



**James M. Rhodes**

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James M. Rhodes is an attorney admitted to practice in the States of New York and Texas. A litigator with extensive international and domestic experience, his practice is now focused on serving as an arbitrator in commercial and investment disputes. In this regard, he has served as either Chairman, co-panelist or sole arbitrator in fifteen recent commercial, investment or securities arbitrations conducted under the auspices of various institutions, including the ICC International Court of Arbitration, the American Arbitration Association and the International Centre for Dispute Resolution.

Mr. Rhodes was a partner with Battle Fowler (now Paul, Hastings, Janofsky & Walker LLP) and Coudert Brothers, New York City law firms, where he was engaged in a litigation, arbitration and antitrust practice. While at Battle Fowler, he supervised the firm's Antitrust Department and served as head of its International Trade Group, where he was involved in the representation of clients in a variety of litigation matters, including international arbitrations and international trade matters. He was also involved in international merger and acquisition activities.

At Coudert Brothers, Mr. Rhodes was involved in litigation including mergers and acquisitions, international antitrust, international arbitration, international trade and complex corporate litigation. For three years he also served as Chairman of the firm's Associates Committee, responsible for hiring associate attorneys, reviewing their progress at the firm, and making recommendations regarding partnership or other action regarding senior associates. He was also selected as an Eisenhower Exchange Fellow and served as a *stagaire* at the Commission of the European Communities where he worked in the Directorate General IV concerning competition matters.

Earlier in his career, Mr. Rhodes was an associate attorney in the litigation department of Simpson Thacher & Bartlett, and a staff attorney with the Antitrust Division of the United States Department of Justice.

He was trained as an attorney at the University of Texas, and earned a B.A. degree at Rice University.

Mr. Rhodes serves as arbitrator for commercial and investment disputes, particularly international disputes. In this regard, he is a member of the International Commercial Disputes Committee and the Arbitration Committee of the New York City Bar Association, a member of the New York State Bar Association's Committees on International Dispute Resolution and Alternative Dispute Resolution, and the ABA Section on International Law. Mr. Rhodes is a member of the Panel of international arbitrators for the International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association. He is also a member of the US Council for International Business (USCIB), where he serves on the USCIB/ICC Arbitration Committee. He is a member of the London Court of International Arbitration (LCIA), serves on the Board of Advisors of the Institute for Transnational Arbitration, is a Panel Member of the FINRA Board of Arbitrators, and has been certified to the Arbitration Panel of the United States District Court for the Eastern District of New York. Mr. Rhodes is also a member of BritishAmerican Business Inc. the American Council on Germany, the French-American Foundation and the American Business Forum on Europe.

His written work includes *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, Volume 6, Number 1, Spring 2006); *NAFTA Binational Panel Decisions* (The International Lawyer Year in Review 2005); *Trade-Related Intellectual Property Issues under the Uruguay Round: An American Perspective* (Conference Union Internationale des Avocats, Barcelona, 1988); *Licensing, Technical Collaboration and Know-How* (Seminar Services International, Vienna, 1987); and *The Pitfalls of International Commercial Arbitration* (Vanderbilt Journal of Transnational Law, Vol. 17, Winter 1984, No. 1).

Conferences and presentations on ADR and related topics:

- Vanderbilt Law School Symposium; "The Pitfalls of International Commercial Arbitration." March, 1984, Nashville, Tennessee.
- Seminar Services International; "Licensing, Technical Collaboration and Know-How," April, 1987, Vienna, Austria.
- Union Internationale des Avocats Conference: "Trade-Related Intellectual Property Issues under the Uruguay Round: An American Perspective," 1988, Barcelona, Spain.
- UNCITRAL Working Group on Arbitration; Participating Observer for the New York Bar (as NGO representative), United Nations, New York, NY, January 24, 2006.
- Arbitrator: 13th Annual Willem C. Vis International Commercial Arbitration Moot, April 6-13, 2006, Vienna, Austria.
- Arbitrator: 14<sup>th</sup> Annual Willem C. Vis International Commercial Arbitration Moot, March 30-April 5, 2007, Vienna, Austria.

