral since 1998. He has served as mediator, arbitrator, special master, case evaluator and in other neutral roles in over 1500 cases, in at least 15 states, involving all kinds of civil disputes, including class actions, mass torts, and other high stakes and complex cases. Mr. Thorpe has significant experience in a wide variety of legal disputes; a summary and some highlights of his experience appear below, plus he has separate bios describing his experience in a number of practice areas.

Mr. Thorpe was named by the *Best Lawyers in America* publication as the 2012 Atlanta Mediation Lawyer of the Year, and he has been recognized by both *Best Lawyers* and *Georgia Super Lawyers* for a number of years. He is the Immediate Past Chair of the ABA Dispute Resolution Section, and he has been involved in ADR policy matters both nationally and in Georgia for many years. In 1997 he was appointed by the Georgia Supreme Court to the Georgia Commission on Dispute Resolution. Until 1998, Mr. Thorpe was a litigation partner in a large Atlanta law firm; he has also taught ADR courses in law schools.

ADR Experience and Qualifications

- **Business/Commercial/Consumer:** Hundreds of business, commercial, and consumer cases, including securities, banking, bankruptcy, corporate/partnership, estates, franchise/dealership, mergers/acquisitions, non-profits and churches, healthcare, insurance, international, and real estate disputes
- **Environmental:** Fifty or more toxic tort, CERCLA and other hazardous waste, Clean Water Act, Clean Air Act; nuisance/trespass (water, air, noise, blasting, etc.), and other environmental and land use claims; construction-related run-off cases; water rights dispute between riparian owners and state agency
- **Healthcare:** Federal/state False Claims cases; Medicaid fraud; medical software trade secrets; class actions concerning payment claims involving payers, hospitals, pharmacy chains, and liability insurers; 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; disputes between physicians and hospitals; insurance coverage for malpractice, medical benefits payments and other claims; several disputes arising from sale of healthcare businesses
- **Financial Services:** Numerous banking, securities, other investment cases, including lender liability, SEC enforcement, claims against public companies and officers & directors, related insurance coverage issues, claims against brokers and investment advisors, financial services employment disputes
- **Government:** SEC enforcement cases; False Claims Act; Federal/state environmental agency claims; employment disputes with federal agencies involving senior managers; condemnation; federal, state and local tax disputes; environmental, construction, employment and tort claims involving state and local governments; mediation under Georgia Services Delivery Strategy Act
- **Employment:** Fifty or more employment cases: 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
- **Insurance:** Coverage disputes relating to liability coverage for medical malpractice, medical benefits payments, intellectual property/advertising, environmental, and technology issues; financial services industry fidelity bond coverage dispute; auto and homeowners; life, health, disability
- **Products/Professional Liability/Personal Injury:** Hundreds of tort cases including product liability (drugs and devices, foods, autos, industrial equipment, military security system, etc.); professional liability cases against lawyers and other professionals; numerous serious premises and vehicular cases; fifty or more medical malpractice cases against doctors, hospitals, nurses, and nursing homes

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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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- **Construction/Construction Defects:** Numerous mediations/arbitrations of construction, construction defect, and building products disputes on both private and public projects; professional liability claims against architects, engineers
- **IP/Technology/Entertainment:** Patent, copyright, trademark, publicity, trade secret, and other IP cases; disputes concerning computers, software, medical, and other technology; TV, radio, music, and other entertainment cases
- **Franchises/Dealerships:** Dozens of disputes between auto manufacturers/dealers, and between hotel, restaurant, and other franchisors/franchisees
- **Multi-party cases:** Class actions, collective actions, mass torts, and multi-party cases involving banking, tort, healthcare, employment, intellectual property, environmental, construction, civil rights and consumer claims
- **Arbitration/Case Evaluation:** More than 400 cases as arbitrator (including many as party-appointed arbitrator or as chair of a panel), umpire, or other adjudicator; more than 30 cases as case evaluator

