



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

**R. Wayne Thorpe, Esq.** has been a full-time ADR professional since 1998, with additional neutral experience for ten years before that. He has ADR experience in all kinds of civil disputes, including class actions, mass torts, and other high stakes and complex cases. Mr. Thorpe has taught ADR in law schools for several years and has devoted substantial efforts to various bar, pro bono, and professional activities related to ADR. He was a litigation partner in a large Atlanta law firm until 1998.

#### **ADR Experience and Qualifications**

Wayne Thorpe has acted as mediator, arbitrator, special master, case evaluator, or other neutral in over 900 cases of various types in Georgia and ten other states, including:

- Business, commercial, and consumer, including securities, banking, bankruptcy, corporate/partnership, franchise/dealership, real estate, and insurance
- Class actions and mass torts
- Construction, construction defects, and building products
- Employment and employee benefits
- Environmental, toxic tort, and construction runoff
- Government: local, state, and federal
- Healthcare
- Intellectual property, technology, and entertainment
- Tort cases, including medical malpractice, other professional liability, products, premises, vehicular, wrongful deaths, and serious injuries

#### **Representative Matters**

- Mediation of publicity, trademark, and copyright claims brought by estates of nine deceased rock/jazz musicians against restaurant franchisor and 100+ franchisees, arising from alleged wrongful use of images, songs, and lyrics in stores and in advertising; insurance coverage disputes with multiple insurers
- Mediation of copyright claims by architect/design firm against national home builder; plaintiff sought hundreds of millions of dollars in damages
- Case evaluation for dispute in multi-year, multi-million dollar technology contract between agency of a southeastern state and international technology services provider
- Mediation of four-year-old dispute between two church factions, numerous church officials, parishioners, and insurer concerning ownership and occupancy of church facilities and internal church governance
- 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
- 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
- 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
- Arbitration of dispute between general and sub-military contractors on major military aircraft weapons system
- Mediation of related cases pending in Bankruptcy and Superior Courts; dissolution and distribution of multi-million dollar interests in shopping center
- Class actions, mass torts, and multi-party cases involving healthcare, employment, intellectual property, environmental, construction, and consumer claims
- More than 200 cases as arbitrator, umpire, adjudicator, or other decision-maker, including more than 100 as adjudicator of civil rights claims under court approved class action settlement; more than 30 cases as case evaluator
- Dozens of toxic tort, CERCLA, Clean Water Act, nuisance, and other environmental and land use claims; construction-related water run-off cases; related insurance coverage claims

- Fifty or more employment cases, including alleged class actions. Age, disability, gender, race discrimination; sexual harassment; wrongful termination of employee benefits; breach of contract; non-compete, non-solicit, and trade secret disputes; Sarbanes-Oxley; breach of fiduciary duty, theft of corporate opportunity. Academic, airline, banking, TV, securities brokers, transportation/trucking, retail, office, industrial, government, healthcare, pharmaceutical, technology, law firm workplaces
- Fifty or more medical malpractice cases against doctors, hospitals, nurses, and nursing homes, including many cases with multiple defendants, cases with products manufacturers, and cases involving insurance coverage disputes; thirty-plus cases against nursing home operators; numerous other professional liability and other significant tort cases
- More than one hundred business, commercial, consumer, and corporate cases
- Forty or more mediations and arbitrations of securities brokerage cases
- Patent, copyright, trademark, publicity, trade secret, and other IP cases; disputes concerning computers, software, medical, and other technology; TV, radio, music, other entertainment cases
- Insurance coverage disputes relating to liability coverage for medical malpractice, intellectual property/advertising, environmental, and technology issues; auto and homeowners; life, health, disability
- Disputes between auto manufacturers/dealers, and between hotel, fast food, and other franchisors/franchisees
- Dozens of mediations/arbitrations of construction and building products disputes, including home construction defects

### **Honors, Memberships, and Professional Activities**

- Named in *Georgia Super Lawyers* and *The Best Lawyers in America* for ADR
- Member, Georgia Commission on Dispute Resolution, 1997-2002, appointed by Georgia Supreme Court
- ABA, Section on Dispute Resolution: Secretary and Chair of CLE Board, August, 2006-present; member, Section Council, 2001-2006; Chair, Ethics Committee, 1997-2002; Drafting Committee, Model Standards of Conduct for Mediators (2005)
- State Bar of Georgia, ADR Law Section: chair, 2003-2004; officer, 2000-2004; chair or co-chair, annual ADR Institute, 2000, 2003; Atlanta Bar ADR Lawyers Section Board of Directors
- Fellow, American College of Civil Trial Mediators
- Over 75 speaking presentations in 15 or more cities to law firms, and bar and ADR professional groups; 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, CPR Panel of Distinguished Neutrals
- Member, National Association of Securities Dealers (NASD) Roster of Mediators and Arbitrators
- Fellow, American Bar Foundation; Fellow, Atlanta Bar Foundation

### **Background and Education**

- Director, JAMS (formerly JAMS/Endispute) Atlanta Office, 1998-present
- Litigation Partner, 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; *Georgia Law Review*, Research Editor
- B.A., *with distinction*, University of Virginia