Recent conferences, symposia and continuing legal education activities in arbitration and related fields:

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- LCIA Symposium: International Arbitration, The Grove, Hertfordshire, United Kingdom, September 14-16, 2007.
- CPR Mediation Training for Court Mediators, Southern District of New York, CPR Institute, New York, NY, June 28-29, 2007.
- ITA Workshop: Transnational Arbitration, The Center for American and International Law, Dallas, TX, June 21, 2007.
- Securities Arbitration & Mediation Hot Topics 2007, The New York City Bar, New York, NY, June 5, 2007.
- Joint Conference UNCITRAL/VIAC, Vienna, Austria, March 29-30, 2007.
- CDRCP NYC Advanced Mediation Training, New York, NY, January 5, 2007
- 23<sup>rd</sup> Joint Colloquium on International Arbitration (AAA/ICC/ICSID), World Bank, Washington, D.C., November 17, 2006.
- ICDR International Symposia in Advanced Case Management, American Arbitration Association, Washington, DC, November 16, 2006.
- International Law Weekend, Arbitration Program, Association of the Bar of the City of New York, New York, NY, October 27, 2006.
- Simpson Thacher & Bartlett Symposium: International Arbitration, New York, NY, October 10, 2006.
- 17<sup>th</sup> Annual Workshop of the Institute for Transnational Arbitration, Dallas, Texas, June 15, 2006, and ITA Advisory Board Forum on June 16, 2006.
- ITA-ASIL Spring Conference on Iran-U.S. Claims, Washington, D.C., March 29, 2006.
- “Managing International Disputes,” DLA Piper Rudnick Symposium, New York, NY, December 1, 2005.
- 22<sup>nd</sup> Joint Colloquium on International Arbitration (AAA/ICC/ICSID), New York, NY, November 18, 2005.
- “International Commercial Arbitration in Latin America,” Clifford Chance Symposium, New York, NY, November 17, 2005.
- ICSID Conference : Key Current Issues in International Arbitration, World Bank, Washington, D.C., June 3, 2005.
- Securities Arbitration & Mediation Hot Topics 2005, Association of the Bar of the City of New York, New York, NY, June 2, 2005.
- LCIA Symposium on International Arbitration, Houston, TX, October 7, 2004.
- LCIA Symposium on International Arbitration, Montreal, Quebec, October 4, 2004.
- ICC International Dispute Resolution: Meeting the Challenges of Global Resolution, ICC, Chatham, MA, September 19-21, 2004.
- Securities Arbitration & Mediation Hot Topics 2004, Association of the Bar of the City of New York, New York, NY, June 2, 2004.

Mr. Rhodes and his wife, Jane, a graduate of Bryn Mawr, reside in New York City. They have two sons.

He has been involved in various charitable activities in New York. He is also a member of the Council of Overseers of the Jesse H. Jones School of Management at Rice

University. He is currently Secretary of the Board of S. Gumpert Co. of Canada, Ltd., a Canadian food processing firm based in Mississauga, Ontario, and has served on the boards of various not-for-profit entities in the health care field.

## **James M. Rhodes**

### **Relevant Representative Experience**

#### *Mergers, Acquisitions and Joint Ventures*

- Represented a major German pharmaceutical firm in a successful hostile cash tender offer for a public U.S. pharmaceutical firm.
- Represented a major Dutch construction firm in successful defense of breach of contract action by a U.S. claimant involving a multi-billion USD construction project in Saudi Arabia.
- Antitrust counsel to a privately-held U.S. pharmaceutical firm in successful representation before the Federal Trade Commission relating to its acquisition of another domestic pharmaceutical firm.
- Antitrust counsel to a U.S. food packaging firm in connection with its sale to a public U.K. firm, including dealing with domestic and foreign antitrust authorities.
- Represented a privately-held U.S. corporation in a corporate acquisition in Czechoslovakia.
- Represented a joint venture by a U.S. corporation with a major Mexican firm in the food packaging industry.
- Structured a U.S.-Japanese joint venture in food packaging industry.
- Structured a U.S.-German joint venture in the automotive parts industry.
- Acquisition by Swedish company of U.S. steel company (international arbitration).