Representative Matters

- Mediation of claims brought by estates of nine rock/jazz musicians against restaurant franchisor and 100+ franchisees, arising from use of images, songs, and lyrics in stores and in advertising; related insurance coverage disputes with multiple insurers
- Arbitration of multi-party case between bank and 75+ borrowers involving disputes over millions of dollars of loans on mountain lots in North Carolina
- Product liability cases involving global pharmaceuticals, autos, food, consumer and military security products
- Case evaluation for dispute in multi-year, multi-million dollar technology contract between an agency of a southeastern state and a global technology services provider
- US DOJ/Georgia AG False Claims case against disease management provider for alleged Medicaid fraud; \$13 M settlement (as publicly reported); USDOJ False Claims case in Tenn. and SC involving DME supplier of bed surfaces, settled for \$42 M (as publicly reported)
- Mediation of acrimonious employment dispute between a church congregation and an associate pastor
- Mediation of construction defect case involving major urban redevelopment multi-use project with tens of millions in claims and 10+ subs and 10+ insurers
- Mediation of suit by engineer for fees on residential golf course development; counterclaim for cost of multi-million cost of wetlands remediation required by USEPA
- Arbitration of dispute between general and sub contractors on major military aircraft weapons system built for a foreign government
- Mediation of class action in Texas asserting negligence, fraud, RICO, and ERISA claims against pharmacy chain alleging failure to refund third-party payers for partially filled prescriptions
- Mediation of fraud and RICO claims in Louisiana brought by asbestos defendant against doctor and union officials for allegedly providing false health information to obtain personal injury settlements; included dispute about professional liability insurance coverage for doctor
- Chair of tri-partite arbitration panel in dispute between large law firm and withdrawing partner; accounting and race/gender discrimination issues
- Mediation of state law securities fraud case against public company and officers for alleged fraud arising from restatement of earnings; plaintiff had opted out of class settlement
- Mediation of copyright claims by architect/design firm against national home builder; plaintiff sought hundreds of millions of dollars in damages; related insurance coverage issues
- Mediation of fraud case, involving sale of nursing homes, with litigation in State, Bankruptcy, and U.S. District Courts in Tennessee and Indiana; multiple parties including a major church conference; also included significant insurance coverage issues
- Mediation of 20 or more cases against nursing home operator, assigned by US Bankruptcy Court; related insurance coverage issues
- Mediations and arbitrations of FLSA cases including collective actions
- Several mediations in cases asserting nuisance, trespass, Clean Water Act claims against developers, owners, contractors, state and local governments for construction-related stormwater discharges
- Party-appointed arbitrator in numerous cases including sale of corporate assets, sale of timber, insurance coverage, sale of printing services, possible termination of an LLC

Honors, Memberships, and Professional Activities

- 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. Immediate Past Chair, August, 2011-present; Section Chair, 2010-11; Officer or member of Section Council, 2001-present; Chair, Ethics Committee, 1997-2002; Drafting Committee, Model Standards of Conduct for Mediators (2005); Co-Chair, ABA Task

Force on Improving Mediation Quality (2006-2008)

- Member, Georgia Commission on Dispute Resolution, 1997-2002, appointed by Georgia Supreme Court
- State Bar of Georgia, ADR Law Section. Chair, 2003-2004; officer, 2000-2004; executive committee, 2009-present; chair or co-chair, annual ADR Institute, 2000, 2003; Atlanta Bar ADR Lawyers Section, past member, Board of Directors Atlanta Bar ADR Lawyers Section; past member, Board of Directors
- Fellow, College of Commercial Arbitrators; Fellow, American College of Civil Trial Mediators
- More than 100 speaking presentations to bar and ADR professional groups in more than 20 states; dozens of articles and papers on ADR topics
- Adjunct Law School Professor, University of Georgia and Georgia State University, Alternative Dispute Resolution Courses, 1998-2004
- 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

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
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