### *International Trade*

- Successful defense of a U.S. corporation in a European antidumping proceeding.
- Representation of major Korean importer in successfully defending domestic antidumping and countervailing duty claims.
- Representation of U.S. instrument maker dealing with tariff and non-tariff barriers in European Community.
- Representation of Bolivian firm in dispute with distributor (ICC arbitration).
- Export trading joint venture for sales to People's Republic of China.

### *Distribution*

- Successfully represented U.S. computer firm in ICC arbitration filed by its terminated European distributor.
- Represented major Korean tire manufacturer in defense of claims by U.S. distributor.
- Restructured European distribution for U.S. computer company.
- Restructured international distribution for U.S. food products firm.

### *Litigation*

- Lead trial counsel in cases in federal courts: *antitrust, unfair competition, trade secrets, trademark infringement, business torts, contracts, intellectual property, patents, securities, employment discrimination.*
- Successfully represented corporation in defense of one of the first Title VII sex discrimination matters.
- Successfully defended major manufacturers and distributors of sports equipment in case involving antitrust claims relating to distribution of product.
- Successfully defended high net worth individual client in SEC investigation of alleged 10(b)5 violations and related civil litigations.

- Successfully represented U.K. record manufacturer in prosecution of claims against U.S. equipment manufacturer for breach of contract.
- Senior associate attorney of a multi-firm team of attorneys involving in prosecution of antitrust claims on behalf of seven major motion picture companies against two television broadcast networks.

#### *Intellectual Property and Licensing*

- Represented U.S. firm in prosecution of contract claims under license agreements with foreign chemical firms.
- Representation of client in resolution of licensing dispute between chemical companies
- Successful prosecution and protection of patents and trade secrets for U.S. food products company in U.S. courts and International Trade Commission.
- Representation of German manufacturer defending claims of infringement of patent and trade secrets before the International Trade Commission and U.S. courts.
- Planning and execution of world-wide licensing program for U.S. floor covering manufacturer.

#### *Regulatory and Governmental*

- Counsel to clients involved in investigations and proceedings before the Antitrust Division of the U.S. Department of Justice, state antitrust authorities, Federal Trade Commission, Securities & Exchange Commission, International Trade Commission, U.S. Customs Service, Commodity Futures Trading Commission and the Office of the U.S. Trade Representative, and state and local agencies concerned with employment discrimination matters.
- Counsel to manufacturing firm dealing with asbestos regulations by state authorities.
- Counsel to major Japanese trading firm in an investigation by the Commodity Futures Trading Commission.
- Counsel to major German equipment manufacturer regarding tender offer for U.S. manufacturer in investigation by Federal Trade Commission.

### *Antitrust*

- Antitrust counseling and compliance programs for companies foreign and domestic.
- Antitrust counsel to a consortium establishing a new commodity trading firm in Europe.
- Antitrust and trial counsel to major manufacturers and suppliers in formulating, implementing and defending their national distribution systems.
- Represented major German equipment manufacturer in connection with grand jury investigation of the industry for price fixing.
- Counsel to Swiss firm in patent litigation.
- Counsel to Saudi Arabian soft drink manufacturer in successful action for damages asserting contract and business tort claims.

### *Securities Matters*

- Counsel to clients in various investigations conducted by the Securities & Exchange Commission.
- Counsel to clients involved in various securities litigations, including allegations and claims of short selling, misrepresentation and other securities matters.